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INTRODUCTION

The present compilation is a volume in the United Nations Legislative Series published by the Secretariat of the United Nations in pursuance of a recommendation of the International Law Commission. Being a collection of texts of current national legislation on matters of international concern, the Series is designed as a means of making the evidence of customary international law more readily available. It is also intended to serve the needs of the International Law Commission which, in its work on the progressive development and codification of international law, must take account of the laws and practices of States.

This volume, prepared by the Division for the Development and Codification of International Law of the Legal Department of the Secretariat of the United Nations, contains the texts of the basic laws of various States concerning nationality. Regulations referring to measures of implementation have not been included. Most of these texts were furnished by Governments upon the request of the Secretary-General. Where no texts were made available by Governments, other sources were consulted, especially the official publications of States and Flournoy and Hudson's "A Collection of Nationality Laws of Various Countries as contained in Constitutions, Statutes and Treaties", published by the Carnegie Endowment for International Peace in 1929¹. To these Governments as well as to the Carnegie Endowment for International Peace is due an acknowledgment of appreciation.

The texts of laws are printed in the English alphabetical order of the names of the countries concerned. The English language has been used for all texts with the exception of those originally published in French. Certain countries publish, in addition to the edition in the national language, French or English versions of legal enactments in their Official Gazettes. Where available, these official versions have been reproduced. A number of Governments have forwarded to the Secretary-General English or French translations of their nationality laws. These texts appear as transmitted in the present collection. In all other cases the original texts were translated into English by the Secretariat of the United Nations.

As far as feasible, an effort has been made to secure uniformity of terminology in the translation of the texts contained in the present volume. This will facilitate, it is hoped, comparative study of the laws of the various States.

In the preparation of the present volume, all possible efforts have been made with a view to presenting a complete, accurate and up-to-date collection of the texts of nationality laws. It is possible, however, that imperfections are still to be found. In some cases, texts of the most recent legislation may not have been available and omissions may thus have occurred. Certain laws contained in the compilation may have been amended by the time the present volume appears. Translations may not in every instance render the exact meaning the legislator had intended to express. If attention is drawn to any such or other errors, corrections will be made in later editions.

¹ Oxford University Press, New York, 1929.

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I. Afghanistan

AFGHAN NATIONALITY LAW OF NOVEMBER 8, 1936.¹

(Translation)

CHAPTER I. NATIONALITY, ADOPTED NATIONALITY AND NATIONALITY RIGHTS

Article 1. All persons residing in Afghanistan are Afghans and Afghan subjects, with the exception of those persons whose nationality papers are clear, authentic and not objectionable to the Government of Afghanistan.

Article 2. All persons born of Afghan parents in or out of Afghanistan are Afghans and Afghan subjects.

Article 3. All foundlings born in Afghanistan are Afghans and Afghan subjects.

Article 4. Persons born of parents of foreign nationality in Afghanistan, provided that one of their parents was born in Afghanistan and has since lived continuously in Afghanistan, are Afghans and Afghan subjects.

Article 5. Persons born in Afghanistan of a father or mother or of parents of foreign nationality, and who after attaining their majority subsequently take up permanent residence in Afghanistan, are Afghans and Afghan subjects.

Note. (a) The children of Ambassadors, Ministers Plenipotentiary, members of the diplomatic body, accredited consuls and their official staff, are exempt from the application of the provisions of articles 4 and 5.

(b) The age of majority for purposes of the Afghan nationality law is eighteen years.

(c) Persons falling under the provisions of articles 4 and 5 may adopt their father's nationality within one year from the date of attaining their majority provided that with their applications is enclosed a certificate from their father's Government to the effect that the latter are ready to recognize them as their subjects.

Article 6. Persons who come to Afghanistan from foreign countries and, concealing their original nationality, enter into trade or agricultural transactions with Afghan subjects, purchase the property of Afghans and own cattle or engage in trade and agriculture during the period of their residence, are Afghans and Afghan subjects.

Article 7. Foreign subjects remaining in the service of the Government of Afghanistan abroad for a period of five years, or rendering outstanding assistance in matters relating to the public interests of Afghanistan during that period, will, on submitting the requisite application, be accepted as Afghans and Afghan subjects without regard to the period of residence laid down in article 9.

Article 8. The Afghan Government may admit to Afghan nationality, at their discretion, foreign subjects not fulfilling the residential conditions

¹ British and Foreign State Papers, 1936, Vol. 140, pp. 303-307.

laid down in article 9. Such persons will be accepted as Afghans and Afghan subjects.

Article 9. Persons residing in Afghanistan for a consecutive period of five years, or the total period of whose residence amounts to five years, will be accepted as Afghans and Afghan subjects, on submitting the necessary application for Afghan nationality, provided that they have attained their majority and have not committed a serious crime or felony.

Article 10. Wives and children of persons acquiring Afghan nationality will also be considered Afghan subjects, but if minor children in this category apply in writing to the Ministry of Foreign Affairs to adopt their father's nationality within one year from the date of attaining their majority they will not be considered Afghan subjects.

Note. The nationality of children who have attained their majority before the submission of their father's application for Afghan nationality will remain unaffected by such application.

Article 11. An Afghan woman who marries a foreigner under Moham-medan law will not be considered an Afghan subject, but, in the event of a final separation (divorce) or the death of her husband, she will again be recognized as an Afghan and Afghan subject on the production of a certificate to prove the separation (divorce) or the death of her husband.

Note. An Afghan woman married to a foreigner is not entitled to purchase property in Afghanistan, but she may sell her immovable property to an Afghan subject and recover the proceeds.

Article 12. A woman of foreign nationality marrying an Afghan subject will be considered an Afghan and Afghan subject. If a widow or divorcee of foreign nationality marries an Afghan subject, her children by her former husband will be considered Afghans and Afghan subjects. But if within six months from the date of attaining their majority such children apply to adopt their father's nationality their Afghan nationality will be withdrawn. If by separation from or by the death of her Afghan husband the woman reverts to her original nationality her Afghan nationality will be withdrawn on application to the Ministry of Foreign Affairs, but her children by her Afghan husband will remain Afghans and Afghan subjects until such time as they come of age. If the woman possesses immovable property or inherits property in Afghanistan, she may sell such property to an Afghan subject, but in the event of her being unable to sell this property within one year from the date of the order withdrawing her Afghan nationality the property will be sold through the Government and the proceeds paid to her.

Note. The provisions of articles 11 and 12 of this law will be applicable to the rights and property of subjects of such countries as have granted similar rights to Afghan subjects.

Article 13. Any Afghan subjects or their fathers who may have changed their nationality on reasonable grounds and subsequently wish to revert to their original nationality will be admitted to Afghan nationality on application.

Article 14. Persons applying for Afghan nationality should apply on the special nationality application form and send it either direct to the Ministry of Foreign Affairs or through their missions, consulates, local Foreign Offices or the provincial authorities. Such applications should state:

- (a) The name and address of the applicant, his father and his family.
- (b) The names of applicant's wife and family.
- (c) Detailed reasons for the applicant's renunciation of nationality, his original residence and a statement of his present intentions.
- (d) Production of all documents and evidence relevant to the applicant's identity.
- (e) Details of applicant's assets and profession.
- (f) Applicant's photograph, if possible, and description.
- (g) An attested or official certificate to the effect that the applicant has not committed any offence during the period of his previous nationality.

Note. (a) The Ministry of Foreign Affairs, the local Foreign Office, or any competent authorities will, on receipt of his application, furnish the applicant with a receipt and, in the case of applicants completing the residential conditions laid down in article 9 of this law, inform the local police authorities so as to enable applicants to obtain the necessary permission to reside in Afghanistan.

(b) The provisions of article 8 of the visa law will apply to the residence of persons acquiring Afghan nationality, but the permanent residence fee will not be recovered.

Article 15. Persons who have acquired or are acquiring Afghan nationality in accordance with the provisions of this law are entitled to avail themselves of the rights of Afghan subjects and will become eligible for high Government posts on completing ten years' residence in Afghanistan and on giving evidence of exceptional services, such evidence to be endorsed by the Cabinet and approved by His Majesty the King.

CHAPTER II. RENUNCIATION OF NATIONALITY. REVOCATION OF NATIONALITY

Article 16. An Afghan subject can only renounce Afghan nationality if he is a major, if the withdrawal of his nationality has been sanctioned by the Cabinet, and if he himself undertakes to sell any immovable property, or property inherited, within a period of one year from the date of renunciation of his nationality.

Note. Minor and major children of such persons are Afghans and Afghan subjects. Their Afghan nationality may only be withdrawn with the permission of the Cabinet.

Article 17. If an Afghan subject acquires foreign nationality without complying with the conditions of article 16, his Afghan nationality will not be considered as withdrawn, but he will be debarred from all State posts under the Afghan Government.

Article 18. In cases of absolute necessity the Government of Afghanistan may issue orders revoking the nationality of the following persons:

- (a) Persons employed by foreign Powers in a civil or military capacity.
- (b) Persons not co-operating in the common interests of Afghanistan and refusing to share their financial profits in Afghanistan.
- (c) Persons residing in foreign countries and found to possess no patriotic feelings and intentionally to avoid Afghan Legations and consulates.
- (d) Persons who have fled Afghanistan after the perpetration of a political offence.
- (e) Persons engaged in general or specialized propaganda against Afghanistan.

Article 19. Persons applying for Afghan nationality. If within a period of five years from the date of the issue of a certificate of nationality an

applicant is found to have committed a serious offence or felony, either abroad or during the period of residence laid down in article 9, his Afghan nationality will be revoked.

CHAPTER III. ADMINISTRATIVE

Article 20. All matters relating to the confirmation, adoption, permission for withdrawal from and revocation of Afghan nationality are subject to the decision of the Cabinet.

Note. A commission will from time to time be appointed consisting of members of the administrative staff of the Ministry of Foreign Affairs, and this commission will examine all applications and questions of acquisition, renunciation and revocation of nationality and submit their report to the Cabinet for orders.

Article 21. Whilst in their preliminary stages all questions relating to nationality will be referred to the Ministry of Foreign Affairs in accordance with the provisions of article 20. The Ministry of the Interior is charged with the enforcement of the provisions of this law throughout the country.

Article 22. The provisions of the nationality law in force prior to this law are hereby cancelled with effect from the date of the promulgation of this law.

Article 23. This law comes into force with effect from the date of its promulgation. It is hereby ordered that this law be incorporated in the Government Codes and its provisions enforced.

Dated the 16th Aqrab, 1315 Shamai (8th November 1936).

2. Albania

NATIONALITY ACT NO. 377 OF 16 DECEMBER 1946.¹

CHAPTER I. GENERAL PROVISIONS

Article 1. In the People's Republic of Albania nationality shall be governed by the laws of the State and by international agreements.

Article 2. A person possessing Albanian nationality may not at the same time possess a foreign nationality.

CHAPTER II. ACQUISITION OF NATIONALITY

Article 3. Albanian nationality may be acquired —

- (a) By descent;
- (b) By birth in Albania;
- (c) By naturalization;
- (d) Under an international agreement.

Article 4. Nationality by descent. A child shall acquire Albanian nationality by descent if:

- (1) Both his parents are Albanian nationals;
- (2) One of his parents is an Albanian national, provided that the child was born of a legally valid marriage solemnized before the competent Albanian authorities;
- (3) One of his parents is an Albanian national and is permanently resident in Albania with the child or settles in Albania with the child

¹ Translation by the Secretariat of the United Nations.

before the child attains the age of eighteen years, or if the child settles in Albania either permanently or at least for the duration of his education;

(4) One of his parents is an Albanian national, on the condition that if the child was born abroad and is living abroad with his parents, the Albanian parent registered the child as an Albanian national within five years from the date of the child's birth. If the child is deemed to be an Albanian national under the law of the country of his birth, it shall not be an essential condition for his acquisition of Albanian nationality that the child was registered with an Albanian diplomatic mission.

The provisions of this article shall likewise apply, during his minority, to any child born of an alien mother if it is subsequently proved that the father is an Albanian national.

Article 5. Birth in Albania. A child born or found in Albania whose parents are unknown shall be deemed to be an Albanian national if the identity of the parents is not established before he reaches the age of fourteen years. This provision shall also apply to any child born in Albania of parents who are stateless or whose nationality is unknown.

Article 6. Naturalization. An alien may acquire Albanian nationality by the regular procedure or by a special procedure.

In either case the grant of nationality shall be made by a decision of the Ministry of the Interior.

Article 7. An alien may acquire Albanian nationality regularly if—

1. He submits an application for naturalization;
2. He is not less than eighteen years of age and is fit for work;
3. He has been continuously resident in Albania for a period of five years before submission of his application;
4. He has been permitted to renounce his former nationality, or can show proof that his former nation does not oppose his acquisition of Albanian nationality;

5. He can show that his conduct has been such as to raise a presumption that he will become a loyal citizen of the People's Republic of Albania.

In the case of a Stateless person, or where under the law of the country of which the person has hitherto been a national the acquisition of another nationality involves the loss of that earlier nationality, the conditions of paragraph 4 above shall be deemed to have been fulfilled. Where a foreign State does not permit its nationals to acquire a foreign nationality, or stipulates conditions which are incapable of fulfilment, it shall be sufficient for a national of such a State, when applying for Albanian nationality, to make a formal declaration to the effect that he intends to renounce his previous nationality.

A person of Albanian origin may acquire Albanian nationality without being required to fulfil the conditions laid down in paragraphs 3 and 4 above.

Article 8. A person who has contracted marriage with a man or woman of Albanian nationality shall not be required to satisfy the requirements of article 7, paragraphs 2, 3 and 4.

An Albanian national who has adopted an alien child under the age of 14 years may apply for the naturalization of that child without being required to fulfil the conditions of article 7, paragraphs 2, 3 and 4.

Article 9. Albanian nationality may be acquired by special procedure if the urgent interests of the State make such naturalization desirable.

In such cases the alien shall be exempted from the conditions of article 7, paragraphs 1 and 2.

Article 10. A person who acquires Albanian nationality by naturalization shall take an oath of allegiance.

Albanian nationality shall not be effectively acquired by a person until he has taken the oath of allegiance.

If he fails to take the oath of allegiance within three months after the grant of naturalization, the naturalization shall not be operative in law.

Article 11. A child under the age of eighteen years shall simultaneously acquire Albanian nationality when his parents are naturalized.

If only one parent is naturalized, the child shall not acquire Albanian nationality unless it is expressly applied for on behalf of the child and the child lives in Albania with the naturalized parent. If the child has reached the age of fourteen years his consent to his naturalization shall be required.

CHAPTER III. LOSS OF NATIONALITY

Article 12. Albanian nationality may be lost—

(a) Through absence;

(b) By withdrawal;

(c) By virtue of an authorization to renounce nationality;

(d) In the cases for which provision is made by international agreements.

Article 13. Absence. An Albanian national who continuously resides abroad shall lose his Albanian nationality if within fifteen years after completion of his eighteenth year he fails to perform any of his duties towards the People's Republic of Albania and does not report to the Albanian diplomatic mission within the last five years of that period, and if he further fails to inform the Ministry of Foreign Affairs of his whereabouts.

Where any such person loses Albanian nationality through absence, any of his children who were born and are permanently resident abroad shall likewise be deemed to have lost the said nationality, except a child who satisfies the conditions set forth in the foregoing paragraph.

All decisions concerning loss of nationality shall be made by the Ministry of the Interior. An appeal shall lie from any such decision if lodged within two years after the decision was published in the Official Gazette.

Article 14. Withdrawal of nationality. Albanian nationality may be withdrawn from any person whose country of origin has been at war with the Albanian people, if he has shown before or during the war an attitude prejudicial to the interests of the Albanian people and the People's Republic of Albania.

Furthermore, Albanian nationality may be withdrawn from any naturalized person who obtained his certificate of naturalization by false representation or concealment of material circumstances concerning his person or who has been convicted of an offence against the people or the Government within five years after his naturalization.

Albanian nationality may be withdrawn from any person who lives abroad and who commits any act prejudicial to the national and State interests of the People's Republic of Albania or who committed any such act during the war of liberation or who refuses to perform his duties as a citizen.

Article 15. In the cases covered by article 14, first and second paragraphs, the decision to withdraw the nationality shall be made by the Ministry

of the Interior, and in the case referred to in the third paragraph and in all other cases mentioned in other statutory provisions, the decision shall be within the competence of the courts or of the Presidium of the People's Assembly.

Article 16. Loss of nationality in pursuance of article 14, paragraph 1, shall extend to the spouse and the children, unless they are able to prove that they entertain no relations with the person from whom nationality has been withdrawn, and unless they have conducted themselves satisfactorily or are of Albanian origin.

Where a person loses Albanian nationality pursuant to the provisions of article 14, first paragraph, any of his children who are under the age of eighteen years and who acquired Albanian nationality merely by reason of the naturalization of their parents shall likewise lose the said nationality.

Article 17. Authorization to renounce nationality. Authorization to renounce Albanian nationality may be granted to any person who fulfils the following conditions, that is to say if he:

- (a) Submits an application;
- (b) Is not less than eighteen years of age;
- (c) Has performed all his duties towards the State;
- (d) Can produce evidence to show that he is about to acquire a foreign nationality.

The Ministry of the Interior may in its discretion grant the said authorization, subject to the condition that the applicant produces evidence within a specified time-limit to show that he has acquired a foreign nationality; failing the production of this evidence the authorization shall be inoperative.

The authorization shall likewise be inoperative if the applicant continues to reside in Albania and fails to obtain a foreign nationality within one year.

Applications for authorization to renounce Albanian nationality may be considered only in normal times.

An Albanian national who is fit for military services shall not be authorized to renounce his Albanian nationality until he has completed his term of military service; but this condition may be waived in exceptional circumstances, subject to the consent of the Ministry of Defence.

Article 18. The Ministry of the Interior may grant or refuse applications for release from Albanian nationality.

Article 19. A minor shall cease to be an Albanian national if one of his parents has received authorization to renounce Albanian nationality and that parent submits an application to the effect that the minor shall cease to be an Albanian national, but only where the authorization leads to the loss of Albanian nationality by both parents or where one parent loses Albanian nationality and the other never possessed it. The consent of a minor over the age of fourteen years shall be required.

If the minor does not acquire another nationality he shall remain an Albanian national until he leaves Albania finally with his parents.

Article 20. Renunciation of nationality. A person who is an Albanian national by descent may, before reaching the age of twenty-five years, renounce Albanian nationality if he was born and is resident abroad and can prove that he possesses the nationality of the State in which he was born or is resident.

An Albanian national who is not an Albanian by descent may renounce Albanian nationality if he leaves Albania and can prove that he has acquired a foreign nationality, and has satisfied the conditions laid down in article 17 (b) and (c).

The renunciation shall be effected abroad by a declaration made before the diplomatic representative of the People's Republic of Albania or by a declaration addressed to the Ministry of the Interior.

In the case of minors, article 19 shall apply.

CHAPTER IV. RECOVERY OF NATIONALITY

Article 21. Where a person has ceased to be an Albanian national through loss of Albanian nationality by his parents under articles 19 and 20, he may recover Albanian nationality by taking up permanent residence in Albania and by making a declaration, within seven years after attaining the age of eighteen years, to the effect that he wishes to recover Albanian nationality.

CHAPTER V. COMMON PROVISIONS

Article 22. Any person of Albanian stock who was born or raised in Albania shall be presumed to be an Albanian national for so long as evidence is not produced to show that he possesses or has applied for a foreign nationality.

Any person who has been so presumed to be an Albanian national may not thereafter plead the possession of a foreign nationality.

Article 23. All cases of acquisition of Albanian nationality by naturalization, and all cases of loss of the said nationality through absence or through withdrawal or authorized renunciation of nationality, shall be published in the Official Gazette.

CHAPTER VI. TRANSITIONAL AND FINAL PROVISIONS

Article 24. All persons who before the commencement of this Act had acquired Albanian nationality under the law previously in force shall be Albanian nationals:

Article 25. Naturalizations effected between 7 April 1939 and 29 November 1944 shall be reviewed by the Ministry of the Interior, which shall have authority to rule on their validity.

The foregoing provision shall not apply to women who have acquired Albanian nationality by virtue of marriage with an Albanian in accordance with the law in force.

Article 26. All persons of Albanian descent who took part in the elections of 2 December 1945 shall be deemed to have been Albanian nationals as from that date and may not henceforth plead the possession of any foreign nationality which they may have held previously.

Article 27. Aliens who participated actively in the war of liberation of the Albanian people may be naturalized.

In any such case the alien shall be exempted from the requirements of article 7, paragraphs 2, 3 and 4.

The benefit of these provisions shall also extend to the children of any alien who fought in the war of liberation and who was killed in that war or has since died.

Article 28. The time limit referred to in article 13 shall begin to run from the commencement of this Act.

Article 29. The Ministry of the Interior may make regulations for carrying this Act into effect.

Article 30. All provisions which previously governed nationality are hereby repealed.

Article 31. This Act shall enter into force on the date of its publication in the Official Gazette.

3. Andorre

(a) DÉCRET DU 17 JUIN 1939¹. DÉCRET DU TRÈS ILLUSTRE CONSEIL GÉNÉRAL DES VALLÉES APPROUVÉ PAR LES COPRINCES.

Sont Andorrans :

Article premier. L'enfant né dans les Vallées d'Andorre d'un père andorran.

Article II. L'enfant né à l'étranger d'un père andorran. A la troisième génération (c'est-à-dire, l'enfant de la deuxième génération née à l'étranger) il perd sa nationalité si, dans le mois qui suit sa majorité, il ne vient s'établir dans les Vallées pour y résider à demeure.

Article III. La femme étrangère mariée à un Andorran peut, lors du mariage, conserver sa nationalité d'origine, ou opter pour celle de son mari. Dans les deux cas, elle doit faire constater, par déclaration expresse devant notaire, la nationalité qu'elle a choisie; copie de ladite déclaration devra être communiquée à l'Illustre Syndicature (*Sindicatura*).

Article IV. La femme andorrane non *pubilla*², mariée à un étranger, peut conserver la nationalité andorrane, ou opter pour celle de son mari, à condition de se conformer aux formalités prescrites ci-dessus.

Article V. Dans les deux cas visés aux articles III et IV, l'intéressée est tenue de remettre l'acte notarié à la Syndicature dans un délai maximum d'un an à compter de la date de la célébration du mariage, sous peine d'être considérée comme ayant renoncé à la nationalité andorrane.

Article VI. Les descendants d'une personne née en Andorre d'un père étranger seront Andorrans dès la troisième génération née dans les Vallées, à condition que ces trois générations aient vécu sans interruption dans les Vallées et qu'aucune preuve n'existe qu'ils aient considéré avec mépris ou indifférence les affaires et intérêts du pays; en cas de doute, il appartiendra à l'Honorable Commun (*Común*) et au Très Illustre Conseil général d'en décider.

Article VII. L'étranger marié à une *pubilla* andorrane a droit à la nationalité andorrane à la condition qu'il renonce expressément par-devant notaire et dans un délai maximum d'un an à compter de la date de la célébration du mariage, à la nationalité qu'il avait avant son mariage.

L'article premier de la Nouvelle Réforme de 1866 sera appliqué dans ce cas dès que la formalité ci-dessus aura été accomplie.

L'étranger marié à une *pubilla* andorrane ne pourra être élu avant que ses enfants aient atteint l'âge de tester.

¹ Texte basé sur une communication de la Viguerie de France en Andorre.

² Non titulaire d'un majorat.

Article VIII. En matière de nationalité, seule la femme héritière légale d'une famille andorrane ou d'un foyer andorran est considérée comme *pubilla*. A cet égard, il ne peut à la fois exister une *pubilla*¹ et un *hereu*² au sein d'une même famille ou d'un même foyer.

Article IX. Perd la nationalité andorrane celui qui :

1. Acquiert la nationalité d'un autre pays.
2. S'engage dans une armée étrangère.
3. Exerce des droits politiques dans un autre pays.
4. Accepte d'un Gouvernement étranger des fonctions publiques qui lui confèrent une autorité sur les citoyens du pays.

(b) DÉCRET COMPLÉMENTAIRE DU 26 DÉCEMBRE 1941.

ACQUISITION DU DROIT DE CITOYENNETÉ

Le critère restreint dont la coutume andorrane fait application en ce qui concerne l'acquisition du droit de citoyenneté présente dans la pratique certains inconvénients, notamment dans le cas d'individus nés de pères étrangers qui, eux-mêmes nés dans le pays et y ayant leur résidence, n'ont pas plus que leurs enfants la qualité de nationaux de leurs pays d'origine.

Ces individus sont en fait de véritables apatrides; leur présence dans le pays en nombre considérable — considérable par rapport à la population andorrane — risque à la longue de créer une menace grave pour le bien-être des Vallées puisque la coutume leur interdit de participer aux affaires publiques; ils se désintéressent par conséquent de l'intérêt général du pays.

Tout en maintenant la coutume consacrée par l'article premier de la Nouvelle Réforme, il est prudent de faciliter l'acquisition par ces derniers de la nationalité andorrane sans aller pour autant jusqu'à leur conférer des droits politiques. Diverses considérations rendent cette mesure opportune. Par contre, les dispositions dudit article doivent être strictement observées et mêmes appliquées avec restriction à l'égard des étrangers mariés à une *pubilla*; il importe, par ailleurs, de vérifier soigneusement l'honorabilité des intéressés avant de leur accorder la pleine citoyenneté.

Pour ces motifs et à la demande du Conseil général, les Très Illustres Délégués de la Mitre et de la France pour l'Andorre,

Décrètent :

Article premier. L'article VI du décret du 17 juin 1939 est complété comme suit: Pourront toutefois être considérés comme Andorrans les enfants d'un père non andorran ayant résidé sans interruption dans les Vallées pendant vingt ans au moins, à condition qu'ils aient toujours eu une conduite exemplaire aux yeux des autorités civiles et ecclésiastiques andorranes. La résidence permanente des intéressés dans les Vallées en est une condition essentielle.

L'acquisition des droits politiques reste soumise aux dispositions de la Nouvelle Réforme et du décret précité.

La décision prise par les autorités subalternes et relative au droit stipulé par le présent article devra être soumise à l'approbation des Coprince, sous peine de nullité.

¹ Titulaire de sexe féminin d'un majorat.

² Titulaire de sexe masculin d'un majorat.

Article II. L'article VII est complété comme suit:

L'étranger marié à une *pubilla* est tenu de se conformer aux règles coutumières relatives à l'acquisition des droits prévus par le présent article et la Nouvelle Réforme.

En aucun cas, l'étranger marié à une *pubilla* ne pourra acquérir la pleine citoyenneté sans l'approbation expresse des Coprinces. Un dossier sera, dans chaque cas, constitué et soumis aux Coprinces pour approbation.

4. Argentina

(a) CONSTITUTION OF 11 MARCH 1949.¹

Article 31. An alien entering the country without breach of law shall enjoy all civic rights and, five years after obtaining Argentine nationality, all political rights possessed by Argentinians. After two years' continuous residence in the territory of the Nation he may become naturalized on his application, and after five years' continuous residence, unless he makes an express declaration to the contrary, he shall acquire Argentine nationality automatically.

The grounds, procedure and requirements for the grant and deprivation of nationality and for the deportation of aliens shall be prescribed by statute.

Article 68. The Congress may:

11. Enact... in particular for the whole Nation general laws governing naturalization and citizenship in accordance with the principle of natural nationality; ...

(b) ACT NO. 346 OF 8 OCTOBER 1869 CONCERNING ARGENTINE CITIZENSHIP.¹

TITLE I. ARGENTINIANS

Article 1. The following persons shall be Argentinians:

1. Every person born or hereafter to be born in the territory of the Republic, irrespective of the nationality of his parents, except children of foreign ministers and of members of legations residing in the Republic.

2. Every person who, having been born abroad to Argentinians by birth, opts for the citizenship of his origin.

3. Every person born in a legation or warship of the Republic.

4. Every person who was born in the republics which form a part of the United Provinces of the Rio de la Plata before the liberation of those republics and who has resided in the territory of the Nation, provided that he makes a declaration that he wishes to be an Argentinian.

5. Every person born in neutral seas under the Argentine flag.

¹ Translation by the Secretariat of the United Nations.

TITLE II. CITIZENS BY NATURALIZATION

Article 2. The following persons shall be citizens by naturalization:

1. Every alien over the age of eighteen years who has resided in the Republic uninterruptedly for two years and who makes a declaration before a Federal judge of a district that he wishes to be an Argentine citizen.

2. An alien who produces evidence satisfying the said judge (irrespective of the length of his residence) that he has performed any of the following services, that is to say that he:

(1) Has honourably held an office under the nation or under any of the provinces, inside the Republic or abroad;

(2) Has served in the army or navy or has taken part in any warlike action in the defence of the nation;

(3) Has established a new industry or introduced a useful invention in the country;

(4) Is operating or constructing a railroad in any of the provinces;

(5) Is a member of a settlement now or hereafter to be established in national territory or in any of the provinces, and possesses immovable property therein;

(6) Settles or settles others in national territories, whether within or outside the present frontiers;

(7) Has married an Argentine woman in any of the provinces;

(8) Practises his profession as a teacher in any branch of education or industry.

Article 3. A child of a naturalized citizen may, if he was a minor at the time of the naturalization of his father and was born in a foreign country, obtain a certificate of citizenship from a Federal judge by virtue of having enlisted in the national guard at the age prescribed by law.

Article 4. A child of a male citizen naturalized in a foreign country may, after the naturalization of his father, obtain a certificate of citizenship by coming to the Republic and enlisting in the national guard at the age prescribed by law.

TITLE III. PROCEDURE AND REQUIREMENTS FOR GRANT OF CERTIFICATES OF CITIZENSHIP

Article 5. A person born abroad to an Argentine-born parent and opting for the citizenship of his origin shall be required to satisfy the competent Federal judge that he is a child of an Argentinian.

Article 6. An alien who has satisfied the requirements laid down in the preceding articles shall receive a certificate of naturalization, which shall be granted to him by the district Federal judge to whom he has applied.

TITLE IV. POLITICAL RIGHTS OF ARGENTINIANS

Article 7. Argentinians who have attained the age of eighteen years shall enjoy all the political rights conferred by the Constitution and the laws of the Republic.

Article 8. Political rights may not be exercised in the Republic by persons naturalized in a foreign country, or by persons who have accepted any office or honour from a foreign Government without the permission

of Congress, or by fraudulent bankrupts, or by a person convicted of an offence punishable by a penalty involving disgrace or death.

Article 9. Lost rights of citizenship may be restored only by the Congress.

TITLE V. GENERAL PROVISIONS

Article 10. No charge shall be made for a certificate of citizenship or for any procedure connected with its grant.

Article 11. The Ministry of the Interior shall send to all district judges a sufficient number of printed forms of the certificate of citizenship, so that all certificates may be uniform.

TITLE VI. TRANSITIONAL PROVISIONS

Article 12. Children of Argentinian-born persons, and aliens who are at present exercising the rights of Argentine citizenship, shall be deemed to be citizens by birth and naturalized citizens respectively and shall not be required to satisfy any requirement prescribed by this Act save that they shall cause their names to be entered in the National Civic Register.

Article 13. All provisions contrary to this Act are hereby repealed.

Article 14. This Act shall be communicated to the Executive.

(c) ACT NO. 10,256, OF 18 SEPTEMBER 1917.¹

Article 1. The following words shall be added to title III, article 6, of Act No. 346 concerning citizenship:

“If the applicant so requests the district federal judge, the certificate of citizenship may, subject to verification of his identity, be issued to him by the judge in his locality of residence or, if there is no judge in that locality, by the judge in the nearest locality. The said authority shall, at the request of the applicant, administer the oath of allegiance to him at the time when his certificate of citizenship is issued.”

Article 2. This Act shall be communicated to the Executive.

5. Australia

(a) NATIONALITY AND CITIZENSHIP ACT NO. 83 OF 21 DECEMBER 1948.

PART I. PRELIMINARY

1. This Act may be cited as the *Nationality and Citizenship Act 1948*.
2. This Act shall come into operation on a date to be fixed by Proclamation.
3. The Acts specified in the first schedule to this Act are repealed.
4. This Act is divided into parts, as follows:
 - Part I. Preliminary.
 - Part II. British Nationality.
 - Part III. Australian Citizenship.
 - Division 1. Citizenship by Birth or Descent.
 - Division 2. Citizenship by Registration.

¹ Translation by the Secretariat of the United Nations.

Division 3. Citizenship by Naturalization.

Division 4. Loss of Citizenship.

Part IV. Transitional Provisions.

Part V. Miscellaneous.

5. (1) In this Act, unless the contrary intention appears:

“alien” means a person who is not a British subject, an Irish citizen or a protected person;

“Australia” includes Norfolk Island and the Territory of Papua;

“Australian consulate” means the office of a diplomatic or consular officer of the Australian Government at which a register of births is kept, or, in a country where there is no such office or in New Guinea, such office as is approved by the Minister and includes an office of the Department of Immigration;

“British subject” means a person who is, or is deemed to be, a British subject under the provisions of this Act;

“certificate of naturalization” means a certificate of naturalization granted under this Act;

“certificate of registration” means a certificate of registration granted under this Act;

“child” includes an adopted child, a step-child and a child born out of wedlock;

“foreign country” does not include a trust territory, a state or territory which is or becomes a protectorate or protected state for the purposes of the Act of the Parliament of the United Kingdom known as the British Nationality Act, 1948, the New Hebrides or Canton Island;

“naturalized person” means a person who under any law, whether in force before or after the date of commencement of this Act, becomes or became a British subject or an Irish citizen by virtue of a certificate of citizenship or a certificate of naturalization granted to him or in which his name is or was included or, in the case of a married woman, by virtue of a declaration that she desires or desired to acquire British nationality, and includes a person who under any such law was deemed to be a naturalized British subject by reason of his residence with his father or mother;

“New Guinea” means the Territory of New Guinea;

“protected person” means a person who is included in such prescribed classes of persons as are under the protection of the government of any part of His Majesty’s dominions;

“responsible parent”, in relation to a child, means the father of that child, or, where the father is dead or the mother has been given the custody of the child by order of a court, or the child was born out of wedlock and resides with the mother, means the mother of that child;

“service under an Australian government” means service, whether within Australia or elsewhere, under the Commonwealth or an authority of the Commonwealth or under a State or Territory or an authority of a State or Territory;

“Territory” means a Territory under the authority of the Commonwealth;

“the Australian Government” means His Majesty’s Government in the Commonwealth of Australia;

“the United Kingdom and Colonies” includes the Channel Islands and the Isle of Man;

“trust territory” means a territory administered by the government of any part of His Majesty’s dominions under the trusteeship system of the United Nations.

(2) References in this Act to any country to which section seven of this Act applies include references to the dependencies of that country.

(3) For the purposes of this Act:

(a) A person born on a registered ship or aircraft shall be deemed to have been born at the place at which the ship or aircraft was registered and a person born on an unregistered ship or aircraft belonging to the government of a country shall be deemed to have been born in that country;

(b) A person shall be of full age if he has attained the age of twenty-one years and of full capacity if he is not of unsound mind;

(c) A person shall be deemed not to have attained a specified age until the commencement of the relevant anniversary of the date of his birth;

(d) The United Kingdom and Colonies shall be deemed to constitute one country ; and

(e) A person shall be deemed to be ordinarily resident in a country if:

(i) He has his home in that country; or

(ii) That country is the country of his permanent abode notwithstanding that he is temporarily absent therefrom,

but he shall be deemed not to be so resident if he resides in that country for a special or temporary purpose only.

6. This Act shall extend to the Territories under the authority of the Commonwealth.

PART II. BRITISH NATIONALITY

7. (1) A person who, under this Act, is an Australian citizen or, by an enactment for the time being in force in a country to which this section applies, is a citizen of that country shall, by virtue of that citizenship, be a British subject.

(2) The countries to which this section applies are the following countries, namely, the United Kingdom and Colonies, Canada, New Zealand, the Union of South Africa, Newfoundland, India, Pakistan, Southern Rhodesia and Ceylon.

8. (1) An Irish citizen who, immediately prior to the date of commencement of this Act, was also a British subject shall not by reason of anything contained in the last preceding section be deemed to have ceased to be a British subject if at any time he gives notice in the prescribed form and manner to the Minister claiming to remain a British subject on all or any of the following grounds:

(a) That he is or has been in the service under an Australian government;

(b) That he is the holder of an Australian passport issued by the Australian Government; or

(c) That he has associations by way of descent, residence or otherwise with Australia or New Guinea.

(2) A claim under the last preceding subsection may be made on behalf of a child who has not attained the age of sixteen years by a person who satisfies the Minister that he is the responsible parent or the guardian of the child.

(3) Where, under the law for the time being in force in a country to which section seven of this Act applies, provision corresponding to the foregoing provisions of this section is made for enabling Irish citizens to claim to remain British subjects, a person who is, by virtue of that law, a British subject shall be deemed also to be a British subject by virtue of this section.

9. (1) A British subject or an Irish citizen who is not an Australian citizen shall not be guilty of an offence under any law of the Commonwealth or of a Territory (other than the *Navigation Act 1912-1942*) by reason of anything done or omitted to be done in a country to which section seven of this Act applies, in Ireland or in a foreign country unless—

(a) The act or omission would be an offence if he were an alien; and

(b) In the case of an act or omission in a country to which section seven of this Act applies or in Ireland, it would be an offence if the country in which the act was done or the omission made were a foreign country.

(2) Subject to the last preceding subsection, a law of the Commonwealth or of a Territory in force at the date of commencement of this Act and a law of the Commonwealth or of a Territory which, although passed or made prior to that date, comes into force on or after that date shall, until provision to the contrary is made, continue to have effect in relation to Irish citizens who are not British subjects in like manner as they have effect in relation to British subjects.

PART III. AUSTRALIAN CITIZENSHIP

Division 1. Citizenship by Birth or Descent

10. (1) Subject to this section, a person born in Australia after the commencement of this Act shall be an Australian citizen by birth.

(2) A person shall not be an Australian citizen by virtue of this section if, at the time of his birth:

(a) His father was not an Australian citizen and possessed the immunity from suit and legal process which is accorded to an envoy of a foreign country accredited to His Majesty; or

(b) His father was an enemy alien and the birth occurred in a place then under occupation by the enemy.

11. (1) Subject to this section, a person born outside Australia after the commencement of this Act shall be an Australian citizen by descent if:

(a) At the time of the birth:

(i) His father was an Australian citizen; or

(ii) In the case of a person born out of wedlock, his mother was an Australian citizen or a British subject ordinarily resident in Australia or New Guinea; and

(b) The birth is registered at an Australian consulate within one year after its occurrence or, in special circumstances, within such extended period as the Minister allows.

(2) A person who, after the commencement of this Act, is born in a country to which section seven of this Act applies, and whose father, or, in the case of a person born out of wedlock, whose mother, was an Australian citizen not ordinarily resident in Australia or New Guinea at the time of the birth, shall not become an Australian citizen under

this section if, under the law of that country, he became a citizen of that country at birth.

Division 2. Citizenship by Registration

12. (1) The Minister may, upon application in the prescribed manner, grant a certificate of registration as an Australian citizen to a person who is a citizen of a country to which section seven of this Act applies, or an Irish citizen, and satisfies the Minister—

(a) That he is of full age and of full capacity;

(b) That he has resided in Australia or New Guinea, or partly in Australia and partly in New Guinea, for not less than five years during the eight years immediately preceding the date of the application or, in such specified cases as the Minister, upon application in the prescribed manner, approves, for such shorter period (not being less than twelve months) as the Minister allows;

(c) That he is of good character;

(d) That he has an adequate knowledge of the English language or, if he has not such a knowledge, that he has resided in Australia or New Guinea, or partly in Australia and partly in New Guinea, for a continuous period of not less than twenty years;

(e) That he has an adequate knowledge of the responsibilities and privileges of Australian citizenship; and

(f) That he intends, if registered, to continue to reside in Australia or New Guinea or to enter or continue in the service under an Australian government, in the service of an international organization of which the Australian Government is a member, or service in the employment of a person, society, company or body of persons resident or established in Australia or New Guinea.

(2) Notwithstanding anything contained in the last preceding subsection, the Minister may, upon application in the prescribed form, grant a certificate of registration as an Australian citizen to a person who is a citizen of a country to which section seven of this Act applies or an Irish citizen and is not of full age or is a woman married to an Australian citizen and is residing with her husband in Australia or New Guinea as a permanent resident.

(3) The Minister may, upon application in the prescribed form, include in a certificate of registration granted under this Act the names of any children not of full age of whom the grantee is the responsible parent or the guardian.

13. (1) A person to whom a certificate of registration as an Australian citizen has been granted shall be an Australian citizen by registration as from the date upon which the certificate is granted.

(2) A person whose name is under the last preceding section included in a certificate of registration shall, if not already an Australian citizen, be an Australian citizen by registration as from the date upon which his name is so included.

Division 3. Citizenship by Naturalization

14. (1) An alien or a protected person shall not be entitled to obtain a certificate of naturalization unless, not earlier than one year after his entry into Australia or New Guinea, he makes a declaration in the prescribed

form of his intention to apply for the grant of a certificate of naturalization as an Australian citizen.

(2) An alien or a protected person may make application in the prescribed form for the grant of a certificate of naturalization as an Australian citizen not earlier than two years and not later than seven years after the making of the declaration of intention or, in any case in which a declaration of intention is not required, not earlier than one year after his entry into Australia or New Guinea.

(3) The Minister may, upon application in the prescribed form by a person who has, under paragraph (a) or (b) of subsection (2) of the next succeeding subsection, been allowed to reckon residence or service, exempt that person from the requirements of subsection (1) of this section.

15. (1) The Minister may grant a certificate of naturalization as an Australian citizen to an alien or to a protected person who has made application in accordance with the last preceding section and satisfies the Minister:

(a) That he complies with qualifications corresponding to those specified in paragraphs (a), (c), (d), (e) and (f) of subsection (1) of section twelve of this Act;

(b) That he has resided continuously in Australia or New Guinea, or partly in Australia and partly in New Guinea, throughout the period of one year immediately preceding the date of the application; and

(c) That, in addition to the residence required under the last preceding paragraph, he has resided in Australia or New Guinea, or partly in Australia and partly in New Guinea, or has had service under an Australian government, or partly such residence and partly such service, for periods amounting in the aggregate to not less than four years during the eight years immediately preceding that date.

(2) For the purposes of paragraph (c) of the last preceding subsection, the Minister may, in such cases as he thinks fit—

(a) Allow residence in a country other than a foreign country to be reckoned as if it had been residence in Australia;

(b) Allow service under the Government of a country to which section seven of this Act applies, or of a province or territory of any such country, to be reckoned as if it had been service under an Australian government; and

(c) Allow periods of residence or service earlier than eight years preceding the date of the application to be reckoned in computing the aggregate period mentioned in that paragraph.

(3) Notwithstanding anything contained in the preceding provisions of this Division, the Minister may, upon application in the prescribed form, grant a certificate of naturalization as an Australian citizen to an alien who is not of full age.

(4) Notwithstanding anything contained in section fourteen of this Act or in paragraph (a) or (b) of subsection (1) of this section, the Minister may, upon application in the prescribed form, grant a certificate of naturalization as an Australian citizen to an alien woman who satisfies the Minister:

(a) That she is the wife of an Australian citizen; and

(b) That she has resided with her husband in Australia or New Guinea, or partly in Australia and partly in New Guinea, for a continuous period of not less than one year.

(5) The Minister may, upon application in the prescribed form, include in a certificate of naturalization granted under this Act the names of any

children not of full age of whom the grantee is the responsible parent or the guardian.

16. (1) A person to whom a certificate of naturalization has been granted shall be an Australian citizen by naturalization:

(a) In the case of a person who has attained the age of sixteen years—as from the date upon which he takes in the prescribed manner an oath of allegiance in accordance with the form contained in the second schedule to this Act; or

(b) In the case of a person who has not attained that age—as from the date upon which the certificate is granted.

(2) A person whose name is under the last preceding section included in a certificate of naturalization shall, if not already an Australian citizen, be an Australian citizen by naturalization as from the date upon which his name is so included or the date upon which the grantee of the certificate of naturalization becomes an Australian citizen by naturalization, whichever is the later.

Division 4. Loss of Citizenship

17. An Australian citizen of full age and of full capacity, who, whilst outside Australia and New Guinea, by some voluntary and formal act, other than marriage, acquires the nationality or citizenship of a country other than Australia, shall thereupon cease to be an Australian citizen.

18. (1) Where, under the law of some country other than Australia, an Australian citizen acquires, at birth or whilst not of full age or by reason of marriage, the nationality or citizenship of that country, he may, at any time after attaining the age of twenty-one years or after the marriage, make a declaration renouncing his Australian citizenship.

(2) A person who became an Australian citizen by reason of the inclusion of his name in a certificate of registration or a certificate of naturalization granted to his responsible parent or his guardian may, at any time after attaining the age of twenty-one years, make a declaration renouncing his Australian citizenship.

(3) Where a person ceases to be an Australian citizen or is deprived of his Australian citizenship under the provisions of this Division and his wife acquires, under the law of some country other than Australia, the nationality or citizenship of her husband, she may, at any time after acquiring that nationality or citizenship, make a declaration renouncing her Australian citizenship.

(4) Subject to the next succeeding subsection, the Minister shall register a declaration made under this section and thereupon the person making the declaration shall cease to be an Australian citizen.

(5) Where, during a war in which Australia is engaged, a declaration is made under this section by a person who is a national or citizen of a foreign country, the Minister may refuse to register the declaration.

19. An Australian citizen who, under the law of a country other than Australia, is a national or citizen of that country and serves in the armed forces of a country at war with Australia shall, upon commencing so to serve, cease to be an Australian citizen.

20. An Australian citizen who is such by registration or is a naturalized person and, after the date of commencement of this Act, has resided outside Australia and New Guinea for a continuous period of seven years shall cease to be an Australian citizen unless:

(a) He has, at least once during the second and each subsequent year, or at such other times as the Minister, in special circumstances, allows, during that period, given the prescribed notice, at an Australian consulate, of his intention to retain his Australian citizenship;

(b) He has so resided by reason of his service under an Australian government or his service with an international organization of which the Australian Government is a member or his service in the employment of a person, society, company or body of persons resident or established in Australia or New Guinea;

(c) He has given the notice referred to in paragraph (a) of this section for portion of that period and has had such service for the remainder of that period; or

(d) He is a person not of full age and resides with his responsible parent or his guardian who is an Australian citizen.

21. (1) Where the Minister is satisfied that an Australian citizen who is such by registration or is a naturalized person:

(a) Has shown himself by act or speech to be disloyal or disaffected towards His Majesty;

(b) Has, during any war in which Australia is or has been engaged, unlawfully traded or communicated with the enemy or been engaged on or associated with any business which was to his knowledge carried on in such a manner as to assist an enemy in that war;

(c) Was registered or naturalized by means of fraud, false representation or the concealment of some material circumstances;

(d) Was not, at the date on which he was registered or naturalized, of good character; or

(e) Has, within five years after that date, been sentenced in any country to imprisonment for a term of twelve months or more, the Minister may, by order, deprive that citizen of his Australian citizenship, and thereupon the person in respect of whom the order is made shall cease to be an Australian citizen.

(2) The Minister shall not make an order under this section in respect of a person unless satisfied that it is not conducive to the public good that that person should continue to be an Australian citizen.

(3) Before making an order on any of the grounds set out in paragraphs (a), (b), (c) and (d) of subsection (1) of this section, the Minister shall give to the person in respect of whom the order is proposed to be made a notice in writing informing him of the ground on which the order may be made and that he may apply to the Minister to have the question whether the order should be made referred to a committee for inquiry and report and, if that person so applies, the Minister shall refer the question accordingly.

(4) For the purposes of this section, the Governor-General may appoint a committee of inquiry, the chairman of which shall be a person who holds or has held the office of Justice or Judge of a Federal Court or of a Court of a State or Territory or who is or has been a barrister or solicitor of the High Court or of the Supreme Court of a State of not less than five years' standing.

(5) The practice and procedure and the powers, rights and privileges of a committee appointed under this section shall be as prescribed.

22. Where an Australian citizen who:

(a) Is a naturalized person; and

(b) Was a citizen of a country to which section seven of this Act applies and has, under a provision of the law of the country of which he was such a citizen, been deprived of citizenship of that country on grounds which, in the opinion of the Minister, are substantially similar to any of the grounds specified in subsection (1) of the last preceding section, the Minister may, if he is satisfied that it is not conducive to the public good that that person should continue to be an Australian citizen, by order, deprive that person of his Australian citizenship, and thereupon that person shall cease to be an Australian citizen.

23. (1) Where the responsible parent or the guardian of a person not of full age ceases to be an Australian citizen under section seventeen, eighteen, nineteen or twenty of this Act, that person shall cease to be an Australian citizen if he is or thereupon becomes, under the law of some country outside Australia, a national or citizen of that country.

(2) Where a person is deprived of his Australian citizenship under section twenty-one or twenty-two of this Act, the Minister may, by order, direct that all or any of the children of whom that person is the responsible parent or the guardian and who are not of full age shall cease to be Australian citizens, and thereupon they shall cease to be Australian citizens.

(3) A person who has ceased to be an Australian citizen under the preceding provisions of this section may, within one year after attaining the age of twenty-one years or, in special circumstances, within such extended period as the Minister allows, make a declaration that he wishes to resume Australian citizenship and, upon the registration of the declaration in the prescribed manner, he shall again become an Australian citizen.

PART IV. TRANSITIONAL PROVISIONS

24. In this part, "British subject" includes a person who was, immediately prior to the date of commencement of this Act, entitled in Australia or a Territory to all political and other rights, powers and privileges to which a natural-born British subject was then entitled.

25. (1) A person who was a British subject immediately prior to the date of commencement of this Act shall, on that date, become an Australian citizen if:

(a) He was born in Australia and would have been an Australian citizen if section ten of this Act had been in force at the time of his birth;

(b) He was born in New Guinea;

(c) He was a person naturalized in Australia; or

(d) He had been, immediately prior to the date of commencement of this Act, ordinarily resident in Australia or New Guinea, or partly in Australia and partly in New Guinea, for a period of at least five years.

(2) A person shall not become an Australian citizen by virtue of the last preceding subsection if, but for paragraph (d) of that subsection, he would have ceased to be a British subject on the date of commencement of this Act.

(3) A person born outside Australia and New Guinea:

(a) Who was a British subject immediately prior to the date of commencement of this Act;

(b) Whose father was a person to whom paragraph (a), (b) or (c) of subsection (1) of this section applies; and

(c) Who enters or entered Australia, shall become an Australian citizen on that date or on the date upon which he enters Australia, whichever is the later.

(4) A woman who:

(a) Was a British subject immediately prior to the date of commencement of this Act;

(b) Had, prior to that date, been married to a person who becomes or, if he is dead, would, but for his death, have become an Australian citizen under this section; and

(c) Entered Australia prior to that date, shall on that date become an Australian citizen.

(5) A person who was born out of wedlock outside Australia, the countries to which section seven of this Act applies and Ireland and, prior to the date of commencement of this Act, entered Australia shall become an Australian citizen on that date if his mother was at the time of his birth a British subject ordinarily resident in Australia or New Guinea.

(6) A person who entered Australia prior to the date of commencement of this Act and who, at the time of his entry or subsequently, was:

(a) A prohibited immigrant within the meaning of the Immigration Act; or

(b) A person who had applied for, or was issued with, a certificate of exemption under section four of that Act, shall not become an Australian citizen under this section unless, prior to that date, he had been granted permission by the Minister, or by an officer under that Act, to remain in Australia for permanent residence.

(7) A person who enters Australia after the commencement of this Act and who, at the time of his entry, is:

(a) A prohibited immigrant within the meaning of the Immigration Act; or

(b) A person who applies for, or is issued with, a certificate of exemption under section four of that Act, shall not become an Australian citizen under this section.

(8) In this section:

“the Immigration Act” means the *Immigration Restriction Act 1901*, and, when considered in relation to any time, means that Act as amended as in force at that time;

“person naturalized in Australia” means:

(a) A person to whom a certificate of naturalization was granted in Australia or a Territory;

(b) A person who, by reason of the inclusion of his name in any such certificate, was deemed to be a person to whom a certificate of naturalization was granted;

(c) A person who, by virtue of any law in force in Australia or a Territory, was deemed to be a naturalized British subject by reason of his residence with his father or mother; or

(d) A married woman who, by virtue of any such law, made a declaration that she desired to acquire British nationality.

26. (1). A person who:

(a) Was a British subject immediately prior to the date of commencement of this Act; and

(b) Was not at that date an Australian citizen or a citizen of a country to which section seven of this Act applies or an Irish citizen,

shall remain a British subject without citizenship, but shall cease to be a British subject without citizenship if he becomes an Australian citizen, a citizen of any such country, an Irish citizen or an alien.

(2) Subject to the next two succeeding subsections, the law in force in Australia, immediately prior to the date of commencement of this Act, in relation to British nationality shall continue to apply, as if this Act had not been passed, to a person who remains, or is deemed to be, a British subject without citizenship while he remains, or is deemed to be, such a British subject.

(3) Where a person who remains, or is deemed to be, a British subject without citizenship marries a woman who is not a British subject, she shall not, by reason of the marriage, become a British subject.

(4) Where a woman who remains, or is deemed to be, a British subject without citizenship marries an alien or an Irish citizen she shall not, by reason of the marriage, cease to be a British subject.

(5) A person who, after the date of commencement of this Act is born in a country outside Australia shall, if he becomes a British subject by virtue of the law in force in a country to which section seven of this Act applies but does not, under this Act or the law in force in any such country, become an Australian citizen or a citizen of any such country, be deemed to be a British subject without citizenship, but shall cease to be a British subject without citizenship if he becomes an Australian citizen, a citizen of any such country, an Irish citizen or an alien.

(6) A person who remains, or is deemed to be, a British subject without citizenship shall, for the purposes of any application made by him for registration as an Australian citizen, be deemed to be a citizen of a country to which section seven of this Act applies.

27. Where, at any time prior to the date of commencement of this Act, a woman ceased to be a British subject by reason that:

(a) On her marriage to an alien she acquired the nationality of her husband; or

(b) During the continuance of the marriage, her husband, being a British subject, acquired a new nationality and, by reason of her husband acquiring the new nationality, she also acquired that nationality, she shall be deemed, for the purposes of this Act, to have been a British subject immediately prior to that date.

28. (1) Where a person whose British nationality was conditional upon his complying with the second proviso to subsection (1) of section six of the *Nationality Act* 1920, or of that Act as amended from time to time, failed to comply with that proviso, that person shall, if he would, but for that failure, have been a British subject immediately prior to the date of commencement of this Act, be deemed, for the purposes of this Act, then to have been a British subject.

(2) In determining whether, for the purposes of the last preceding subsection, a woman who has married an alien would, but for her failure to comply with the proviso referred to in that subsection, have been a British subject immediately prior to the date of the commencement of this Act, the marriage shall be disregarded.

29. A person whose father or mother was granted a certificate of naturalization in Australia before the first day of January, One thousand nine hundred and twenty-one, and who, by reason only that the certificate was not a certificate of naturalization as defined in section five of the *Nationality*

Act 1920, was not deemed to be a British subject, shall be deemed, for the purposes of this Act, to have been a British subject immediately prior to the date of commencement of this Act.

30. (1) This section shall apply to any person who:

(a) Under the provisions of subsection (1) of section twenty of the *Nationality Act 1920*, or of that Act as amended from time to time, ceased to be a British subject by reason that he was a minor child of a person ceasing to be a British subject; and

(b) On the date of commencement of this Act, would, but for the provisions of that subsection, have been either an Australian citizen, or a British subject without citizenship by virtue of section twenty-six of this Act, and, in determining whether, for the purposes of this section, a woman who had married an alien would, but for those provisions, have been an Australian citizen or such a subject, the marriage shall be disregarded.

(2) If a person to whom this section applies makes a declaration in the prescribed manner, within one year after the date of the commencement of this Act or the date upon which he attains the age of twenty-one years, whichever is the later, or within such further period as the Minister allows, that he wishes to resume British nationality, the Minister shall cause the declaration to be registered.

(3) Upon the registration of the declaration, the person who made the declaration shall become an Australian citizen or, as the case may be, a British subject without citizenship.

(4) The provisions of section twenty-six of this Act shall apply to a person who, under this section, becomes such a British subject without citizenship.

31. (1) Where an application for a certificate of naturalization was made to the Minister prior to the date of commencement of this Act but was not granted before that date and the person to whom the application relates satisfies the Minister that he complies with paragraphs (a), (b) and (c) of subsection (1) of section fifteen of this Act, the Minister may treat the application as if it were an application under this Act for a certificate of naturalization and the provisions of this Act shall apply accordingly.

(2) Where an application for a certificate of naturalization was made before, or is made within two years after, the date of commencement of this Act, the Minister may grant the application notwithstanding that the provisions of section fourteen of this Act have not been complied with.

PART V. MISCELLANEOUS

32. (1) Notwithstanding anything contained in this Act, the Minister may, upon application in accordance with the prescribed form, grant a certificate of registration or a certificate of naturalization as an Australian citizen to a person with respect to whose status as an Australian citizen a doubt exists.

(2) Before granting the certificate, the Minister may require that person to comply with such provisions of this Act as the Minister specifies.

(3) A certificate granted under this section shall, unless it is proved that it was obtained by means of fraud, a false representation or the concealment of some material fact, be conclusive evidence that the person was an Australian citizen on the date of the certificate but without prejudice to any evidence that he was an Australian citizen at an earlier date.

33. (1) If any territory becomes a part of Australia, the Governor-General may, by order published in the *Gazette*, declare that the persons included in such classes of persons as are specified in the order shall, as from such date as is so specified, become Australian citizens by reason of their connexion with that territory.

(2) A person included in any such class shall, as from the date so specified, become an Australian citizen.

34. (1) A person born out of wedlock and legitimated by the subsequent marriage of his parents shall, as from the date of the marriage or of the commencement of this Act, whichever is the later, be treated, for the purpose of determining whether he is an Australian citizen, or was a British subject immediately prior to the date of the commencement of this Act, as if he had been born in wedlock.

(2) A person shall not, for the purposes of this section, be deemed to have been legitimated by the subsequent marriage of his parents unless, by the law of the place in which his father was domiciled at the time of the marriage, the marriage operated immediately or subsequently to legitimate him.

35. (1) Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death.

(2) Where the death occurred prior to, and the birth occurred after, the date of commencement of this Act, the status or description which would have been applicable to the father if he had died after that date shall be deemed to be the status or description applicable to him at the time of his death.

36. (1) An applicant for a certificate of registration or a certificate of naturalization shall advertise in the prescribed manner his intention to apply for registration or naturalization and shall satisfy the Minister in the prescribed manner that he has done so.

(2) An applicant for a certificate of registration or a certificate of naturalization, being a person of full age, shall produce in support of his application:

(a) His own statutory declaration stating his name, age, birthplace, occupation and residence, and such other matters as are prescribed; and

(b) Certificates of character from three Australian citizens, two of whom are householders and one of whom is a Justice of the Peace, a postmaster, a teacher of a public school, an officer of the Police force of the Commonwealth or of a State or a Territory, or any other person included in a class of persons approved by the Minister.

37. (1) A person may make representations to the Minister in respect of a person who has applied, or has advertised his intention to apply, for a certificate of registration or a certificate of naturalization.

(2) The representations shall be supported by a statutory declaration.

38. Any period during which an applicant for a certificate of registration or a certificate of naturalization is confined in a gaol, reformatory, prison or hospital for the insane in Australia or New Guinea shall be disregarded in determining the period of residence for the purposes of the grant of such a certificate.

39. Where a question arises under this Act whether a person was ordinarily resident in Australia or New Guinea, the question may be determined by the Minister and his decision thereon shall be final.

40. The Minister may grant or refuse an application made to him without assigning any reason.

41. The Minister may make arrangements for the oath of allegiance under this Act to be taken in public before a Justice, Judge or Magistrate of the Commonwealth or of a State or Territory and to be accompanied by proceedings designed to impress upon applicants the responsibilities and privileges of Australian citizenship.

42. The Minister shall:

(a) Enrol as of record memorials of all certificates of registration and certificates of naturalization;

(b) Cancel all such certificates the holders of which have been deprived of Australian citizenship;

(c) Cause to be made indexes of certificates of registration and of certificates of naturalization and permit any person at all reasonable times to inspect the indexes and to make copies of the certificates on payment of the prescribed fee;

(d) Cause to be laid before both Houses of the Parliament as soon as practicable after the thirtieth day of June in each year a return showing the number of persons to whom certificates of registration and certificates of naturalization have been granted, their former nationality or citizenship, and the countries in which they ordinarily resided immediately before entering Australia or New Guinea; and

(e) Cause to be published in the *Gazette* from time to time a list of the names and addresses of persons to whom certificates of registration and certificates of naturalization have been granted or who have been deprived of Australian citizenship.

43. A declaration made under this Act or under any other Act which was at any time in force in relation to nationality or naturalization may be proved in legal proceedings by the production of a copy of the original declaration certified by the Minister or by a person thereto authorized in writing by the Minister to be a true copy, and the production of the declaration or copy shall be evidence that the person therein named as declarant made the declaration on the date therein mentioned.

44. An entry in a register made under this Act or under any other Act which was at any time in force in relation to nationality or naturalization may be proved by a copy certified by the Minister or by a person thereto authorized in writing by the Minister, to be a true copy of the entry, and the copy of the entry shall be evidence of any matters authorized by or under this Act or any other such Act to be inserted in the register.

45. For the purposes of the next four succeeding sections, "certificate of naturalization" includes a certificate of naturalization issued under an Act repealed by this Act or by any other Act or under a State Act or under an Ordinance of a Territory.

46. A certificate of registration, a certificate of naturalization or an order under this Act may be proved in legal proceedings by the production of a copy of the original certificate or order certified by the Minister or by a person thereto authorized in writing by the Minister to be a true copy.

47. (1) Where the Minister is satisfied that it is desirable for any reason that a certificate of registration or a certificate of naturalization should be amended, he may amend the certificate.

(2) A certificate which has been amended in pursuance of this section shall be of effect as so amended and the Minister shall cause the memorial of the certificate enrolled under section forty-two of this Act to be amended accordingly.

48. Where an order is made under this Act depriving a person of his Australian citizenship, that person shall, on or before the date upon which the order takes effect, surrender his certificate of registration or his certificate of naturalization, as the case may be, to the Minister for cancellation.

Penalty: One hundred pounds.

49. A person shall not, except in accordance with this Act or any other law or as prescribed:

(a) Part with the possession of a certificate of registration or a certificate of naturalization granted to him; or

(b) Receive, or have in his possession, a certificate of registration or a certificate of naturalization not granted to him.

Penalty: One hundred pounds.

50. A person shall not, for any of the purposes of this Act, knowingly make a false representation or a statement false in a material particular.

Penalty: Imprisonment for three months.

51. Where in any Act or Ordinance or in any instrument under an Act or an Ordinance (including rules, regulations and by-laws) a reference is made to a British subject, howsoever expressed, and no distinction is made between the rights, powers, privileges, obligations, duties or liabilities of natural-born British subjects and those of naturalized British subjects, the reference shall be read as a reference to a British subject within the meaning of this Act.

52. The provisions of this Act shall apply to the exclusion of any provisions, providing for British nationality or Australian citizenship, of any law of a State, whether the law was passed or made before or after the commencement of this section.

53. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, for or in relation to:

(a) The time within which anything required or authorized to be done under this Act shall be done;

(b) The registration of anything required or authorized under this Act to be registered;

(c) The administration and taking of an oath of allegiance for the purposes of this Act;

(d) The giving of any notice which under this Act is required or authorized to be given to any person;

(e) The registration of the births and deaths of persons included in any class or description of persons born or dying elsewhere than in Australia;

(f) The imposition and recovery of fees in respect of:

- (i) Any application under this Act;
 - (ii) Any registration, the making of any declaration, the grant of any certificate or the taking of the oath of allegiance authorized to be made, granted or taken under this Act; and
 - (iii) The supplying of a certified or other copy of any declaration, certificate or oath made, granted or taken under this Act;
- (g) The issue of certificates declaratory of the Australian citizenship of persons who are Australian citizens;
- (h) The conditions upon which persons may render, for reward, services in respect of applications under this Act including the charges which may be made in respect of any such service;
- (j) The imposition of penalties not exceeding a fine of Fifty pounds, or imprisonment for a period not exceeding six months, for any offence against the regulations; and
- (k) The investing of any court of a State with federal jurisdiction to order reparation for loss suffered by reason of any offence against this Act or the regulations.

FIRST SCHEDULE

ACTS REPEALED

Nationality Act 1920.
Nationality Act 1925.
Nationality Act 1930.
Nationality Act 1936.
Nationality Act 1946.
Nationality Act (No. 2) 1946.

SECOND SCHEDULE

OATH OF ALLEGIANCE

I, A.B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George the Sixth, his heirs and successors according to law, and that I will faithfully observe the laws of Australia and fulfil my duties as an Australian citizen.

(b) NATIONALITY AND CITIZENSHIP (BURMESE) ACT No. 12 OF 1950.

1. This Act may be cited as the *Nationality and Citizenship (Burmese) Act, 1950*.

2.—(1) Subject to this Act, every person who, by virtue of section two of the Imperial Act known as the Burma Independence Act, 1947, ceased, on the fourth day of January, One thousand nine hundred and forty-eight, to be a British subject under the law of the United Kingdom but was, immediately before the date of commencement of this Act, a British subject under the law of Australia shall, upon the date of commencement of this Act, cease to be a British subject under the law of Australia.

(2) Subject to this Act, every woman married or child born after the fourth day of January, One thousand nine hundred and forty-eight, who, immediately before the date of commencement of this Act, was a British subject under the law of Australia by reason only of marriage to, or descent from, a person who, under the last preceding subsection, ceases

to be a British subject under the law of Australia, or has died before the date of commencement of this Act and, but for his death, would have so ceased, shall, upon the date of commencement of this Act, cease to be a British subject under the law of Australia.

(3) Neither of the last two preceding subsections applies to a person who, immediately before the date of commencement of this Act, had the status of a British subject under the law of the United Kingdom and did not possess that status by reason only of Australian citizenship.

3. (1) A person who:

(a) By virtue of section two of this Act, ceases to be a British subject; and

(b) Was, immediately before the date of commencement of this Act, an Australian citizen, shall, subject to this section, cease, on the date of commencement of this Act, to be an Australian citizen.

(2) A person referred to in the last preceding subsection may, by a declaration made in the prescribed manner within two years after the date of commencement of this Act, elect to remain an Australian citizen.

(3) Upon the registration, as prescribed, of a declaration so made by a person, the provisions of the last preceding subsection and of section two of this Act shall be deemed never to have applied to that person, or to any child of his who, at the date on which the declaration is made, is under the age of eighteen years and whose name is included in the declaration.

(4) The exercise by a person of a right of election under subsection (2) of this section shall not operate so as to render unlawful anything done before the date on which the election became effective which would have been lawful if the election had not been made.

4. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are by this Act required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, for or in relation to:

(a) The imposition and recovery of fees for:

(i) Any registration under this Act; or

(ii) The supplying of a certified or other copy of any declaration registered under this Act; and

(b) The imposition of penalties, not exceeding a fine of Fifty pounds, or imprisonment for six months, for any offence against the regulations.

(c) NATIONALITY AND CITIZENSHIP ACT No. 58 OF 1950. AN ACT TO AMEND THE NATIONALITY AND CITIZENSHIP ACT, 1948.

1. (1) This Act may be cited as the *Nationality and Citizenship Act, 1950*.

(2) The Nationality and Citizenship Act, 1948¹ is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Nationality and Citizenship Act, 1948-1950.

¹ Act No. 83, 1948.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

3. Section five of the Principal Act is amended:

(a) By adding at the end of the definition of "naturalized person" in subsection (1) the words " , but does not include a woman who:

(a) Was a British subject at birth; or

(b) At any time before the date of commencement of this Act married a British subject"; and

(b) By adding at the end thereof the following subsection:

"(4) The provisions of this Act (other than the definition of 'New Guinea' in subsection (1) of this section, and subsections (1) and (3) of section twenty-five) shall be construed and applied as if the Island of Nauru were part of New Guinea."

4. Section fourteen of the Principal Act is amended by omitting subsection (3) and inserting in its stead the following subsection:

"(3) The Minister may, if he considers that there are circumstances which justify his so doing, exempt a person from the requirements of subsection (1) of this section."

5. Section fifteen of the Principal Act is amended by omitting subsection (4) and inserting in its stead the following subsection:

"(4) Notwithstanding anything contained in section fourteen of this Act or in subsection (1) of this section, the Minister may, upon application in the prescribed form, grant a certificate of naturalization as an Australian citizen to an alien woman who satisfies him:

"(a) That she is the wife or widow of an Australian citizen; and

"(b) That she has resided in Australia or New Guinea, or partly in Australia and partly in New Guinea, for a continuous period of not less than one year."

6. Section thirty-six of the Principal Act is amended:

(a) By omitting from subsection (1) the words "a certificate of registration or"; and

(b) By omitting from that subsection the words "registration or".

(d) NATIONALITY AND CITIZENSHIP ACT NO. 70 OF 1952. AN ACT TO AMEND THE NATIONALITY AND CITIZENSHIP ACT, 1948-1950.

1. (1) This Act may be cited as the *Nationality and Citizenship Act, 1952*.

(2) The *Nationality and Citizenship Act, 1948-1950*¹ is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Nationality and Citizenship Act, 1948-1952*.

2. Section fifteen of the Principal Act is amended by inserting after subsection (2) the following subsection:

¹ Act No. 83, 1948, as amended by No. 58, 1950.

“(2A) A person who has served in the Defence Force of the Commonwealth or in the armed forces of a country other than a foreign country shall, for the purposes of this section, be deemed to have resided in Australia or in the other country, as the case requires, as follows:

“(a) If that person, having volunteered to serve beyond the limits of Australia and the Territories, has served in the Permanent Forces of the Commonwealth, each four weeks of his service, whether within or beyond those limits, shall be deemed to be eight weeks’ residence in Australia;

“(b) If, during the period of eight years immediately preceding his application for naturalization, that person has voluntarily rendered continuous full-time service in the armed forces of a country other than a foreign country and was liable for service beyond the limits of that country, each four weeks of that service, whether within or beyond the limits of that country, shall be deemed to be eight weeks’ residence in that country; or

“(c) If that person, having volunteered to serve beyond the limits of Australia and the Territories, has served in the Citizen Forces, each four weeks of the period from the date of his enlistment to the date of his application for naturalization or the date of the termination of his service, whichever is the earlier, shall be deemed to be five weeks’ residence in Australia.”

3. Section sixteen of the Principal Act is amended by omitting from paragraph (a) of subsection (1) the words “in the prescribed manner”.

4. Section thirty-six of the Principal Act is amended by inserting in subsection (1), after the word “naturalization” (first occurring), the words “, being a person of full age,”.

5. Section forty-eight of the Principal Act is amended by omitting the words “, on or before the date upon which the order takes effect,” and inserting in their stead the words “, upon demand by the Minister,”.

6. Austria

(a) CONSTITUTIONAL ACT OF 6 FEBRUARY 1947.¹

1. The following persons shall be excluded from possession and acquisition of Austrian citizenship under the Transitional Citizenship Act, 1949, and the Citizenship Act, 1949:

(a) All persons who acquired German nationality by naturalization between 1 July 1933 and 13 March 1938;

(b) All persons of German nationality who during that period acquired Austrian Federal citizenship by grant and were members of the National Socialist German Workers’ Party or one of its organizations;

(c) Persons who, by supporting the National Socialist Movement between 1 July 1933 and 26 November 1946, have committed and have been or may in future be convicted of an offence against the Republic of Austria under article 58 of the Penal Code, unless they have been or are in future sentenced merely for membership of the National Socialist German Workers’ Party or one of its organizations.

¹ *Bundesgesetzblatt*, No. 25/1947, part III, section II. Translation by the Secretariat of the United Nations.

2. An order or certificate attesting to possession or acquisition of Austrian citizenship by a person referred to in paragraph 1 shall be void.

(b) TRANSITIONAL CITIZENSHIP ACT OF 1949.¹

SECTION I

Article 1. With effect from 27 April 1945 the following persons shall be Austrian citizens:

(a) Persons who possessed Austrian Federal citizenship on 13 March 1938;

(b) Persons who in the period between 13 March 1938 and 27 April 1945 acquired Federal citizenship by legal derivation from an Austrian Federal citizen (birth, legitimation, marriage) in virtue of the extended application of the Federal Law of 30 July 1925 (*Bundesgesetzblatt*, No. 285) on the acquisition and loss of provincial and Federal citizenship, as amended on 13 March 1938;

provided that no personal circumstance which under the Law referred to in subparagraph (b) hereof entails loss of Federal citizenship occurred before 27 April 1945. Loss of Federal citizenship by voluntary entry into the military service of a foreign State shall not be incurred by persons who have served in the armies of the United Nations. (*Bundesgesetzblatt*, No. 51/1946, article 1; *Bundesgesetzblatt*, No. 25/1947, part III, section I).

Article 2. (1) Irrespective of his sex or marital status, a person to whom article 17, paragraph (2) of the Prohibition Act, 1947, does not apply, and who has not incurred a conviction of a crime or offence which has not been expunged, and who under the law of his previous country of domicile is of full capacity, and who produces evidence that he has resided in the territory of the Republic since 1 January 1919, shall acquire citizenship by making a declaration of his intention to become a loyal citizen of the Austrian Republic. Lack of capacity may be remedied by the consent of the legal representative.

(2) A wife shall acquire citizenship through the declaration of her husband provided that the marriage is valid and the spouses are not judicially separated *a mensa et toro*. Incapable legitimate children follow the father, and incapable illegitimate male and unmarried female children follow the mother.

(3) Residence shall also be established according to paragraph (1) hereof if the person has left the Federal Territory only temporarily and in circumstances indicating retention of residence, particularly if called up for military or other personal service. Residence shall also be established if the person gave up residence after 13 March 1938 because after that date he had reason to fear or actually suffered persecution by an organ of the National Socialist German Workers' Party or by an authority of the Third Reich, or where the person was obliged to give up his residence between 5 March 1933 and 13 March 1938 by reasons of persecution or fear of persecution on account of his support of the Democratic Republic of Austria (*Bundesgesetzblatt*, No. 142/1949, article I).

Article 2a. A woman who on 13 March 1938 possessed Austrian Federal citizenship but who has lost it in consequence of a marriage contracted

¹ *Bundesgesetzblatt*, No. 276/1949, p. 1170. Translation by the Secretariat of the United Nations.

before 27 April 1945 may acquire citizenship by making a declaration of her intention to become a loyal citizen of the Austrian Republic, provided that she has not incurred a conviction of a crime or offence which has not been expunged. A child born of such a marriage who is not yet of full capacity shall also, if the legal representative consents, acquire citizenship through declaration of the mother. If such consent is not forthcoming, the court may give valid consent. An illegitimate child not of full capacity shall also acquire citizenship by declaration of the mother. A female child not of full capacity shall follow the mother only if unmarried (*Bundesgesetzblatt*, No. 142/1949, article I).

Article 3. (1) The declaration referred to in articles 2 and 2a above shall be made in writing before 31 December 1949 to the administrative department of the provincial government having jurisdiction in the place of residence (*Bundesgesetzblatt*, No. 52/1946, article I; *Bundesgesetzblatt*, No. 141/1949, article I).

(2) Fulfilment of the conditions laid down in articles 2 and 2a must be ascertained in due form. If they have been fulfilled, the party shall be given a certificate affirming acquisition of citizenship with effect from the moment of the declaration (*Bundesgesetzblatt*, No. 52/1946, article I).

Article 4. (1) The deprivation of citizenship of a person who has lost Austrian Federal citizenship under article 10, paragraph (2), of the Federal Act of 30 July 1925 (*Bundesgesetzblatt*, No. 285) as amended by the Order of the Federal Government of 16 August 1933 (*Bundesgesetzblatt*, No. 369) shall be revoked by order of the district administrative authorities (or the Federal police authorities) at the request of the person deprived of citizenship on proof that he was not deprived of citizenship on account of a general attitude incompatible with the principles of the Independent Democratic Republic of Austria.

(2) The deprivation of citizenship may also be revoked by the authorities referred to in article 3, paragraph (1) even if the person deprived of citizenship does not satisfy the conditions laid down in paragraph (1), if his previous political behaviour raises a strong presumption that he is favourably disposed towards the Independent Republic of Austria (*Bundesgesetzblatt*, No. 142/1949, article I).

(3) Applications for revocation shall be required to be submitted before 31 December 1949 to the authorities who originally ordered the loss of Federal citizenship (*Bundesgesetzblatt*, No. 141/1949, article I; *Bundesgesetzblatt*, No. 142/1949, article I).

(4) A person who has acquired a foreign citizenship after deprivation of citizenship must prove that if his deprivation of citizenship is revoked he will relinquish his present nationality. Such a person may be promised revocation of his deprivation of citizenship on condition of release from his present nationality (*Bundesgesetzblatt*, No. 142/1949, article I).

(5) A person whose deprivation of citizenship is revoked under paragraph (1) shall be treated as if he had possessed Federal citizenship on 13 March 1938. A person whose deprivation of citizenship is revoked under paragraph (2) shall become an Austrian citizen with effect from the making of the order of revocation (*Bundesgesetzblatt*, No. 142/1949, article I).

(c) CITIZENSHIP ACT OF 1949¹.

SECTION I

Article 1. Without prejudice to any treaty or to the provisions of the Transitional Citizenship Act of 1949, acquisition and loss of citizenship shall in future be governed by the provisions of this Act.

Acquisition of citizenship

Article 2. Citizenship may be acquired:

- (1) By birth (or legitimation);
- (2) By marriage;
- (3) By grant;
- (4) By assumption of a public teaching post in an Austrian institution of higher education (*Bundesgesetzblatt*, No. 142/1949, article II).

Article 3. (1) A legitimate child not of full capacity shall acquire citizenship from his father. If his father is stateless but his mother possesses citizenship, he shall acquire it. An illegitimate child not of full capacity shall acquire citizenship from his mother. An illegitimate child shall if legitimated acquire citizenship from his father.

(2) The provisions of paragraph (1) shall apply to female children only if unmarried (*Bundesgesetzblatt*, No. 142/1949, article II).

Article 4. (1) An alien woman shall acquire citizenship from her husband by marriage.

(2) The legally effective reunion of spouses judicially separated *a mensa et toro* shall have the same effect as marriage.

Article 5. (1) Citizenship may be granted to an alien only if he:

1. Is of full capacity under the law of his former State; but lack of capacity may be remedied by the consent of the legal representative;

2. Proves that on acquiring citizenship he will relinquish his former nationality; but this condition may be dispensed with if under the law of his former State he may retain his former nationality on being granted a foreign citizenship (*Bundesgesetzblatt*, No. 142/1942, article II);

3. Has been regularly resident in the territory of the Republic for at least four years; but this condition need not be fulfilled if the Federal Government indicates that to grant citizenship would be in the interests of the Federation.

(2) Before citizenship is granted to an alien, his relations with his previous or earlier State and his personal and family circumstances must be ascertained. Citizenship may not be granted if those relations or circumstances are such as to give ground for apprehension that naturalization would be against the interests of the province or Federation; nor in a case to which article 17, paragraph (2), of the Prohibition Act of 1947 applies; nor if the applicant has incurred an unexpunged conviction which by article 24, paragraph (1) lines 1, 3 and 4, paragraphs (2-4) and paragraphs (6) and (7) of the National Parliamentary Elections Order would presumably have entailed simultaneous deprivation of franchise (*Bundesgesetzblatt*, No. 142/1949, article II).

¹ *Bundesgesetzblatt*, No. 276/1949, p. 1171. Translation by the Secretariat of the United Nations.

(3) A provincial government shall, if the conditions laid down in paragraphs (1) and (2) hereof are fulfilled, grant citizenship on application to an alien who has resided in the territory of the Republic for the thirty years immediately preceding his application. The provisions of article 2, paragraph (3), of the Transitional Citizenship Act of 1949 shall apply. The foregoing shall apply also to a person who, if he had not been of full capacity, would have followed his father or mother in acquiring citizenship under article 2, paragraph 2, of the Transitional Citizenship Act, 1949 (*Bundesgesetzblatt*, No. 142/1949, article II).

(4) A provincial government may, if the conditions laid down in paragraph (1) sub-paragraphs 1 and 2 and paragraph (2) hereof are fulfilled, grant citizenship to an alien who has resided in the territory of the Republic for the ten years immediately preceding his application. Article 2, paragraph (3) of the Transitional Citizenship Act of 1949 shall apply (*Bundesgesetzblatt*, No. 142/1949, article II).

(5) Otherwise a provincial government may grant citizenship to an alien only if the Office of the Federal Chancellor and the Federal Ministry of the Interior certify that with regard to the interests of the Federation there is no objection to the grant of citizenship.

(6) In calculating the periods of residence required by paragraph (1), sub-paragraph 3, and paragraph (4), the length of time spent in the territory of the Republic during the period from 13 March 1938 to 27 April 1945 shall not be taken into account if the applicant first took up residence during that period (*St. G. Bl.*, No. 126/1945).

(7) Where citizenship is granted to an alien a wife shall acquire the citizenship of her husband, provided that the marriage is valid and the spouses are not judicially separated *a mensa et toro*. A legitimate child not of full capacity shall follow his father's and an illegitimate child his mother's citizenship only if the grant of citizenship is expressly extended to him (*Bundesgesetzblatt*, No. 142/1949, article II).

Article 6. If a male alien assumes a public teaching post in an Austrian institution of higher education, he shall acquire citizenship. Any children of his not of full capacity shall follow him, but female children only if unmarried. His wife also shall follow him in citizenship, provided that the marriage is valid and the spouses are not judicially separated *a mensa et toro* (*Bundesgesetzblatt*, No. 142/1949, article II).

Loss of citizenship

Article 7. Citizenship shall be lost:

- (a) By marriage; or
- (b) By deprivation of citizenship.

Article 8. (1) A married woman shall lose her citizenship by marriage to an alien if it is established that, under the laws of the State of which her husband is a national, she acquires the nationality of that State by the marriage. She may nevertheless be permitted on valid grounds to retain her citizenship (*Bundesgesetzblatt*, No. 142/1949, article II).

(2) A woman who has lost or loses her citizenship in consequence of a marriage contracted with an alien between 27 April 1945 and 19 January 1950 may be permitted subsequently to retain her citizenship as provided in paragraph 1 if she applies therefor before 19 July 1950. Such retention of citizenship shall take effect from the date of authorization (*Bundesgesetzblatt*, No. 142/1949, article III).

(3) The legally-effective reunion of spouses judicially separated *a mensa et toro* shall have the same effect as marriage.

(4) If his mother marries an alien, an illegitimate child not of full capacity shall lose his citizenship together with her only if, under the laws of the State to which his mother's husband belongs, he is deemed legitimate and thereby acquires the nationality of that State. The foregoing shall apply to female children only if unmarried (*Bundesgesetzblatt*, No. 142/1949, article II).

Article 9. (1) Citizenship shall be lost by deprivation, in the absence of any provision of military law to the contrary:

1. By any person who acquires a foreign citizenship; but retention of citizenship may on valid grounds be approved by the Federal Ministry of the Interior in agreement with the Office of the Federal Chancellor;

2. By any person who voluntarily enters the public or military service of a foreign State; but citizenship shall not be lost by a citizen who assumes a public teaching post in an institution of higher education abroad if under the laws of the foreign State the assumption of the teaching post does not entail acquisition of the foreign citizenship. Loss of citizenship by voluntary entry into the military service of a foreign State shall not be incurred by persons who by 15 July 1945 had served in the armies of the United Nations (*Bundesgesetzblatt*, No. 53/1946, article I).

(2) Loss of citizenship by deprivation shall extend to the wife if she simultaneously acquires foreign nationality and if the marriage is valid and the spouses are not judicially separated *a mensa et toro*. Loss of citizenship by deprivation shall extend to a child not of full capacity only if he simultaneously acquires the foreign nationality, and to a female child only if unmarried (*Bundesgesetzblatt*, No. 142/1949, article II).

Article 10. (1) Recovery of citizenship may not be denied to a person who formerly possessed it but who lost it before he attained full capacity, provided that he applies therefor within two years after attaining full capacity and is qualified for admission to citizenship notwithstanding the provisions of article 5 (2). Save as provided by the second half-sentence of article 5 (1) 2, if he is an alien he shall also be required to establish that he will lose his previous nationality upon recovery of citizenship (*Bundesgesetzblatt*, No. 142/1949, article II).

(2) Subject to the same conditions, and notwithstanding the provision contained in the penultimate sentence of article 5 (2), recovery of citizenship shall not be denied to a woman who has lost it by marriage to an alien if the marriage has been dissolved by the husband's death or by judicial separation (*Bundesgesetzblatt*, No. 25/1947, part III, section I).

(3) A person who possessed Austrian Federal citizenship on 5 March 1933 and who after that date went abroad for one of the reasons given in the Transitional Citizenship Act, 1949, article 2, paragraph (3), penultimate and last sentences, and has acquired or acquires a foreign nationality abroad by 19 January 1950, may recover citizenship if he applies for it on valid grounds before 19 July 1950. Article 5, paragraph (2), penultimate and last sentences, shall apply (*Bundesgesetzblatt*, No. 142/1949, article IV).

(4) In calculating the time referred to in paragraph (1) the period from 13 March 1938 to 14 July 1945 shall not be accounted. For a person who attained full capacity or whose marriage came to an end or was annulled or dissolved during that period, the time shall begin to run from 15 July 1945 (*Bundesgesetzblatt*, No. 142/1949, article II).

Article 11. Citizenship shall be neither acquired nor lost by adoption or fosterage.

Article 12. A person found in the territory of the Republic (a foundling) shall be deemed to be a citizen until proved to possess another nationality.

Article 13. (1) Except as otherwise provided by this Act, matters of citizenship shall be considered and decided by the provincial government authority having local jurisdiction under the General Administrative Procedure Law.

(2) If there is no authority having local jurisdiction in the meaning of paragraph (1), the Town Council (*Magistrat*) shall have jurisdiction as a provincial government authority.

(3) An order of an authority contrary in substance or law to the provisions of this Federal Act or of an international treaty shall be bad and may be set aside (*Bundesgesetzblatt*, No. 142/1949, article II).

Article 14. A citizen shall upon application be entitled to receive a certificate of citizenship. The authority obliged to issue such certificates shall be specified by order.

Article 15. The form of the certificate of citizenship and of the instruments attesting grant and withdrawal of citizenship shall be determined by order.

Article 16. (1) If a citizen desires to acquire a foreign nationality, the competent authorities may at his request issue to him a certificate stating that if he acquires the foreign nationality he will cease to be a national of Austria.

(2) If the requirements of article 5 are satisfied, the authority empowered to grant nationality may by order promise an alien Federal nationality on condition of release from his previous nationality.

7. Belgique

(a) ARRÊTÉ ROYAL DU 14 DÉCEMBRE 1932 PORTANT COORDINATION DES LOIS SUR L'ACQUISITION, LA PERTE ET LE RECouvreMENT DE LA NATIONALITÉ

Article 1. Sont Belges:

1) L'enfant légitime né, même en pays étranger, d'un père ayant la qualité de Belge au jour de la naissance;

2) L'enfant né en Belgique de parents légalement inconnus. L'enfant trouvé en Belgique est présumé, jusqu'à preuve contraire, être né sur le sol belge.

Article 2. L'enfant naturel dont la filiation maternelle est légalement constatée pendant sa minorité et avant son émancipation, suit la condition de sa mère au jour de l'acte de reconnaissance ou du jugement déclaratif de filiation. Si ce jugement n'est rendu qu'après la mort de la mère, l'enfant suit la condition que celle-ci avait au jour de son décès.

Il suit la condition de son père, si la reconnaissance volontaire ou judiciaire de sa filiation paternelle est antérieure ou concomitante à celle de sa filiation maternelle.

Article 3. L'enfant naturel légitimé pendant sa minorité et avant son émancipation, suit la condition de son père, si celui-ci est Belge ou sujet d'une nation dont la loi confère aux enfants légitimés la nationalité de leur père.

Article 4. L'étrangère qui épouse un Belge ou dont le mari devient Belge par option suit la condition de son mari.

[Toutefois, elle peut renoncer à la nationalité belge par une déclaration faite dans les formes de l'article 22, durant les six mois à partir du jour du mariage ou du jour où le mari est devenu Belge, à la condition d'établir qu'elle possède la nationalité étrangère ou qu'elle la recouvre du fait même de sa déclaration.] (Loi du 4 août 1926, art. 12, modifiée par celle du 15 octobre 1932, art. 1^{er}.)

[Elle peut en tout temps, et sous les conditions ci-dessus, renoncer à la nationalité belge après la dissolution du mariage.] (Loi du 15 octobre 1932, art. 1^{er}.)

Article 5. Deviennent Belges les enfants mineurs non émancipés lorsque celui de leurs auteurs qui exerce sur eux le droit de garde acquiert volontairement ou recouvre la qualité de Belge.

[Toutefois, à la condition d'établir qu'ils possèdent la nationalité étrangère ou qu'ils la recouvrent du fait même de leur déclaration, ils peuvent jusqu'à l'expiration de leur vingt-deuxième année renoncer à la nationalité belge par une déclaration faite dans les formes de l'article 22.] (Loi du 15 mai 1922, art. 5, modifiée par celle du 15 octobre 1932, art. 2.)

Article 6. Peuvent acquérir la qualité de Belge par option, sous les conditions et suivant les formes ci-après établies:

- 1) L'enfant né en Belgique;
- 2) [L'enfant né dans la Colonie ou à l'étranger de parents dont l'un a ou avait eu la qualité de Belge.]

Article 7. L'option n'est point recevable lorsque la loi nationale de l'intéressé lui permet de se faire autoriser à conserver sa nationalité dans le cas où il en acquerrait une nouvelle.

Article 8. La recevabilité de l'option est soumise à ces deux conditions:

- 1) [L'intéressé doit avoir eu sa résidence habituelle en Belgique ou dans la Colonie durant l'année antérieure à la déclaration d'option. En outre, il doit avoir résidé habituellement en Belgique ou dans la Colonie soit depuis l'âge de quatorze ans jusqu'à l'âge de dix-huit ans, soit pendant au moins neuf ans;]

- 2) [La déclaration d'option doit être faite avant que l'intéressé ait accompli sa vingt-deuxième année.

Est assimilée à la résidence en Belgique ou dans la Colonie, durant la minorité, la résidence en pays étranger, aussi longtemps que le père y exerçait une fonction conférée par le Gouvernement belge.]

La condition de résidence imposée par le 1) ci-dessus est limitée à l'année antérieure à l'option en ce qui concerne l'enfant né de parents étrangers dont l'un avait eu la qualité de Belge.

Article 9. L'intéressé qui justifie avoir été empêché de faire sa déclaration d'option depuis qu'il a atteint l'âge de vingt et un ans peut être relevé de la déchéance par le tribunal qui statue sur l'agrément de l'option.

Article 10. La déclaration d'option est faite en Belgique ou dans la Colonie au parquet du tribunal de première instance du lieu où le déclarant a sa résidence habituelle. Il en est dressé acte par le procureur du roi. Le procureur du roi en assure immédiatement la publicité, en Belgique, par affiches, à la porte de la maison communale, ainsi que par l'insertion dans un journal de la province; au Congo, suivant le mode déterminé par le Ministre des colonies.

La publication mentionne le délai pendant lequel le procureur du roi procède à une enquête sur l'idonéité du déclarant.

En Belgique, le juge de paix est toujours appelé à donner son avis.

Le tribunal de première instance en Belgique ou dans la Colonie prononce sur l'agrément de l'option, après avis du procureur du roi, l'intéressé entendu ou appelé. La décision est motivée; elle est notifiée au déclarant par les soins du procureur du roi.

Dans les quinze jours de la notification, le déclarant et le procureur du roi peuvent se pourvoir contre la décision du tribunal, par requête adressée à la cour d'appel. Celle-ci statue en dernier ressort, après avis du procureur général, l'intéressé entendu ou appelé.

Les citations et notifications se font par la voie administrative.

Le dispositif de la décision définitive d'agrément mentionne l'identité complète de l'impétrant; il est transcrit à la diligence du ministère public sur le registre mentionné à l'article 22. L'option n'a d'effet qu'à compter de la transcription (loi du 15 mai 1922, art. 10, modifiée par celle du 4 août 1926, art. 15). [Loi du 21 mai 1951, art. 10.]

Article 11. La naturalisation confère la qualité de Belge.

Toutefois, la naturalisation ordinaire ne confère pas les droits politiques pour lesquels la Constitution ou les lois exigent la grande naturalisation.

Article 12. [Pour pouvoir obtenir la grande naturalisation, il faut:

- 1) Etre âgé de trente ans accomplis;
- 2) Avoir sa résidence habituelle en Belgique ou dans la Colonie depuis quinze ans au moins. Toutefois, ce délai est réduit à dix ans pour l'étranger, mari d'une femme Belge de naissance ou veuf ou divorcé d'une femme Belge de naissance dont il a un ou plusieurs descendants et pour la femme d'origine étrangère qui a épousé un Belge.

La grande naturalisation peut être accordée, sans autre condition, pour services éminents rendus à l'Etat ou à la Colonie.] (Loi du 15 mai 1922, art. 12, modifiée par celle du 15 octobre 1932, art. 3.)

Article 13. [Pour pouvoir obtenir la naturalisation ordinaire, il faut:

- 1) Etre âgé de vingt-deux ans accomplis;
- 2) Avoir sa résidence habituelle en Belgique ou dans la Colonie depuis dix ans au moins. Toutefois, ce délai est réduit à cinq ans pour l'étranger mari d'une femme belge de naissance ou veuf ou divorcé d'une femme belge de naissance dont il a un ou plusieurs descendants.] (Loi du 15 mai 1922, art. 13, modifiée par celle du 15 octobre 1932, art. 4.)

Article 14. La demande de naturalisation n'est pas recevable lorsque la loi nationale de l'intéressé lui permet de se faire autoriser à conserver sa nationalité, dans le cas où il en acquerrait une nouvelle.

Article 15. [L'étrangère dont le mari devient Belge par naturalisation suit la condition de son mari en déclarant dans les six mois de la transcription de l'acte de naturalisation son intention de bénéficier de la présente disposition. Ladite déclaration est soumise aux formalités prévues par l'article 10. Toutefois, il lui est loisible de solliciter la naturalisation conjointement avec son mari et, dans ce cas, elle est dispensée des conditions fixées par les articles 12 et 13.

Il en est de même des fils majeurs ou émancipés et des filles majeures ou émancipées, non mariées, dont l'auteur est devenu Belge par naturalisation avant l'expiration de leur vingt-cinquième année.] (Loi du 15 mai 1922, art. 15, modifiée par celle du 15 octobre 1932, art. 5.)

Article 16. Toute demande de naturalisation est signée par celui qui la forme ou par son fondé de procuration spéciale et authentique. Elle est adressée au Ministre de la justice. Celui-ci la communique au parquet du tribunal de première instance du lieu où l'intéressé a sa résidence habituelle. Le procureur du roi en assure la publicité et procède à une enquête sur l'idonéité, conformément à l'article 10.

L'enquête terminée, la demande et toutes les pièces de l'instruction sont transmises aux Chambres législatives.

Lorsque l'intéressé réside dans la Colonie, la publicité de sa demande et l'enquête sont organisées par le Ministre des colonies.

Article 17. L'acte de naturalisation voté par les Chambres et sanctionné par le Roi est notifié à l'intéressé par les soins du Ministre de la justice. Dans les deux mois de la notification, l'intéressé ou son fondé de procuration spéciale et authentique doit en requérir la transcription sur le registre mentionné à l'article 22. Cet acte n'a d'effet qu'à compter de la transcription.

Il est publié par extrait au *Moniteur belge* avec la mention de la transcription.

Article 18. Perdent la qualité de Belge :

1) Celui qui acquiert volontairement une nationalité étrangère.

Est réputé acquérir volontairement une nationalité étrangère, celui qui, ayant acquise de plein droit, renonce à la nationalité belge par une déclaration faite dans les formes de l'article 22.

[Toutefois, si l'intéressé est encore soumis aux obligations du service militaire pour l'armée active et sa réserve, l'acquisition d'une nationalité étrangère ne lui fera perdre la qualité de Belge que moyennant l'autorisation du Roi.] (Loi du 4 août 1926, art. 16.)

2) La femme qui épouse un étranger d'une nationalité déterminée, si la nationalité de son mari lui est acquise en vertu de la loi étrangère.

3) La femme dont le mari acquiert volontairement une nationalité étrangère, si la nationalité de son mari lui est acquise en vertu de la loi étrangère.

[Toutefois, la femme belge — sauf si elle n'est devenue Belge que par mariage — peut, dans ces deux cas, conserver la qualité de Belge par une déclaration faite dans les formes de l'article 22, durant les six mois à partir du jour du mariage ou du jour où le mari a changé de nationalité.] (Loi du 15 mai 1922, art. 18, 3, modifiée par celle du 4 août 1926, art. 17, et celle du 15 octobre 1932, art. 9.)

4) Les enfants mineurs non émancipés d'un Belge devenu étranger par application du présent article et exerçant sur eux le droit de garde, s'ils ont acquis la nationalité étrangère en même temps que leur auteur.

Article 18bis. [L. 30 juillet 1934. — § 1^{er}. Les Belges qui ne tiennent pas leur nationalité d'un auteur belge au jour de leur naissance peuvent, s'ils manquent gravement à leurs devoirs de citoyen belge, être déchus de cette qualité, sur la poursuite du ministère public.

Les manquements reprochés seront spécifiés dans l'exploit introductif d'instance.

§ 2. L'action en déchéance se poursuit devant la Cour d'appel du domicile du défendeur ou, à défaut de domicile connu, de sa dernière résidence. A défaut de domicile et de résidence connus en Belgique, la Cour d'appel de Bruxelles est compétente.

§ 3. Le premier président commet un conseiller, sur le rapport duquel la Cour statue dans le mois de l'expiration du délai de l'ajournement.

§ 4. Si l'arrêt est par défaut, il ordonne que, après sa signification à personne, à domicile ou à résidence, il sera publié dans deux journaux de la province et au *Moniteur belge*.

L'opposition doit, à peine de non-recevabilité, être formée dans le délai de huit jours francs à compter du jour de cette publication, sans augmentation de ce délai à raison de la distance.

L'opposition est portée à la première audience de la chambre qui a rendu l'arrêt par défaut; elle est jugée sur le rapport du conseiller commis s'il fait encore partie de la chambre et, à son défaut, par le conseiller désigné par le premier président, et l'arrêt est rendu dans les quinze jours.

§ 5. Le pourvoi en cassation n'est recevable que s'il est motivé et pour autant que, d'une part, devant la Cour d'appel ait été admis ou soutenu que la qualité de Belge du défendeur à l'action en déchéance résultait de ce que, au jour de la naissance du défendeur, l'auteur de qui il tient sa nationalité était lui-même Belge et que, d'autre part, ce pourvoi accuse la violation ou la fausse application de lois consacrant le fondement de ce moyen ou le défaut de motif de son rejet.

Le pourvoi est formé et jugé comme il est prescrit pour les pourvois en matière criminelle.

§ 6. Le pourvoi, formé conformément aux dispositions du paragraphe précédent, est suspensif de l'exécution de l'arrêt dénoncé.

§ 7. Lorsque l'arrêt prononçant la déchéance de la nationalité est devenu définitif, son dispositif, qui doit mentionner l'identité complète de l'intéressé, est transcrit sur le registre indiqué à l'article 22 par l'officier de l'état civil du domicile ou de la résidence du défendeur en Belgique ou, à défaut de ceux-ci, par l'officier de l'état civil du premier district de Bruxelles. [Loi du 21 mai 1951, art. 11.]

Mention en est faite en marge de l'acte de naissance et, éventuellement, de l'acte d'option ou de naturalisation du défendeur.

Il est publié par extrait au *Moniteur belge*, avec mention de la transcription.

La déchéance a effet du jour de la transcription.

§ 8. La femme et les enfants du Belge déchu peuvent décliner la nationalité belge dans le délai de six mois à partir du jour de la transcription de l'arrêt prononçant la déchéance.

À l'égard des enfants mineurs, ce délai est prorogé jusqu'à l'expiration des six mois qui suivent leur majorité; toutefois, à l'âge de seize ans, ils sont admis à décliner la nationalité belge dans les conditions déterminées par l'article 21 de la présente loi.

Les renoncations de nationalité sont faites dans les formes déterminées par l'article 22.

§ 9. L'article 2 de la loi du 12 février 1897 sur les étrangers n'est pas applicable aux personnes qui ont été frappées de déchéance.]

Article 18ter. [Arr.-L. 6 mai 1944, art. 1^{er}, 1). — Est déchu de plein droit de la nationalité belge à l'expiration du délai d'opposition, celui qui a été condamné par arrêt ou jugement prononcé par défaut non frappé d'opposition et demeure inexécuté sur sa personne, à une peine criminelle pour infraction ou tentative d'infraction, commise en temps de guerre, et prévue par le chapitre II, livre II, titre 1^{er} du Code pénal ou par les articles 17 et 18 du Code pénal militaire.]

Article 18quater. [Arr.-L. 6 mai 1944, art. 1^{er}, 2), modifié Arr.-L. 7 septembre 1946. — Lorsque le jugement ou l'arrêt entraînant ou prononçant la déchéance de nationalité par application de l'article 18^{ter} est devenu définitif, il est transcrit par extrait dans le registre indiqué à l'article 22 par l'officier de l'état civil du domicile ou de la résidence du condamné en Belgique ou, à défaut, par l'officier de l'état civil de Bruxelles.

Mention en est faite en marge de l'acte de naissance et, éventuellement, de l'acte d'option ou de naturalisation du condamné.

Il est publié par extrait au *Moniteur belge* avec mention de la transcription. Les §§ 8 et 9 de l'article 18^{bis} sont applicables aux déchéances de nationalité résultant des dispositions de l'article 18^{ter}.]

Article 18quinquies. [Arr.-L. 27 février 1947. — Lorsqu'une condamnation prononcée par défaut a déjà fait l'objet de la transcription prévue par l'article 18^{ter} des lois coordonnées sur la nationalité et que l'opposition formée par le condamné ait été déclarée recevable, l'officier de l'état civil portera en marge de l'acte contenant la transcription, une mention constatant l'inopérance dudit jugement en ce qui concerne la déchéance de la nationalité.

Il sera procédé à cette formalité sur le vu d'une expédition transmise à l'officier de l'état civil par l'auditeur militaire, du jugement constatant la recevabilité de l'opposition.]

Article 19. [Le Belge de naissance qui a perdu cette qualité par application de l'article 18, 1), premier alinéa, peut la recouvrer par une déclaration d'option, à condition d'avoir eu sa résidence habituelle en Belgique ou dans la Colonie durant les deux années antérieures à sa déclaration. La disposition de l'article 7 est applicable à cette option.] (Loi du 15 octobre 1932, art. 6.)

[La femme belge de naissance qui a perdu cette qualité par application des §§ 2 et 3 de l'article 18 peut la recouvrer, après la dissolution du mariage, par une déclaration d'option, à condition d'avoir eu sa résidence habituelle en Belgique ou dans la Colonie durant l'année antérieure à sa déclaration.] (Loi du 15 mai 1922, art. 19, 1), modifiée par celle du 4 août 1926, art. 18, et celle du 15 octobre 1932, art. 7.)

[L'enfant qui a perdu la qualité de Belge par application de l'article 18, 4), peut la recouvrer entre l'âge de seize ans et l'âge de vingt-deux ans accomplis, par une déclaration d'option, à condition d'avoir eu sa résidence habituelle en Belgique ou dans la Colonie durant l'année antérieure à sa déclaration. La disposition de l'article 9 est applicable à cette option.] (Loi du 15 mai 1922, art. 19, 2), modifiée par celle du 4 août 1926, art. 18, et celle du 15 octobre 1932, art. 8.)

Les déclarations d'option faites en vertu du présent article sont soumises à l'agrément de l'autorité judiciaire et la décision d'agrément est transcrite conformément à l'article 10.

Article 20. L'acquisition, la perte ou le recouvrement de la qualité de Belge, de quelque cause qu'ils procèdent, ne produisent d'effet que pour l'avenir.

Article 21. Les enfants mineurs sont habiles à faire, dès l'âge de seize ans accomplis, la déclaration prévue aux articles 5, 10, 18 et 19, avec l'assistance des personnes dont le consentement leur est nécessaire pour la validité du mariage selon les conditions prescrites au chapitre 1^{er} du titre V du livre 1^{er} du Code civil.

Le consentement est donné soit dans l'acte même de la déclaration, soit par un acte séparé reçu par un officier de l'état civil; cet acte séparé doit être annexé à l'acte de la déclaration.

Article 22. Les déclarations prévues aux articles 5 et 18 sont faites soit devant l'officier de l'état civil du lieu de résidence en Belgique ou dans la Colonie, soit devant les agents diplomatiques ou consulaires de la Belgique à l'étranger; elles sont inscrites soit dans le registre aux actes de naissance, soit dans un registre spécial tenu en double. L'officier de l'état civil instrumente sans l'assistance de témoins. Ces déclarations sont mentionnées en marge de l'acte de naissance.

Il en est de même des agrégations d'option et des transcriptions de naturalisation.

Article 23. [La qualité de Belge par filiation est suffisamment établie par la preuve de la possession d'état de Belge en la personne de celui des auteurs du réclamant, dont la nationalité forme la condition de la sienne.] (Loi du 15 mai 1922, art. 23, modifiée par celle du 15 octobre 1932, art. 10.)

La possession d'état de Belge s'acquiert par l'exercice des droits que cette qualité confère.

La preuve contraire est de droit.

Article 24. [Pour l'application de la présente loi, la personne, Belge de naissance, est celle qui a cette qualité autrement que par naturalisation ou par mariage.] (Loi du 15 octobre 1932, art. 11.)

Article 25. [Les registres dans lesquels sont transcrits les actes d'option et ceux de naturalisation, registres prévus par les articles 10, 17 et 22, sont soumis, en Belgique, aux dispositions des articles 40 à 45 et 50 à 54 du Code civil et, dans la Colonie, aux dispositions générales sur les actes d'état civil.] (Loi du 4 août 1926, art. 20.)

Article 26. Les articles 1^{er} à 11 de la loi du 6 août 1881 sur la naturalisation, les articles 1^{er} à 15 de la loi du 8 juin 1909 sur l'acquisition et la perte de la nationalité, la loi du 1^{er} juin 1911 et l'arrêté-loi du 11 mai 1918, relatifs aux descendants des habitants des parties cédées du royaume, et les articles 3 et 5 de la loi du 25 octobre 1919 sur les options de patrie, sont abrogés. (Loi du 15 mai 1922, art. 24.)

DISPOSITIONS TRANSITOIRES

IV. [La femme du Belge déchu peut décliner la nationalité belge dans le délai d'un an à partir du jour de la transcription de la déchéance; si elle est mineure, le délai ne commence à courir qu'à partir de sa majorité.

La même faculté est reconnue aux enfants dans le même délai. Les enfants mineurs sont admis à décliner la nationalité belge dès l'âge de dix-huit ans accomplis, dans les conditions déterminées par l'article 21 de la présente loi.

Les renonciations de nationalité sont faites dans les formes déterminées par l'article 22 de la présente loi.] (Disposition transitoire VI, 6^o, de la loi du 15 mai 1922, et article 11 de la loi du 4 août 1926.)

V. [Arr.-L. 27 février 1947, art. 1^{er}, 2^o. — Les individus visés à l'article 18^{ter}, qui ont fait l'objet d'une condamnation, publiée avant le 1^{er} juillet 1946, conformément à l'article 9 de l'arrêté-loi du 26 mai 1944, seront, sauf opposition déclarée recevable, réputés déchus de la nationalité belge à la date du 31 décembre 1946.]

(b) LOI DU 20 JANVIER 1939 APPROUVANT LA CONVENTION DE LA HAYE DU 12 AVRIL 1930 CONCERNANT CERTAINES QUESTIONS RELATIVES AUX CONFLITS DE LOIS SUR LA NATIONALITÉ, ET SES PROTOCOLES RELATIFS AUX OBLIGATIONS MILITAIRES DANS CERTAINS CAS DE DOUBLE NATIONALITÉ ET À L'APATRIDIE.

Article 2. Le Belge qui, conformément à l'article 1^{er} du protocole relatif aux obligations militaires, est relevé par arrêté royal de ses obligations de milice en Belgique, perd la qualité de Belge.

Il peut la recouvrer en se soumettant aux formalités et conditions imposées par l'article 19, 1), des lois coordonnées sur la nationalité.

(c) ARRÊTÉ-LOI DU 1^{er} JUIN 1944 PORTANT MODIFICATIONS TEMPORAIRES DE LA LÉGISLATION SUR LA NATIONALITÉ.

Article 1.—Les personnes qui à la date du 10 mai 1940 ou postérieurement à cette date se trouvaient dans les délais légaux pour faire les déclarations en vue :

de renoncer à la nationalité belge par application des articles 4, alinéa 2 et 5, alinéa 2 de l'arrêté royal de coordination des lois sur la nationalité du 14 décembre 1932;

de conserver la nationalité belge par application de l'article 18, 3^o alinéa du même arrêté royal;

de décliner la nationalité belge par application de l'article 18bis, par. 8 du même arrêté royal;

de recouvrer la nationalité belge par application de l'article 19, alinéa 2 du même arrêté royal;

d'acquérir la nationalité belge par application de l'article 15 du même arrêté royal;

jouissent pour faire ces déclarations d'un nouveau délai dont la date d'expiration sera déterminée par arrêté royal.

Cette disposition n'est pas applicable aux femmes qui ont épousé un ressortissant d'un Etat qui, au moment du mariage, se trouvait en guerre avec la Belgique.

Article 2.—En ce qui concerne l'option, l'intéressé qui, ayant eu sa résidence en Belgique l'a quittée par le fait de la guerre, satisfera aux conditions de résidence prescrites par l'art. 8 de l'arrêté royal du 14 décembre 1932, en rétablissant sa résidence en Belgique ou à la Colonie ou dans le pays étranger où son père exerce une fonction conférée par le Gouvernement belge et en l'y maintenant pendant une durée qui, ajoutée à celle de sa résidence antérieure, complétera la durée de résidence exigée par la disposition susindiquée.

La condition de résidence (art. 8-1^o) durant l'année antérieure à la déclaration d'option ainsi que l'obligation de faire la déclaration avant l'expiration de la 22^e année (art. 8-2^o) est suspendue pour les intéressés visés dans la présente disposition.

Article 3.—En ce qui concerne les naturalisations, la durée du séjour habituel en Belgique prévue par les articles 12 et 13 de l'arrêté du 14 décembre 1932 pour l'obtention de la grande et de la petite naturalisation ne sera pas considérée comme interrompue par une résidence temporaire à l'étranger, par le fait de la guerre, pour autant que les

intéressés rétablissent leur résidence en Belgique ou à la Colonie au plus tard dans les deux ans qui suivront la libération totale du territoire.

Article 4.—Est, pour l'application de l'arrêté royal du 14 décembre 1932, assimilé à la durée de la résidence en Belgique ou dans la Colonie, le temps passé à l'Étranger, aux Forces, à la Marine Marchande ou au service de la Belgique ou de ses alliés, y compris le temps passé pour les rejoindre.

Il en est de même du temps passé à l'Étranger en captivité ou en travail forcé.

Article 5.—Le délai de deux mois prévu par l'article 17 de l'arrêté royal du 14 décembre 1932 pour la transcription de l'acte de naturalisation, est, pour tous ceux qui ont été empêchés de l'effectuer par le fait de la guerre, reporté à l'expiration des deux années qui suivront la libération totale du territoire.

(d) ARRÊTÉ-LOI DU 20 JUIN 1945 SUR LA DÉCHÉANCE DE LA NATIONALITÉ BELGE.

Article 1^{er}. Est déchu de plein droit de la qualité de belge, celui qui, dans les territoires belges annexés par l'Allemagne ou soumis au régime administratif allemand après le 10 mai 1940 et au cours de cette annexion ou sous ce régime, a exercé des fonctions dirigeantes dans les organismes politiques créés par l'ennemi ou a été un propagandiste actif de l'ennemi.

Article 2. La liste des individus déchus de la qualité de belge, dressée par les autorités judiciaires et administratives, est publiée au *Moniteur belge*. La déchéance sort ses effets du jour de cette publication.

Article 3. Dans les trois mois de la publication, le déchu peut, par lettre recommandée à la poste adressée au procureur du roi près le tribunal de première instance à Verviers, introduire un recours non suspensif. Il doit, dans le même délai, sous peine d'irrecevabilité, consigner au greffe du tribunal une provision destinée à couvrir les frais de publicité et de procédure.

[*L. 1^{er} juin 1949, art. 16, 1.*]— Le déchu qui justifie avoir été retenu contre son gré à l'étranger peut introduire un recours, dans les formes et conditions prévues à l'alinéa précédent, dans le délai de trois mois suivant son retour en Belgique.]

Le procureur du roi dresse acte de l'accomplissement de ces formalités. Il assure immédiatement la publicité du recours par affiches à la porte de la maison communale et à celle de la demeure où l'intéressé a résidé au cours de l'annexion des territoires, ainsi que par insertion dans deux journaux de ces territoires. La publication mentionne le délai pendant lequel ce magistrat procède à une enquête. Le tribunal de première instance prononce sur l'agrément du recours après avis du procureur du roi, l'intéressé entendu ou appelé. La décision est motivée: elle est notifiée à l'intéressé par les soins du procureur du roi.

Dans les quinze jours de la notification, l'intéressé et le procureur du roi peuvent se pourvoir contre la décision du tribunal, par requête adressée à la cour d'appel. Celle-ci statue en dernier ressort, après avis du procureur général.

Les citations et notifications se font par la voie administrative.

La décision définitive d'agrément agit rétroactivement. Elle est publiée par extrait au *Moniteur belge*.

[L. 1^{er} juin 1949, art. 16, 2). — Lorsque la déchéance de nationalité est définitive, mention en est faite en marge de l'acte de naissance et, éventuellement, de l'acte d'option ou de naturalisation de l'intéressé.

La femme et les enfants du déchu peuvent décliner la nationalité belge dans le délai de six mois à partir du jour de la transcription du jugement ou de l'arrêt rejetant le recours introduit par le déchu ou, éventuellement, dans le délai de six mois à dater de l'entrée en vigueur de la loi maintenant certaines dispositions légales en vigueur, nonobstant la remise de l'armée sur pied de paix.

A l'égard des enfants mineurs, ce délai est prorogé jusqu'à l'expiration des six mois qui suivent leur majorité; toutefois, dès l'âge de seize ans, ils sont admis à décliner la nationalité belge, dans les conditions déterminées par l'article 21 des lois sur la nationalité, coordonnées par l'arrêté royal du 14 décembre 1932.]

Article 4. La déchéance de nationalité étend ses effets à la femme du déchu, ainsi qu'aux enfants mineurs placés légalement sous sa garde; à l'exception des enfants mineurs émancipés par le mariage.

Dans les six mois de la déchéance de nationalité, la femme peut, si elle est d'origine belge par filiation, recouvrer cette qualité par une déclaration d'option souscrite devant le procureur du roi près le tribunal de première instance à Verviers, dans les formes prévues à l'article 10 des lois sur l'acquisition, la perte et le recouvrement de la nationalité, coordonnées par l'arrêté du 14 décembre 1932. Cette déclaration est soumise à l'agrément de l'autorité judiciaire.

La même faculté est réservée aux enfants du déchu, s'ils étaient belges par filiation. La déclaration d'option doit être souscrite endéans les six mois qui suivent leur majorité.

Mention de la déchéance de nationalité est faite en marge de l'acte de naissance et, éventuellement, de l'acte d'option, ou de naturalisation de l'épouse et des enfants du déchu.

Note. Cet article n'a pas été maintenu en vigueur par L. 1^{er} juin 1949, art. 1^{er}, 7°. Les droits qui ont été enlevés par application de cet article sont restitués aux intéressés avec effet rétroactif au 24 juin 1945 par le dernier alinéa de l'art. 1^{er} L. 1^{er} juin 1949.

(e) LOI DU 5 FÉVRIER 1947 ORGANISANT LE STATUT DES ÉTRANGERS PRISONNIERS POLITIQUES.

Article 2. Les étrangers et les apatrides auxquels la qualité de prisonnier politique aura été reconnue, pourront acquérir la qualité de Belge par option, conformément aux articles 6, 7, 8, 9 et 10 de l'arrêté royal du 14 décembre 1932, portant coordination des lois sur la nationalité sans que les conditions de résidence prévues à l'article 8, 1°, leur soient applicables.

Les étrangers et les apatrides auxquels la qualité de prisonnier politique aura été reconnue, pourront acquérir la qualité de Belge par naturalisation ordinaire, conformément aux articles 13, 14, 15, 16 et 17 de l'arrêté royal du 14 décembre 1932, sans que les conditions de résidence prévues à l'article 13, 2°, leur soient applicables.

Les étrangers et les apatrides auxquels la qualité de prisonnier politique aura été reconnue, pourront acquérir la qualité de Belge par la grande naturalisation, conformément à l'article 12 de l'arrêté royal du 14 décembre 1932, s'ils ont leur résidence habituelle en Belgique ou dans la Colonie

depuis dix ans au moins. Toutefois, ce délai est réduit à cinq ans pour l'étranger mari d'une femme belge de naissance ou divorcé d'une femme belge de naissance, dont il a un ou plusieurs descendants, et pour la femme d'origine étrangère qui a épousé un Belge.

Les options et les naturalisations visées au présent article sont exemptées du droit d'enregistrement. Les frais causés par l'instruction de ces demandes seront à charge de l'Etat.

(f) LOI DU 1^{er} JUIN 1949 MAINTENANT CERTAINES DISPOSITIONS LÉGALES EN VIGUEUR NONOBTANT LA REMISE DE L'ARMÉE SUR PIED DE PAIX.

Article 16, 3). Les dispositions transitoires suivantes sont ajoutées à l'arrêté-loi du 20 juin 1945:

La personne déchue de la nationalité belge, conformément aux dispositions du présent arrêté-loi, et qui n'a pas introduit de recours dans les délais fixés avant la mise en vigueur de la loi maintenant certaines dispositions légales en vigueur nonobstant la remise de l'armée sur pied de paix, ou a omis de consigner au greffe du tribunal une provision destinée à couvrir les frais de publication ou de procédure, est admise dans les trois mois suivant l'entrée en vigueur de la loi maintenant certaines dispositions légales en vigueur nonobstant la remise de l'armée sur pied de paix à introduire un recours contre la mesure qui la frappe ou à consigner cette provision.

Sont validées les consignations tardives de provisions destinées à couvrir les frais de publication et de procédure faites avant l'entrée en vigueur de la loi maintenant certaines dispositions légales en vigueur, nonobstant la remise de l'armée sur pied de paix.

Dispense de consignation de tout ou partie des frais de publication et de procédure pourra être obtenue dans les conditions et suivant les formes prévues par la loi sur l'assistance judiciaire et la procédure gratuite.

(g) ARRÊTÉ DU 13 DÉCEMBRE 1949 DU RÉGENT DÉTERMINANT LA DATE D'EXPIRATION DU DÉLAI ACCORDÉ PAR L'ARTICLE 1^{er} DE L'ARRÊTÉ-LOI DU 1^{er} JUIN 1944 PORTANT MODIFICATIONS TEMPORAIRES DE LA LÉGISLATION SUR LA NATIONALITÉ.

Article 1^{er}. Le délai accordé aux personnes qui, à la date du 10 mai 1940 ou postérieurement à cette date, se trouvaient dans les délais légaux pour faire les déclarations mentionnées à l'article 1^{er} de l'arrêté-loi du 1^{er} juin 1944 expirera le 31 mars 1950.

(h) LOI DU 31 DÉCEMBRE 1951 ACCORDANT CERTAINS DÉLAIS POUR L'ACQUISITION DE LA NATIONALITÉ BELGE.

Article 1^{er}. Les personnes nées en Belgique de parents étrangers, ou nées à l'étranger de parents dont l'un a ou avait eu la qualité de Belge, qui n'auraient pas souscrit une déclaration d'option devant l'autorité compétente dans les délais prévus par les diverses lois antérieures sur la nationalité, ou qui auraient souscrit une déclaration nulle, peuvent faire option pour la nationalité belge dans les deux ans à compter du jour de la mise en vigueur de la présente loi, si elles ont leur résidence habituelle soit en Belgique soit dans la Colonie depuis une date antérieure au 10 mai 1940, ou si,

ayant dû quitter leur résidence par le fait de la guerre, elles l'y ont rétablie dans les deux ans à dater de la libération totale du territoire.

Article 2. Peuvent également, dans le même délai, faire option pour la nationalité belge, si elles réunissent les autres conditions prévues à l'article premier, les personnes nées avant le 20 septembre 1920, sur le territoire actuel des cantons d'Eupen, de Malmédy et de Saint-Vith, ou sur le territoire de la commune de La Calamine, ainsi que les personnes qui sont nées de parents dont l'un est lui-même né sur lesdits territoires avant cette date.

Article 3. L'article 4 de l'arrêté-loi du 1^{er} juin 1944 est applicable aux dispositions qui précèdent.

Article 4. L'article 7 des lois sur l'acquisition, la perte et le recouvrement de la nationalité, coordonnées par l'arrêté royal du 14 décembre 1932, n'est pas opposable à celui qui établit ne pas avoir, pendant la durée de la guerre, porté préjudice à la nation, à des citoyens belges ou à leurs alliés.

Article 5. Les femmes belges qui ont perdu la qualité de Belge par suite de leur mariage, ou par suite de l'acquisition d'une nationalité étrangère par leur mari, sont admises à recouvrer la nationalité belge dans le délai de deux ans à compter du jour de la mise en vigueur de la présente loi si elles ont à ce moment leur résidence habituelle en Belgique ou dans la Colonie depuis un an au moins.

Celles d'entre elles qui, depuis le 10 mai 1940, ont épousé un ressortissant d'un Etat en guerre avec la Belgique ou qui du fait de leur époux ont acquis une telle nationalité doivent établir qu'elles n'ont pas, pendant la durée de la guerre, porté préjudice à la nation ou à des citoyens belges ou à leurs alliés.

Le bénéfice du présent article n'est pas étendu à la femme qui n'est devenue Belge que par mariage, de même qu'à la femme devenue Française par application des conventions franco-belges des 12 septembre 1928 et 9 janvier 1947 sur la nationalité de la femme mariée, à moins, dans ce dernier cas, que le mariage ne soit dissous.

Article 6. La déclaration d'option ou de recouvrement est faite, instruite et éventuellement agréée conformément aux dispositions de l'article 10 des lois sur l'acquisition, la perte et le recouvrement de la nationalité, coordonnées par l'arrêté royal du 14 décembre 1932.

Article 7. Les personnes qui ont introduit une demande de naturalisation et qui souscrivent une des déclarations prévues par la présente loi, peuvent, en renonçant à leur demande de naturalisation, obtenir le remboursement de la somme versée en exécution de l'article premier, dernier alinéa, de l'arrêté royal du 12 juin 1933 ou de l'article 241 du Code des droits d'enregistrement, d'hypothèque et de greffe.

(i) LOI DU 11 FÉVRIER 1953 RELATIVE AUX EFFETS DE L'ADOPTION EN MATIÈRE DE NATIONALITÉ.

Article 1^{er}. L'article 6 des lois sur l'acquisition, la perte et le recouvrement de la nationalité, coordonnées par l'arrêté royal du 14 décembre 1932, complétées et modifiées par la loi du 30 juillet 1934, les arrêtés-lois des 6 mai 1944, 1^{er} juin 1944, 1^{er} juillet 1946, 7 septembre 1946, 27 février 1947, et les lois du 5 février 1947 et du 21 mai 1951, est complété comme suit:

« 3) L'enfant adopté par un Belge;

« 4) L'enfant dont l'auteur adoptif ou l'un des auteurs adoptifs a acquis ou recouvré, par acte volontaire, la qualité de Belge.

« Dans ces deux derniers cas, la juridiction saisie de la déclaration d'option devra vérifier si l'acte d'adoption passé à l'étranger est régulier dans la forme et répond aux conditions de fond imposées par la législation belge en la matière. »

Article 2. Une disposition transitoire rédigée comme suit, est ajoutée aux mêmes lois coordonnées:

« VI. Sont admis, jusqu'à l'expiration de la deuxième année suivant l'entrée en vigueur de la présente loi, à souscrire une déclaration d'option pour la nationalité belge, sous la condition et suivant les formes prévues par les articles 7 et 10 des lois sur l'acquisition, la perte et le recouvrement de la nationalité:

« 1) l'enfant adopté par un Belge, soit avant l'entrée en vigueur de la présente loi, soit dans les six mois suivant cette entrée en vigueur;

« 2) l'enfant adoptif d'un étranger devenu Belge par un acte volontaire survenu soit avant l'entrée en vigueur de la présente loi, soit dans les six mois suivant cette entrée en vigueur.

« Le bénéfice de la présente disposition sera refusé aux étrangers âgés de plus de 22 ans au moment de la réalisation de l'adoption ou au moment de l'acquisition de la nationalité belge par l'auteur adoptif.

« L'article 6, dernier alinéa, des présentes lois coordonnées est applicable aux options souscrites sur base de la présente disposition transitoire. »

8. Bolivia

(a) CONSTITUTION OF 23 NOVEMBER 1945, AS AMENDED ON 20 SEPTEMBER 1947 AND 26 NOVEMBER 1947.¹

Article 39. The following persons are Bolivian:

(1) Every person born in the territory of the Republic, except children of aliens present in Bolivia in the service of their Governments or transient, which children may on attaining the age of 18 years opt either for Bolivian nationality or for that of their parents;

(2) Every person born abroad to a Bolivian father or mother, in virtue solely of his becoming domiciled in the national territory or registering at a consulate;

(3) Every alien who has resided in the Republic for two years, and declares before the municipal council of his department that he desires to acquire Bolivian nationality, and renounces his former nationality.

The required period of residence shall be one year only if the alien:

(a) Has a Bolivian spouse or children; or

(b) Owns immovable property or introduces an industry or invention of value to the community; or

(c) Operates a railway or transport undertaking; or

(d) Is a school teacher; or

(e) Is an immigrant under a government contract;

(4) An alien who performs military service at the age prescribed by law may obtain naturalization without any other requirement;

¹ Translation by the Secretariat of the United Nations.

(5) An alien who for services rendered obtains naturalization from the Chamber of Senators.

Article 40. A Bolivian woman married to an alien shall not lose her nationality. An alien woman married to a Bolivian shall acquire the nationality of her husband provided that she makes a declaration to this effect and resides in Bolivia; she shall not lose her Bolivian nationality by widowhood or divorce.

Article 41. Bolivian nationality shall be lost upon acquisition of a foreign nationality; it may be recovered by establishment of domicile in Bolivia.

Article 44. Rights of citizenship shall be suspended:

- (1) For carrying arms or serving in an enemy army in time of war; or
- (2) For declaration of fraudulent bankruptcy or upon final sentence to a penalty affecting the person; or
- (3) For accepting employment, other than a university or other cultural office, from a foreign Government without permission of the Senate.

(b) SUPREME DECREE OF 1 DECEMBER 1938 CONCERNING NATURALIZATION: ¹

Article 1. An application for naturalization shall be submitted by the applicant directly to the Ministry of Immigration, which, after receiving a report from the Directorate-General of Aliens, shall grant naturalization by Supreme Resolution.

Article 2. The Directorate-General of Aliens shall annex the following documents to its report:

- (a) Birth certificate;
- (b) The most recent international passport with which the applicant alien entered the country, which shall be required to contain a full personal description, including photograph and fingerprints, and to bear the visa of the Bolivian consul of the country of origin;
- (c) A medical certificate of a public health authority attesting that the applicant is not suffering from any of the diseases mentioned in article 12 (a) of the Supreme Decree of 28 January 1937;
- (d) A certificate of good conduct issued by the police of the applicant's place of residence in his last country of residence, attesting that he has not been tried or sentenced for a criminal offence at any time during the last five years of such residence;
- (e) Documents furnished by the applicant proving that he was engaged in a lawful occupation or employment during the said last five years;
- (f) If required as additional evidence, the non-criminal fingerprint form established by article 10 of the International Police Convention signed at Buenos Aires on 29 February 1920;
- (g) If the applicant is married, his marriage certificate;
- (h) His identity and work book;
- (i) Reports of the local authority and security police of his place of residence;
- (j) A sworn declaration of two householders that he sincerely desires naturalization, is of good conduct and antecedents and is engaged in some

¹ Translation by the Secretariat of the United Nations.

lawful occupation or business, and that his application is in accordance with law.

Article 3. Naturalization may be granted only to an applicant who has resided in the country for three years. Such uninterrupted residence shall be proved by the documents referred to in article 2 (*b*), (*i*) and (*j*). Journeys abroad of less than three months' duration undertaken for good reason shall not interrupt residence, but the time occupied therein shall not count in the required period of three years.

Article 4. The Directorate-General of Aliens shall transmit to the Ministry of Immigration all the aforesaid documents together with the white form No. 3 specified in the Supreme Decree of 28 January 1937, article 6, bearing the opinion of the Bolivian consul of the place of origin of the alien, which shall state clearly that the applicant is not subject to the restrictions contained in the regulations concerning permits to enter Bolivia, articles 12 and 13, and whether naturalization should or should not be granted.

Article 5. If the alien entered the country before April 1934, in which year consular form No. 3 mentioned in the preceding article was introduced, his file need not contain that form but shall contain instead his entry in the Aliens Register, 1937.

Article 6. Before an applicant may be granted Bolivian naturalization he shall be required to renounce his original and any other nationality.

Article 7. The Supreme Resolution naturalizing the alien, together with the originals of all supporting documents, shall be filed in the Directorate-General of Aliens, and the applicant shall be supplied on his request with certified true copies thereof stamped according to law.

Article 8. Immediately after naturalization has been granted the passport referred to in article 2 (*b*) of this Decree shall be cancelled.

Article 9. Any naturalized person who, before completing five years' residence from the date of naturalization, leaves Bolivia and resides in another country for more than two years shall automatically forfeit his naturalization, and the passport issued in connexion therewith shall accordingly become void, unless he shows good reason for such residence and returns to the country.

Article 10. The wife of an alien who is not naturalized may not be naturalized.

Article 11. A Bolivian-born woman married to an alien and residing abroad, who acquired her husband's nationality before the entry into force of the present constitutional provision that nationality shall be retained despite marriage with an alien, may recover Bolivian nationality by making an express declaration to that effect at the Bolivian consulate of her place of residence.

Article 12. A certified true copy of the Supreme Resolution of naturalization on paper embossed with a stamp of value 0.60 bolivianos and bearing an aliens stamp to the value of 500.0 bolivianos, duly registered with the Directorate-General of Aliens, shall be sufficient evidence of the bearer's naturalization.

Article 13. An application by an alien resident within the Republic shall be transmitted to the Ministry of Immigration through the district chief of security police, who shall certify thereon that it has been submitted

personally by the applicant, and shall ensure that the requirements in force in his district are fulfilled.

Article 14. Pending applications made to municipal authorities before 30 October 1938 shall be transmitted to the Ministry of Immigration and dealt with thereby in accordance with the provisions in force on that date and with article 12 of this Decree.

Article 15. All provisions contrary to this Decree are hereby repealed. The Ministry of Immigration shall deal by special resolution with all cases to which this Decree does not apply.

9. Brazil

(a) CONSTITUTION OF 18 SEPTEMBER 1946.¹

Article 129. The following persons are Brazilians:

I. Persons born in Brazil, except to alien parents, resident in Brazil in the service of their country;

II. A child born abroad to a Brazilian, male or female, if such parent is in the service of Brazil or if the child establishes residence in Brazil, in which latter case he shall be required, in order to retain his Brazilian nationality, to opt in favour thereof within four years of attaining his majority;

III. A person who has acquired Brazilian nationality under items 4 and 5 of Article 69 of the Constitution of 24 February 1891;²

IV. A person naturalized in conformity with the procedure established by statute.

Article 130. A Brazilian shall lose his nationality if:

I. He acquires another nationality by voluntary naturalization;

II. He accepts from a foreign government any commission, employment, or pension without permission of the President of the Republic;

III. His naturalization is cancelled by sentence of a court for conduct committed by him against the national interests.

(b) ACT NO. 818 OF 18 SEPTEMBER 1949,³ TO GOVERN THE ACQUISITION, LOSS AND RECOVERY OF NATIONALITY AND THE LOSS OF POLITICAL RIGHTS.

NATIONALITY

Article 1. The following persons are Brazilians:

I. Persons born in Brazil, except to alien parents resident in Brazil in the service of their country;

II. A child born abroad to a Brazilian, male or female, if such parent is in the service of Brazil or if the child establishes residence in Brazil, in which latter case he shall be required, in order to retain his Brazilian

¹ Translation by the Secretariat of the United Nations.

² The text of these provisions has been reproduced in footnote 2 to Law No. 818 of 18 September 1949.

³ *Diario Oficial* No. 2176 of 19 September 1949. Translation by the Secretariat of the United Nations.

nationality, to opt in favour thereof within four years of attaining his majority;

III. A person who has acquired Brazilian nationality under items 4 and 5 of article 69 of the Constitution of 24 February 1891;¹

IV. A person naturalized in conformity with the procedure established by statute.

OPTION

Article 2. Where one parent of a child born in Brazil is an alien resident in Brazil in the service of his government and the other parent is a Brazilian, the child may opt for Brazilian nationality as provided in item II of article 129 of the Federal Constitution.

Article 3. The option referred to in item II of article 1 and in article 2 hereof shall be exercised by an instrument executed in the Civil Registry of Births by the optant or by his representative.

Article 4. A child born abroad to a Brazilian of either sex not in the service of Brazil may, after arriving in Brazil with the intention of residing here, apply to the judge of the court of first instance of his place of residence for entry of his birth certificate in the civil register; and a note shall be made in this and in other relevant documents that the said entry shall not be evidence of Brazilian nationality until the expiry of four years after he has attained his majority.

Article 5. The persons referred to in items I and II of article 129 of the Federal Constitution are Brazilian-born persons.

JUDICIAL DECLARATION OF BRAZILIAN NATIONALITY

Article 6. Persons who acquired Brazilian nationality before 16 July 1934 under items 4 and 5 of article 69 of the Constitution of 24 February 1891 may at any time apply to the judge of the Court of first instance of their place of residence for a certificate declaratory thereof.

1. An application for such a declaratory certificate shall be made by petition signed by the naturalized person or by his specially authorized legal representative and stating his name, nationality, occupation and residence, the names of his spouse and Brazilian children, and correct particulars of any immovable property owned by him.

2. Upon receipt of the petition duly completed, together with evidence of compliance with the requirements of item 4 or item 5, as the case may be, of article 69 of the Constitution of 1891, the judge shall direct public

¹ Items 4 and 5 of Art. 69 of the Constitution of 24 February 1891 read as follows:

("The following persons shall be Brazilians:)

"4. Aliens who are in Brazil on 15 November 1889 and who do not declare within six months after the Constitution comes into force their intention to retain their nationality of origin;

"5. Aliens who own immovable property in Brazil, and are married to Brazilian women or have Brazilian children, and reside in Brazil, unless they express the intention not to change their nationality;"

advertisement of the petition; and any citizen may then lodge an objection to the petition within ten days without producing documentary evidence.

3. Whether an objection is lodged or not, the file shall be open for ten further days for inspection by the representative of the Federal Law Officers' Department, who also may lodge an objection to the petition, producing documents or merely filing an opinion traversing the petitioner's evidence.

4. The case shall then be closed and the judge shall decide the matter within thirty days; and an appeal from his decision shall lie to the Federal Court of Appeal within five days.

5. Save as hereby provided, appeals shall be governed by the relevant provisions of the Code of Civil Procedure, and the parties may appear in person or by counsel, and only documentary evidence shall be admissible.

6. The judge shall notify to the Ministry of Justice and Internal Affairs and to the authority set up under the sole paragraph of article 162 of the Federal Constitution the issue of a declaratory certificate as aforesaid.

NATURALIZATION

Article 7. Naturalization may be granted only by the President of the Republic, by decree countersigned by the Minister of Justice and Internal Affairs.

Article 8. The requirements for naturalization shall be:

- I. Civil capacity of the applicant according to Brazilian law;
- II. Continuous residence in the national territory for a period of at least five years immediately preceding the application;
- III. Ability to read and write the Portuguese language, regard being had to the applicant's circumstances;
- IV. Practice of a profession, or possession of property sufficient for the maintenance of the applicant and his family;
- V. Good conduct;
- VI. That the applicant shall not have been convicted or sentenced in Brazil for an offence punishable by imprisonment for more than one year;
- VII. Good physical health.

1. For a Portuguese person requirement IV shall be dispensed with, and in regard to requirements II and III a period of one year's uninterrupted residence shall be sufficient and he shall be required to have an adequate knowledge of the Portuguese language.

2. An alien who has resided in Brazil for more than one year need not provide evidence of good physical health.

Article 9. The period of residence required by item II of article 8 shall be reduced if the applicant:

- I. Has a Brazilian child or spouse; or
- II. Is a child of a Brazilian of either sex; or
- III. Possesses professional, scientific or artistic qualifications; or
- IV. Is a farmer or a skilled worker in any branch of industry; or
- V. In the opinion of the Government, has rendered or may render outstanding services to Brazil; or
- VI. Is or has been employed in a Brazilian consulate or legation and has a record of twenty years' satisfactory service; or

VII. Possesses immovable property in Brazil to the value of not less than Cr. \$ 100,000.00 (one hundred thousand cruzeiros), or is a farmer or engaged in industry and possesses moneys to this value, or possesses an interest of not less than the aforesaid value in a commercial or civil undertaking carrying on an industry or agriculture as its main and permanent business.

Sole paragraph. In the case specified in item II the required period of residence shall be one year, in items I and VI two years, and in the other item three years.

Article 10. An alien desiring naturalization shall be required to apply therefor to the President of the Republic stating his full name, nationality, place of birth, parentage and civil status, the day, month and year of his birth, his occupation, and the places in Brazil and abroad where he has resided previously.

Sole paragraph. The application shall be signed by the applicant or, if he is a Portuguese and illiterate, by his specially authorized representative, and the signature shall be witnessed, and the following documents shall be annexed:

- I. His alien's identity card;
- II. A police certificate of continuous residence in Brazil (item II of article 8);
- III. A police certificate of good conduct and a report of his antecedents, witnessed by the competent authorities of the places in Brazil where he has resided;
- IV. His occupational record, diplomas, and certificates from associations, trade unions or employing undertakings (item IV of article 8);
- V. A certificate of good physical health;
- VI. Certificates or affidavits proving compliance with one of requirements I—VII of article 9.

Article 11. An alien woman married for over five years to a serving Brazilian diplomat shall be required for the purpose of naturalization to comply only with requirements III and VII of article 8; and her application shall be accompanied by evidence that the marriage was duly authorized by the Brazilian Government, if this was necessary at the time when the marriage was contracted.

Article 12. In the Federal District an application under article 10 shall be submitted to the Ministry of Justice and Internal Affairs, which after examining it in accordance with the provisions of this law shall forward it to the Federal Department of Public Security for the investigation required by paragraph I of the next article.

Article 13. In the States and Territories an application shall be addressed to the President of the Republic and submitted to the municipal prefecture of the district where the applicant resides, which shall forward it to the public security department or other appropriate department of the State government or direct to that government.

1. The public security department shall, before giving its opinion on naturalization, send the fingerprints of the applicant to the proper authorities in the various States where he has resided and investigate his record.

2. The case shall be concluded within 120 days, after which it shall be referred back, in the Federal District to the Ministry of Justice and Internal Affairs, and in a State or Territory to the governor.

3. The Federal Department of Public Security or the public security departments or other proper authorities of the States and Territories shall, at the request of the authority receiving the application, provide the requisite information within ninety days, and any officer causing delay shall be liable to a penalty.

4. Whether the said information has been received or not, the case shall be referred back directly to the Ministry of Justice and Internal Affairs by the Federal Department of Public Security, or by the corresponding department of the State or Territory through the governor.

Article 14. Upon receipt of the case the Ministry of Justice shall, if it does not deem any further proceedings necessary or after completion of such as it may direct, submit the case with a statement of its opinion thereon to the President of the Republic.

1. Except for the priorities specified in article 9, cases in each class shall be examined and reported upon in strict chronological order, departure wherefrom shall entail penalty.

2. The Ministry of Justice and Internal Affairs may, where anything is required to be done by the applicant, prescribe a time-limit therefor, and if the time-limit is exceeded the application shall be null and void.

3. Where a requirement does not call for anything to be done by the applicant, the department or authority requested to comply with it shall do so within sixty days.

4. When the requirements have been complied with, the proper office of the Ministry of Justice and Internal Affairs shall notify the applicant to that effect by registered letter.

Article 15. The decree of naturalization shall, when published, be forwarded to the judge of the court of first instance of the place where the applicant resides, in order that the judge may deliver it to the applicant directly and formally in open court and explain to him the meaning of his new status and inform him of the duties and rights conferred upon him thereby.

1. Where there is more than one judge of first instance, delivery shall be made by the judge with Federal jurisdiction; and where more than one judge has such jurisdiction, then by the judge of the first district; and where no judge is specially appointed for such purposes, then by the judge of the first civil district.

2. If the municipality where the applicant resides is not the headquarters of a district, the judge of the court of first instance may delegate the delivery to a magistrate.

3. More than one decree may be delivered at the same hearing.

4. The applicant shall pay only the scale costs of the hearing, the certificate and the advertisement.

Article 16. A note of the delivery of the decree shall be entered in the court record and signed by the judge and also by the applicant, who shall:

(a) Show that he can read and write the Portuguese language to a degree befitting his circumstances, by reading portions of the Federal Constitution;

- (b) Expressly renounce his previous nationality;
- (c) Undertake duly to perform the duties of a Brazilian.

1. In respect of item (a) an applicant of Portuguese nationality shall be required only to show that he has an adequate knowledge of the language.

2. The date of delivery, the declaration by the applicant of his undertaking, and the making of an entry in the court record shall be noted on the decree and reported to the Ministry of Justice and Domestic Affairs and to the department of military recruiting.

3. The decree shall become null and void unless the applicant requests delivery thereof within six months or eighteen months respectively from the date of its publication, according to whether he resides in the Federal District or elsewhere in Brazilian territory, or unless he furnishes satisfactory evidence that his failure to request delivery was due to circumstances beyond his control.

4. On the expiry of the period aforesaid the decree shall be returned to the Minister, who shall make an informal order for it to be filed away, and a note thereof shall be made in the proper register.

5. If the applicant changes his place of residence during the proceedings, he may request delivery of the decree at his new place of residence.

Article 17. Any Brazilian citizen may, at any stage of proceedings for naturalization, lodge a duly substantiated objection thereto, which with the supporting documents shall be annexed to the file of the case.

Article 18. If a Federal or State authority finds that the conditions under which a naturalization has been authorized have changed, delivery shall be suspended.

EFFECTS OF NATURALIZATION

Article 19. Naturalization shall not take effect until after delivery of the decree in the manner provided by articles 15 and 16, and shall then entitle the naturalized person to enjoy all civil and political rights except those conferred by the Federal Constitution exclusively on Brazilian-born persons.

Article 20. Naturalization of a person shall not import acquisition of Brazilian nationality by his spouse or children.

Article 21. The Minister of Justice and Internal Affairs may at the request of the naturalized person authorize a translation of his name to appear in the instrument of naturalization.

LOSS OF NATIONALITY

Article 22. A Brazilian shall lose his nationality if:

- I. He acquires another nationality by voluntary naturalization;
- II. He accepts from a foreign government any commission, employment or pension without permission of the President of the Republic;
- III. His naturalization is cancelled by sentence of a court for conduct committed by him against the national interests.

Article 23. Loss of nationality under items I and II of article 22 shall be decreed by the President of the Republic after full investigation of the grounds therefor in proceedings which may be commenced by the

Ministry of Justice and Internal Affairs of its own motion or on a duly substantiated information and shall be conducted in the Ministry; and the person affected thereby shall in every case be heard.

Article 24. Proceedings for cancellation of naturalization shall be heard by the judge of the court of first instance with Federal jurisdiction at the place where the naturalized person resides, and may be commenced at the instance of the Minister of Justice and Internal Affairs, or on an information preferred by any person.

Article 25. The information shall expressly describe the conduct alleged to be harmful to the national interests, and shall be addressed to the competent police authorities, who shall order the necessary investigation.

Article 26. Upon receipt of the information or report of the investigation, the judge shall refer it to the Law Officer of the Republic, who shall give his opinion within five days and either prefer a charge or request that the case be filed away.

Sole paragraph. If the Federal Law Officers' Department requests that the case be filed away and the judge considers the reasons given to be inadequate, he shall return the documents to the Law Officer of the Republic, who shall prefer a charge, or appoint another law officer to do so, or repeat his request that the case be filed away, in which event the request may not be refused.

Article 27. The judge shall on receiving the charge appoint a date and time for hearing the accused, and issue a summons, which shall be served by writ.

1. If the accused cannot be found, the summons shall be served by advertisement and be returnable in fifteen days.

2. If the accused fails to appear on the date and at the time appointed, he shall be tried in his absence and a guardian *ad litem* (*curador*) shall be appointed for him.

Article 28. The accused or his counsel shall be granted a time-limit of five days, reckoned from the date of the hearing at which he was charged and including service of notice, to file written pleadings, to make motions, and to put in a list of witnesses.

Sole paragraph. If the accused fails to appear, the time-limit shall be granted to his counsel.

Article 29. After expiry of the time-limit specified in the preceding article, the judge shall within twenty days rule upon the motions made by the parties, examine witnesses, and give any other directions which may seem to him necessary.

Article 30. The Federal Law Officers' Department and the accused shall each be allowed a time-limit of forty-eight hours to make such motions as the preliminary proceedings may show to be necessary or desirable.

Article 31. If on the expiry of the said time-limits the parties have not moved the court, or their motions have been ruled upon and the resulting directions complied with, the file shall be open to inspection by the Law Officers' Department and the accused, who shall each have three days to file their final pleadings.

Article 32. On the expiry of the said time-limits the case shall be closed and the judge shall within ten days, in open court in the presence of the accused and a law officer, proceed to deliver judgment.

Article 33. An appeal, which shall not operate to stay execution, against a judgment cancelling naturalization shall lie to the Federal Court of Appeal within ten days reckoned from the date of the hearing at which judgment was delivered and including service of notice.

Sole paragraph. A time-limit of ten days shall also be allowed under the same conditions to the Federal Law Officers' Department for an appeal against a judgment in favour of the accused.

Article 34. When an order cancelling a naturalization has become effective, a copy thereof shall be sent to the Ministry of Justice and Internal Affairs for annotation in the margin of the register against the entry recording the decree.

ANNULMENT OF DECREE OF NATURALIZATION

Article 35. A decree of naturalization shall be null and void if any document submitted as evidence of compliance with the requirements of article 8 or 9 is proved to be untrue or misleading.

1. A declaration of nullity shall be made in an action conducted in accordance with the provisions of articles 24 to 34 hereof and commenced at the instance of the Federal Law Officers' Department or of any citizen.

2. An action for annulment may be commenced only within the four years immediately following delivery of the decree of naturalization.

RECOVERY OF NATIONALITY

Article 36. A Brazilian domiciled in Brazil who has lost his nationality on any ground specified in items I and II of article 22 of this law may recover it by decree.

1. An application for recovery shall be addressed to the President of the Republic and shall be considered by the Ministry of Justice and Internal Affairs, to which, if the applicant is resident in a State or Territory, it shall be sent through the governor thereof.

2. Recovery of nationality shall not be granted in the case mentioned in item I of article 22 if it appears that the Brazilian acquired another nationality in order to evade duties which he would have been obliged to perform if he had remained a Brazilian.

3. In the case mentioned in item II of article 22 the applicant shall be required to have renounced his commission, employment or pension from the foreign government.

Article 37. The Ministry of Foreign Affairs shall, if necessary, ascertain that the requirements of paragraphs 2 and 3 of the preceding article have been complied with.

POLITICAL RIGHTS

Article 38. Political rights means rights conferred by the Constitution and by statute upon Brazilians, and in particular the right to vote and to be elected.

Article 39. Political rights may be suspended or lost only in the cases specified in paragraphs 1 and 2 of article 135 of the Federal Constitution.

Article 40. A Brazilian who has lost his political rights may recover them:

(a) By declaring in an instrument executed in the Ministry of Justice and Internal Affairs, if he is resident in the Federal District, or, if he is resident in a State or Territory, then in its proper department of government, that he is ready to resume the duty by him renounced; provided that such proceedings do not lead to evasion of the law;

(b) By declaring in a similar instrument that he has renounced the decoration or title of nobility; and such renunciation shall be communicated to the foreign government through the diplomatic channel.

Article 41. Loss and recovery of political rights shall be declared by decree countersigned by the Minister of Justice and Internal Affairs.

GENERAL

Article 42. Petitions and documents relating to naturalization, and declaratory certificates, shall be under seal.

Article 43. Two special registers shall be kept in the proper department of the Ministry of Justice and Internal Affairs, one for registration of decrees of naturalization and the other for registration of declaratory certificates issued under article 6 hereof.

Sole paragraph. The said department shall notify effective grants of naturalization and cancellations of naturalization to the authority set up under the sole paragraph of article 162 of the Federal Constitution, for registration in the special registers of naturalization and of declaratory certificates.

Article 44. Naturalization shall not exempt the naturalized person from any duty previously owed by him in relation to his country of origin.

Article 45. Applications for naturalization now pending in the Ministry of Justice and Internal Affairs shall be treated in conformity with this law.

Article 46. This Act shall come into force on the date of its publication, and all provisions to the contrary are hereby repealed.

10. Bulgaria

(a) BULGARIAN CITIZENSHIP ACT NO. 9327 OF 19 MARCH 1948.¹

CHAPTER I. ACQUISITION OF BULGARIAN CITIZENSHIP

Article 1. A person whose parents are Bulgarian citizens shall be a Bulgarian citizen by birth.

Where one parent only of a person is a Bulgarian citizen, but the person is born in Bulgaria or, if born abroad, is not a foreign citizen under the law of the country of the other parent or of the country in which he was born, he shall be a Bulgarian citizen.

Article 2. A person born on Bulgarian territory to parents who are unknown or of unknown citizenship or stateless, or found on Bulgarian territory as a foundling, shall be deemed to be a Bulgarian citizen by birth.

¹ Official Gazette No. 70 of 26 March 1948. Translation by the Secretariat of the United Nations.

Article 3. An alien who has lived in Bulgaria for an uninterrupted period of five years may become a Bulgarian citizen through naturalization.

This period shall be reduced to one year if the alien :

- (a) Is of Bulgarian stock or has been adopted by a Bulgarian citizen; or
- (b) Was born to alien parents on Bulgarian territory; or
- (c) Has served in the Bulgarian army; or
- (d) Has rendered valuable service to the people of the Bulgarian Republic; or
- (e) Is entitled to sanctuary in the People's Republic under article 84 of the Constitution.

Residence abroad on mission for the Bulgarian Government shall be deemed to be residence within Bulgaria.

The required term of residence may, in special circumstances, be reduced by decision of the Council of Ministers.

Article 4. The marriage of a Bulgarian citizen to an alien shall not effect any change in the citizenship of the spouses.

An alien who marries a Bulgarian citizen may become a Bulgarian citizen provided that he is released from his former citizenship.

Likewise, where one spouse acquires Bulgarian citizenship, the other may acquire it also.

Article 5. A child under the age of fourteen years shall become a Bulgarian citizen by operation of law if his parents or a surviving parent or, where one parent is already a Bulgarian citizen, the other parent has acquired Bulgarian citizenship.

A child under the age of fourteen years born abroad and not already a Bulgarian citizen under article 1, second paragraph, shall, even if one only of his parents is a Bulgarian citizen, become a Bulgarian citizen by operation of law if both parents or a surviving parent consents in writing thereto or he establishes permanent residence in Bulgaria.

Where a minor who has acquired Bulgarian citizenship in accordance with the first or second paragraph of this article attains the age of fourteen years, his consent to his retention of Bulgarian citizenship shall be required.

The consent of a parent who has lost the right to exercise parental authority shall not be required in a case to which any of the preceding paragraphs applies.

CHAPTER II. LOSS OF BULGARIAN CITIZENSHIP

Article 6. A person shall lose Bulgarian citizenship only by acquiring a foreign citizenship with the permission of the Minister of Justice. This provision shall apply to minors.

Article 7. Loss of Bulgarian citizenship shall not import release from the duties owed to the State by a Bulgarian citizen.

A person who has lost Bulgarian citizenship may be required by the Minister of Justice to wind up his estate in Bulgaria within a specified period and to leave the territory.

In default thereof he shall be compelled by administrative order to leave the country and his property shall be offered by the revenue authorities to the public for sale.

CHAPTER III. DEPRIVATION OF BULGARIAN CITIZENSHIP

Article 8. A person may be deprived of Bulgarian citizenship:

- (1) If he unlawfully crosses the frontiers of the country;

(2) If, being abroad, he fails without lawful excuse to present himself to the military authorities in the event of mobilization.

Article 9. Deprivation of Bulgarian citizenship of one spouse shall not entail deprivation of Bulgarian citizenship of the other spouse or of children under age.

Article 10. The property of a person deprived of Bulgarian citizenship and any property he may subsequently acquire shall become the property of the State. The decree depriving a spouse of citizenship may provide that the property of the other spouse shall be taken from him for the benefit of the State.

CHAPTER IV. RESTORATION OF BULGARIAN CITIZENSHIP

Article 11. Any person who has lost or been deprived of Bulgarian citizenship may recover it after release from any foreign citizenship which he may have acquired.

Article 12. The provisions of article 5 shall apply to minor children of parents who have regained Bulgarian citizenship.

CHAPTER V. NATURALIZATION PROCEDURE

Article 13. An alien wishing to become a Bulgarian citizen by naturalization (articles 3 and 4) shall be required to submit an application to the Minister of Justice in accordance with the procedure specified in the administrative regulations made under this Act.

The particulars given in the application must, wherever possible, be accompanied by a certified translation into the Bulgarian language of the relevant official documents.

In addition to the application the applicant shall submit a copy of his police record and proof that he meets the conditions required by law for the acquisition of Bulgarian citizenship.

Article 14. A Bulgarian citizen who wishes to obtain permission to acquire foreign citizenship shall be required to submit an application in accordance with the provisions of the preceding article, stating which citizenship he wishes to acquire and the reasons therefor.

Article 15. The Ministry of Justice shall send an application submitted to it under articles 13 and 14 together with the complete file to the Ministry of the Interior for its information and opinion.

Article 16. The provisions of the preceding article shall also apply to applications for recovery of Bulgarian citizenship.

Article 17. Bulgarian citizenship shall be granted by decree on a report of the Minister of Justice.

The same provision shall apply to the restoration of Bulgarian citizenship to a person who has lost the same.

Article 18. Deprivation of Bulgarian citizenship shall be effected by decision of the Council of Ministers on a report of the Minister of Justice.

Bulgarian citizenship shall be restored in like manner to a person deprived thereof.

Article 19. A person who has lost Bulgarian citizenship under article 6 shall within three months of his acquisition of a foreign citizenship inform the Ministry of Justice thereof and submit the necessary evidence.

The Ministry of Justice shall keep a list of persons who have lost Bulgarian citizenship.

CHAPTER VI. CITIZENSHIP COUNCIL

Article 20. There shall be established in the Ministry of Justice a Citizenship Council composed of a judge of the supreme court elected by the full bench of the court, who shall be the chairman; a member of the law officers' department; a representative of the Ministry of the Interior; and a representative of the Ministry of Foreign Affairs.

All contested matters concerning citizenship shall be decided by the Ministry of Justice after consultation with the Citizenship Council.

CHAPTER VII. FEES AND STAMP DUTIES

Article 21. Each application for Bulgarian citizenship under article 3, first paragraph and second paragraph, sub-paragraph (b), shall be subject to a fee of 10,000 leva.

For an application filed jointly by husband and wife the joint fee shall be 15,000 leva.

Article 22. An application for permission to acquire a foreign citizenship shall be subject to a fee of 3,000 leva.

An application for acquisition or restoration of Bulgarian citizenship, an application submitted to the Citizenship Council, and the certificate required in connexion with the acquisition or restoration of Bulgarian citizenship, shall each be subject to a stamp duty of 1,500 leva.

Article 23. Persons of small means shall be exempt from the payment of duties and fees.

CHAPTER VIII. GENERAL PROVISIONS

Article 24. A Bulgarian citizen may not at the same time be a citizen of another country.

No claim to citizenship shall lie in any court of law.

Article 25. The Ministry of Justice shall keep a list of all persons who:

- (a) Have acquired Bulgarian citizenship under articles 3 to 5;
- (b) Have recovered Bulgarian citizenship;
- (c) Have lost or been deprived of Bulgarian citizenship.

The Ministry of Justice shall transmit officially to the Ministry of the Interior and to all the authorities concerned copies of such lists, and shall inform the said Ministry and authorities of any changes therein.

Article 26. A Bulgarian citizen who claims or avails himself of a foreign citizenship shall be liable to a fine of 100,000 leva and, in a particularly serious case, to rigorous imprisonment.

Article 27. A person failing to comply with the provisions of article 19 shall be liable to a fine not exceeding 50,000 leva, to be imposed by the Minister of Justice in accordance with the files kept by the appropriate department of the Ministry.

An appeal may be lodged against a penal decision in accordance with volume VI, chapter V of the Code of Criminal Procedure.

CHAPTER IX. PROVISIONAL REGULATIONS

Article 28. The promulgation of this Act shall not deprive any person of Bulgarian citizenship acquired under the provisions of previous Acts relating to Bulgarian citizenship.

Article 29. Bulgarian citizens formerly in possession of Nansen passports shall automatically lose Bulgarian citizenship and acquire Soviet citizenship. The provisions of article 19, paragraph 1 shall apply to such cases.

Article 30. Rules and regulations shall be issued to give effect to the present Act.

Article 31. The present Act shall supersede the Act of 1940 relating to Bulgarian citizenship except for article 68 thereof, which shall remain in force.

(b) ACT OF 11 NOVEMBER 1950
AMENDING THE BULGARIAN CITIZENSHIP ACT.¹

Sole article. A new paragraph shall be added to article 6, to read as follows:

“A Bulgarian citizen who is not Bulgarian by origin and who emigrates from the country shall lose his Bulgarian citizenship by the act of emigration.”

II. Burma

(a) THE UNION CITIZENSHIP (ELECTION) ACT, NO. XXVI OF 1948.

WHEREAS it is necessary to make provision for the election of citizenship by persons qualified under section 11 (iv) of the Constitution:

It is hereby enacted as follows:

1. This Act may be called the Union Citizenship (Election) Act, 1948.

2. In this Act, unless the context otherwise requires,—

(a) “Officer” means any Officer nominated for the purposes of this Act by the President.

(b) “Minister” means a member of the Government nominated by the President for the purposes of this Act.

(c) “Deputy Commissioner” includes “The District Magistrate, Ran-goon”; in the States “the Resident”, or when there is no Resident, the “Assistant Resident”.

3. Any person who was born in any of the territories which, at the time of his birth, was included in His Britannic Majesty’s dominions and who had resided in any of the territories included in the Union for a period of not less than eight years in the ten years immediately preceding either the first day of January 1942 or the fourth day of January 1948, may apply to the officer in the district in which he resides for a certificate of citizenship.

4. The application shall be made by petition which shall be accompanied by an affidavit of the applicant stating:

(a) The place of his birth, and the time or approximate thereof;

¹ Official Gazette No. 272 of 18 November 1950. Translation by the Secretariat of the United Nations.

(b) The period or periods he had resided in the territories included in the Union prior either to the first day of January 1942 or to the fourth day of January 1948;

(c) His intention to reside permanently in the territories included in the Union; and

(d) The name, sex, place of birth and time of birth, exact or approximate, of each of his minor children, alive at the date of the application.

5. (1) On an application made for a certificate of citizenship, the officer shall direct notice of such application to be issued to the Deputy Commissioner of the district where the applicant resides and shall also have a copy of the notice posted in some conspicuous place in the office of the Deputy Commissioner.

(2) The application shall not be heard by the officer before four weeks after the service of the notice on the Deputy Commissioner have expired.

(3) At any time, previous to the hearing of the application, the Deputy Commissioner may file with the officer an objection, stating the grounds of such objection.

Any person, knowing of, or having evidence of, a disqualification in the applicant, may communicate his knowledge of the evidence to the Deputy Commissioner.

6. (1) At the hearing, the applicant for a certificate shall, subject to the provisions of section 132 of the Code of Civil Procedure, personally appear before the officer for examination unless the officer, for sufficient reason to be recorded in writing, dispenses with his personal attendance. The applicant shall produce before the officer at such hearing such evidence as he may desire to establish that he is qualified under section 11 (iv) of the Constitution to elect for citizenship.

(2) The Deputy Commissioner shall be entitled to adduce, at such hearing, such evidence as he may desire in disproof of the applicant's claim.

(3) At the hearing, the officer shall not be bound by the Civil Procedure Code or any other enactment but shall be guided by rules of natural justice.

7. (1) If the officer decides that the applicant has established his right to elect for citizenship of the Union, he shall forthwith transmit to the Minister a certified copy of his decision together with the application for the certificate and the affidavit annexed thereto.

(2) If the officer decides that the applicant is not entitled to so elect, the applicant may file an application in revision against the order in the High Court within sixty days from the date of the order.

8. (1) When the Minister receives a decision of the officer under section 7, he shall, unless he is in doubt of the correctness of the decision of the officer, issue a certificate of citizenship in such form as may be prescribed and shall send the certificate to the officer by whom the decision was made.

(2) If the Minister is in doubt of the correctness of the decision of the officer, he may refer the application to the High Court on the Appellate Side. To such a reference by the Minister or the application under section 7 (2) the provisions of Order XLI of the Civil Procedure Code shall apply.

(3) If the High Court, on a reference, confirms the decision of the officer under section 7 (1), or sets aside the order under section 7 (2), the Minister shall issue a certificate of citizenship and transmit it to the officer by whom the decision was made.

(4) The officer shall, on receipt of the certificate, call upon the applicant to appear before him on a date fixed by him and to subscribe a declaration on oath or affirmation renouncing any other nationality or status as citizen of any foreign country and, on the applicant making and subscribing such declaration, the officer shall deliver to him the certificate after having endorsed thereon the date of the making of and subscribing the said declaration.

(5) The certificate shall not take effect unless the applicant makes and subscribes the declaration under the last preceding section.

9. If any petition or affidavit, which is required to be filed under this Act, contains any averment which the person making the same knows or believes to be false, such person shall be deemed to have committed an offence under section 193 of the Penal Code.

10. Except with the prior leave of the President, no officer or court shall entertain an application under section 4 if filed after the expiry of one year from the commencement of this Act.

11. (1) The President may, from time to time, make rules for carrying into effect the objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for and regulate:

(a) The presentation at the enquiry on behalf of the Union of Burma;

(b) The fees payable by the applicant in the proceedings for the grant of a certificate;

(c) The forms to be used under the Act including the certificate of citizenship; and

(d) The form of declaration renouncing any foreign nationality or status.

(b) THE UNION CITIZENSHIP (AMENDMENT) ACT, NO. XLIII OF
4 JANUARY 1949.

It is hereby enacted as follows:

1. (1) This Act may be called the Union Citizenship (Amendment) Act, 1949.

(2) It shall be deemed to have come into force on the 4th day of January, 1948 (9th Waning, *Pyatho* 1309 B.E.).

2. In subsection (1) of section 4 of the Union Citizenship Act, 1948, hereinafter referred to as "the said Act", after the words "who has been granted under the Union Citizenship (Election) Act, 1948, a certificate of citizenship" the words "or who has been granted a certificate of naturalization or a certificate of citizenship or who has otherwise been granted the status of a citizen under this Act," shall be inserted.

3. (1) At the end of subsection (1) of section 12 of the said Act, the following shall be inserted:

"If the parent of the child dies before the application, the guardian of the child may make an application on behalf of the child under this subsection."

(2) After subsection (3) of the said section, the following shall be inserted as subsection (4):

"(4) A certificate of citizenship, granted under subsection (2) or subsection (3), shall not be valid until the applicant either on oath or affirmation makes a declaration of alienage in respect of any other citizenship."

4. For section 18 of the said Act, the following *shall be substituted*, namely: "18. When the Minister is satisfied that a certificate of naturalization or a certificate of citizenship granted by him had been obtained by false representation or fraud or by concealment of material circumstances or that the person to whom the certificate was granted has shown himself by act or speech to be disaffected or disloyal to the Union, the Minister may, in accordance with section 20 (1), by order, revoke a certificate."

5. In section 19 of the said Act,

(1) *After* the words "a certificate of naturalization" the words "or a certificate of citizenship" *shall be inserted*.

(2) . . .

(3) *For* the period (.) at the end of clause (c) a semicolon (;) *shall be substituted* and *after* the said semicolon, the word "or" *shall be inserted* and thereafter the following *shall be inserted* as clause (d) and clause (e), namely:

"(d) Has failed to make a declaration of alienage in respect of any other citizenship within the period prescribed; or

"(e) Has ceased to be a citizen of the Union at any time after he has been granted a certificate of naturalization or a certificate of citizenship."

6. For subsection (1) of section 20 of the said Act, the following *shall be substituted* namely:

"(1) The Minister before making the order revoking the certificate of naturalization or the certificate of citizenship may, if he thinks fit, refer the matter for inquiry as hereinafter mentioned; and in any matter connected with section 18 or section 19, the Minister shall, by notice to the holder of the certificate or at his last known address, give him an opportunity of claiming an enquiry, and if the holder so claims, the Minister shall refer the matter for enquiry."

7. In section 21 of the said Act, *after* the words "a certificate of naturalization" the words "or a certificate of citizenship", *shall be inserted*.

8. *After* section 21 of the said Act, the following *shall be inserted* as section 21A, namely:

"21A. When the certificate of naturalization or the certificate of citizenship has been revoked, the holder of the certificate shall cease to be a citizen of the Union and shall be regarded as the citizen of the country of which he was a subject at the time the certificate was granted to him."

9. In clause (b) of section 23 of the said Act, *after* the words "a certificate of naturalization" the words "or a certificate of citizenship," *shall be inserted*.

12. Cambodge

CODE CIVIL DU 1^{er} JUILLET 1920. ¹

CHAPITRE PREMIER

De la nationalité

. . .

Article 22. (nouveau). — Est Cambodgien:

1. Tout individu né de parents cambodgiens;

¹ Phnom-Penh, Imprimerie Royale, 1951, p. 4.

2. Tout individu né de père cambodgien, quelle que soit la nationalité de la mère, sauf si celle-ci est française, auquel cas l'enfant suit la nationalité française;

3. Tout individu né de mère cambodgienne, quelle que soit la nationalité du père, sauf si celui-ci est français, auquel cas l'enfant suit la nationalité française;

4. Tout individu né de père inconnu et de mère cambodgienne, à moins que la nationalité française ne lui soit attribuée par l'autorité française compétente, lorsque le père, bien que demeuré légalement inconnu, est présumé français dans les conditions prévues par la loi française;

5. Tout individu né au Cambodge de parents inconnus, à moins que la nationalité française ne lui soit attribuée par l'autorité française compétente, lorsque les parents ou l'un d'entre eux, bien que demeurés légalement inconnus, sont présumés français dans les conditions prévues par la loi française;

6. Tout individu faisant partie d'un groupement ethnique fixé au Cambodge et ne formant pas une unité politique indépendante tels que les Malais, Cham, Kha, Kouy, Phnong, Por, Stieng, etc.

7. Tout individu ressortissant siamois antérieurement au traité du 23 mars 1907, demeuré sur les territoires rétrocédés après leur rétrocession;

8. Tout individu de race tagale ou originaire des Philippines, fixé au Cambodge, ne justifiant pas avoir conservé ou acquis la nationalité française ou une nationalité étrangère, dans les conditions prévues par la loi française ou la loi étrangère;

9. Tout individu qui, après avoir été inscrit au Cambodge sur les contrôles de la population cambodgienne, est inscrit, au bénéfice d'un séjour à l'étranger, sur les contrôles tenus à l'étranger et qui revient au Cambodge, avec ou sans intention de s'y fixer, même s'il ne s'y trouve que de passage;

10. Tout individu de race cambodgienne domicilié à l'étranger qui réintègre le Cambodge dans l'intention de s'y fixer.

L'intention doit être manifestée par une déclaration formulée devant le mékhum du nouveau domicile, qui en dresse procès-verbal immédiatement transmis, par la voie hiérarchique, au Résident, Chef de Province, chargé, s'il échet, d'assurer la régularisation de la situation de l'intéressé à l'égard des autorités administratives et communales de l'ancien et du nouveau domicile.

11. Tout individu de nationalité inconnue se trouvant sur le territoire du Cambodge, lorsque nul titre, ni présomption ne permettent de le considérer comme étant d'une nationalité étrangère déterminée.

La preuve d'une nationalité étrangère incombe à celui qui en excipe. En cas de doute ou à défaut de toute présomption suffisante, la détermination de la nationalité est établie, après entente entre les autorités françaises et cambodgiennes, celles-ci ne décidant leur compétence qu'après que celles-là ont déclaré ne pas évoquer la leur.

Article 23. (nouveau). — La femme étrangère, légitimement mariée à un Cambodgien, devient Cambodgienne, sauf si elle est Française, auquel cas elle conserve sa nationalité et la transmet aux enfants issus du mariage.

A la dissolution du mariage, la femme étrangère recouvre sa nationalité, si elle la revendique par requête, adressée à l'autorité française dans le délai de trois mois, à dater du jour de la dissolution. Elle perd la nationalité cambodgienne lorsqu'elle contracte un nouveau mariage avec un étranger.

Article 24. (nouveau). — La femme cambodgienne légitimement mariée à un étranger, conserve sa nationalité et la transmet aux enfants issus du mariage, sauf si l'époux est Français, auquel cas elle devient Française pendant la durée du mariage et recouvre, à la dissolution de celui-ci, la nationalité cambodgienne.

La femme cambodgienne, légitimement mariée à un étranger, ne peut valablement contracter ou ester en justice sans autorisation maritale.

Article 25. Néanmoins, tout individu né d'une mère cambodgienne ou d'une métisse cambodgienne et d'un étranger antérieurement au 5 septembre 1934, date d'application de l'Ordonnance du 5 juin 1934 sur la nationalité, aura, sans autre condition, le droit de revendiquer la nationalité cambodgienne.

Cette revendication s'opère par une déclaration expresse formulée devant le Mékhum du domicile de l'intéressé et si ce dernier habite la Ville de Phnom-Penh, devant le Chef de Quartier de son domicile. Cet Officier d'état civil transmet ladite déclaration par l'intermédiaire du Sala-Khet au Résident de France d'où dépend sa circonscription ou directement au Résident-Maire de la Ville de Phnom-Penh, s'il est Chef de Quartier. Ces fonctionnaires, à leur tour, adressent, après une enquête, la demande à la Résidence Supérieure qui provoque, si la condition imposée par l'alinéa qui précède, est remplie, une Ordonnance Royale rendue en Conseil des Ministres, autorisant l'inscription de l'intéressé sur les listes de contrôle de la population cambodgienne.

Article 26. Perdent la qualité de Cambodgien :

1. Le Cambodgien qui acquiert une nationalité étrangère sur sa demande et après autorisation des Gouvernements cambodgien et français ;
2. Le Cambodgien qui, sans autorisation des Gouvernements cambodgien et français, prend du service militaire hors de l'Indochine française, pour un gouvernement autre que le Gouvernement français ;
3. Le Cambodgien qui, ayant accepté des fonctions publiques conférées par un gouvernement étranger, les conserve nonobstant l'injonction des Gouvernements cambodgien et français de les résigner dans un délai déterminé.

13. Canada

CANADIAN CITIZENSHIP ACT OF 1946 AS AMENDED IN 1949, 1950, AND 1951.¹
AN ACT RESPECTING CITIZENSHIP, NATIONALITY, NATURALIZATION AND STATUS OF ALIENS.

SHORT TITLE

Section 1. This Act may be cited as the *Canadian Citizenship Act, 1946*, c. 15, s. 1.

INTERPRETATION

Section 2. In this Act.

(a) "alien" means a person who is not a Canadian citizen, Commonwealth citizen, British subject or citizen of the Republic of Ireland;

¹ Revised Statutes, 1952, Chapter 33.

(b) "Canadian citizen" means a person who is a Canadian citizen under this Act;

(c) "Canadian ship" means a Canadian ship as defined in the *Canada Shipping Act*, and includes an aircraft registered in Canada under the *Aeronautics Act* and regulations made thereunder;

(d) "certificate of citizenship" means a certificate of citizenship granted under this Act;

(e) "certificate of naturalization" means a certificate of naturalization granted under any Act that was in force in Canada at any time before the 1st day of January, 1947;

(f) "Clerk" or "Clerk of the Court" includes all officers exercising the functions of prothonotary, registrar or clerk of any court having jurisdiction under this Act, and where a person is designated by the Governor in Council as a court under this Act, means the said person;

(g) "country of the British Commonwealth" means for the purposes of this Act a country listed in the First Schedule or a country declared for the purposes of this Act to be a country of the British Commonwealth of Nations by proclamation issued under this Act, and includes, in the case of any such country, all colonies, dependencies or territories thereof;

(h) "Court" means any Superior, Circuit, County or District Court, and includes in the Province of Quebec any district magistrate, and, in the Northwest Territories and in the Yukon Territory, any stipendiary magistrate or any other person designated by the Governor in Council under this Act;

(i) "disability" means the incapacity of a minor, a lunatic or an idiot;

(j) "domicile", for the purposes of this Act, means the place in which a person has his home or in which he resides and to which he returns as his place of permanent abode and does not mean the place where he resides for a mere special or temporary purpose, and "Canadian domicile" means such domicile maintained in Canada for at least five years;

(k) "foreign", as applied to a country, does not include a country listed in the First Schedule or the Republic of Ireland; as applied to a government, does not include the government of such country or Republic; and as applied to a nationality, does not include the nationality of such country or Republic;

(l) "Minister" means the Minister of Citizenship and Immigration;

(m) "minor" means a person who has not attained the age of twenty-one years; and

(n) "responsible parent" means the father, but where the father is dead, or where the custody of a child has been awarded to his mother by order of a court of competent jurisdiction, or where a child was born out of wedlock and resides with the mother, "responsible parent" means the mother. 1946, c. 15, s. 2; 1950, c. 29, s. 1.

Section 3. Where a person is required to state or declare his national status, any person who is a Canadian citizen under this Act shall state or declare himself to be a Canadian citizen and his statement or declaration to that effect is a good and sufficient compliance with such requirement. 1946, c. 15, s. 3.

PART I

Natural-born Canadian citizens

Section 4. A person born before the 1st day of January, 1947 is a natural-born Canadian citizen

(a) If he was born in Canada or on a Canadian ship and had not become an alien before the 1st day of January, 1947; or

(b) If he was born outside of Canada elsewhere than on a Canadian ship and his father, or in the case of a person born out of wedlock, his mother

(i) Was born in Canada or on a Canadian ship and had not become an alien at the time of that person's birth, or

(ii) Was, at the time of that person's birth, a British subject who had Canadian domicile,

if, before the 1st day of January, 1947, that person had not become an alien, and has either been lawfully admitted to Canada for permanent residence or is a minor. 1946, c. 15, s. 4.

Section 5. (1) A person born after the 31st day of December 1946, is a natural-born Canadian citizen,

(a) If he is born in Canada or on a Canadian ship; or

(b) If he is born outside of Canada elsewhere than on a Canadian ship and

(i) His father, or in the case of a child born out of wedlock, his mother, at the time of that person's birth, is a Canadian citizen, and

(ii) The fact of his birth is registered, in accordance with the regulations, within two years after its occurrence or within such extended period as the Minister may, under the regulations, authorize in special cases.

(2) Subsection (1) does not apply to a person if, at the time of that person's birth, his responsible parent

(a) Is an alien who has not been lawfully admitted to Canada for permanent residence; and

(b) is

(i) A foreign diplomatic or consular officer or a representative of a foreign government accredited to Her Majesty,

(ii) An employee of a foreign government attached to or in the service of a foreign diplomatic mission or consulate in Canada, or

(iii) An employee in the service of a person referred to in subparagraph (i). 1950, c. 29, s. 2.

Section 6. (1) A person who is a Canadian citizen under paragraph (b) of section 4 or under paragraph (b) of subsection (1) of section 5 ceases to be a Canadian citizen upon the expiration of one year after he attains the age of twenty-one years unless, after attaining that age and before the expiration of the said year,

(a) He asserts his Canadian citizenship by a declaration of retention thereof, registered in accordance with the regulations; and

(b) Being a national or citizen of a country other than Canada, he files in accordance with the regulations a declaration renouncing the nationality or citizenship of that country.

(2) A person who has ceased to be a Canadian citizen by virtue of subsection (1) may, with the permission of the Minister in any case, file a declaration of resumption of Canadian citizenship and, where he comes within paragraph (b) of subsection (1), a declaration of renunciation, and he thereupon again becomes a Canadian citizen. 1950, c. 29, s. 3.

Section 7. Every foundling, who is or was first found as a deserted infant in Canada, shall, until the contrary is proved, be deemed to have been born in Canada. 1946, c. 15, s. 7.

Section 8. Where a child is born after the death of his father, the child shall, for the purposes of this part, be deemed to have been born immediately before the death of the father. 1946, c. 15, s. 8.

PART II

Canadian citizens other than natural-born

Section 9. (1) A person, other than a natural-born Canadian citizen, is a Canadian citizen, if

(a) That person was granted, or the name of that person was included in, a certificate of naturalization and had not become an alien before the 1st day of January, 1947,

(b) That person immediately before the 1st day of January, 1947, was a British subject who had Canadian domicile; or

(c) That person, being a woman other than a woman who comes within paragraph (a) or (b),

(i) Before the 1st day of January, 1947, was married to a man who, if this Act had come into force immediately before the marriage, would have been a natural-born Canadian citizen as provided in section 4 or a Canadian citizen as provided in paragraph (a) or (b), and

(ii) On the 1st day of January, 1947, was a British subject and had been lawfully admitted to Canada for permanent residence.

(2) A person who is a Canadian citizen under subsection (1) shall be deemed, for the purposes of section 19, to have become a Canadian citizen,

(a) Where he was granted, or his name was included in, a certificate of naturalization, on the date of the certificate;

(b) Where he is a Canadian citizen by reason of being a British subject who had Canadian domicile, on the date he acquired Canadian domicile; and

(c) In the case of a woman to whom paragraph (c) of subsection (1) applies, on the date of the marriage or on which she became a British subject or on which she was lawfully admitted to Canada for permanent residence, whichever is the latest date.

(3) For the purposes of this section, a certificate of naturalization, granted under any Act in force in Canada before the 1st day of January, 1915, subject to the qualification described in section 24 of the *Naturalization Act*, chapter 77 of the Revised Statutes of Canada, 1906, or a qualification to a like effect, shall be deemed never to have been subject to that qualification. 1950, c. 29, s. 4.

Section 10. (1) The Minister may, in his discretion, grant a certificate of citizenship to any person who is not a Canadian citizen and who makes application for that purpose and satisfies the Court that,

(a) Either he has filed in the office of the Clerk of the Court for the judicial district in which he resides, not less than one nor more than five years prior to the date of his application, a declaration of intention to become a Canadian citizen, the said declaration having been filed by him after he attained the age of eighteen years; or he is the spouse of and resides in Canada with a Canadian citizen; or he is a British subject;

(b) He has been lawfully admitted to Canada for permanent residence therein;

(c) He has resided continuously in Canada for a period of one year immediately preceding the date of the application and, in addition, except where the applicant has served outside of Canada in the armed forces of Canada during time of war or where the applicant is the wife of and resides in Canada with a Canadian citizen, has also resided in Canada for a further period of not less than four years during the six years immediately preceding the date of the application;

(d) He is of good character;

(e) He has an adequate knowledge of either the English or the French language, or, if he has not such an adequate knowledge, he has resided continuously in Canada for more than twenty years;

(f) He has an adequate knowledge of the responsibilities and privileges of Canadian citizenship; and

(g) He intends, if his application is granted, either to reside permanently in Canada or to enter or continue in the public service of Canada or of a province thereof.

(2) Notwithstanding the provisions of subsection (1), the Minister may, in his discretion, grant a certificate of citizenship to any person who is a British subject and who makes to the Minister a declaration that he desires such certificate and who satisfies the Minister that he possesses the qualifications prescribed by paragraphs (b), (c), (d), (e), (f) and (g) of subsection (1); but in any case where, in the opinion of the Minister, there is a doubt as to whether the applicant possesses the said qualifications, the Minister before granting such a certificate may refer the declaration and the material in support thereof to the Court in the judicial district in which the declarant resides, and the declaration shall thereupon be dealt with as an application under subsection (1).

(3) The Minister may, in his discretion, grant a certificate of citizenship to a woman, upon her application therefor, who

(a) By virtue of any law of Canada in force at any time before the 1st day of January, 1947, had, by reason only of her marriage to an alien or the acquisition by her husband of a foreign nationality, ceased to be a British subject; and

(b) If this Act had come into force immediately before the said marriage or acquisition, would have been a natural-born Canadian citizen or a Canadian citizen other than a natural-born Canadian citizen; and, from the date of taking the oath of allegiance, the applicant shall, without affecting the nationality or citizenship she had prior to that date, be deemed to be a natural-born Canadian citizen or a Canadian citizen other than a natural-born Canadian citizen, according as she would under paragraph (b) have been a natural-born Canadian citizen or a Canadian citizen other than a natural-born Canadian citizen.

(4) The Minister may, in his discretion, grant a certificate of citizenship to a person who was

(a) A natural-born Canadian citizen under section 4 or 5; or

(b) A British subject who was born in Canada or on a Canadian ship or, if born elsewhere than in Canada or on a Canadian ship, whose father, or in the case of a person born out of wedlock, whose mother was either born in Canada or on a Canadian ship and had not become an alien at the time of that person's birth or was at the time of that person's birth a British subject who had Canadian domicile, and who ceased to be a Canadian citizen or a British subject, as the case may be, by naturalization outside of Canada or for any reason other

than marriage, if such person applies for a certificate of citizenship and, in the event that at the time of his application he is a national or citizen of a country other than Canada, files with his application a declaration renouncing such nationality or citizenship and satisfies the Minister that he

- (i) Has resided continuously in Canada for a period of one year immediately preceding the date of his application; and
- (ii) Possesses the qualifications prescribed by paragraphs (b), (d), (e), (f), and (g) of subsection (1).

(5) The Minister may, in his discretion, grant a special certificate of citizenship to a minor child of a person to whom a certificate of citizenship is, or has been, granted under this Act, on the application of the said person,

(a) If the said person is the responsible parent of the child, and

(b) If the child was born before the date of the certificate granted to the said person and has been lawfully admitted to Canada for permanent residence.

(6) Any period during which an applicant for a certificate of citizenship has served in the armed forces of Canada or was employed outside of Canada in the public service of Canada or of a province thereof, otherwise than as a locally engaged person, shall be treated as equivalent to a period of residence in Canada for the purposes of subsections (1), (2) and (4).

(7) No period during which an applicant for a certificate of citizenship was confined in or an inmate of any penitentiary, gaol, reformatory, prison, or asylum for the insane, in Canada, shall be counted as a period of residence in Canada for the purposes of subsections (1), (2) and (4). 1950, c. 29, s. 5.

Section 11. (1) Where a doubt, whether on a question of fact or of law, has arisen as to whether a person is or is not a Canadian citizen, the Minister may, in his discretion, upon application, resolve such doubt and issue a certificate of citizenship as proof that such person is a Canadian citizen and the granting of such certificate shall not be deemed to establish that the person to whom it is granted was not previously a natural-born or other than natural-born Canadian citizen.

(2) The Minister may, in his discretion, upon application, grant a certificate of citizenship to a person who has been lawfully admitted to Canada for permanent residence and who, at any time in a province of Canada pursuant to the law of that province then in force,

(a) Has been adopted, if the adopter or, in the case of a joint adoption, the male adopter is a Canadian citizen; or

(b) Has been legitimized, if the person legally recognized as the father of the legitimated person by such legitimation is a Canadian citizen.

(3) Without restricting the operation of subsection (2), the Minister may, in his discretion, upon application, grant a certificate of citizenship to a minor in any special case whether or not the conditions required by this Act have been complied with and whether or not the case comes within subsection (2). 1950, c. 29, s. 6.

Section 12. A certificate of citizenship granted to any person under this part, other than to a minor under the age of fourteen years, shall not take effect until the applicant has taken the oath of allegiance set

forth in the second schedule, and thereupon the said person shall become a Canadian citizen. 1946, c. 15, s. 12.

Section 13. Except as provided by this Act in the case of minors, a certificate of citizenship shall not be granted to any person under a disability. 1946, c. 15, s. 13.

Section 14. An applicant whose application has been rejected by the Court or by the Minister may make another application under section 10 after the expiration of a period of two years from the date of such rejection. 1950, c. 29, s. 7.

PART III

Loss of Canadian citizenship

Section 15. (1) A Canadian citizen, who, when outside of Canada and not under a disability, by any voluntary and formal act other than marriage, acquires the nationality or citizenship of a country other than Canada, thereupon ceases to be a Canadian citizen.

(2) Subsection (1) does not apply where the nationality or citizenship acquired is that of a country at war with Canada at the time of the acquisition, but, in such a case, the Minister may, in his discretion, order that the Canadian citizen shall cease to be a Canadian citizen and he shall be deemed to have ceased to be a Canadian citizen either at the date of the said acquisition or at the date of the order as the Minister may therein direct. 1950, c. 29, s. 8.

Section 16. Where a natural-born Canadian citizen, at his birth or during his minority, or any Canadian citizen on marriage, became or becomes under the law of any other country a national or citizen of that country, if, after attaining the full age of twenty-one years, or after the marriage, he makes, while not under disability, and still such a national or citizen, a declaration renouncing his Canadian citizenship, he thereupon ceases to be a Canadian citizen. 1950, c. 29, s. 8.

Section 17. (1) A Canadian citizen, who, under the law of another country, is a national or citizen of such country and who serves in the armed forces of such country when it is at war with Canada, thereupon ceases to be a Canadian citizen.

(2) This section does not apply to a Canadian citizen who, under the law of another country, became a national or citizen of such country when it was at war with Canada. 1950, c. 29, s. 8.

Section 18. A Canadian citizen, other than a natural-born Canadian citizen or a Canadian citizen who has served in the armed forces of Canada in time of war and has been honourably discharged therefrom, ceases to be a Canadian citizen if he resides outside of Canada for a period of at least six consecutive years exclusive of any period during which,

- (a) He is in the public service of Canada or of a province thereof;
- (b) He is a representative or employee of a firm, business, company or organization, religious or otherwise, established in Canada or of an international agency of an official character in which Canada participates;
- (c) He resides outside of Canada on account of ill-health or disability;
- (d) He is the spouse or minor child of, and resides outside of Canada for the purpose of being with a spouse or parent who is a Canadian

citizen residing outside of Canada for any of the objects or causes specified in paragraphs (a) to (c) inclusive;

(e) He is the spouse of and resides outside of Canada for the purpose of being with a spouse who is a natural-born Canadian citizen; or

(f) His Canadian citizenship is certified to be extended by endorsement of his certificate of citizenship, or if he has no certificate of citizenship, of his passport, by an officer authorized under the regulations to do so, which endorsement shall state that the Canadian citizen appeared before such officer prior to the expiration of the said period of six years and established

- (i) That his absence from Canada was of a temporary nature, and
- (ii) That he intended in good faith to return to Canada for permanent residence as a Canadian citizen,

and shall be in such form and may extend his Canadian citizenship for such period as may be prescribed by regulation. 1950, c. 29, s. 8.

Section 19. (1) The Governor in Council may, in his discretion, order that any person other than a natural-born Canadian citizen shall cease to be a Canadian citizen if, upon a report from the Minister, he is satisfied that the said person either

(a) Has, during any war in which Canada is or has been engaged, unlawfully traded or communicated with the enemy or with a subject of an enemy state or has been engaged in or associated with any business which to his knowledge is carried on in such manner as to assist the enemy in such war;

(b) Has obtained a certificate of naturalization or of Canadian citizenship by false representation or fraud or by concealment of material circumstances;

(c) Has, since becoming a Canadian citizen or being naturalized in Canada, been for a period of not less than six years ordinarily resident out of Canada and has not maintained substantial connexion with Canada;

(d) Has, since becoming a Canadian citizen or being naturalized in Canada, been for a period of not less than two years ordinarily resident in a foreign country of which he was a national or citizen at any time prior to his becoming a Canadian citizen or being naturalized in Canada and has not maintained substantial connexion with Canada;

(e) If out of Canada, has shown himself by act or speech to be disaffected or disloyal to Her Majesty; or

(f) If in Canada, has, by a court of competent jurisdiction, been convicted of any offence involving disaffection or disloyalty to Her Majesty.

(2) The Governor in Council may, in his discretion, order that any person shall cease to be a Canadian citizen if, upon a report from the Minister, he is satisfied that such person has, when not under a disability,

(a) When in Canada and at any time after the 1st day of January, 1947, acquired the nationality or citizenship of a foreign country by any voluntary and formal act other than marriage;

(b) Taken or made an oath, affirmation or other declaration of allegiance to a foreign country; or

(c) Made a declaration renouncing his Canadian citizenship.

(3) The Minister before making a report under this section shall cause notice to be given or sent to the last known address of the person in respect of whom the report is to be made, giving him an opportunity of claiming that the case be referred for such inquiry as is hereinafter

specified and if said person so claims in accordance with the notice, the Minister shall refer the case for inquiry accordingly.

(4) An inquiry under this section shall be held by a commission constituted for the purpose by the Governor in Council upon the recommendation of the Minister, presided over by a person appointed by the Governor in Council who holds or has held high judicial office, and shall be conducted in such manner as the Governor in Council shall order; but any such inquiry may, if the Governor in Council thinks fit, instead of being held by such commission, be held by the superior court of the province in which the person concerned resides, and the practice and procedure on any inquiry so held shall be regulated by rules of court.

(5) The members of any commission appointed under this section shall have all such powers, rights and privileges as are vested in any superior court or in any judge thereof on the occasion of any action in respect of

(a) Enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise, and the issue of a commission or a request to take evidence abroad;

(b) Compelling the production of documents; and

(c) Punishing persons guilty of contempt;

and a summons signed by one or more members of the commission may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(6) Where the Governor in Council, under this section, directs that any person cease to be a Canadian citizen, the order shall have effect from such time as the Governor in Council may direct and thereupon the said person shall cease to be a Canadian citizen. 1950, c. 29, s. 8; 1951, c. 12, s. 1.

Section 20. (1) Where the responsible parent of a minor child ceases to be a Canadian citizen under section 15, 16 or 17, the child thereupon ceases to be a Canadian citizen if he is or thereupon becomes, under the law of any country other than Canada, a national or citizen of that country.

(2) Where the responsible parent of a minor child ceases to be a Canadian citizen under section 18 or 19, the Governor in Council may, in his discretion, direct that the said child shall cease to be a Canadian citizen if he is or thereupon becomes, under the law of any country other than Canada, a national or citizen of that country.

(3) Where the Minister, in his discretion, permits a person, who as a minor child ceased to be a Canadian citizen, to make a declaration in accordance with the regulations, that he wishes to resume Canadian citizenship and the said person makes the declaration within one year after attaining the age of twenty-one years or within such longer period as the Minister may allow in special circumstances, such person, upon the acceptance of his declaration by the Minister, again becomes a Canadian citizen. 1950, c. 29, s. 8.

PART IV

Status of Canadian citizens and recognition of British subjects

Section 21. A Canadian citizen is a British subject. 1946, c. 15, s. 26.

Section 22. A Canadian citizen other than a natural-born Canadian citizen is, subject to the provisions of this Act, entitled to all rights, powers and privileges and is subject to all obligations, duties and liabilities to which a natural-born Canadian citizen is entitled or subject and, on and after becoming a Canadian citizen, subject to the provisions of this Act, has a like status to that of a natural-born Canadian citizen. 1946, c. 15, s. 27.

Section 23. (1) Every person who, under an enactment of a country listed in the First Schedule, is a citizen of that country, has in Canada the status of a British subject.

(2) Every person having in Canada the status of a British subject may be known as a British subject or as a Commonwealth citizen; and in this Act and in any other enactment or instrument, the expression "British subject" and the expression "Commonwealth citizen" have the same meaning.

(3) Any law of Canada, including this Act, and any regulation made under the authority of any law of Canada shall, unless it otherwise provides, have effect in relation to a citizen of the Republic of Ireland who is not a British subject in like manner as it has effect in relation to a British subject. 1950, c. 29, s. 10.

PART V

Status of aliens

Section 24. (1) Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural-born Canadian citizen; and a title to real and personal property of every description may be derived through, from or in succession to an alien in the same manner in all respects as through, from or in succession to a natural-born Canadian citizen.

(2) This section does not operate so as to

(a) Qualify an alien for any office or for any municipal, parliamentary or other franchise;

(b) Qualify an alien to be the owner of a Canadian ship;

(c) Entitle an alien to any right or privilege as a Canadian citizen except such rights and privileges in respect of property as are hereby expressly given to him; or

(d) Affect an estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the 4th day of July, 1883, or in pursuance of any devolution by law on the death of any person dying before that day. 1946, c. 15, s. 29.

Section 25. An alien is triable at law in the same manner as if he were a natural-born Canadian citizen. 1946, c. 15, s. 30.

PART VI

Procedure and evidence

Section 26. An application for a certificate of citizenship shall be made to the Court in the judicial district in which the applicant resides or as otherwise prescribed by regulation. 1946, c. 15, s. 31.

Section 27. An application for a certificate of citizenship shall be filed with the Clerk of the Court and shall be posted by the Clerk in a conspicuous place in his office, or as otherwise prescribed by regulation, continuously for a period of at least three months before the application is heard by the Court. 1946, c. 15, s. 32.

Section 28. At any time after the filing of an application for a certificate of citizenship and previous to the hearing of the application, any person objecting to the granting of the certificate to the applicant may file in the Court an opposition in which shall be stated the grounds of his objection. 1946, c. 15, s. 33.

Section 29. The applicant for a certificate of citizenship shall produce to the Court such evidence as the Court may require that he is qualified and fit to be granted a certificate under the provisions of this Act, and shall personally appear before the Court for examination unless it is established to the satisfaction of the Court that he is prevented from so appearing by some good and sufficient cause. 1946, c. 15, s. 34.

Section 30. If the Court decides that the applicant for a certificate of citizenship is a fit and proper person to be granted such certificate and possesses the required qualifications, a certified copy of the decision shall be transmitted by the Clerk of the Court to the Minister together with the application and such other papers, documents and reports as may be required by regulation. 1946, c. 15, s. 35.

Section 31. When the Minister receives a decision of the Court under section 30 and thereupon, in his discretion, grants a certificate of citizenship, he shall send the certificate to the Clerk of the Court by whom such decision was forwarded, or as otherwise prescribed by regulation, and upon the applicant taking the oath of allegiance, the Clerk shall deliver the certificate to the applicant after having endorsed thereon the date of the taking of the oath of allegiance which date shall be the date of the certificate of citizenship. 1950, c. 29, s. 12.

Section 32. The Minister, with the approval of the Governor in Council, shall take such measures as to him may appear fitting to provide facilities to enable applicants for certificates of citizenship to receive instruction in the responsibilities and privileges of Canadian citizenship. 1946, c. 15, s. 37.

Section 33. The Court, in the conduct of proceedings under this Act, shall, by appropriate ceremonies, impress upon applicants the responsibilities and privileges of Canadian citizenship. 1946, c. 15, s. 38.

PART VII

General

Section 34. (1) The Governor in Council may make regulations generally for carrying into effect the purposes and provisions of this Act, and in particular with respect to the following matters:

(a) The forms to be used under this Act including the form and manner of registration of declarations and of certificates;

(b) The time within which the oath of allegiance is to be taken after the issue of a certificate of citizenship;

(c) The persons before whom the oath of allegiance may be taken and the persons before whom any declarations under this Act may be made;

(d) The form in which the taking of oaths of allegiance is to be attested and the registration thereof;

(e) The persons by whom certified copies of oaths of allegiance may be given; and the proof in any legal proceeding of any such oaths;

(f) The imposition and application of fees in respect of any registration authorized to be made by this Act or any Act heretofore in force in Canada and in respect of the making of any declaration or the grant of any certificate authorized to be made or granted by this Act or any Act heretofore in force in Canada, and in respect of the administration or registration of any oath;

(g) The expedient and fitting procedure to be followed in the conduct of proceedings before the Court to impress upon applicants the responsibilities and privileges of Canadian citizenship;

(h) The manner of proof of any qualification required for the grant of a certificate of citizenship under this Act;

(i) The manner of proof of Canadian citizenship and the granting of special certificates for such purpose;

(j) The registration of births of persons born outside of Canada and the extension of certificates of citizenship;

(k) The surrender and cancellation of certificates of citizenship or certificates of naturalization where the holder thereof has ceased to be a Canadian citizen or British subject by reason of revocation or otherwise under this Act or under an Act that was in force in Canada at any time before the 1st day of January, 1947, as the case may be; and

(l) For the delivery up and retention of certificates of citizenship or certificates of naturalization for the purpose of determining whether the holder thereof is entitled thereto.

(2) The Governor in Council may

(a) Authorize the issue of a proclamation declaring that any part of Her Majesty's dominions not listed in the first schedule is a country of the British Commonwealth for the purposes of this Act, and

(b) Designate persons in the Northwest Territories and in the Yukon Territory who shall constitute Courts for the purposes of this Act. 1946, c. 15, s. 39; 1950, c. 29, s. 14.

Section 35. Any declaration made under this Act or under any Act heretofore in force may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be a true copy by the Minister or by any person authorized by him in that behalf, without proof of such authorization, and the production of the declaration or copy shall be evidence of the contents thereof and of the person therein named as declarant having made the declaration at the date therein mentioned. 1946, c. 15, s. 40.

Section 36. A certificate of citizenship or a certificate of naturalization may be proved in any legal proceeding by the production of the original certificate or of any copy thereof certified to be a true copy by the officer

or persons authorized to issue such certificate of citizenship or such certificate of naturalization or by any person authorized by such officer or person in that behalf, without proof of such authorization. 1946, c. 15, s. 41.

Section 37. Entries made in any register in pursuance of this Act or under any Act heretofore in force may be proved by such copies and certified in such manner as may be directed by the Minister, and the copies of any such entries shall be evidence of any matters, by this Act or by any regulation of the Governor in Council or of the Minister, authorized to be inserted in the register. 1946, c. 15, s. 42.

Section 38. Where any question arises under this Act as to whether any person had Canadian domicile immediately prior to the 1st day of January, 1947, the question shall be determined by the same authority and in a like manner as if it arose under the *Immigration Act* and the determination thereof in such manner shall be final and conclusive for the purposes of this Act. 1946, c. 15, s. 43.

Section 39. (1) A person who was a British subject on the 1st day of April, 1949, and

(a) Was born in Newfoundland,

(b) Was naturalized under the laws of Newfoundland, or

(c) Had Newfoundland domicile on the said 1st day of April,
is a Canadian citizen.

(2) A person who is a Canadian citizen by virtue of paragraph (a) of subsection (1) is a natural-born Canadian citizen.

(3) A person who is a Canadian citizen by virtue of paragraph (b) of subsection (1) shall be deemed to have been naturalized under the laws of Canada, and a certificate of naturalization issued under the laws of Newfoundland shall be deemed to have been issued under the laws of Canada at the date thereof.

(4) A person who is a Canadian citizen by virtue of paragraph (c) of subsection (1), shall be deemed to have become a Canadian citizen on the day he acquired Newfoundland domicile.

(5) For the purposes of this Act, residence in Newfoundland shall be deemed to be residence in Canada and Newfoundland domicile means domicile in Newfoundland for at least five years. 1949, c. 6, s. 46.

Section 40. Where a person ceases to be a Canadian citizen, a Commonwealth citizen or a British subject, he shall not thereby be discharged from any obligation, duty or liability in respect of any act or thing done or omitted before he ceased to be a Canadian citizen, a Commonwealth citizen or a British subject. 1950, c. 29, s. 17.

Section 41. A person who

(a) For any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular;

(b) Uses another person's certificate of citizenship or certificate of naturalization to personate that other person; or

(c) Knowingly permits his certificate of citizenship or certificate of naturalization to be used to personate himself;

is guilty of an offence and is liable on summary conviction in respect of each offence to imprisonment, with or without hard labour, for a term not exceeding three months. 1950, c. 29, s. 17.

Section 42. A person who violates a provision of this Act or the regulations for which violation no other fine or imprisonment is provided

in this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment. 1950, c. 29, s. 17.

Section 43. Where, in any Act of the Parliament of Canada or any order or regulation made thereunder, any provision is made applicable in respect of

(a) A "natural-born British subject" it shall apply in respect of a "natural-born Canadian citizen";

(b) A "naturalized British subject" it shall apply in respect of a "Canadian citizen other than a natural-born Canadian citizen"; or

(c) A "Canadian national" it shall apply in respect of a "Canadian citizen";

under this Act, and where in any Act, order or regulation aforesaid any provision is made in respect of the status of any such person as a Canadian national or British subject it shall apply in respect of his status as a Canadian citizen or British subject under this Act. 1946, c. 15, s. 45.

Section 44. (1) Notwithstanding the repeal of the Naturalization Act and the Canadian Nationals Act, this Act is not to be construed or interpreted as depriving any person who is a Canadian national, a British subject or an alien as defined in the said Acts or in any other law in force in Canada of the national status he possessed on the 1st day of January, 1947.

(2) This Act is to be construed and interpreted as affording facilities for any person mentioned in subsection (1) if he should so desire to become a Canadian citizen if he is not a natural-born Canadian citizen as defined in this Act, and if he possesses the qualifications for Canadian citizenship as defined in this Act.

(3) Naturalization proceedings that were commenced under the Naturalization Act but not completed before the 1st day of January, 1947, may be continued as proceedings for a grant of a certificate of citizenship under this Act and, for this purpose, an application for naturalization or a declaration of intention to become naturalized under the Naturalization Act and regulations shall, respectively, be deemed to have the same effect as an application for the grant of a certificate of citizenship or a declaration of intention to become a Canadian citizen under this Act.

(4) Every certificate of citizenship granted after the 1st day of January, 1947, pursuant to an application for naturalization made before that date is valid unless it is or has been revoked or the holder thereof otherwise ceases or has ceased to be a Canadian citizen. 1946, c. 15, s. 46; 1950, c. 29, s. 19.

FIRST SCHEDULE

Australia.	Pakistan.
Canada.	Southern Rhodesia.
Ceylon.	Union of South Africa.
India.	United Kingdom.
New Zealand.	1950, c. 29, s. 21.

SECOND SCHEDULE

Oath of Allegiance

I, A.B., swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her Heirs and Successors, according to law, and

that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen.

So help me God.
1946, c. 15, Second Sch.

14. Ceylon

(a) CITIZENSHIP ACT, NO. 18 OF 21 SEPTEMBER 1948.
AN ACT TO MAKE PROVISION FOR CITIZENSHIP OF CEYLON AND FOR
MATTERS CONNECTED THEREWITH.¹

Section 1. This Act may be cited as the Citizenship Act, No. 18 of 1948, and shall come into operation on such date as may be appointed by the Minister by order published in the *Gazette*.

PART I. CITIZENSHIP OF CEYLON

Section 2. (1) With effect from the appointed date, there shall be a status to be known as "the status of a citizen of Ceylon".

(2) A person shall be or become entitled to the status of a citizen of Ceylon in one of the following ways only:

- (a) By right of descent as provided by this Act;
- (b) By virtue of registration as provided by this Act or by any other Act authorizing the grant of such status by registration in any special case of a specified description.

(3) Every person who is possessed of the aforesaid status is hereinafter referred to as a "citizen of Ceylon". In any context in which a distinction is drawn according as that status is based on descent or registration, a citizen of Ceylon is referred to as "citizen by descent" or "citizen by registration"; and the status of such citizen is in the like context referred to as "citizenship by descent" or "citizenship by registration".

Section 3. A citizen of Ceylon may, for any purpose in Ceylon, describe his nationality by the use of the expression "Citizen of Ceylon".

PART II. CITIZENSHIP BY DESCENT

Section 4. (1) Subject to the other provisions of this part, a person born in Ceylon before the appointed date shall have the status of a citizen of Ceylon by descent, if:

- (a) His father was born in Ceylon, or
- (b) His paternal grandfather and paternal great grandfather were born in Ceylon.

(2) Subject to the other provisions of this part, a person born outside Ceylon before the appointed date shall have the status of a citizen of Ceylon by descent, if:

- (a) His father and paternal grandfather were born in Ceylon, or
- (b) His paternal grandfather and paternal great grandfather were born in Ceylon.

Section 5. (1) Subject to the other provisions of this part, a person born in Ceylon on or after the appointed date shall have the status of a citizen of Ceylon by descent if at the time of his birth his father is a citizen of Ceylon.

¹ Ceylon, Acts of Parliament, 1948.

(2) Subject to the other provisions of this part, a person born outside Ceylon on or after the appointed date shall have the status of a citizen of Ceylon by descent if at the time of his birth his father is a citizen of Ceylon and if, within one year from the date of birth, the birth is registered in the prescribed manner:

(a) At the office of a consular officer of Ceylon in the country of birth, or

(b) Where there is no such officer, at the appropriate embassy or consulate in that country or at the office of the Minister in Ceylon.

Section 6. Upon application made in that behalf in the prescribed manner, the Minister may, in his discretion, grant, in the prescribed form, a certificate of citizenship of Ceylon by descent to a person with respect to whose status as a citizen of Ceylon by descent a doubt exists; and a certificate issued under this section to any person shall be conclusive evidence that that person was a citizen of Ceylon by descent on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

Section 7. Every person first found in Ceylon as a newly born deserted infant of unknown and unascertainable parentage shall, until the contrary is proved, be deemed to have the status of a citizen of Ceylon by descent.

Section 8. No person who is a citizen of any other country under any law in force in that country shall have the status of a citizen of Ceylon by descent unless he renounces citizenship of that other country in accordance with that law.

Section 9. (1) Any reference to father, paternal grandfather, or paternal great grandfather in any of the provisions of this part relating to citizenship by descent shall, in regard to a person born out of wedlock and not legitimated, be deemed to be a reference to mother, maternal grandfather, or maternal great grandfather respectively.

(2) A person shall be deemed, for the purposes of this section, to have been legitimated if his parents married each other subsequent to his birth.

Section 10. Any reference in this part to the status or description of the father of a person at the time of that person's birth shall, in regard to a person born after the death of his father, be deemed to be a reference to the status or description of the father at the time of the father's death; and where that death occurred before, and the birth occurs on or after, the appointed date, the status or description which would have been applicable to the father had he died on or after that date shall be deemed to be the status or description applicable to him at the time of his death.

PART III. CITIZENSHIP BY REGISTRATION

Section 11. (1) This section shall apply to any applicant for registration as a citizen of Ceylon who has the following qualifications:

(a) That the applicant is of full age and of sound mind;

(b) That the applicant:

- (i) Is a person whose mother is or was a citizen of Ceylon by descent or would have been a citizen of Ceylon by descent if she had been alive on the appointed date, and who, being married, has been resident in Ceylon throughout a period of seven years immediately preceding the date of the application, or being unmarried, has been resident in Ceylon throughout a period of ten years immediately preceding the date of the application, or

- (ii) Is the spouse, or the widow or widower, of a citizen of Ceylon by descent or registration, and has been resident in Ceylon throughout a period of one year immediately preceding the date of the application, or
 - (iii) Is a person who ceased under section 19 to be a citizen of Ceylon by descent upon his acquiring citizenship of any other country in which he has been resident, and thereafter renounced that citizenship in accordance with the law of that other country; and
- (c) That the applicant is, and intends to continue to be, ordinarily resident in Ceylon.
- (2) Subject to the other provisions of this part, a person to whom this section applies shall:
- (a) If he has any of the qualifications set out in sub-paragraphs (i) and (ii) of paragraph (b) of subsection (1) of this section, be registered as a citizen of Ceylon on his making application in that behalf to the Minister in the prescribed manner, or
 - (b) If he has the qualification set out in sub-paragraph (iii) of the aforesaid paragraph (b), be so registered on his making such application unless the Minister decides to disallow such application on grounds of public policy.
- (3) The Minister's refusal, under subsection (2) (b) of this section, to allow the application of any person for registration as a citizen of Ceylon shall be final and shall not be contested in any court.

Section 12. (1) Subject to the other provisions of this part, a person to whom section 11 does not apply may, on his making application in that behalf to the Minister in the prescribed manner, be registered as a citizen of Ceylon if the Minister is satisfied:

- (a) That he is a person who:
 - (i) Has rendered distinguished public service or is eminent in professional, commercial, industrial, or agricultural life, or
 - (ii) Has been granted in Ceylon a certificate of naturalization under the British Nationality and Status of Aliens Act, 1914, of the United Kingdom, or Letters Patent under the Naturalization Ordinance and has not ceased to be a British subject, and
 - (b) That he is, and intends to continue to be, ordinarily resident in Ceylon.
- (2) The number of persons registered as citizens of Ceylon under this section shall not exceed twenty-five in any year.
- (3) The Minister's refusal under this section to allow the application of any person for registration as a citizen of Ceylon shall be final and shall not be contested in any court.

Section 13. (1) Where an applicant for registration as a citizen of Ceylon has any minor child, he may in his application or by subsequent letter make a request for the inclusion of the name of that child in the certificate of registration which may be granted to him under this part.

(2) Where a request as aforesaid is made by an applicant under section 11 or section 12, the Minister shall, subject to the other provisions of this part, comply with the request if the applicant is registered as a citizen of Ceylon.

Section 14. (1) Save as provided in section 11, a person who has ceased to be a citizen of Ceylon shall not be granted citizenship by registration.

(2) A person who is a citizen of any country other than Ceylon under any law in force in that country shall not be granted citizenship by registration unless he renounces citizenship of that country in accordance with that law.

Section 15. There shall be kept and maintained, in the prescribed form, a register of persons who are granted citizenship by registration.

Section 16. The Minister shall grant, in the prescribed form, a certificate of registration as a citizen of Ceylon to every person who is registered under section 11 or section 12 and, where he decides to comply with a request made by that person under section 13, shall include in the certificate the name of every minor child to whom the request relates.

Section 17. (1) A British subject to whom a certificate of registration as a citizen of Ceylon is granted shall, on subscribing the prescribed oath or affirmation of citizenship, have the status of a citizen of Ceylon by registration as from the date of that certificate.

(2) An alien to whom a certificate of registration as a citizen of Ceylon is granted shall, on subscribing the prescribed oath or affirmation of allegiance and the prescribed oath or affirmation of citizenship, have the status of a citizen of Ceylon by registration as from the date of that certificate.

(3) A minor child whose name is included in a certificate of registration as a citizen of Ceylon shall have the status of a citizen of Ceylon by registration as from the date of that certificate.

PART IV. LOSS OF CITIZENSHIP

Section 18. If a citizen of Ceylon of full age and of sound mind makes a declaration of renunciation of citizenship of Ceylon in the prescribed manner, the Minister shall cause the declaration to be registered; and, upon registration thereof, the declarant shall cease to be a citizen of Ceylon: Provided however that the Minister may withhold registration of such declaration if it is made during the continuance of any war in which Ceylon is engaged and if, by the operation of any law enacted in consequence of that war, the declarant is deemed for the time being to be an enemy.

Section 19. A person who is a citizen by descent or by registration shall cease to be a citizen of Ceylon if he voluntarily or by operation of law becomes a citizen of any other country.

Section 20. (1) A person who, under subsection (2) of section 5, is a citizen by descent and whose father is or was a citizen by registration shall, on attaining the age of twenty-one years, cease to be a citizen of Ceylon, unless, before the expiry of one year after attaining that age, he transmits to the Minister a declaration of retention of citizenship in the prescribed manner.

(2) A person who has ceased to be a citizen of Ceylon under subsection (1) of this section may, within a period of one year after the date on which he ceased to be such citizen or within such further period as the Minister may for good cause allow, make a declaration to the Minister that he wishes to resume citizenship of Ceylon; and he shall, on making such declaration, again have the same status of a citizen of Ceylon as he had before that date.

Section 21. A person who is a citizen by registration shall cease to be a citizen of Ceylon if that person resides outside Ceylon for five consecutive years or more, exclusive of any period during which that person:

(a) Is employed abroad as an officer in the service of the Government of Ceylon, or

(b) Is abroad as a representative of the Government of Ceylon, or

(c) Being the spouse or minor child of a citizen of Ceylon who is abroad in any of the capacities specified in paragraphs (a) and (b) of this section, resides abroad with that citizen, or

(d) Resides abroad on a holiday or for reasons of health, or

(e) Is a student at an educational institution abroad, or

(f) Resides abroad with a spouse who is a citizen of Ceylon by descent, or

(g) Is abroad for any prescribed purpose.

Section 22. A person who is a citizen by registration shall cease to be a citizen of Ceylon if he is convicted by a court of competent jurisdiction:

(a) Of an offence under this Act, or

(b) Of any of the offences against the State, specified in chapter VI of the Penal Code, for which a sentence of rigorous imprisonment may be imposed.

PART V. MISCELLANEOUS

Section 23. Any person who, for the purpose of procuring anything to be done or not to be done under this Act, makes any statement which he knows to be false in a material particular shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding three months.

Section 24. Every person to whom a certificate under this Act is granted shall, in respect of that certificate, pay, in the prescribed manner, a fee according to the prescribed rates.

Section 25. (1) The Minister may make all such regulations as may be necessary for giving effect to the provisions of this Act, and in particular for prescribing any matter which is stated or required to be prescribed.

(2) No regulation made by the Minister shall have effect until it has received the approval of the Senate and the House of Representatives and notification of such approval is published in the *Gazette*.

Section 26. (1) In this Act, unless the context otherwise requires:

“alien” means a person who is not a British subject;

“appointed date” means the date appointed by the Minister under section 1;

“appropriate embassy or consulate” means the office of an Ambassador or of a consular officer in the service of the Government of the United Kingdom at which a register of births is kept;

“British subject” has the same meaning as in the law of the United Kingdom;

“consular officer of Ceylon” includes an Ambassador, a High Commissioner, or a Trade Commissioner of Ceylon;

“minor child” means a person who has not attained the age of twenty-one years;

“prescribed” means prescribed by regulation made under this Act.

(2) For the purposes of this Act a person of full age is a person who has attained the age of twenty-one years.

Section 27. The Naturalization Ordinance is hereby repealed.

(b) CITIZENSHIP AMENDMENT ACT, No. 40 OF 1950.

Section 1. This Act may be cited as the Citizenship Amendment Act, No. 40 of 1950.

Section 2. Section 5 of the Citizenship Act, No. 18 of 1948 (hereinafter referred to as "the principal Act") is hereby amended in subsection (2) thereof, by the substitution, for all the words from "the birth is registered" to the end of that subsection, of the following:

"or within such further period as the Minister may for good cause allow, the birth is registered in the prescribed manner:

(a) At the office of a consular officer of Ceylon in the country of birth, or

(b) At the office of the Minister in Ceylon."

Section 3. Section 8 of the principal Act is hereby repealed and the following new section shall be substituted therefor:

8. (1) Any person who ceases under section 18 or section 19 to be a citizen of Ceylon by descent may at any time thereafter make application to the Minister for a declaration that such person has resumed the status of a citizen of Ceylon by descent; and the Minister may make the declaration for which the application is made:

(a) If that person renounces citizenship of any other country of which he is a citizen, in accordance with the law in force in that behalf in that other country; and

(b) If that person is, and intends to continue to be, ordinarily resident in Ceylon.

(2) Where a declaration is made in relation to any person under subsection (1), that person shall, with effect from such date as may be specified in the declaration, again have the status of a citizen of Ceylon by descent.

(3) Any person who makes or has made an application under subsection (1) may, in his application or by subsequent letter, make a request for the grant to any minor child of that person of the status of a citizen of Ceylon by descent; and if in any such case a declaration under subsection (1) is made in relation to that person, each minor child specified in the declaration shall have the status of a citizen of Ceylon by descent.

(4) The Minister may refuse to make a declaration under subsection (1) in relation to any person on grounds of public policy; and such refusal shall be final and shall not be contested in any court, but without prejudice to the power of the Minister subsequently to make such a declaration in relation to that person.

(5) The Minister may in his discretion exempt any person from the requirements of paragraph *(a)* of subsection (1) of this section, and make a declaration under that subsection notwithstanding that such person does not comply with the said requirements.

Section 4. Section 11 of the principal Act is hereby amended as follows:

(1) In subsection (1), by the repeal of sub-paragraph (iii) of paragraph *(b)* of that subsection, and by the insertion, immediately after sub-paragraph (ii) of the said paragraph *(b)*, of the following new sub-paragraphs:

"(iii) Is a person, whose father was a citizen of Ceylon by descent, and who would have been a citizen of Ceylon under subsection (2) of

section 5 if his birth had been registered in accordance with the provisions of that subsection, or

“(iv) Is a person whose father, having been a citizen of Ceylon by descent whether at or before the time of the birth of that person, ceased under section 19 to be a citizen of Ceylon; and”;

(2) In subsection (2) by the insertion in paragraph (b) of that subsection, after the figure “(iii)”, of the words and figure “or sub-paragraph (iv)”.

Section 5. Section 14 of the principal Act is hereby amended by the addition, at the end of that section, of the following new subsection:

“(3) The Minister may in his discretion exempt any person from the provisions of subsection (2) of this section; and nothing in that subsection shall prevent the registration as a citizen of Ceylon of any person so exempted”.

Section 6. Sections 19 and 20 of the principal Act are hereby repealed, and the following new sections shall be inserted after section 18 of that Act:

19. (1) Where a person born before the appointed date is a citizen of Ceylon by descent and is also on that date a citizen of any other country, that person shall:

(a) On the thirty-first day of December, 1952, or

(b) On the day on which he attains the age of twenty-two years, whichever day is in his case the later, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

(2) Where a person is a citizen of Ceylon by descent and that person, by operation of law, is at the time of his birth or becomes thereafter, also a citizen of any other country, that person shall:

(a) On the thirty-first day of December, 1952, or

(b) On the day immediately succeeding the date of the expiration of a period of twelve months from the date on which he so becomes a citizen of that other country, or

(c) On the day on which he attains the age of twenty-two years, whichever day is in his case the latest, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

(3) A person who, under subsection (2) of section 5, is a citizen of Ceylon by descent but whose father is or was a citizen of Ceylon by registration, shall, on the day on which he attains the age of twenty-two years, cease to be a citizen of Ceylon, unless before that day he transmits to the Minister in the prescribed manner and form a declaration of retention of citizenship of Ceylon.

(4) In the case of any person to whom the provisions of any of the preceding subsections apply, the Minister may in his discretion direct that those provisions shall apply in that case subject to the modification that the reference therein to the age of twenty-two years shall be construed as a reference to such higher age as may be specified in the direction.

(5) A person who is a citizen of Ceylon by descent shall cease to be a citizen of Ceylon if he voluntarily becomes a citizen of any other country.

(6) Where a person who, having been exempted from the requirements of paragraph (a) of subsection (1) of section 8, resumes the status of a

citizen of Ceylon by descent by virtue of a declaration under that subsection, that person shall, on the day immediately succeeding the date of the expiration of a period of three months (or such longer period as the Minister may for good cause allow) from the date of the declaration, cease to be a citizen of Ceylon, unless he earlier complies with the requirements of the aforesaid paragraph (a).

20. (1) A person who is a citizen of Ceylon by registration shall cease to be a citizen of Ceylon if he voluntarily becomes a citizen of any other country.

(2) Where a person who is registered as a citizen of Ceylon thereafter becomes, by operation of law, also a citizen of any other country, that person shall:

(a) On the day immediately succeeding the date of the expiration of a period of three months (or such longer period as the Minister may for good cause allow) from the date on which he so becomes a citizen of that other country, or

(b) On the day on which he attains the age of twenty-two years, whichever day is in his case the later, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

(3) Where any person:

(a) Who, having been exempted from the provisions of subsection (2) of section 14, is registered under this Act as a citizen of Ceylon; or

(b) Who is registered under the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949, as a citizen of Ceylon, continues after such registration to be a citizen of any other country, that person shall:

(i) On the day immediately succeeding the date of the expiration of a period of three months (or such longer period as the Minister may for good cause allow) from the date of his registration as a citizen of Ceylon, or

(ii) On the day on which he attains the age of twenty-two years, whichever day is in his case the later, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

20 A. In any case where any person purports to renounce citizenship of any country for the purpose of acquiring, retaining or resuming, under any provision of this Act, the status of a citizen of Ceylon, and it is found at any time that the renunciation was not in accordance with or not effective under the law in force in that behalf in such other country, that person shall be deemed never to have acquired, retained or resumed, under that provision, the status of a citizen of Ceylon; and if the Minister makes a declaration to that effect in any such case, the declaration shall be final and shall not be contested in any court.

Section 7. Section 26 of the principal Act is hereby amended in subsection (1) thereof, as follows:

(1) By the omission of the definition of "appropriate embassy or consulate"; and

(2) In the definition of "consular officer of Ceylon", by the insertion after the words "High Commissioner," of the words "a Commissioner, a Representative,".

8. This Act shall be deemed to have come into force on September 21, 1948 (being the date of commencement of the principal Act); and, accordingly, the principal Act shall have effect and be deemed always to have had effect for all purposes in like manner as though that Act had on the date aforesaid been amended in the manner and to the extent provided by the preceding sections of this Act.

15. Chile

(a) CONSTITUTION OF 18 SEPTEMBER 1925 ¹

CHAPTER II

Article 5. The following are Chileans:

(1) Those born in the territory of Chile, excepting the children of foreigners who may happen to be in Chile in the service of their government and the children of transient foreigners, all of whom shall be empowered to choose between the nationality of their parents and that of Chile.

(2) The children of a Chilean father or mother, born in foreign territory, by the sole act of becoming resident in Chile.

The children of Chileans born abroad, the father or mother being at that time in the service of the republic, are Chileans even for those purposes wherein the fundamental, or any other laws, may require birth within Chilean territory.

(3) Foreigners who may obtain letters of naturalization in conformity to law, upon express renunciation of their former nationality.

(4) Those who have obtained a special grant of naturalization by law.

Naturalized persons will have the right to hold public office by popular election, only after five years of being in possession of letters of naturalization.

The law will prescribe the procedure for choosing between Chilean and foreign nationality, for the granting, denial or cancellation of letters of naturalization, and for the keeping of a register of all these proceedings.

Article 6. Chilean nationality is lost:

(1) By naturalization in a foreign country.

(2) By cancellation of the letters of naturalization.

(3) By lending aid during war to the enemies of Chile or of her allies.

Those who may have lost Chilean nationality for any of the reasons set out in this article cannot be rehabilitated except by law.

Article 7. Chileans who may have attained twenty-one years of age, who know how to read and write, and are inscribed in the electoral registers are citizens with the right of suffrage.

These registers are open to public inspection and are valid for such time as by law indicated.

In popular elections voting shall always be by secret ballot.

Article 8. The exercise of the right of suffrage is suspended:

(1) For physical or mental incapacity that may interfere with free and deliberative action.

(2) When the citizen shall be under indictment for an offense punishable corporally.

¹ Flournoy and Hudson, A Collection of Nationality Laws, New York 1929, pp. 170-171.

Article 9. The status of citizen with right of suffrage is lost:

- (1) For having lost Chilean nationality.
- (2) Through condemnation to corporal punishment. Those who on this account may have lost the status of citizenship may petition for rehabilitation by the Senate.

(b) CONSOLIDATED TEXT NO. 3690 OF LEGISLATIVE DECREE NO. 747 OF 15 DECEMBER 1925 CONCERNING THE NATURALIZATION OF ALIENS ¹

Article 1. Naturalization shall be granted by the President of the Republic by a decree signed by the Minister of the Interior with the words "By order of the President".

Article 2. A naturalization certificate may be granted to an alien who has attained the age of twenty-one years, has resided continuously in the Republic for more than five years and renounces his nationality of origin or any other nationality he may have acquired, by means of an instrument executed before a Notary Public.

The Minister of the Interior shall determine, in the light of circumstances, whether or not temporary visits abroad have interrupted the continuous residence referred to in the paragraph last preceding.

Article 3. The following persons are not eligible for this privilege:

(1) A person who has been convicted of or is undergoing trial for a simple offence or crime, until such time as proceedings are finally discontinued;

(2) A person incapable of earning his living;

(3) A person suffering from a chronic or contagious disease or incurable organic defect;

(4) A person who practises or disseminates doctrines likely to produce a revolutionary change in the social or political system or which may affect national integrity;

(5) A person who is habitually engaged in an unlawful occupation irreconcilable with established customs and morality and in general any person who can be considered to be covered by the provisions of the Residence Act, No. 3,446 of 12 December 1918.

Article 4. The application for naturalization shall be addressed to the intendant or governor of the applicant's place of residence and must contain the following particulars:

(a) Name and family name (paternal and maternal);

(b) Place of birth;

(c) Age;

(d) Civil status. If married, whether spouse is a Chilean or an alien;

(e) Number of children, specifying those born in Chile;

(f) Profession or trade;

(g) Real estate owned by the petitioner;

(h) Whether naturalized in another country;

(i) Personal identity papers issued by the authorities of the country of origin or by those of the applicant's last place of residence before coming to Chile. An applicant for a certificate of naturalization shall be exempt from this obligation: (a) if he produces satisfactory proof that he has resided more than six years on national territory; (b) if he or she married

¹ *Códigos de la República de Chile*, official edition, 1949. Translation by the Secretariat of the United Nations.

a Chilean five years prior to the submission of the application and has Chilean children;

(j) Certificates issued by the consuls or diplomatic agents concerned accredited to Chile regarding the applicant's identity and personal particulars. If the applicant is a national of a country which has no diplomatic or consular representative accredited to Chile, the documents required under this sub-paragraph may be replaced by a certificate issued by the Ministry of Foreign Affairs stating the nationality of the applicant, the particulars on which such certificate is based and why the applicant has not complied with the provisions of the previous sub-paragraph.

If the applicant has no document to prove his real nationality or if this is in doubt for international reasons such as the annexation of one country by another, the procedure laid down in the previous paragraph shall be followed.

(k) Report from the police in the various places in the Republic in which the applicant has lived during his residence in Chile;

(l) Any other relevant information relating to any services which the applicant may have rendered to national institutions or to the country in general;

(m) A copy of the fingerprint record issued by an office of the Identification Service.

Article 5. Before submitting the application to the Ministry for its decision, the intendant or governor shall request the Investigation Service to report on the police record of the applicant.

Article 6. The Ministry shall itself request a report from the Directorate-General of Investigations and Identification which shall verify the relevant particulars through the Central Identification Office.

Article 7. A decree refusing a certificate of naturalization shall in all cases state the grounds for such refusal and be signed by the President of the Republic.

Article 8. A decree revoking such certificate must also state the grounds for revocation, namely the fact that the certificate was granted contrary to the provisions of article 3 of this Act, or the occurrence of incidents rendering the holder of the certificate of naturalization unworthy of such privilege, or the conviction of the holder of any of the offences referred to in Act No. 6026 of 11 February 1937. Revocation of a citizenship certificate shall be effected by decision of the Council of Ministers and by a decree signed by the President of the Republic.

Article 9. Certificates of naturalization shall be numbered consecutively by the Confidential Office of the Ministry of the Interior and shall, upon payment of a fee, be entered in the record of certificates of naturalization to be kept by the Confidential Office. Changes in the record shall be inserted annually in the Ministry's Year Book.

Article 10. Persons born in Chilean territory who are the children of aliens residing in the country in the service of their government, or the children of aliens in transit, shall, if they decide to opt for Chilean nationality in accordance with article 5, paragraph 1, of the Political Constitution, make a declaration in which they state that they opt for Chilean nationality. The declaration shall be made before the competent intendant or governor in Chile, or, if made abroad, before the diplomatic representative or consul of the Republic within one year from the date on which the person concerned attains the age of twenty-one,

after sufficient evidence has been produced showing that the person concerned is covered by one of the provisions of article 5, paragraph 1 of the Constitution.

The officials aforementioned shall send the declarations in question without delay to the Ministry of the Interior for entry in the Register kept by the competent section.

The same fee shall be payable for a document certifying this act as for a certificate of naturalization.

16. China

NATIONALITY ACT OF 5 FEBRUARY 1929.¹

CHAPTER I. ORIGINAL NATIONALITY

Article 1. The following persons are of the nationality of the Republic of China:

1. Any person whose father was, at the time of that person's birth, a Chinese national;
2. Any person born after the death of his (or her) father who was, at the time of his death, a Chinese national;
3. Any person whose father is unknown or stateless but whose mother is a Chinese national;
4. Any person born in Chinese territory whose parents are both unknown or stateless.

CHAPTER II. ACQUISITION OF NATIONALITY

Article 2. An alien who is in one of the cases as specified in the following sub-paragraphs acquires the nationality of the Republic of China:

1. One who is the wife of a Chinese national except in cases where according to the law of her own country she retains her nationality;
2. One whose father is a Chinese national and who has been legitimated by him;
3. One whose father is unknown or has not legitimated him (or her) but whose mother is a Chinese national and has legitimated him (or her);
4. One who is an adopted child of a Chinese national;
5. One who is naturalized.

Article 3. An alien or stateless person may be naturalized upon the permission of the Ministry of the Interior.

The Ministry of the Interior shall not grant the permission referred to in the preceding paragraph unless the applicant for naturalization has satisfied the requirements set forth in the following sub-paragraphs:

1. Having a domicile in China for five years or more without interruption;
2. Having attained the age of full twenty years or more and having legal capacity under both the law of China and the law of his (or her) own country;
3. Being of good character;
4. Possessing sufficient property or skill and ability by which he (or she) can make an independent living.

¹ English translation received from the Chinese Delegation to the United Nations.

In case of the naturalization of a stateless person, the requirement set forth in the sub-paragraph (2) of the preceding paragraph shall be determined solely according to the law of China.

Article 4. Any of the aliens as specified in each of the following sub-paragraphs, who has, at present, a domicile in China, even though it does not extend to five years or more uninterruptedly, may also be naturalized:

1. One whose father or mother was once a Chinese national;
2. One whose wife was once a Chinese national;
3. One who was born in Chinese territory;
4. One who has had a residence in China for ten years or more without interruption.

An alien as specified in sub-paragraphs (1), (2) or (3) of the preceding paragraph shall not be naturalized unless he (or she) has had residence in China for three years or more without interruption except in the case of an alien as specified in sub-paragraph (3) whose father or mother was born in Chinese territory.

Article 5. An alien who has, at present, a domicile in China and whose father or mother is a Chinese national may also be naturalized, even though he (or she) fails to satisfy the requirements set forth in sub-paragraphs (1), (2) or (4) of paragraph 2, article 3.

Article 6. An alien who has rendered distinguished service to China may also be naturalized, even though he (or she) fails to satisfy the requirements set forth in any one of the sub-paragraphs of paragraph 2, article 3.

The Ministry of the Interior, in granting permission for naturalization under the preceding paragraph, shall obtain in each case the approval of the National Government.

Article 7. Naturalizations shall be published in the National Government Gazette and shall take effect as from the date of such publication.

Article 8. A naturalized person's wife, and his children who have not attained majority under the law of their own country, acquire, in conjunction with that person's naturalization, the nationality of the Republic of China except where the law of his wife's or children's own country provides to the contrary.

Article 9. A person who has acquired the nationality of the Republic of China in accordance with the provisions of article 2 and a naturalized person's wife and children who have acquired the nationality of the Republic of China in conjunction with that person's naturalization shall not hold public offices as enumerated in the following sub-paragraphs:

1. Counsellor of the National Government, President of Yuan, Minister of a Ministry, and President of a Commission;
2. Member of the Legislative Yuan and Member of the Supervisory Yuan;
3. Ambassador and Minister Plenipotentiary;
4. General officer in the Navy, Army or Air forces;
5. Counsellor of a provincial or district government;
6. Mayor of a Special Municipality;
7. Functionary of a self-governing community of any class.

The restrictions specified in the preceding paragraph may, as regards a person naturalized in accordance with the provisions of article 6, after full five years from the date of his (or her) acquisition of nationality, and as regards other persons after full ten years from the date of their acquisition

of nationality, be removed by the National Government at the request of the Ministry of the Interior.

CHAPTER III. LOSS OF NATIONALITY

Article 10. A Chinese national who is in one of the cases as specified in the following sub-paragraphs loses the nationality of the Republic of China:

1. One who is the wife of an alien and who has, upon her own application, obtained the permission from the Ministry of the Interior to renounce her nationality;

2. One whose father is an alien and who has been legitimated by him;

3. One whose father is unknown or has not legitimated him (or her) but whose mother is an alien and has legitimated him (or her).

The provisions of sub-paragraphs (2) and (3) of the preceding paragraph shall be applicable only to persons who, according to the law of China, are still minors, or to a woman who is not the wife of a Chinese national.

Article 11. A person who wishes, upon his (or her) own will, to acquire the nationality of a foreign country may, with the permission of the Ministry of the Interior, lose the nationality of the Republic of China provided that he (or she) has attained the age of full twenty years or more and has legal capacity under the law of China.

Article 12. The Ministry of the Interior shall not grant permission for the loss of nationality to any one who is in one of the cases as specified in the following sub-paragraphs:

1. One who, having attained the age for military service, is not exempt from such service and has not yet performed it;

2. One who is performing military service;

3. One who is holding a Chinese civil or military office.

Article 13. A person who is in one of the cases as specified in the following sub-paragraphs does not lose nationality, even though he (or she) comes under the provisions of articles 10 or 11:

1. One who is a suspect or an accused in a criminal case;

2. One who has been sentenced for criminal offence, and whose sentence has not been completely executed;

3. One who is a defendant in a civil case;

4. One against whom a compulsory execution has been ordered and has not been completely carried out;

5. One who has been declared in bankruptcy and has not been rehabilitated;

6. One who has delayed in the payment of imposts or taxes, or who has suffered a penalty because of having delayed in the payment of imposts or taxes, such penalty having not been completely executed.

Article 14. Any person who loses nationality surrenders all the rights which a person who is not a Chinese national can not enjoy.

All the rights as specified in the preceding paragraph enjoyed before the loss of nationality by one who loses nationality shall be turned into the national treasury, if he (or she) does not, within one year after the loss of nationality, transfer them to a Chinese national (or nationals).

CHAPTER IV. RECOVERY OF NATIONALITY

Article 15. One who has lost nationality in accordance with the provisions of sub-paragraph (1), paragraph 1, article 10, may, after the annulment

of her matrimonial relationship, recover the nationality of the Republic of China with the permission of the Ministry of the Interior.

Article 16. One who has lost nationality in accordance with the provisions of article 11 may, with the permission of the Ministry of the Interior, recover the nationality of the Republic of China provided that he (or she) has a domicile in China and is qualified under the requirements set forth in sub-paragraphs (3) or (4) of paragraph 2, article 3, with the exception of a naturalized person and of his wife and children who, having acquired nationality in conjunction with that person's naturalization, later have lost their Chinese nationality.

Article 17. The provisions of article 8 shall be applicable, *mutatis mutandis*, to the cases as specified in articles 15 and 16.

Article 18. One who has recovered nationality shall not, within three years from the date of the recovery, hold the public offices as enumerated in paragraph 1, article 9.

CHAPTER V. SUPPLEMENTARY RULES

Article 19. Regulations for the enforcement of the present Act shall be prescribed separately.

Article 20. The present Act shall come into force from the date of its promulgation.

17. Colombia

(a) CONSTITUTION OF 21 APRIL 1886 AS AMENDED ON 16 FEBRUARY 1945.¹

PART II. THE INHABITANTS: NATIONALS AND ALIENS

Article 8. The following are Colombians:

1. By birth:

(a) Natives of Colombia, under one of two conditions, viz., that the father or mother shall also have been a native, or, in the case of children of foreigners, that they shall be domiciled in the Republic;

(b) Those born abroad of a Colombian father or mother and who later become domiciled in the Republic.

2. By adoption:

(a) Any alien who applies for and obtains a certificate of naturalization;

(b) Any native Spanish American and Brazilian who, with the authorization of the Government, applies to the municipal authorities of the place where he resides for registration as a Colombian (Article 3 of A. L. 1 of 1936).

Article 9. A person shall lose his status as a Colombian national if he acquires a certificate of naturalization in a foreign country and becomes domiciled abroad; the said status may be recovered in the manner prescribed by legislation (Article 4 of A. L. 1 of 1936).

Article 13. If a Colombian, even though he may have lost his status as a Colombian national, is captured with arms in hand in a war against the Republic, he shall be tried and punished as a traitor.

¹ Acto Legislativo y Leyes de 1945, Imprenta Nacional, Bogotá. Translation by the Secretariat of the United Nations.

No naturalized alien and no alien domiciled in Colombia shall be required to take up arms against his country of origin.

Article 14. A Colombian acquires citizenship upon completing his twenty-first year.

If a person ceases to be a national he shall *de facto* cease to be a citizen. In addition, in the cases specified by legislative provisions, citizenship may be withdrawn or suspended by virtue of a judicial decision.

If a person has lost citizenship he may apply for reinstatement (Article 2 of A. L. 1 of 1945).

(b) ACT 22 BIS OF 29 FEBRUARY 1936 TO AMEND AND SUPPLEMENT THE PROVISIONS CONCERNING THE NATURALIZATION OF ALIENS.¹

Article 1. In conformity with article 8 of the National Constitution a person is a Colombian national (a) by origin and residence, if he is a Spanish American and applies to the municipal authorities of the place where he resides for registration as a Colombian, and (b) by adoption, if he is an alien who applies for and obtains a certificate of citizenship.

Article 2. In accordance with the foregoing article and paragraph 1 of article 120 of the Constitution, naturalization is a sovereign and discretionary act on the part of the public authorities and accordingly the Government may grant citizenship or naturalization certificates to aliens who apply for them.

Article 3. Naturalization only operates to confer nationality on the naturalized person and, in the case of the father or mother of a family, on the children under paternal power at the time when the respective naturalization certificate is granted. Upon attaining majority, the said children shall confirm, before the local authority, their intention of continuing to be Colombians. If an alien woman married to an alien or to a Colombian national wishes to become a Colombian, she must apply for and obtain her naturalization certificate.

Article 4. Naturalization certificates shall only be granted to aliens who have resided continuously in the country for at least five years.

In the case of an alien woman married to a Colombian national only two years' residence in Colombia after her marriage shall be required.

Absence from Colombia does not interrupt the period of residence required by this article, provided that the absence does not exceed three months during the period of residence in question, and this may be extended to ten months with the authorization of the Ministry of Foreign Affairs.

Article 5. The time during which the alien, or the alien wife of a Colombian national, may have resided in the country before the publication of this Act shall count towards the period of residence required by the foregoing article.

Article 6. In addition to the period of residence in the country, any alien applying for a naturalization certificate in Colombia must in each individual case prove:

(a) His nationality of origin, by his birth certificate or by some other reliable document from which it may be gathered what this nationality was.

¹ Diario oficial, No. 23159, of 16 April 1936. Translation by the Secretariat of the United Nations.

(b) The date of his arrival in the country and the fact that he entered it in accordance with the provisions in force, for which purpose he shall produce the passport, which must have been issued to the applicant by the competent authority of the country of which he is a national and bear the visa of the Colombian Consul in the port of embarkation, and his identity card. The passport may not be replaced by a mere statement to the effect that it has been lost or mislaid unless other trustworthy documents are produced which prove its former existence or the possibility of its having been issued.

(c) Submission of evidence of the civil status of the minor children to whom naturalization is to be extended. The lack of such evidence shall not operate as a bar to the possible grant of a naturalization certificate, or, where appropriate, registration as a Colombian, without the mention of the names of the applicant's children in these documents.

(d) That his naturalization is in the interests of the Republic on the ground that he entered the country with a knowledge of some trade or useful occupation whereby to earn his livelihood. These particulars, his good repute and the time of residence in the country must be attested by five witnesses who are certified by the official accepting the statements to be Colombian by birth and who, in the opinion of the Governor of the particular *Departamento*, are honourable and qualified persons.

(e) That he was likewise of good repute in his country of origin or of former domicile, the evidence to be produced to be in the form of a statement or affidavit by the competent authority.

(f) That he has an adequate knowledge of the Spanish language. For this purpose he shall submit to a written examination before the authorities of the *Departamento* and the examination papers must be sent to the Ministry of Foreign Affairs, together with the documents relating to the application for naturalization.

(g) That at the time of making his application he is not liable to compulsory military service in his country of origin, unless he left the said country before reaching the age of twenty years.

Article 7. Application for a naturalization certificate shall be made to the Executive Power through the Governor of the *Departamento* in which the applicant resides, by means of a memorandum in which the applicant shall declare the State of which he is a native and the Government of which he is a subject; and if he has minor children under his paternal power, the name, age and sex of each such child.

Article 8. If the Ministry of Foreign Affairs, after receiving a report on the subject by the Governor of the *Departamento*, considers that a person has performed important services for the country, or brought distinguished talents to it, or introduced useful industries or inventions, or set up important industrial establishments or agricultural undertakings in the national territory, then that person may obtain a naturalization certificate even though he does not fulfil all the conditions stipulated in articles 4 and 6.

Article 9. Spanish Americans by birth, who apply for registration as Colombians to the municipality of the place where they reside, must also prove, in addition to good repute while residing in national territory, that they fulfil the conditions stipulated in paragraphs (a) and (f) of article 6.

Article 10. When Spanish Americans apply for registration as Colombians under article 8 of the Constitution, a document shall be drawn up on ordinary paper which shall be signed by them and by the President and Secretary of the municipal authority in question and which shall state the following: (a) the State of which the applicant is a native and the Government of which he considers himself to be a subject; (b) that he has sworn on oath before the Governor, after the latter has received the naturalization certificate signed by the person in whom the Executive Power is vested, or has solemnly affirmed, if his religion does not permit him to take an oath, that he renounces forever all allegiance to any other Government and that he will uphold and respect the Constitution and the laws of the Republic; (c) the number, names, age and sex of his dependent children to whom the naturalization is to be extended.

Article 11. A municipal authority shall not act to give effect to the provisions of the foregoing article unless empowered to do so by the Government, to which the said authority shall previously have explained the applicant's circumstances as prescribed in article 9.

Article 12. When an application for a naturalization certificate is submitted to a Governor, together with the supporting documentary evidence, he shall examine it and if he finds that none of the required particulars has been omitted, he shall transmit it to the Ministry of Foreign Affairs with a recommendation in which he may advise either that the application should be granted or that it should be dismissed, and with the attestation that the five witnesses who have testified to the applicant's circumstances are persons of recognized integrity. Failing that, that is if any of the required particulars have been omitted, he shall see to it that the documents are duly completed, any omissions noted being made good, so that the application may be dealt with in the normal manner.

Article 13. The Executive Power, having considered the applicant's memorandum, the supporting documentary evidence and the Governor's opinion and attestation, shall state (after consultation with the Foreign Affairs Advisory Committee), whether it admits the application and, if so, shall grant the naturalization certificate and send it to the applicant through the Governor of the *Departamento* in question.

Article 14. On receipt of a naturalization certificate granted by the Government, the Governor shall transmit the certificate to the chief political authority in the District in which the alien who made the application resides. The latter shall be summoned to appear before the said official and in the presence of the official and his secretary shall swear on oath, or, if his religion does not permit him to swear on oath, solemnly affirm: (1) that, as a Colombian by adoption, he will uphold, obey and respect the Constitution and the laws of the Republic; (2) that he renounces absolutely and perpetually all allegiance to his country of origin or to any other country of which he was previously a national; and (3) that he similarly renounces forever any rights and privileges which might derive from such allegiance or nationality.

The oath or affirmation bearing the signatures of the person naturalized, of the official before whom the oath or affirmation was made and of the secretary witnessing the document, shall be endorsed on the naturalization certificate.

Article 15. When these formalities have been satisfied, the naturalization certificate shall be returned to the Governor who shall order the full text

of the certificate and of the oath or affirmation to be copied and registered in a book to be kept for this purpose by the office of each Governor. Each registration or entry in the book shall have its corresponding serial number and shall be headed by the name of the naturalized person. This registration and entry shall be authorized by the signature of the Governor and his Secretary and shall be noted on the naturalization certificate with the date on which the authentic copy was made and the page of the book on which the certificate is registered. Immediately upon completion of these formalities, the Governor shall return the naturalization certificate to the official who is to deliver it to the applicant, and shall communicate to the Ministry of Foreign Affairs a copy of the oath or affirmation made by the applicant so that the particulars thereof may be noted in the register of the names of naturalized persons to be kept in the said Ministry.

Article 16. Each entry in the Register of Naturalizations kept by the Ministry of Foreign Affairs shall give the following particulars: (1) the number of the naturalization certificate and the date on which it was granted; (2) the name and age of the naturalized person; his nationality by birth; the Government of which he was, or considered himself to be, a subject, and the time during which he has resided in the Republic; (3) whether he is married or single, and, if he is married, the name of his wife and the names, ages and sex of his children under the age of twenty-one years who, pursuant to the Act, are to be naturalized by reason of the naturalization of the head of the family; (4) the name of the Governor through whom the naturalized person applied and the date of the application; (5) the date and number of the document in which the Governor notified the swearing of the oath (or the making of the affirmation); the date on which the oath was sworn or the affirmation made, and the authority before whom it was sworn or made.

Article 17. The municipal authority shall transmit to the Ministry of Foreign Affairs, through the Governor of the *Departamento*, both the empowering instrument required by article 11 of this Act and an authorized copy of the oath or affirmation mentioned in article 14. A copy of this oath or affirmation shall be entered in the corresponding register of the office of the Governor and in the register of the Ministry. A list or index of the names of naturalized persons in alphabetical order together with the number of the relevant entry and of the page on which they are to be found shall be placed at the end of each of these books.

Article 18. Naturalization certificates shall be executed on stamped paper and bear stamps to the value of twenty pesos (\$20).

Article 19. The Government may refuse a naturalization certificate to any alien who, having surrendered his nationality of origin and accepted another, applies for Colombian nationality to replace the second nationality, even if he fulfils the other conditions governing naturalization.

Article 20. Children under the age of twenty-one years who become naturalized by reason of their father's naturalization, shall lose Colombian nationality if the father loses it.

Article 21. The State of which the naturalized person was a national shall be informed of his naturalization through the diplomatic channel. In addition, a notice shall be published in the *Diario Oficial* in respect of every naturalization certificate granted by the Executive Power.

The same procedure shall be followed in the case of the review of a naturalization certificate.

Article 22. A naturalization certificate granted by the President of the Republic shall be subject to review in the following cases: (a) if it was granted on the basis of false documents; (b) if the witnesses on whose statements the alien relied in applying for naturalization were untruthful in respect of one or more of the particulars required for the purpose of obtaining naturalization; (c) if it is discovered that, before settling in Colombia, the naturalized alien committed in another country an offence constituting grounds for his extradition.

Article 23. The Council of State shall be empowered to review naturalization certificates, but only if the Attorney-General, having been duly authorized by the Government, so requests.

Article 24. The reason or reasons on which the request for review is based shall be stated in the request; it shall be the subject of a ruling by summary procedure, the party concerned being summoned to appear.

Article 25. The party concerned shall be summoned in person if he resides in the country and his residence is known. If not, he shall be summoned by an announcement to be published in the *Diario Oficial* stipulating the time-limit within which he is to appear.

If the party concerned is absent, he shall be given a time-limit of three months after publication of the summons in the *Diario Oficial* within which to appear personally or through an attorney; upon the expiry of this time-limit and after the appointment of a curator *ad litem*, the proceedings shall continue until a ruling is rendered.

Article 26. A review may be requested not only in the case of naturalization certificates granted after the commencement of this Act, but also in the case of certificates granted prior thereto; however, in no case may a review be requested after ten years have elapsed after the date of the certificate.

Article 27. The decision shall be communicated to the Ministry of Foreign Affairs, whether the request for review is refused or granted, and in the latter case the naturalization certificate shall be declared cancelled and inoperative thereafter.

Article 28. If a person obtained a naturalization certificate by unlawful means, the decision to cancel the certificate shall not exempt him from any penalties to which he may have become liable under national legislation by reason of anything done by him for the purpose of obtaining the said certificate.

If a person charged by reason of the foregoing provision is abroad, the Government may, in conformity with the treaties in force and with the principles and practices of international law, request his extradition in order to bring him to trial.

Article 29. Articles 16, 17, 18, 19, 20, 21, 22 and 23 of Act 145 of 1888; subsection 23 of article 13 of Act 20 of 1923; and Act 16 of 1931 are hereby repealed.

18. Costa Rica

(a) CONSTITUTION OF 7 NOVEMBER 1949.¹

TITLE II. SOLE CHAPTER: COSTA RICANS

Article 13. The following persons are Costa Ricans by birth:

- (1) Every person born to a Costa Rican father or mother in the territory of the Republic;
- (2) Every person born abroad to a Costa Rican-born father or mother and registered as Costa Rican in the civil register at the instance of the Costa Rican parent during his minority or at his own instance before he attains the age of twenty-five years;
- (3) Every person born in Costa Rica to alien parents and registered as Costa Rican at the instance of either of his parents during his minority or at his own instance before he attains the age of 25 years;
- (4) Every child of unknown parents who is found in Costa Rica.

Article 14. The following persons shall be Costa Ricans by naturalization:

- (1) Every person who has acquired that status by virtue of earlier legislation;
- (2) Every national of another Central American country who is of good conduct, and has resided in the Republic for at least one year, and makes a declaration before the civil registrar that he intends to become Costa Rican;
- (3) Every Spaniard or Latin American by birth who obtains the appropriate certificate from the civil registrar, if he has been domiciled in the country during the two years preceding his application;
- (4) Every Central American, Spaniard or Latin American not so by birth, and every other alien, who has been domiciled in Costa Rica for not less than five years immediately preceding his application for naturalization, if the statutory requirements are satisfied;
- (5) Every alien woman who on marrying a Costa Rican loses her nationality and declares her intention to become a Costa Rican;
- (6) Every person to whom the Legislative Assembly grants honorary Costa Rican nationality.

Article 15. An applicant for naturalization shall be required first to furnish evidence that he has been of good behaviour and is in employment or has some reputable means of livelihood, and to give an undertaking that he will ordinarily reside in the country.

For purposes of naturalization, domicile means regular and actual residence in and ties with the national community in accordance with statutory requirements.

Article 16. A person shall lose his status as a Costa Rican:

- (1) If he adopts another nationality;
- (2) If, being a Costa Rican by naturalization, he voluntarily absents himself from the territory of the Republic for more than six consecutive years and cannot prove that he has maintained his ties with the country.

¹ Constitution of the Republic of Costa Rica, official edition, 1949. Translation by the Secretariat of the United Nations.

Article 17. Loss of status as a Costa Rican shall not extend to a spouse or children. Acquisition of nationality shall extend to children under age in accordance with statutory requirements.

Article 18. Costa Ricans shall observe the Constitution and the laws, serve and defend their country, and contribute toward public expenditure.

(b) ALIENS AND NATURALIZATION ACT OF 29 APRIL 1950.¹

Article 1. The following persons are Costa Ricans by birth:

- (1) Every person born to a Costa Rican father or mother in the territory of the Republic;
- (2) Every person born abroad to a Costa Rican-born father or mother and registered as Costa Rican in the civil register at the instance of the Costa Rican parent during his minority or at his own instance before he attains the age of twenty-five years;
- (3) Every person born in Costa Rica to alien parents and registered as Costa Rican at the instance of either of his parents during his minority or at his own instance before he attains the age of twenty-five years;
- (4) Every child of unknown parents who is found in Costa Rica.

Article 2. The following persons shall be Costa Ricans by naturalization:

- (1) Every person who has acquired that status by virtue of earlier legislation;
- (2) Every national of another Central American country who is of good conduct, and has resided in the Republic for at least one year, and makes a declaration before the civil registrar that he intends to become Costa Rican;
- (3) Every Spaniard or Latin American by birth who obtains the appropriate certificate from the civil registrar, if he has been domiciled in the country during the two years preceding his application;
- (4) Every Central American, Spaniard or Latin American not so by birth, and every other alien, who has been domiciled in Costa Rica for not less than five years immediately preceding his application for naturalization, if the statutory requirements are satisfied;
- (5) Every alien woman who on marrying a Costa Rican loses her nationality and declares her intention to become a Costa Rican;
- (6) Every person to whom the Legislative Assembly grants honorary Costa Rican nationality.

Article 3. A person shall lose his status as a Costa Rican:

- (1) If he adopts another nationality;
- (2) If, being a Costa Rican by naturalization, he voluntarily absents himself from the territory of the Republic for more than six consecutive years and cannot prove that he has maintained his ties with the country.

Article 4. Loss of status as a Costa Rican shall not extend to a spouse or children, who shall continue to possess Costa Rican nationality unless they lose it under article 16 of the Constitution. Acquisition of status as a Costa Rican shall not extend to a spouse, who shall retain his nationality unless he applies for naturalization according to this law. Acquisition of Costa Rican nationality by a parent shall extend to minor children domiciled

¹ *La Gaceta*, No. 102, 10 May 1950, p. 845. Translation by the Secretariat of the United Nations.

in Costa Rica at the time of the acquisition, and the instrument drawn up by the civil registrar shall therefore state the first names and surnames of such children, the place and date of their birth, and their domicile. Upon attaining majority and at any time before attaining the age of twenty-five years such a child may appear before the civil registrar and renounce Costa Rican nationality. If he does not so renounce it within that period he shall remain a naturalized Costa Rican.

Article 5. A former Costa Rican who has lost his nationality may recover it:

(1) If he lost it in the circumstances described in article 3 (1); if he was a Costa Rican by birth, then by express renunciation of his new nationality made in person or through a specially authorized representative before the civil registrar, who shall register him as a naturalized Costa Rican; and if he was a naturalized Costa Rican, then by making a fresh application and satisfying the other requirements for naturalization; or

(2) If he lost it in the circumstances described in article 3 (2), and satisfies the original requirements, then by applying for and obtaining naturalization again. If, however, his severance of connexion had given rise to a declaration of loss or cancellation of naturalization, and was not wilful or was due to causes beyond his control, he may apply in writing to the registrar for rescission of the declaration, appending any supporting documentary evidence. The registrar may, if he sees fit, require further particulars and evidence. He shall allow the State eight days in which to respond to the application, and the State shall, if it objects thereto, furnish any evidence in its possession bearing on the ideology and record of the applicant. After hearing the objection, or after the time-limit therefor has expired, the registrar shall make an order, which shall be subject to appeal within five days to the next higher authority. An order upholding the cancellation shall in no case afford ground for a claim against the State for compensation, notwithstanding that the previous loss or cancellation of status as a Costa Rican has been declared illegal, but submission of the initial application shall be deemed to have imported a waiver of all redress against the State.

Article 6. Where under the law of the country to which a husband belongs his Costa Rican wife may not acquire his nationality, she shall retain Costa Rican nationality without alteration; but where under such law she loses her nationality she may, if the marriage is dissolved and she returns to Costa Rica, again become a Costa Rican by birth or by naturalization, whichever her status was before the marriage. In any case a Costa Rican woman shall, if she has an option, state clearly in the marriage instrument what her future nationality is to be, so that the registrar may note it in the relevant entry in the marriage register. In order to recover Costa Rican nationality it shall be sufficient for her to renounce the nationality of her husband, for which purpose she shall appear before the registrar either in person or by a representative holding a special authority granted in Costa Rica.

Article 7. A child under the age of twenty years one of whose parents is Costa Rican by birth and who has lost his nationality owing to some act of his Costa Rican parent may, upon attaining majority and before attaining the age of twenty-five years, claim status as a Costa Rican by birth by making before the registrar, either in person or through a specially authorized representative, a declaration supported by suitable evidence.

If at the time of attaining majority he is resident in the Republic and holds any public office, he shall without further requirement be deemed to be a Costa Rican by birth. The same shall apply to a child under age whose mother is a Costa Rican by birth and who has lost his nationality through acknowledgment by an alien father.

Article 8. A person desiring to acquire or retain Costa Rican nationality may benefit by the rule according to which a child is deemed for all purposes favourable to him to have been born at the moment of conception.

Article 9. In the case referred to in article 13 (2) of the Constitution the Costa Rican parent may, during the minority of his child, apply to the registrar in person or by a specially authorized representative for the registration of his child as a Costa Rican by birth.

Article 10. In the case referred to in article 13 (3) of the Constitution either parent may, during the minority of the child, apply to the registrar in person or by a specially authorized representative for the registration of the child as a Costa Rican by birth. In this case and in the case mentioned in the preceding article the registrar shall, on production of the birth certificate, make the proper entry and deliver a certificate thereof to the applicant.

Where an applicant over twenty-one and under twenty-five years of age himself opts for Costa Rican nationality, the same procedure shall be followed.

Article 11. Any alien may be naturalized in the Republic if he first satisfies the civil judge of his judicial area or a civil judge of San José, after service of notice on the Law Officers' Department, that:

- (1) He is over twenty-one years of age;
- (2) He has been domiciled in Costa Rica for the period required by article 14 of the Constitution for the relevant group of nationalities;
- (3) He is and has been of good conduct and practises a trade or profession or holds property or assets or is in possession of other visible means of livelihood and is able to provide for himself and his family, if any;
- (4) He declares on oath that he intends to continue to reside regularly and permanently in the Republic, and at the same time renounces his nationality; and
- (5) Being a taxpayer, he is not in arrears with the payment of any tax, and throughout his stay in the country has not been convicted of any offence (*delito*) or sentenced more than once for any default or contravention.

Production of his current residence papers shall constitute sufficient evidence that he satisfies requirement (1), and to establish his nationality. To prove that he satisfies requirements (2) and (3) he shall produce a statement by four witnesses of good repute, and may also produce any other documentary evidence in his possession. To prove that he satisfies requirement (4) he shall appear in person before the judge to make the declaration on oath and renounce his former nationality. To prove that he satisfies requirement (5) he shall produce the proper receipts or certificates from the offices concerned, and a certificate from the Registry of Offenders stating that during his stay in the country he has not been punished for any offence or sentenced more than once for any default or contravention.

Article 12. The applicant shall then apply for naturalization to the registrar, either in person or by a specially authorized representative, bringing with him his statement certified by the court. All documents shall be certified as prescribed by statute. In the provinces of Guanacaste,

Puntarenas and Limon the special authority may be granted before a judge or mayor in the form set forth in article 1053 of the Code of Civil Procedure.

Article 13. The registrar shall order publication of a notice informing the public of the application for naturalization and stating a time-limit of ten working days during which objections to the application may be filed by members of the public. During this period the Ministry of Public Security and any other authority may file with the registrar notice of opposition, with reasons, supported by documentary evidence.

Article 14. If any objection or notice of opposition is filed against the application, the applicant shall have eight days in which to file a reply; and any evidence offered by him against the objection shall be accepted or the competent court shall be instructed to decide thereon. After the time-limit for reply has expired or the evidence has been accepted, the registrar shall announce his decision to grant or withhold naturalization. An appeal against his decision shall lie to the Supreme Court of Elections within five days from the date of notification of the decision, which shall, in like manner with any other decision of the registry, be notified to the parties in a certified note addressed to the prescribed office or to the residence of each party.

Article 15. Naturalization shall not be granted:

(1) To an applicant found to belong to a nation with which Costa Rica is at war;

(2) To an applicant proved to have acted as a social, political or religious agitator inside or outside the country, or to have been sentenced abroad for any such activity or for swindling, robbery, arson, falsification of currency or securities or for an offence of equal or greater gravity as measured by the penalties set forth in the relevant Costa Rican codes.

Article 16. When the decision has become final, the change of nationality shall be recorded by an entry made in a special register and signed by the Senior Civil Registrar and by the applicant or his specially authorized representative. The certificate of naturalization shall then be issued, signed by the President of the Supreme Court of Elections and by the Senior Civil Registrar.

The entry and the naturalization certificate shall each be accompanied by a photograph of the applicant, and the certificate shall in addition bear a revenue stamp to the value of 100 colones cancelled with the seal of the court. For a Central American by birth the value of the stamp shall be 10 colones. One-half of the proceeds from this stamp duty shall, as under the previous law, be paid at the end of each month to the Orphanage and the other half to the Refuge Home of San José in like manner as the proceeds of the charge for the certification of signatures are paid to the Carlos Maria Ulloa Home.

Article 17. Change of nationality shall not have retroactive effect.

Article 18. Naturalization obtained by an alien by fraud in breach of the requirements of this Act shall be void by operation of law; in consequence whereof, if at any time it is established that a naturalized person, when applying for or obtaining his certificate, gave a false particular or had previously been convicted of an offence referred to in article 15 (2) hereof, or that his purpose in becoming naturalized was to spread totalitarian doctrines or methods contrary to the democratic system, then the

civil registrar shall, acting on information laid before his officers and at the instance of the Law Officers' Department and after due notice to the person affected, if the charge is proved proceed to cancel the naturalization certificate. An appeal from his decision shall lie to the Supreme Court of Elections within five days after notification.

. . .
Article 23. Provisions of treaties relating to citizenship, aliens, naturalization, and the rights and duties of aliens shall continue in force.

Article 24. Act No. 25 of 13 May 1889 as amended is hereby repealed.

Article 25. This Act shall enter into force on publication.

Transitional clause. An application for naturalization pending on the entry into force of this Act shall, unless the applicant is prejudiced thereby, continue to be dealt with according to the provisions of statute and regulation in force when it was submitted.

19. Cuba

CONSTITUTION OF 4 APRIL 1952.¹

TITLE II. NATIONALITY

Article 8. Citizenship implies duties and rights, the proper exercise of which shall be regulated by statute.

Article 9. Every Cuban is obliged:

(a) To serve the country with arms, in the cases and in the manner established by statute;

(b) To contribute to the public expenses in the manner and amount directed by statute;

(c) To comply with this Constitution and with the laws of the Republic, to behave as a good citizen, and to inculcate this practice in his own children and those under his care by instilling in them the purest spirit of patriotism.

Article 10. Every citizen is entitled:

(a) To reside in his country without being subjected to discrimination or extortion of any kind, regardless of his race, class, political opinions or religious belief;

(b) To vote in accordance with statute at all elections and referenda called in the Republic;

(c) To receive the benefits of social assistance and public co-operation, subject in the former case to proof that he is destitute;

(d) To perform public functions and hold public office;

(e) To enjoy the priority prescribed by this Constitution and by statute with respect to employment.

Article 11. Cuban citizenship is acquired by birth or by naturalization.

Article 12. The following persons are Cubans by birth:

(a) Every person born in the territory of the Republic otherwise than to an alien in the service of his government.

(b) Every person born in foreign territory to a Cuban father or mother, by virtue solely of taking up residence in Cuba.

¹ *Ley Constitucional para la República de Cuba*, pub. Editora Continental, S.A., 1952. Translation by the Secretariat of the United Nations.

(c) Every person born outside the territory of the Republic to a native-born Cuban father or mother who has lost Cuban nationality, who claims Cuban citizenship in the manner and subject to the conditions prescribed by statute.

(d) Every alien who has served for one year or more in the Army of Liberation and remained therein until the termination of the war of independence, and who proves such service and permanence by producing an authentic document issued from the National Archives.

Article 13. The following persons are Cubans by naturalization:

(a) Every alien who, after five years' continuous residence in the territory of the Republic and not less than one year after declaring his intention to acquire Cuban nationality, obtains citizenship papers in accordance with statute and is familiar with the Spanish language.

(b) Every alien of either sex who marries a Cuban, if children are born of the marriage or if the alien resides in the country continuously for two years after contracting the marriage; provided that he first renounces his nationality of origin.

Article 14. No fee shall be payable in respect of citizenship papers or certificates of Cuban nationality.

Article 15. A person shall lose Cuban citizenship:

(a) If he acquires a foreign citizenship;

(b) If, without permission of the Council of Ministers, he enters the military service of another nation or accepts an appointment which carries with it a separate authority or jurisdiction;

(c) If, being Cuban by naturalization, he resides for three consecutive years in the country of his birth, unless every three years he makes a declaration before the competent consular authority to the effect that he wishes to retain Cuban citizenship;

Provisions of law may be enacted to specify what offences or causes of disgrace shall entail the loss, to be ordered by final decision of a competent court, of citizenship acquired by naturalization;

(d) if, being naturalized, he accepts a double citizenship.

Loss of citizenship for a reason specified in paragraph (b) or (c) of this article shall be made effective only by final judgment delivered in a contested (*contradictorio*) hearing conducted in a court of justice in accordance with statute.

Article 16. Neither marriage nor the dissolution of marriage shall affect the nationality of the spouses or their children.

A Cuban woman married to an alien shall retain Cuban nationality.

An alien of either sex who marries a Cuban shall retain his nationality of origin or shall acquire Cuban nationality by option in accordance with this Constitution, with statute, or with an international treaty.

Article 17. Cuban citizenship may be recovered in the manner prescribed by statute.

Article 18. A Cuban by naturalization may not perform on behalf of Cuba official functions in his country of origin.

20. Czechoslovakia

(a) CONSTITUTIONAL DECREE NO. 33 OF 2 AUGUST 1945, BY THE PRESIDENT OF THE REPUBLIC GOVERNING CZECHOSLOVAK STATE CITIZENSHIP OF PERSONS OF GERMAN AND HUNGARIAN ETHNIC ORIGIN.¹

Article 1. (1) Czechoslovak State citizens of German or Hungarian ethnic origin who acquired German or Hungarian nationality under the law of the occupying Powers lost Czechoslovak State citizenship on the date of their acquisition of such nationality.

(2) Other Czechoslovak State citizens of German or Hungarian ethnic origin shall lose Czechoslovak State citizenship on the date of the entry into force of this Decree.

(3) This Decree shall not apply to Germans and Hungarians who during the period of national emergency (article 18 of the Decree of 19 June 1945, 16 *Sb.*, of the President of the Republic concerning the punishment of Nazi criminals and traitors and of collaborators, and concerning special people's courts) formally declared themselves to be Czechs or Slovaks.

(4) Czechs, Slovaks and persons of other Slavic ethnic origin who during the period aforesaid declared themselves to be Germans or Hungarians as a result of coercion or in other specially extenuating circumstances shall not be deemed to be Germans or Hungarians under this Decree if the competent district people's committee (or district executive committee) after consideration of the said circumstances issues, and the Ministry of the Interior approves, a certificate of national reliability.

Article 2. (1) A person to whom article 1 applies shall retain Czechoslovak State citizenship if he proves that he remained loyal to the Czechoslovak Republic and committed no offence against the Czech or Slovak peoples, or took an active part in the struggle for their liberation, or was a victim of Nazi or fascist terrorism.

(2) An application for a declaration that the applicant retains Czechoslovak State citizenship may be submitted within a period not exceeding six months from the entry into force of this Decree to the local district people's committee (or district executive committee) or, if the applicant lives abroad, to a Government agency. An order on the application shall be made by the Ministry of the Interior on a recommendation by the provincial people's committee, or in Slovakia by the Slovak People's Council. If the district people's committee (or district executive committee) or Government agency issues to the applicant a certificate attesting to the circumstances referred to in the foregoing paragraph, he shall until an order is made be deemed to be a Czechoslovak State citizen.

(3) Orders concerning retention of Czechoslovak State citizenship by members of the Czechoslovak armed forces who are of German or Hungarian ethnic origin shall be made as soon as possible by the Ministry of the Interior in the exercise of its powers, on a recommendation by the Ministry of National Defence. Until an order has been made, such a person shall be deemed to be a Czechoslovak State citizen.

Article 3. Persons who have lost Czechoslovak State citizenship under the provisions of article 1 may within six months from the date fixed by

¹ *Sbírka zákonů a nařízení* (Collection of laws and decrees), part 17, 10 August 1945, p. 57. Translation by the Secretariat of the United Nations.

proclamation of the Minister of the Interior and published in the Official Gazette apply to the local district people's committee (or district executive committee) or Government agency for restoration of citizenship. Such applications shall be decided by the Ministry of the Interior in its discretion on a recommendation of the provincial people's committee, or in Slovakia of the Slovak People's Council; provided that an application may not be granted if the applicant has violated the obligations of a Czechoslovak citizen. The ordinary rules of law concerning the acquisition of Czechoslovak State citizenship shall apply to such cases save as otherwise provided by executive decree.

Article 4. (1) For the purposes of this Decree married women and minor children shall be treated independently.

(2) An application to which article 3 applies submitted by the wife or minor child of a Czechoslovak State citizen shall be given favourable consideration. Until an order is made on the application, the applicant shall be deemed to be a Czechoslovak State citizen.

Article 5. Czechs, Slovaks and persons of other Slavic ethnic origin who during the period of national emergency (article 18 of the Decree of the President of the Republic, No. 16/1945 *Sb.*) applied for German or Hungarian nationality shall, unless they were compelled to do so by coercion or special circumstances, lose Czechoslovak State citizenship on the date on which this Decree enters into force.

Article 6. This Decree shall enter into force on the date of its publication, and shall be carried into effect by the Minister of the Interior in agreement with the Ministers of Foreign Affairs and of National Defence.

(b) PROCLAMATION NO. 51 OF 25 AUGUST 1945 BY THE MINISTER OF THE INTERIOR CONCERNING THE TIME-LIMIT GOVERNING APPLICATIONS FOR THE RESTORATION OF CZECHOSLOVAK STATE CITIZENSHIP TO WIVES AND CHILDREN OF CZECHOSLOVAK STATE CITIZENS.¹

The six-month period for the submission of applications for the restoration of Czechoslovak State citizenship to wives and minor children of Czechoslovak State citizens (article 4 (2)) shall begin on the date of the entry into force of that Decree, that is to say on 10 August 1945.

The period for the submission of applications for the restoration of Czechoslovak State citizenship to other persons referred to in article 3 of that Decree shall be fixed later; applications submitted before the beginning of the period shall be deemed not to have been submitted.

(c) CONSTITUTIONAL ACT NO. 74 OF 12 APRIL 1946 CONCERNING THE GRANT OF CZECHOSLOVAK STATE CITIZENSHIP TO REPATRIATED PERSONS.²

Article 1. (1) Every Czech or Slovak who is a citizen of a foreign State or stateless, and who has immigrated or in future immigrates to the territory of the Czechoslovak Republic under the Czechoslovak official resettlement scheme, shall be granted Czechoslovak State citizenship if

¹ *Sbírka zákonů a nařízení*, part 17, 31 August 1945, p. 86. Translation by the Secretariat of the United Nations.

² *Sbírka zákonů a nařízení*, part 37, 29 April 1946, p. 811. Translation by the Secretariat of the United Nations.

he applies therefor within two years from the date of entry into force of this Act and the public interest will not be materially prejudiced thereby. A decision on the application shall be given by the Ministry of the Interior. If the Ministry of the Interior has issued to the applicant a certificate that his application has been submitted in time, he shall, pending the decision, be deemed to be a Czechoslovak State citizen.

(2) An undivorced wife shall acquire Czechoslovak State citizenship together with her husband, and a minor child together with his father or unmarried or widowed mother, if her or his name is included in the application and the Ministry of the Interior does not exclude her or him on the ground specified in paragraph (1). The provisions of the last sentence of paragraph (1) shall also apply to such a case.

(3) The taking of the oath of allegiance to the Czechoslovak State shall be governed by the ordinary rules of law.

(4) A person who has acquired Czechoslovak State citizenship under this Act but has no right of domicile in any commune of the Czechoslovak Republic shall acquire right of domicile in the commune in which he took up regular residence after he arrived in the territory of the Czechoslovak Republic.

(5) The Ministry of the Interior may, by notice in the Official Gazette, delegate its powers under this Act to another public authority.

Article 2. (1) Every Czech or Slovak or person of other Slavic ethnic origin who is a citizen of a foreign State or stateless, and who has immigrated or in future immigrates to the territory of the Czechoslovak Republic after the liberation thereof from enemy occupation, and who has otherwise satisfied the requirements of article 1 hereof, may be granted Czechoslovak State citizenship if he applies therefor within two years from the date of the entry into force of this Act and proves that he has never been convicted of a serious offence committed with disgraceful or dishonourable intent and has never acted against the interests and fundamental principles of the Czechoslovak Republic, and that he will not become a charge on the public. The Ministry of the Interior shall decide on the application in its complete discretion. If the Ministry of the Interior has issued to the applicant a certificate that his application has been submitted in time, he shall, pending the decision, be deemed to be a Czechoslovak State citizen.

(2) The provisions of article 1 (2), (3), (4) and (5) shall also apply to such a case.

Article 3. Documents and official acts relating to the operation of this Act shall be exempt from administrative charges and dues.

Article 4. This Act shall enter into force on the date of its promulgation, and shall be carried into effect by the Minister of the Interior in agreement with the other Ministers concerned.

(d) CONSTITUTIONAL ACT NO. 179 OF 13 SEPTEMBER 1946 CONCERNING THE GRANT OF CZECHOSLOVAK STATE CITIZENSHIP TO PERSONS REPATRIATED FROM HUNGARY.¹

Article 1. (1) Every person of Slovak or Czech ethnic origin who has resided in the territory of the Hungarian Republic and who is a citizen

¹ *Sbírka zákonů a nařízení*, part 77, 4 October 1946, p. 1151. Translation by the Secretariat of the United Nations.

of a foreign State or stateless and who immigrates (or has immigrated) to the territory of the Czechoslovak Republic under the Agreement of 27 February 1946 between Czechoslovakia and Hungary, No. 145 *Sb.*, concerning exchange of population, shall acquire Czechoslovak State citizenship on the day on which he immigrates.

(2) An undivorced wife shall acquire State citizenship together with her husband, and a minor child together with his father or unmarried or widowed mother, if she or he was included in the declaration of intention to immigrate, and in fact immigrated, to the territory of the Czechoslovak Republic. The guardian of a person under the age of eighteen years, or the tutor of a person under tutelage, may make on his behalf a declaration of intention to immigrate.

Article 2. (1) The order under which a person repatriated from Hungary acquires Czechoslovak State citizenship shall be made by the district people's committee (or district executive committee) of the area into which he has immigrated.

(2) The taking of the oath of allegiance to the Czechoslovak Republic shall be governed by the ordinary rules of law.

(3) A person who has acquired Czechoslovak State citizenship under this Act but has no right of domicile in any commune of the Czechoslovak Republic shall acquire right of domicile in the commune in which he took up regular residence after he arrived in the territory of the Czechoslovak Republic.

Article 3. Documents and official acts relating to the operation of this Act shall be exempt from administrative charges and dues.

Article 4. This Act shall enter into force on the date of its promulgation, and shall be carried into effect by the Minister of the Interior in agreement with the other Ministers concerned.

(e) PROCLAMATION NO. 254 OF 20 DECEMBER 1946 BY THE MINISTER OF THE INTERIOR CONCERNING THE TIME-LIMIT GOVERNING APPLICATIONS FOR THE RESTORATION OF CZECHOSLOVAK STATE CITIZENSHIP TO HUSBANDS OF CZECHOSLOVAK STATE CITIZENS.¹

Article 1. Undivorced husbands of Czechoslovak citizens who married before 16 March 1939 may during the period from 1 January 1947 to 30 June 1947 apply for restoration of the Czechoslovak State citizenship lost by them under Constitutional Decree No. 33, *Sb.* 1945.

Article 2. An application submitted before the beginning of the period mentioned in article 1 shall be deemed not to have been submitted.

Article 3. This Proclamation shall enter into force on 1 January 1947.

¹ *Sbírka zákonů a nařízení*, part 106, 30 December 1946, p. 1676. Translation by the Secretariat of the United Nations.

(f) DECREE NO. 76 OF 13 APRIL 1948 CONCERNING THE RESTORATION OF CZECHOSLOVAK STATE CITIZENSHIP TO PERSONS OF GERMAN AND HUNGARIAN ETHNIC ORIGIN.¹

Article 1. The restoration of Czechoslovak State citizenship to persons who have lost it under article 1 of the Constitutional Decree shall be governed by the ordinary rules of law concerning the acquisition of Czechoslovak State citizenship in so far as these do not conflict with the provisions of the Constitutional Decree or of this Decree.

Article 2. An application for Czechoslovak State citizenship shall be decided within five years from the date of expiry of the time-limit established by article 3 of the Constitutional Decree for the submission of applications; but no application shall be granted until three years have expired from that date.

Article 3. (1) Czechoslovak State citizenship may be granted only to an applicant who has not defaulted in the duties of a Czechoslovak State citizen and who has not acquired any other nationality and has his permanent residence in the territory of the Czechoslovak Republic.

(2) An applicant who has attained the age of fourteen years before or on the last day of the period allowed for the submission of applications shall also be required to produce evidence that he has an adequate knowledge of the Czech or Slovak language. In a special case the Ministry may dispense wholly or partly with such evidence.

Article 4. An applicant may reacquire Czechoslovak State citizenship notwithstanding that he does not yet possess the right of domicile in any commune of the Czechoslovak Republic, or property or income sufficient to maintain himself or his family.

Article 5. (1) The district people's committee may issue to an applicant who has within the prescribed time-limit submitted an application for the restoration of Czechoslovak State citizenship, and who has not been ascertained to have defaulted in the duties of a Czechoslovak State citizen, and whose conduct raises the presumption that he will be a reputable Czechoslovak State citizen, a certificate stating that until his application has been decided he shall be deemed to be a Czechoslovak State citizen.

(2) The district people's committee may at any time revoke such a certificate.

(3) The district people's committee shall carry out its duties in pursuance of paragraphs (1) and (2) under the direction of the Ministry of the Interior.

Article 6. (1) The provisions of articles 2, 3 (2) and 5 shall not apply to a person who has applied for the restoration of Czechoslovak State citizenship within the period of which the commencing date was laid down in the Proclamation of the Minister of the Interior of 25 August 1945, No. 51 *Sb.*, concerning the time-limit governing applications for the restoration of Czechoslovak State citizenship to wives and children of Czechoslovak State citizens.

¹ *Sbírka zákonů a nařízení*, part 31, 26 April 1948, p. 781. Translation by the Secretariat of the United Nations.

(2) The provisions of articles 2 and 5 shall not apply to a person who has applied for restoration of Czechoslovak State citizenship within the period of which the commencing date was laid down in the Proclamation of the Minister of the Interior of 20 December 1946, No. 254 *Sb.*, concerning the time-limit governing applications for the restoration of Czechoslovak State citizenship to husbands of Czechoslovak State citizens.

Article 7. This Decree shall enter into force on the date of its promulgation, and shall be carried into effect by the Minister of the Interior in agreement with the other Ministers concerned.

(g) PROCLAMATION NO. 77 BY THE MINISTER OF THE INTERIOR, DATED 16 APRIL 1948, CONCERNING THE TIME-LIMIT GOVERNING APPLICATIONS FOR THE RESTORATION OF CZECHOSLOVAK STATE CITIZENSHIP.¹

Article 1. (1) A person of Hungarian ethnic origin who on the date on which this proclamation enters into force resides, or has been resident for not less than one year, with his family, within the territory of Bohemia, Moravia and Silesia, may, together with his family, within six months from the said date, apply for the restoration of Czechoslovak State citizenship if he had lost this citizenship pursuant to Constitutional Decree No. 33, 1945, *Sbírka Zákonů*.

(2) A person of Hungarian nationality, who, after the date of entry into force of this proclamation transfers his and his family's residence to a commune of Bohemia, Moravia and Silesia, may together with his family apply for the restoration of Czechoslovak State citizenship within six months from the day of their arrival.

Article 2. Applications submitted prior to this announcement are void.

Article 3. This proclamation shall enter into force on the date of its publication.

(h) CONSTITUTIONAL ACT NO. 107 OF 28 APRIL 1948 TO EXTEND THE TIME-LIMIT GOVERNING APPLICATIONS FOR THE GRANT OF CZECHOSLOVAK STATE CITIZENSHIP TO REPATRIATED PERSONS².

Article 1. The time-limit within which applications for the grant of Czechoslovak State citizenship, made under articles 1 and 2 of the Constitutional Act of 12 April 1946, may be accepted is hereby extended to 31 December 1949. Any further extension of this time-limit shall require legislation.

Article 2. This Act shall enter into force on 29 April 1948. It shall be carried into effect by the Ministry of the Interior in consultation with the other Ministers concerned.

(i) ACT NO. 245 OF 25 OCTOBER 1948 CONCERNING THE CZECHOSLOVAK STATE CITIZENSHIP OF PERSONS OF HUNGARIAN ETHNIC ORIGIN.³

Article 1. (1) Every person of Hungarian ethnic origin who on 1 November 1938 was a Czechoslovak State citizen and who is resident in the

¹ Translation by the Secretariat of the United Nations.

² *Sbírka zákonů a nařízení*, No. 43 of 29 May 1948. Translation by the Secretariat of the United Nations.

³ *Sbírka zákonů a nařízení*, part 93, 17 November 1948, p. 1529. Translation by the Secretariat of the United Nations.

Czechoslovak Republic and is not a national of a foreign State shall without further formality acquire Czechoslovak State citizenship on the date of the entry into force of this Act, but shall be required to take an oath of allegiance to the Czechoslovak Republic not later than ninety days from the said date (article 2 (2)).

(2) An undivorced wife shall acquire Czechoslovak State citizenship together with her husband, and a minor child together with his father or mother, if she or he has not already done so under paragraph (1) and is resident in the Czechoslovak Republic.

(3) The provisions of paragraphs (1) and (2) shall not apply to persons who have committed serious offences against the Czechoslovak Republic or its people's democratic régime. The Ministry of the Interior shall compile a list of such persons not later than thirty days after the publication of this Act, and shall communicate it to the proper district people's committees. The provisions of paragraphs (1) and (2) shall not apply to persons designated for exchange under the Agreement of 27 February 1946 between Czechoslovakia and Hungary, No. 145 *Sb.*, concerning exchange of population.

Article 2. (1) Orders concerning the acquisition of Czechoslovak State citizenship under this Act shall be made by the district people's committee.

(2) The taking of the oath of allegiance to the Czechoslovak Republic shall be governed by the ordinary rules of law.

Article 3. This Act shall enter into force on the date of its publication, and shall be carried into effect by the Minister of the Interior.

(j) PROCLAMATION NO. 119 OF 18 MAY 1949 BY THE MINISTER OF THE INTERIOR CONCERNING APPLICATIONS FOR THE RESTORATION OF STATE CITIZENSHIP TO PERSONS OF GERMAN ETHNIC ORIGIN.¹

Article 1. A person of German ethnic origin who lost Czechoslovak State citizenship by virtue of article 1 of Decree No. 33/1945, *Sb.*, and who resides permanently in the Czechoslovak Republic may during the period from 1 June 1949 to 30 November 1949 apply to the district people's committee of his place of residence for the restoration of the said citizenship.

Article 2. This Proclamation shall enter into force on 1 June 1949.

(k) ACT NO. 194 OF 13 JULY 1949 CONCERNING THE ACQUISITION AND LOSS OF CZECHOSLOVAK STATE CITIZENSHIP.²

PART I. ACQUISITION OF CZECHOSLOVAK STATE CITIZENSHIP

Article 1. By birth. (1) A child who is born in the territory of the Czechoslovak Republic and whose father or mother is a Czechoslovak State citizen acquires Czechoslovak State citizenship by birth.

(2) A child who is born abroad acquires Czechoslovak State citizenship by birth if his mother and father are Czechoslovak State citizens. A child who is born abroad and whose father or mother is a Czechoslovak State

¹ *Sbírka zákonů a nařízení*, No. 119/1949, p. 400. Translation by the Secretariat of the United Nations.

² *Sbírka zákonů a nařízení*, 1949, No. 58, 10 August. Translation by the Secretariat of the United Nations.

citizen and whose other parent is an alien acquires Czechoslovak State citizenship if the provincial people's committee approves an application made therefor by the parent who is a Czechoslovak State citizen. The application must be made within one year after the birth.

(3) A child found in the territory of the Czechoslovak Republic at a tender age shall be a Czechoslovak State citizen until proved to have another nationality.

Article 2. By marriage. (1) An alien woman who marries a Czechoslovak State citizen acquires Czechoslovak State citizenship if the people's provincial committee approves her application therefor. The application may be made before the marriage but not later than six months thereafter. Where approval is given after the marriage, the alien woman shall be deemed to have acquired Czechoslovak State citizenship on the date of the marriage.

(2) The children of an alien woman who are under the age of fifteen years and are included in her application acquire Czechoslovak State citizenship with her.

Article 3. By grant. (1) The Ministry of the Interior shall grant Czechoslovak State citizenship to applicants who:

(a) Have not committed an offence against the Czechoslovak Republic or its people's democratic régime, and

(b) Have lived in Czechoslovak territory continuously for at least five years, and

(c) On acquiring Czechoslovak State citizenship renounce, unless stateless, their previous national allegiance.

(2) The Ministry of the Interior shall grant Czechoslovak State citizenship in its full discretion; in special cases it may grant the said citizenship to a person who does not fulfil the conditions of paragraph (1) (b) or (c).

(3) Spouses may apply jointly for Czechoslovak State citizenship, but the application of each spouse shall be considered separately. A child under the age of fifteen years who is included in the application of his father or mother acquires Czechoslovak State citizenship with his father or mother.

Article 4. Oath of allegiance. (1) The acquisition of Czechoslovak State citizenship by marriage or grant by a person over the age of fifteen years shall not become effective until he has taken the following oath:

"I swear on my honour and conscience to be always faithful and devoted to the Czechoslovak Republic and its people's democratic régime and to fulfil all my duties as a citizen thereof."

(2) The Ministry of the Interior may waive the oath of allegiance in exceptional cases only.

PART II. LOSS OF CZECHOSLOVAK STATE CITIZENSHIP

Article 5. By marriage. If a Czechoslovak woman by her marriage to an alien acquires his nationality under the law of his country, she shall thereupon lose her Czechoslovak State citizenship. The provincial people's committee may, however, on an application made by her before or not later than six months after the marriage, declare that she retains her Czechoslovak State citizenship. Even if the application is not granted until after the marriage she shall be deemed never to have lost the said citizenship.

Article 6. By release. (1) A person released from his Czechoslovak allegiance on his own application shall lose his Czechoslovak State citizenship upon the delivery of the certificate of release.

(2) Spouses may apply jointly for release from Czechoslovak State citizenship but the application of each spouse shall be considered separately. Children under the age of fifteen years who are included in the application of their father or mother shall lose Czechoslovak State citizenship together with their father or mother.

Article 7. Withdrawal. (1) The Ministry of the Interior may withdraw Czechoslovak State citizenship from a person resident abroad if that person

(a) Has acted or is acting in a manner hostile to the State or likely to prejudice its interests, or

(b) Has left the territory of the Czechoslovak Republic unlawfully, or

(c) Fails to return to the country within the prescribed time-limit of not less than thirty days (if overseas ninety days) from the date on which he receives a summons to return from the Ministry of the Interior.

(2) The Ministry of the Interior may withdraw Czechoslovak State citizenship from any person who retains another national allegiance.

(3) Where personal service of notice of withdrawal of this citizenship or of a summons under paragraph (1) (c) would be difficult, public notice may be given in lieu thereof.

Article 8. Members of families. Except as otherwise provided in this Act, the loss of Czechoslovak State citizenship by one spouse shall not affect the citizenship of the other spouse or of the children. This provision shall also apply in any case in which a competent court orders the withdrawal of citizenship as a penalty.

PART III. JURISDICTION

Article 9. (1) Except as otherwise provided in this Act, the provincial people's committee shall have jurisdiction in all matters relating to Czechoslovak State citizenship. The said committee shall administer the oath of allegiance and shall furnish citizens with certificates of citizenship in a form to be determined by the Ministry of the Interior. This provision shall not affect the certification of citizenship by documents of citizenship under the Act of 19 July 1948 relating to documents of citizenship (No. 198 Sb.).

(2) Local jurisdiction shall be determined by reference to residence. Where a person has no residence in Czechoslovakia, jurisdiction shall be determined by reference to his last residence in Czechoslovakia; if he has never resided in Czechoslovakia or if his residence is unknown or in doubt, questions relating to Czech citizenship shall be decided by the competent people's committee in Prague and questions relating to Slovak citizenship by the competent people's committee at Bratislava. Local jurisdiction in questions relating to some citizenship other than Czech or Slovak citizenship shall be determined by the Ministry of the Interior.

PART IV. FINAL PROVISIONS

Article 10. (1) All legislative provisions which hitherto governed the acquisition or loss of Czechoslovak State citizenship shall lapse on the

entry into force of this Act. In particular the following enactments are hereby repealed:

(1) Article 28, second sentence, and articles 29, 30, 31 and 32 of the Civil Code.

(2) The decree of 24 March 1832 (No. 2557, Statute Book), relating to emigration.

(3) The decrees of the Chancellery relating to citizenship.

(4) Act No. L/1879 concerning the acquisition and loss of citizenship and Act No. IV/1886 concerning the collective naturalization of repatriated persons.

(5) Articles 2 and 3 of the Act of 9 April 1920 (No. 236 *Sb.*) to supplement and amend the law relating to the acquisition and loss of citizenship and of the right of domicile in the Czechoslovak Republic.

(6) The proclamation of the Ministry of the Interior of 15 December 1926 (No. 225 *Sb.*) relating to citizenship documents of the Czechoslovak Republic, re-enacted by the proclamation of 1 July 1928 (No. 108 *Sb.*).

(7) The Act of 29 May 1947 (No. 122 *Sb.*) relating to the acquisition and loss of Czechoslovak State citizenship by marriage.

(2) This Act shall not affect the Act of 29 April 1930 (No. 60 *Sb.*) to give effect to the Naturalization Agreement of 16 July 1928 between Czechoslovakia and the United States of America, nor the Act of 12 April 1946 (No. 74 *Sb.*) concerning the grant of Czechoslovak State citizenship to repatriated persons, nor the Act of 13 September 1946 (No. 179 *Sb.*) concerning the grant of Czechoslovak State citizenship to persons repatriated from Hungary, nor the Act of 28 April 1948 (No. 107 *Sb.*) to extend the time-limit governing applications for the grant of State citizenship to repatriated persons.

Article 11. The Minister of the Interior may by order make regulations for giving effect to this Act.

Article 12. This Act shall enter into force on 1 October 1949 and shall be carried into effect by the Minister of the Interior in agreement with the other Ministers concerned.

(1) EXECUTIVE DECREE NO. 252 OF 29 NOVEMBER 1949 CONCERNING THE RESTORATION OF CZECHOSLOVAK STATE CITIZENSHIP TO PERSONS OF GERMAN ETHNIC ORIGIN.¹

Article 1. A provincial people's committee may, on a motion of a district people's committee, restore Czechoslovak State citizenship lost in virtue of article 1 of Decree No. 33/1945 *Sb.* to persons of German ethnic origin who have a permanent residence in the territory of the Czechoslovak Republic and have not committed any breach of their duty as Czechoslovak State citizens, and in particular have not acted in a hostile manner towards the people's democratic régime.

Article 2. (1) If a person applies to the district people's committee competent for the area in which he is resident for the restoration of Czechoslovak State citizenship, then, provided that he is not disqualified for any of the reasons mentioned in article 1 and that he has shown by his conduct that he is likely to become a good citizen and to participate in the constructive effort of the Czechoslovak working people, the said committee shall issue to him a certificate stating that pending a final

¹ *Sbírka zákonů a nařízení*, 1949, 13 December, p. 707. Translation by the Secretariat of the United Nations.

decision on his application he shall be deemed to be a Czechoslovak State citizen. Subject to the same conditions, a similar certificate shall be issued to any member of the applicant's family who is included in his application.

(2) Where a provincial or district people's committee finds that an applicant does not satisfy all the conditions laid down in the preceding paragraph, and in article 1, it may revoke the certificate during the inquiry.

Article 3. (1) Spouses may apply jointly for the restoration of Czechoslovak State citizenship, but the application of each shall be considered separately. A child under the age of fifteen years who is included in an application made by one of its parents acquires Czechoslovak State citizenship with that parent.

(2) Restoration of Czechoslovak State citizenship to a person over the age of fifteen years shall not become effective until he has taken the following oath:

"I swear on my honour and conscience to be always faithful and devoted to the Czechoslovak Republic and its people's democratic régime and to fulfil all my duties as a citizen thereof."

The Ministry of the Interior may waive this oath of allegiance in exceptional cases only.

Article 4. A district people's committee shall exercise the powers conferred by articles 1 and 2 in accordance with the directions of the Ministry of the Interior.

Article 5. The Executive Decree of 13 April 1948 (No. 76 *Sb.*) concerning the restoration of Czechoslovak State citizenship to persons of German and Hungarian ethnic origin is hereby repealed.

Article 6. This Decree shall enter into force on the date of its publication and shall be carried into effect by the Minister of the Interior in agreement with the members of the Government concerned.

(m) ACT NO. 25 OF 22 FEBRUARY 1950 TO EXTEND THE TIME-LIMIT GOVERNING APPLICATIONS FOR THE GRANT OF CZECHOSLOVAK STATE CITIZENSHIP TO REPATRIATED PERSONS.¹

Article 1. The time-limit, extended by Act No. 107/1948 *Sb.*, governing applications for the grant of Czechoslovak State citizenship, made under articles 1 and 2 of Act No. 74/1946 *Sb.* concerning the grant of Czechoslovak State citizenship to repatriated persons, is hereby extended to 31 December 1950.

Article 2. This Act shall enter into force on 1 January 1950 and shall be carried into effect by the Minister of the Interior in consultation with the other Ministers concerned.

(n) PROCLAMATION NO. 40 OF 5 APRIL 1950 BY THE MINISTER OF THE INTERIOR CONCERNING THE TIME-LIMIT GOVERNING APPLICATIONS FOR THE RESTORATION OF CZECHOSLOVAK STATE CITIZENSHIP.²

Article 1. (1) Persons of German ethnic origin who lost Czechoslovak State citizenship by virtue of article 1 of Decree No. 33/1945 *Sb.* and

¹ *Sbírka zákonů a nařízení*, Vol. 12, 23 March 1950. Translation by the Secretariat of the United Nations.

² *Sbírka zákonů a nařízení*, No. 40/1950, p. 74. Translation by the Secretariat of the United Nations.

who reside permanently in the Czechoslovak Republic may apply during the period from 1 May 1950 to 31 October 1950 to the district people's committee of their place of residence for the restoration of the said citizenship.

(2) An application may also be submitted by such a person if his application was barred or rejected under article 1 (3) or (4), article 2, article 3 or article 4 of the aforesaid Decree, or if for any reason no order has yet been made on his application.

Article 2. Applications for the restoration of Czechoslovak State citizenship submitted during the period from 1 December 1949 to 30 April 1950 shall be deemed to have been submitted during the period mentioned in article 1.

Article 3. This Proclamation shall enter into force on 1 May 1950.

(o) ACT NO. 34 OF 24 APRIL 1953, TO GRANT CZECHOSLOVAK STATE CITIZENSHIP TO CERTAIN PERSONS.¹

Article 1. (1) Persons of German ethnic origin who lost Czechoslovak State citizenship by virtue of Decree No. 33/1945 *Sb.* and who are resident in the Czechoslovak Republic on the date on which this Act enters into force and have not already acquired the said citizenship, shall become Czechoslovak State citizens.

(2) A married woman shall become a Czechoslovak State citizen together with her husband, and a minor child together with his father or mother, if the husband (or father or mother) is a person to whom the preceding paragraph applies and if the wife or child has not already become a Czechoslovak State citizen under that paragraph, is resident in the Czechoslovak Republic and is not a national of any other State.

Article 2. This Act shall enter into force on the date of its publication, and shall be carried into effect by the Minister of the Interior.

21. Denmark

(a) CITIZENSHIP ACT NO. 252 OF 27 MAY 1950.²

Section 1. (1) Danish citizenship shall be acquired at birth by:

1. A legitimate child whose father is Danish;
2. A legitimate child born of a Danish mother in Denmark if the father is not a national of any country or the child does not acquire the father's nationality by birth;
3. An illegitimate child whose mother is Danish.

(2) A foundling found in Denmark shall, until evidence to the contrary is forthcoming, be deemed to possess Danish citizenship.

Section 2. Children born out of wedlock to a Danish man and an alien woman shall, on the marriage of their parents, if they are under eighteen years of age and unmarried, acquire Danish citizenship.

¹ *Sbirka zákonů a nařízení*, 1953, p. 198. Translation by the Secretariat of the United Nations.

² Translation by the Secretariat of the United Nations.

Section 3. (1) An alien born in Denmark and continually resident in the country shall acquire Danish citizenship if after attaining the age of twenty-one and before attaining the age of twenty-three he submits a written declaration of the particulars to the county administrative authority or, in Copenhagen, to the Executive Council. If he is not a national of any country or if he proves that he will lose his foreign nationality by acquiring Danish citizenship, the said declaration may be submitted as soon as he has attained the age of eighteen.

(2) If Denmark is at war, no national of an enemy State may acquire Danish citizenship under this section. The same provision applies to any person who is not a national of any State but whose last nationality was that of an enemy State.

Section 4. If a person who is a Danish citizen by birth and resided in Denmark until he was eighteen years of age subsequently loses his Danish citizenship, he shall, if he has resided in Denmark for the two years immediately preceding, reacquire such citizenship by submitting a written declaration of the particulars to the county administrative authority or, in Copenhagen, to the Executive Council. If he is a national of another country, he may submit such declaration only if he proves that by so doing he loses his foreign nationality.

Section 5. (1) Danish citizenship acquired by a man under section 3 or 4 shall extend to his unmarried legitimate children under eighteen years of age resident in Denmark. This provision shall not apply to any child who after the dissolution of his parents' marriage or after their separation is placed in the custody of his mother.

(2) The provisions of the first sentence of subsection 1 shall also apply to:

1. A woman and her illegitimate child, unless the father is an alien and has custody of the child;
2. A widow and her legitimate child;
3. A woman and her legitimate child if her marriage has been dissolved or she is separated from her husband and has custody of the child.

Section 6. (1) Danish citizenship may be acquired by naturalization as provided in the Constitution.

(2) If a naturalized person has children, the provisions of section 5 shall apply unless otherwise provided in a particular case.

Section 7. Danish citizenship shall be lost by:

1. Any person who acquires foreign nationality by request or formal consent;
2. Any person who acquires foreign nationality by entering the civil service of another country;
3. Any unmarried child under eighteen years of age who becomes a foreign national because one of his parents having sole or partial custody of him acquires foreign nationality as provided in paragraph 1. or 2. hereof, unless the other parent retains Danish citizenship and has partial custody of him;
4. Any unmarried child under eighteen years of age who becomes a foreign national through the marriage of his parents to one another. If the child resides in Denmark, he shall not lose Danish citizenship unless he removes from the country before attaining the age of eighteen years provided he is at that time a national of another country.

Section 8. (1) Any person who was born abroad and who never resided nor sojourned in Denmark in circumstances indicating attachment to Denmark shall lose Danish citizenship upon attaining the age of twenty-two years: Provided that upon application made before that time he may be permitted by Royal Resolution to retain Danish citizenship.

(2) The loss of Danish citizenship under this section by any person shall extend to his children if they have acquired that citizenship through him.

Section 9. Any person who is or wishes to become a foreign national may be released by Royal Resolution from allegiance to Denmark. Such release shall in the latter case be conditional upon the applicant becoming a national of another country within a certain time.

Section 10. The Crown may, by agreement with Finland, Iceland, Norway or Sweden, determine that one or more of the provisions of A-C shall apply. The term "contracting country" in this article means the State or States with which an agreement as aforesaid is concluded.

A

For the purposes of section 1, subsection 1, paragraph 2., and section 3, birth in a contracting country shall be equivalent to birth in Denmark.

For the purposes of sections 3 and 4, residence up to the age of twelve years in a contracting country shall be equivalent to residence in Denmark.

B

A national of a contracting country who:

1. Has acquired nationality otherwise than by naturalization;
2. Has attained 21 but not 60 years of age;
3. Has had his permanent residence in Denmark for the preceding ten years; and

4. Has not during that time been sentenced to deprivation of liberty, work house, preventive detention or detention as a psychopath; shall acquire Danish citizenship by submitting a written declaration of the particulars to the county administrative authority or, in Copenhagen, to the Executive Council. The provisions of section 5 shall apply *mutatis mutandis*.

C

Any person who, having lost his Danish citizenship, continues to be a national of a contracting country may, after he becomes permanently resident in Denmark, reacquire Danish citizenship by submitting a written declaration of the particulars to the county administrative authority or, in Copenhagen, to the Executive Council. The provisions of section 5 shall apply *mutatis mutandis*.

Section 11. A declaration in respect of acquisition of Danish citizenship under this Act may not be submitted by the guardian or by the person having custody of the applicant.

Section 12. (1) The Minister for Home Affairs may make regulations for the application of this Act.

(2) Any declaration relating to circumstances dealt with in this Act or in regulations made thereunder may be required to be made in solemn form; this shall apply also to declarations submitted in connexion with an application to become a citizen or as evidence of citizenship.

Section 13. (1) Any child under eighteen years of age who would have been a Danish citizen if the provisions of section 1, subsection 1, paragraph 2. had been in force before the commencement of the Act and who neither is nor has been a national of any country shall acquire Danish citizenship.

(2) For the purposes of section 4 any person acquiring Danish citizenship under Act No. 474 of 5 September 1920 respecting acquisition of Danish citizenship in connexion with the incorporation of the districts of South Jutland into Denmark (cf. Act No. 247 of 12 June 1922) shall be deemed to be Danish by birth. Residence in the districts of South Jutland before 15 June 1920 shall be equivalent to residence in Denmark.

(3) A woman who under the law previously in force has lost Danish citizenship through marriage with an alien or by acquiring foreign nationality either through marriage or through the acquisition by her husband of foreign nationality, but would have permanently retained her Danish citizenship if this Act had previously been in force, shall reacquire Danish citizenship by submitting a written declaration of the particulars to the county administrative authority or, in Copenhagen, to the Executive Council, or to any other authority by the Minister for Home Affairs. Such declaration may not be validly submitted after 31 December 1955.

(4) Any woman who attains the age of twenty-two years before 1 January 1954 and who upon attaining such age is or has been married shall not lose her Danish citizenship under section 8, subsection 1, until the end of 1953.

(5) The provisions of section 3 and 4 and of subsection 3 of this section shall not apply to any person referred to in Act No. 379 of 12 July 1946, as amended by Act No. 528 of 22 December 1947 (cf. Act No. 518 of 22 December 1948), who is not entitled under a special enactment to acquire or retain Danish citizenship irrespective of the provisions of the said Act of 12 July 1946; or to any person who would have been affected by the said Acts if he had been born and continued to reside in Denmark.

(6) Any person who has become a national of another country but has retained Danish citizenship as provided in the second sentence of article 5 of Act No. 123 of 18 April 1925 shall not lose Danish citizenship by reason only of removing from Denmark, unless he continues to be a national of another country and would lose or have lost Danish nationality under the provisions of section 7 of this Act if they had been previously in force.

(7) Otherwise, the provisions of this Act shall apply where the facts resulting in acquisition or loss of Danish citizenship occur after the coming into force of this Act.

Section 14. This Act, which repeals Act No. 123 of 18 April 1925 respecting acquisition and loss of Danish citizenship, shall apply to every part of the Danish State.

Section 15. This Act shall come into force on 1 January 1951.

(b) AN ACT TO RESOLVE CERTAIN QUESTIONS OF DANISH CITIZENSHIP.
No. 504 DATED 20 DECEMBER 1950.¹

CHAPTER I. GRANT OF DANISH CITIZENSHIP TO CERTAIN PERSONS

Section 1. A Danish citizen who on 1 December 1918 was resident in Iceland but had not acquired Icelandic nationality shall not be considered

¹ Translation by the Secretariat of the United Nations.

to have lost his Danish citizenship on the severance of Iceland from Denmark in 1918.

Section 2. A person who in accordance with the law on acquisition and loss of Danish citizenship in force at any time would be a Danish citizen, if the provisions of section 1 hereof had been in force previously, shall acquire Danish citizenship. Such acquisition shall be deemed to have occurred at the time when he would have acquired Danish citizenship if section 1 had been in force previously.

CHAPTER II. REVOCATION OF NATURALIZATION IN CERTAIN CASES

Section 3. (1) British and French nationals whose names have during the period between 9 April 1940 and 4 May 1945 been included in an Act granting Danish citizenship must in order to retain that nationality submit a written declaration in respect thereof.

The same shall apply to any person who has acquired Danish citizenship through one of the persons mentioned in subsection 1, provided that if he is unmarried and under the age of eighteen, the provisions of section 4 shall apply.

A person failing to submit a declaration at the latest on 31 December 1952 shall be deemed not to have acquired Danish citizenship.

Section 4. (1) If pursuant to section 3 a person is deemed not to have acquired Danish citizenship, the same shall apply to his unmarried children under eighteen years of age in accordance with the following rules:

1. A legitimate child shall follow his father unless after the dissolution of his parents' marriage or after their separation he is placed in the custody of his mother.
2. A child born out of wedlock shall follow his mother.
3. A legitimate child shall follow his mother if she is a widow.
4. A legitimate child shall follow his mother if after the dissolution of his parents' marriage or after their separation he is placed in her custody.

Section 5. A male French national must, in order that the declaration referred to in section 3 may be valid, satisfy the Ministry for Home Affairs at the time of submitting the declaration or not later than two years thereafter that he has received the French Government's consent thereto for himself and for any children following him in accordance with section 4.

Section 6. The Minister for Home Affairs may make regulations prescribing the form of the declaration mentioned in section 3 and the authority to whom it shall be submitted.

CHAPTER III. OTHER PROVISIONS

Section 7. The relations existing between Denmark and Germany at the coming into force of this Act shall not prevent German nationals and stateless persons whose last nationality was German from acquiring Danish citizenship under section 3, subsection 1, of the Danish Citizenship Act, No. 252 of 27 May 1950.

Section 8. This Act shall come into force on 1 January 1951.

22. Dominican Republic

(a) CONSTITUTION OF 10 JANUARY 1947.¹

NATIONALITY

Article 8. The following persons are Dominican nationals:

1. Persons who at present possess Dominican nationality by virtue of former constitutions and laws.

2. All persons who were born in the territory of the Republic, with the exception of the legitimate children of aliens who are resident in the Republic as diplomatic representatives or in transit through the Republic.

3. Any person born abroad of Dominican parents, provided that he has not acquired foreign nationality in accordance with the laws of the country of his birth, or, if he has acquired that nationality, that upon attaining the age of majority for the purpose of political rights, or at the latest within one year after attaining the age of majority for civil purposes, as defined in Dominican legislation, he makes a sworn statement before a public official commissioned by the Executive Power, declaring his intention to retain Dominican nationality.

4. Persons naturalized according to the law.

Paragraph. No Dominican may claim the possession of a foreign nationality, whether acquired through naturalization or otherwise. The law may prescribe penalties for persons who, being Dominicans, claim the possession of a foreign nationality. Nevertheless, a Dominican woman married to an alien may acquire the nationality of her husband.

(b) NATURALIZATION ACT NO. 1683 OF 16 APRIL 1948.²

CHAPTER I. ORDINARY NATURALIZATION

Article 1. The following persons may acquire Dominican nationality by naturalization:

(a) An alien who has attained his majority and has received permission to establish domicile in the Republic in accordance with article 13 of the Civil Code, provided that no application for naturalization shall be entertained until at least three years have elapsed since he established domicile therein;

(b) An alien who can prove at least ten years uninterrupted residence in the Republic;

Paragraph I. Interruptions for not more than one year for foreign travel may be taken into account in the period of residence in the country, provided that the person in question intends to return and that the total period of actual residence exceeds seven years;

Paragraph II. Residence abroad in the course of employment by a diplomatic mission or otherwise in the service of the Dominican Government may be taken into account in the aforesaid period of ten years, provided that the residence abroad does not exceed five years;

¹ Translation by the Secretariat of the United Nations.

² As amended by Acts 2092, 2303, 2665 and 3355. Translation by the Secretariat of the United Nations.

(c) An alien who can prove at least five years of uninterrupted residence in the country, provided that he has established and maintained an industrial undertaking or undertakings in a town or rural area, or that he owns real property anywhere in the Republic;

(d) An alien who has resided in the country for two years or more without interruption, provided that he has married a Dominican woman and is married to her at the time of applying for naturalization;

(e) An alien who has received permission from the Executive Authority to establish residence in accordance with article 13 of the Civil Code, on the expiry of at least two years of such residence and provided that he can prove that he has a piece of land of at least thirty hectares under cultivation.

Paragraph III. The Executive Power shall have the power to grant Dominican nationality, with no residence requirement or payment of taxes or fees, to any alien woman who, at the time of contracting marriage with a Dominican national, had retained her foreign nationality in the circumstances described in article 12 of the revised Civil Code.

Article 2. All aliens engaged for technical or special service in the armed forces of the Republic may obtain naturalization without fulfilling the requirements and conditions laid down in this chapter after six months' residence in the country, and shall be exempted from the payment of the fees and dues mentioned hereinafter.

Article 3. A woman married to an alien who becomes a naturalized Dominican may obtain naturalization without being required to reside permanently in the country, provided that she makes the necessary application together with her husband and is in the country when such application is made.

After her husband has been naturalized, she may be naturalized without further formalities, provided that she is resident in the country at the date of application and that the application is authorized by the husband. Such authorization is not required if, on applying for naturalization, the wife can show that under the laws of her own country she does not require her husband's authorization for the purpose of acquiring a different nationality.

In either case, the necessary fees must be paid.

Paragraph I. The children of a naturalized person who are over the age of eighteen may be naturalized after not more than one year's residence in the country, provided that they apply for such naturalization jointly with the mother.

Article 4. Children under the age of eighteen years who are unmarried, legitimate, legitimized or recognized natural children automatically acquire Dominican nationality by virtue of the naturalization of the father. On reaching their majority and for one year thereafter, such persons may, however, renounce Dominican nationality by signing a statement drawn up by a public official and transmitted to the Executive Authority to the effect that they wish to retain the nationality of their country of origin. Notice of such statements shall be published in the *Gaceta Oficial* and each case shall be recorded in the registers referred to hereinafter.

Paragraph. Similarly, they may acquire Dominican nationality as a result of the naturalization of the mother if there is no father, or if the mother has custody of the children although the father is living.

Article 5. An applicant who is married or over the age of eighteen years shall not be required to wait until the age of twenty-one years to apply for naturalization provided that he has the authorization of his parents or, if he has no parents, of his legal guardian.

CHAPTER II. FORMALITIES IN CONNEXION WITH ORDINARY NATURALIZATION

Article 6. Applications for naturalization shall be made to the Executive Authority through the Secretary of State for the Interior and Police, and must be accompanied by all the documents required by this Act.

Paragraph I. Such documents are: (a) a certificate of good conduct issued by the President of the Administrative Council if the applicant resides in the District of Santo Domingo, or by the Governor, if he resides in a province; (b) a certificate, issued by the Attorney General of the judicial district concerned, stating that the applicant has not been convicted of an offence; (c) a birth certificate accompanied by a certified translation when the original is in any other language than Spanish; (d) a copy of the applicant's identity card certified by the official issuing it.

Paragraph II. If it is materially impossible to obtain a birth certificate, the authorities may accept in lieu thereof a special certificate sworn before a court of first instance and countersigned by seven adults who shall testify to the best of their knowledge to the nationality consistently assumed by the applicant and his approximate age.

Paragraph III. If the applicant has acquired a nationality other than his original nationality, he shall, in his application, give a brief explanation of that fact.

Article 7. Although all the formalities and requirements laid down by this Act have been fulfilled, the Executive Authority may, if it sees fit, refuse to grant naturalization, it being understood that this discretionary power shall not extend to cases where nationality is reacquired under the conditions hereinafter described.

Article 8. If naturalization is granted, the relevant decree shall be published in the *Gaceta Oficial* immediately after payment of the required publication fee.

Paragraph. If the publication fee is not paid within six months, the decree shall not be published and shall be considered as not having been issued.

Article 9. After publication of the notice in the *Gaceta Oficial*, the President of the Administrative Council, if the applicant resides in the District of Santo Domingo, or the Civil Governor, if he resides in a province, shall administer an oath to the naturalized citizen in which he pledges loyalty to the Republic and shall present him with a copy certified by the competent official and the Secretary, to which shall be attached a photograph of the naturalized person and the members of his family naturalized with him.

Article 10. The Ministries for the Interior and Police and of Foreign Affairs shall each keep a register of all decrees issued under this Act.

Article 11. A record shall be made of the certified copy delivered and the relevant oath, as provided for in article 9, a copy of which shall be sent to the Ministries for the Interior and Police and of Foreign Affairs for their files.

Paragraph. The Ministry for the Interior and Police shall cause the oath to be published in the *Gaceta Oficial*. Its publication shall be subject to payment of the required fee.

Article 12. Persons using false certificates or other false documents or papers belonging to others in applying for naturalization shall be liable to a term of imprisonment of not less than six months nor more than two years. The same penalty shall be imposed on persons issuing false certificates with a view to helping others to obtain naturalization.

Paragraph I. Naturalization obtained with the help of false documents or papers belonging to others shall be cancelled by the Executive Authority when the sentence handed down on the case becomes final.

Paragraph II. The Executive shall have the authority to cancel any naturalization if the naturalized person transfers his residence abroad within one year following naturalization or if the naturalized person leaves the country and does not return within ten years.

CHAPTER III. CONDITIONAL NATURALIZATION OF IMMIGRANTS

Article 13. Aliens over twenty-one years of age who come to the Dominican Republic to take up farming or any other productive occupation in the agricultural settlements of the State under special agreements regulating and guaranteeing their conduct, and who are established as settlers, may be granted the privilege of naturalization subject to the formalities, conditions and restrictions laid down in this Act.

Article 14. In such cases, the application must be accompanied by a certificate issued by the director of the agricultural settlement in which the applicant resides and countersigned by the Secretary of State for Agriculture, Animal Husbandry and Rural Settlement, stating that the applicant is a member of the given settlement and a person of good conduct.

Article 15. The provisions of articles 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act shall apply to this category of applicants as well as to the wives and children of aliens residing in the agricultural settlements of the State.

Article 16. Naturalization granted under the provisions of this chapter is subject to the condition that the naturalized person is of good conduct, respects and complies with the Constitution and laws of the Republic, refrains from any illegal activity or acts contrary or hostile to the Government of the Republic or to friendly foreign Governments and devotes himself to the work for which he has been admitted into the country. Consequently, naturalization may be cancelled if the naturalized person is the author of or accomplice to a crime or offence; if he engages in propaganda or acts contrary or hostile to the Government of the Republic or to friendly foreign Governments; and if he ceases to comply with his obligations as a settler.

Article 17. Naturalization shall be cancelled by a decree which shall briefly indicate the reasons for cancellation.

Paragraph. If within five years from the date of naturalization the naturalized person has given no grounds for the cancellation thereof, his naturalization shall become definitive.

CHAPTER IV. NATURALIZATION BY PRESIDENTIAL PREROGATIVE

Article 18. The President of the Republic may, as a special privilege, grant Dominican nationality by decree to such aliens as he considers

worthy of exemption from the usual Dominican naturalization formalities because of services rendered to the Republic.

Article 19. Aliens who obtain Dominican nationality in the above manner shall not be bound to fulfil any requirement or to comply with any formality for the relevant decree to become operative.

Paragraph. Upon publication, the decree shall be recorded in the registers provided for in article 10 of this Act.

Article 20. This type of naturalization shall not be granted to more than five persons in any one calendar year.

Article 21. A decree granting naturalization by presidential prerogative under this Act or under earlier legislation relating to naturalization may be cancelled by the President of the Republic and shall be null and void if the person in whose behalf it was issued should commit an act of ingratitude or an act detrimental to the dignity of the Republic or its institutions.

Paragraph. The cancellation shall be recorded in the registers as provided in article 10 of this Act.

CHAPTER V. REACQUISITION OF NATIONALITY

Article 22. A woman who is Dominican by birth or origin, who marries an alien and has thereby acquired her husband's nationality either voluntarily or by naturalization, or who has acquired that nationality as a result of her marriage in virtue of legislation enacted prior to Act 485 of 15 January 1944 as amended by article 19 of the Civil Code, may have her Dominican nationality restored either while she is married or after the dissolution of her marriage, provided that she has stated her intention in this respect to the Ministry for the Interior and Police and simultaneously establishes residence in the country if she has not done so previously.

Article 23. If the marriage is not dissolved, a statement of intention made as aforesaid shall be referred to the Executive Authority who may decide that it shall have no effect and that the woman shall retain her husband's nationality.

Article 24. A notice published in the *Gaceta Oficial* shall confirm the fact that effect has been given to the statement mentioned above.

Article 25. The fact shall be recorded in the registers provided for in article 10 of this Act.

CHAPTER VI. OPTING FOR DOMINICAN NATIONALITY

Article 26. Persons born abroad who opt for Dominican nationality in virtue of article 8, paragraph 3, of the Constitution, shall transmit their application to the Executive Authority through the Ministry for the Interior and Police, if they are in the Republic, or through the Dominican consul nearest to their place of residence if they are not in the Republic, within the time-limit fixed in the aforementioned text. After ascertaining that the application is in good and due form, the Ministry for the Interior and Police shall publish the necessary notification in the *Gaceta Oficial* and the fact shall be recorded in the registers provided for in article 10 of this Act.

Paragraph I. The President of the Republic may provisionally grant Dominican nationality by naturalization to a person under the age of

eighteen years who was born abroad of a Dominican father or mother and who under the law of the country of his birth acquired the nationality of that country, the application to be submitted to the President through the Secretariat of State for the Interior and Police if that person is in the Republic, and through the Secretariat of State for Foreign Affairs if in a foreign country. The application, accompanied by the relevant documentary evidence, shall be made by the father or mother of that person or, failing them, by the trustee or guardian who must be of Dominican nationality. Upon attaining the age of eighteen years the person in question may definitively opt for Dominican nationality in the manner prescribed in article 8, paragraph 3, of the Constitution. The formalities shall be exempt from all dues or fees. The grant of nationality in these cases shall not require any formalities other than publication of a notice in the *Gaceta Oficial* and registration with the said Secretariats of State.

CHAPTER VII. FEES AND DUES

Article 27. Aliens applying for Dominican naturalization shall enclose, together with their application and the documents required under this Act, a naturalization fee fixed on the basis of the economic category indicated on their personal identity cards, and in accordance with the following table of rates:

<i>Economic category</i>		<i>Fee</i>
Holders of Identity Card marked 500	\$DR	1,000 \$DR
Holders of Identity Card marked 400	\$DR	850 \$DR
Holders of Identity Card marked 300	\$DR	750 \$DR
Holders of Identity Card marked 200	\$DR	600 \$DR
Holders of Identity Card marked 100	\$DR	450 \$DR
Holders of Identity Card marked 75	\$DR	350 \$DR
Holders of Identity Card marked 50	\$DR	300 \$DR
Holders of Identity Card marked 25	\$DR	200 \$DR
Holders of Identity Card marked 10	\$DR	100 \$DR
Holders of Identity Card marked 5	\$DR	75 \$DR
Holders of Identity Card marked 3	\$DR	50 \$DR
Holders of Identity Card marked 2	\$DR	30 \$DR
Holders of Identity Card marked 1	\$DR	20 \$DR
Holders of Identity Card marked 0.50	\$DR	10 \$DR

Paragraph I. The above-mentioned fees shall be sent together with the application in the form of a certified cheque or shall be deposited with the appropriate Collector of Inland Revenues, in which case the receipt issued by the Collector shall be attached to the application.

Paragraph II. Fees received in this way shall be paid into the National Treasury if naturalization is granted or refunded to the applicant if naturalization is refused.

Paragraph III. For the purposes of the present article, applicants shall attach a certificate from the Director-General of Income Tax, or from such other revenue official as is designated by the Executive Power, stating the value of any securities or property they own and the amount of their income, together with an affidavit attesting the correctness of that statement. Any false statement made by an applicant for the purpose of obtaining either the certificate or the affidavit shall be considered as perjury and punished as such.

Article 28. Applications for the reacquisition of Dominican nationality shall be subject to a fixed fee of ten pesos for inland revenue stamps to be affixed to the application.

Article 29. Except for the case mentioned in the foregoing article, the fees provided for in this chapter shall not include fees which may be payable for documents.

CHAPTER VIII. EXEMPTIONS AND REDUCTIONS

Article 30. Naturalization by presidential prerogative and naturalization of aliens rendering technical or special services in the armed forces shall be exempt from fees or dues.

Article 31. Married women and children applying for naturalization together with the husband shall be required to pay only one-half of the fees provided for in this Act.

Article 32. When application for naturalization is made by persons who are nationals of Latin-American countries by birth or origin, the fees and dues provided for in this Act shall be reduced by one-half.

Article 33. The present Act repeals and replaces Acts No. 1227 of 4 December 1929, No. 1029 of 14 November 1935, No. 1083 of 1 April 1936, No. 64 of 3 February 1939, No. 508 of 25 July 1941, No. 484 of 15 January 1944, No. 961 of 3 August 1945, and No. 1144 of 5 April 1946 published in issue No. 6424 of the *Gaceta Oficial* of 10 April 1946, and all other legislation contrary to its provisions.

(c) CIVIL CODE.

*Article 12.*¹ A foreign woman who marries a Dominican shall acquire her husband's status, unless the law of her country authorizes her to retain her nationality, in which case she shall have the option of stating in the marriage record that she declines Dominican nationality.

Article 19. A Dominican woman who marries an alien and who wishes to acquire her husband's nationality, provided the law of his country permits it, shall expressly state that wish, which shall be noted in the marriage record. If she wishes to acquire her husband's nationality after the marriage has taken place, she must do so through naturalization.

23. Ecuador

(a) CONSTITUTION OF 31 DECEMBER 1946.²

TITLE II. NATIONALITY

Article 9. A person may be an Ecuadorian national by birth or by naturalization. A person shall be an Ecuadorian national by birth:

(1) If he was born in the national territory and

(a) Both his parents are Ecuadorian nationals, or aliens domiciled in Ecuador at his birth, or unknown; or

¹ As amended by Act No. 3354 of 3 August 1952. Translation by the Secretariat of the United Nations.

² Translation by the Secretariat of the United Nations.

(b) One of his parents is an Ecuadorian national and he resides in Ecuador, or has before attaining the age of eighteen been registered as an Ecuadorian national in the register of births, or has attained that age and has not declared a desire to the contrary; or

(c) Both his parents are aliens and neither is domiciled in Ecuador, and he has attained the age of eighteen and declares his desire to become an Ecuadorian national;

(2) If he was born abroad and his father or mother or both are Ecuadorian nationals:

(a) In the service of Ecuador in the country of his birth at the time thereof; or

(b) In exile or temporarily absent from Ecuador at his birth;

(c) Or aliens domiciled in Ecuador at his birth, and he has attained the age of eighteen and does not express a desire to the contrary.

Article 10. A person born in the territory of the Republic shall ordinarily be presumed to be an Ecuadorian national.

Article 11. A person shall be an Ecuadorian national by naturalization:

(a) If he has been granted Ecuadorian nationality by the Congress in recognition of outstanding services rendered to the country; or

(b) If he has obtained a naturalization certificate in accordance with statute; or

(c) If he was born abroad of alien parents who have later become naturalized in Ecuador, and is under the age of eighteen; in this case he shall retain Ecuadorian nationality unless he expressly renounces it.

Article 12. Neither marriage nor dissolution thereof shall change the nationality of the spouses.

Article 13. Persons who had or acquired Ecuadorian nationality under an earlier Constitution and have not lost it shall retain it.

Article 14. Juridical persons in Ecuadorian law shall be Ecuadorian nationals.

Article 15. A person shall lose Ecuadorian nationality:

(a) By conviction of treason against the country;

(b) By naturalization in another State;

(c) By revocation of his naturalization certificate.

Article 16. Nationality may be recovered in accordance with statute.

• • •

(b) DECREE NO. 985 OF 14 JUNE 1950 GOVERNING NATURALIZATION, EXTRADITION AND EXPULSION.¹

CHAPTER 1. NATURALIZATION OF ALIENS

Article 1. All aliens without distinction who comply with the requirements of the law and the present regulations are eligible to apply for naturalization as Ecuadorian nationals.

Article 2. In order to qualify for a certificate of naturalization, a person must:

¹ See *Registro Oficial*, May-June 1950, Nos. 503-553. Translation by the Secretariat of the United Nations.

(1) Have legal capacity in accordance with his personal status and the Ecuadorian laws;

(2) Possess a lawful property, business, occupation or trade permitting him to support himself;

(3) Have resided in the country for five years after obtaining the final residence certificate;

(4) Have been of irreproachable conduct before and during his residence;

(5) Speak and write Spanish, and have general knowledge of the national history and geography as well as of the Constitution of the Republic; and

(6) Produce a certificate from the diplomatic or consular representative concerned showing that by becoming naturalized the applicant loses his previous nationality.

In default of such a certificate, other forms of proof shall be admissible.

Article 3. Where any other action is necessary in order to renounce the previous nationality, this must be taken before the certificate is granted, in order that no alien naturalized as an Ecuadorian may have dual nationality.

Article 4. Application for naturalization must be made to the Ministry of Foreign Affairs through the Directorate-General for Immigration and Aliens. In the provinces, application may be made to the provincial authority, which shall forward it to the Directorate-General for Immigration and Aliens with such information as it considers relevant.

The Directorate-General for Immigration and Aliens shall forward it to the Ministry of Foreign Affairs, with confidential information on the following points:

(1) Identity, nationality, marital status, economic standing, means of livelihood of the applicant;

(2) The fact that the applicant has entered Ecuadorian territory and has honourably resided in it for the period prescribed by the present regulations; and

(3) Activities in which the alien has engaged in the country since entry.

Article 5. An alien woman, married to an alien who has applied for naturalization can apply for her naturalization jointly with her husband. In this case, the certificates of naturalization will be granted individually.

Article 6. An alien woman married to an Ecuadorian citizen can acquire her husband's nationality, either by declaration made at the time of her marriage to the effect that she adopts the Ecuadorian nationality and renounces her previous nationality, or at any time after her marriage by means of an application addressed to the Minister of Foreign Affairs, who will take the necessary decision.

Article 7. The minor children of an alien who applies for naturalization may be included in the application and obtain naturalization provided that they are under parental authority; they retain, however, the right to opt for the nationality of their origin when they reach the age of eighteen years.

Article 8. The Ministry of Foreign Affairs, on the basis of the confidential information received from the Directorate-General for Immigration and Aliens, and provided the legal requirements are fulfilled, shall issue through its Legal Department an opinion whether naturalization may legally be granted; and, if so, shall submit the matter to the President of the Republic.

Article 9. When the President of the Republic has authorized the grant of the certificate of naturalization, the Ministry of Foreign Affairs shall

issue it; and, when it has been signed by the President of the Republic and countersigned by the Minister of Foreign Affairs, shall have it delivered by the Metropolitan or Provincial Governor to the applicant who, on receiving it, shall take the oath of renunciation of his previous nationality and of loyalty to his new country. A copy of the record of these proceedings shall be sent to the Ministry of Foreign Affairs, to be entered in the Naturalization Registers of the Chancellery, which shall inform the Directorate-General of the Civil Register and the Directorate-General of Immigration and Aliens, who shall respectively enter and delete the naturalized person's name in the appropriate registers.

Article 10. After naturalization has been granted, the Chancellery shall send official notification of this fact to the government of the naturalized person's previous country.

Article 11. The certificate of naturalization is liable to cancellation for the following causes:

- (1) Those indicated in *Article 15 (a)* and *(b)* of the Constitution;
- (2) If it has been obtained by fraud;
- (3) If, in the judgment of the Ministry of the Interior, the naturalized person becomes a disturbing element on moral, social or political grounds;
- (4) If the naturalized person is absent from the Republic for an uninterrupted period of more than four years.

If he is absent for reasons beyond his control, the naturalized person may give proof of this to the Ministry of Foreign Affairs and plead that his absence should not be taken into account for the purposes of such cancellation.

A naturalized alien losing Ecuadorian nationality by absence and resuming residence in the country may likewise request from the Ministry of Foreign Affairs the favour of retaining Ecuadorian nationality, affirming his intention of settling permanently in national territory. Provided that the personal qualities of the petitioner entitle him to this favour, the Ministry of Foreign Affairs shall grant his request.

Article 12. The certificate of naturalization shall be cancelled by the Executive Decree promulgated by the Chancellery through a decision of its Legal Department; the Ministry of the Interior and Police shall be responsible for the acceptance and transmission of information and evidence.

Article 13. Cancellation of the certificate of naturalization carries with it expulsion from the national territory where provision therefor is made under (1), article 15 *(a)* of the Constitution, and (2), article 11 of the present regulations.

CHAPTER II. NATURALIZATION OF ECUADORIANS

Article 14. An Ecuadorian who has been naturalized in a foreign country loses Ecuadorian nationality. His wife and their minor children shall also lose Ecuadorian nationality, provided that by virtue of his naturalization they acquire the foreign nationality in question; nevertheless, the wife shall retain the right to recover her nationality of origin upon the dissolution of the marriage and the children shall be entitled to recover their nationality of origin upon attaining their majority.

Article 15. Ecuadorian diplomatic representatives and consular agents shall report to the Chancellery every case where an Ecuadorian national is naturalized in the country where they are accredited, and shall advise the

Chancellor concerning the legal effects of such naturalization on the nationality of origin of the naturalized person and of his wife and children under the law of the country in which he is naturalized.

Article 16. The Chancellery shall keep a record of cases where Ecuadorian nationals are naturalized in other countries, and shall report on each case to the Civil Register so that the appropriate entries may be made.

Article 17. An Ecuadorian who has become naturalized in another country may recover his original nationality if he resumes residence in Ecuador for not less than two years and declares that he renounces his acquired nationality and wishes to regain Ecuadorian nationality; for this purpose he shall submit a formal application to the Ministry of Foreign Affairs together with his certificate of naturalization.

The Ministry of Foreign Affairs, if it considers appropriate, and after consulting the Legal Department, shall take the decision conferring Ecuadorian nationality on the applicant and order the fact to be recorded in the registers of the Chancellery and the Directorate-General of the Civil Register. A certified copy of the decision shall be delivered to the person concerned.

Article 18. In every case where option is permitted under the Constitution, the party concerned shall apply to the Chancellery for recognition as an Ecuadorian.

CHAPTER V. GENERAL PROVISIONS

Article 43. Any case which is affected by these regulations but is not expressly dealt with herein shall be decided by the Chancellery if it is a question of naturalization or extradition and by the Ministry of the Interior if it is a question of deportation.

Article 44. Chapters VI and VII of Executive Decree No. 111 of 29 January 1941 and amendments thereto, and generally any provisions contrary to this Decree, are hereby repealed.

CHAPTER VI. TRANSITIONAL PROVISIONS

I. Any applications for naturalization pending at the date of the entry into force of these regulations shall be dealt with according to the regulations previously in force.

II. A person whose application for Ecuadorian nationality has been admitted in proper form under the regulations previously in force may obtain the corresponding naturalization certificate in accordance with the said regulations.

. . .

24. Egypte

(a) LOI N° 160 DU 13 SEPTEMBRE 1950 SUR LA NATIONALITÉ ÉGYPTIENNE ¹.

Article 1. Sont Egyptiens:

- 1) Les membres de la Famille royale;
- 2) Tout individu qui a établi son domicile en territoire égyptien avant

¹ Journal Officiel, n° 21, du 5 mars 1951.

le 1^{er} janvier 1848, qui y a maintenu sa résidence habituelle jusqu'au 10 mars 1929 et qui n'est pas ressortissant d'un Etat étranger;

3) Les ressortissants ottomans, nés en territoire égyptien de parents y résidant, lorsque ces ressortissants y ont maintenu leur résidence habituelle jusqu'au 10 mars 1929 et n'ont pas acquis de nationalité étrangère;

4) Les ressortissants ottomans, nés et résidant en territoire égyptien, qui ont obtenu à la loi militaire égyptienne, soit en faisant le service militaire, soit en payant la taxe de remplacement, qui n'ont pas acquis de nationalité étrangère et qui ont maintenu leur résidence habituelle en Egypte jusqu'au 10 mars 1929;

5) Les ressortissants ottomans, majeurs ou mineurs, qui, à la date du 5 novembre 1914, avaient leur résidence habituelle en territoire égyptien et qui y ont maintenu cette résidence jusqu'à la date du 10 mars 1929;

6) Les ressortissants ottomans qui ont fixé leur résidence habituelle en territoire égyptien après le 5 novembre 1914, qui ont maintenu cette résidence jusqu'au 10 mars 1929, et qui ont demandé dans le délai d'une année, à partir de cette date, à être considérés comme ayant acquis la nationalité égyptienne;

7) Les ressortissants ottomans qui avaient leur résidence habituelle en territoire égyptien dès le 5 novembre 1914, mais qui ne l'ont pas maintenue jusqu'au 10 mars 1929, et qui ont demandé dans le délai d'une année à partir de cette date d'acquérir la nationalité égyptienne et ont été reconnus par le Ministre de l'Intérieur comme l'ayant acquise.

Les ressortissants ottomans désignés dans les trois paragraphes précédents sont les ressortissants de l'ancien Empire Ottoman avant l'entrée en vigueur du Traité de Lausanne conclu le 24 juillet 1923.

Est écartée toute demande de certificat de nationalité égyptienne présentée par les individus soumis au régime du paragraphe 5 de cet article après un an à compter de la date de la mise en vigueur de la présente loi en ce qui concerne les majeurs, et après un an à compter de leur majorité en ce qui concerne les mineurs.

L'acquisition de la nationalité égyptienne en application des paragraphes précédents du présent article s'étend de plein droit à l'épouse et aux enfants mineurs.

Les dispositions relatives à la reconnaissance de ressortissants ottomans comme ayant acquis la nationalité égyptienne ne s'appliquent pas à ceux qui ont opté pour la nationalité turque ou pour celle d'un des pays détachés de l'Empire Ottoman suivant le Traité de Lausanne conclu le 24 juillet 1923.

Article 2. Et Egyptien :

- 1) Tout enfant né d'un père égyptien;
- 2) Tout enfant né en Egypte d'une mère égyptienne et d'un père apatride ou de nationalité inconnue;
- 3) Tout enfant né en Egypte d'une mère égyptienne et dont la filiation paternelle n'est pas légalement établie;
- 4) Tout enfant né en Egypte de père et mère inconnus.

L'enfant trouvé sur le territoire égyptien est présumé, jusqu'à preuve du contraire, être né en Egypte.

Article 3. Est considéré comme Egyptien l'enfant né à l'étranger d'une mère égyptienne et d'un père apatride ou de nationalité inconnue et qui, dans le délai d'un an à compter de sa majorité, a opté pour la nationalité égyptienne par une notification faite au Ministre de l'Intérieur.

Article 4. Tout étranger né en Egypte peut, par décision du Conseil des Ministres, être considéré comme Egyptien, s'il satisfait aux conditions suivantes :

- 1) Avoir sa résidence habituelle en Egypte au moment de sa majorité;
- 2) Etre sain d'esprit, non atteint d'une infirmité le mettant à la charge de la société;
- 3) Etre de bonnes vie et mœurs; n'avoir pas été condamné à une peine criminelle ou à une peine restrictive de la liberté pour un délit infamant, sauf réhabilitation;
- 4) Connaître la langue arabe;
- 5) Présenter dans l'année qui suit la majorité une demande pour l'obtention de la nationalité égyptienne.

Les demandes d'option doivent être soumises par le Ministre de l'Intérieur au Conseil des Ministres dans les six mois de la date de leur réception.

Article 5. La naturalisation peut être accordée, par décret, à l'étranger remplissant les conditions suivantes :

- 1) Etre majeur;
- 2) Etre sain d'esprit et non atteint d'une infirmité le mettant à la charge de la société;
- 3) Avoir fixé sa résidence habituelle en Egypte pendant au moins dix années consécutives antérieurement à la présentation de la demande de naturalisation;
- 4) Etre de bonnes vie et mœurs; n'avoir pas été condamné à une peine criminelle ou à une peine restrictive de la liberté pour un délit infamant, sauf réhabilitation;
- 5) Posséder des moyens d'existence légitimes;
- 6) Connaître la langue arabe.

Article 6. La naturalisation peut être accordée, par décret, à l'étranger remplissant les conditions prévues à l'article précédent, s'il a été autorisé par le Ministère de l'Intérieur à fixer son domicile en Egypte en vue de la naturalisation et s'il y a effectivement résidé pendant une période de cinq années consécutives à dater de cette autorisation. L'effet de l'autorisation cessera si, dans les trois mois qui suivent l'expiration de cette période, le bénéficiaire n'a pas requis la naturalisation.

En cas de décès du bénéficiaire avant l'acquisition de la nationalité égyptienne, l'autorisation de fixer son domicile et le temps de stage qui a suivi profiteront à la femme et aux enfants mineurs à la date de l'autorisation.

Article 7. La naturalisation peut être accordée, par une loi spéciale, à l'étranger qui, sans avoir satisfait aux conditions prévues à l'article 5, aura rendu des services éminents à l'Etat. Elle peut également être accordée, par décret, aux alliés de la Famille Royale et aux chefs des communautés religieuses égyptiennes.

Article 8. Devient Egyptienne la femme de l'étranger qui acquiert la nationalité égyptienne, à moins que, dans l'année qui suit la naturalisation du mari, elle ne déclare vouloir conserver sa nationalité d'origine.

Néanmoins, ses enfants mineurs sont considérés comme Egyptiens, sauf si leur résidence habituelle est à l'étranger et s'ils conservent, selon la loi du pays dont ils relèvent, la nationalité d'origine de leur père.

Les enfants dont la nationalité a été établie conformément aux précédentes dispositions peuvent, dans l'année qui suit leur majorité, déclarer opter pour leur nationalité d'origine.

Article 9. La femme étrangère qui épouse un Egyptien n'acquiert pas la nationalité égyptienne, à moins qu'elle ne déclare, dans l'acte de mariage ou dans une demande subséquente au mariage, vouloir acquérir cette nationalité et à la condition que la vie conjugale ait duré deux ans au moins à compter de la date de l'acte de mariage.

Néanmoins, le Ministre de l'Intérieur peut, par décision motivée prise avant l'expiration du délai prévu au premier alinéa, priver l'épouse étrangère du droit d'acquérir la nationalité égyptienne. Toutefois, l'épouse étrangère qui acquiert la nationalité égyptienne ne la perd pas à la dissolution du mariage, à moins qu'elle n'épouse un étranger, ou ne fixe sa résidence habituelle à l'étranger, ou ne recouvre sa nationalité étrangère.

Article 10. L'étranger naturalisé par l'effet des articles 4, 5, 6, 8 et 9 ne peut jouir des droits propres aux Egyptiens ni exercer les droits politiques que cinq ans après la date de sa naturalisation.

Il ne peut, également, être investi de fonctions ou mandats électifs que dix ans après la date précitée.

Toutefois, peut être exempté par décret de ces conditions de délais, celui qui se sera incorporé dans l'armée active égyptienne et qui aura combattu dans ses rangs.

Article 11. Nul Egyptien ne peut acquérir une nationalité étrangère sauf autorisation préalable accordée par décret.

L'Egyptien qui acquiert une nationalité étrangère sans autorisation préalable demeure Egyptien à tous les points de vue et dans tous les cas, à moins que le Gouvernement égyptien ne le déclare déchu de cette nationalité aux termes de l'article 15.

Article 12. La femme de l'Egyptien autorisé à acquérir une nationalité étrangère perd sa qualité d'Egyptienne si, en conformité de la loi sur la nouvelle nationalité, elle suit nécessairement la condition de son mari, à moins qu'elle ne déclare dans l'année qui suit la naturalisation de son mari vouloir conserver sa nationalité égyptienne.

Quant aux enfants mineurs, ils perdent la nationalité égyptienne si, par l'effet du changement de la nationalité de leur père et en conformité de la loi sur la nouvelle nationalité, ils suivent nécessairement la condition du père.

Les enfants dont la nationalité a été établie par l'effet des précédentes dispositions peuvent, dans l'année qui suit leur majorité, déclarer opter pour leur nationalité d'origine.

Article 13. La femme égyptienne qui épouse un étranger conserve la nationalité égyptienne, à moins qu'elle ne déclare, lors de la célébration du mariage ou pendant la vie conjugale, vouloir acquérir, en conformité de la loi nationale du mari, la nationalité de ce dernier.

En cas de dissolution du mariage, la femme égyptienne peut, sur sa demande et avec l'approbation du Ministre de l'Intérieur, recouvrer sa nationalité d'origine.

Cependant, si le mariage de la femme égyptienne avec un étranger est nul aux yeux de la loi égyptienne et valable aux termes de la loi nationale du mari, cette femme est considérée comme ayant conservé sa nationalité d'origine et n'ayant jamais acquis la nationalité de son mari.

Article 14. La nationalité égyptienne peut être retirée, par décret motivé rendu dans les cinq années qui suivent son acquisition, à tout individu qui aura acquis cette nationalité par application des articles 4, 5, 6 et 9 de cette

loi ou des articles 7, 8 et 9 du Décret-Loi No 19 de 1929, et ce, dans l'un des cas suivants :

1) s'il a acquis la nationalité égyptienne sur la base de déclarations mensongères ou par des moyens frauduleux ou par erreur;

2) s'il a été condamné en Egypte à une peine criminelle ou à une peine restrictive de la liberté pour un délit infamant;

3) s'il a été condamné pour un acte de nature à porter atteinte à la sûreté de l'Etat, à ses intérêts intérieurs ou extérieurs, au régime établi, à l'ordre social du pays, ou pour avoir publié, diffusé, préconisé, par n'importe quel moyen, des idées subversives ou des doctrines extrémistes tendant à renverser la forme du Gouvernement ou à changer les éléments fondamentaux de la Constitution ou les institutions fondamentales de la société par tout moyen illicite;

4) s'il a interrompu sa résidence en Egypte pendant deux années consécutives, au cours des cinq années qui ont suivi l'acquisition de la nationalité égyptienne, sans présenter d'excuse admise par le Ministre de l'Intérieur.

Article 15. Peut être déclaré déchu de la nationalité égyptienne par décret motivé, l'Egyptien se trouvant dans l'un des cas suivants :

1) s'il a acquis une nationalité étrangère contrairement aux dispositions de l'article 11;

2) s'il a accepté d'accomplir un service militaire pour le compte d'une puissance étrangère sans autorisation préalable accordée par décision du Conseil des Ministres;

3) s'il s'est livré à des agissements au profit d'un pays ou d'un gouvernement étranger en état de guerre ou de rupture diplomatique avec l'Egypte;

4) s'il a accepté de remplir à l'étranger un emploi dans un gouvernement ou dans une institution internationale et s'il l'a conservé nonobstant l'injonction de le résigner qui lui aura été faite par le Gouvernement égyptien;

5) s'il a fixé sa résidence habituelle à l'étranger et s'est affilié soit à une organisation étrangère ayant pour objet une propagande subversive contre l'ordre social ou économique de l'Etat ou les institutions fondamentales de la société ou tendant aux mêmes fins par tout autre moyen, soit à un centre, succursale, établissement scolaire ou autre, à un bureau ou groupement qui, à quelque titre que ce soit, dépend de pareille organisation ou s'y rattache.

Article 16. Le titulaire perd la nationalité égyptienne par l'effet du retrait de sa nationalité dans les cas prévus à l'article 14.

Cette perte peut, par décision du Conseil des Ministres, s'étendre à ceux qui ont acquis la nationalité par voie de conséquence.

La déchéance de la nationalité dans les cas prévus à l'article 15 entraîne la perte de la nationalité du titulaire seul.

Article 17. L'individu qui a encouru la perte ou la déchéance de la nationalité égyptienne par l'effet des articles 14 et 15 peut, par décret, recouvrer cette nationalité.

Article 18. Sauf dispositions contraires, l'acquisition, le retrait, la perte ou le recouvrement de la nationalité égyptienne ne produisent aucun effet rétroactif.

Article 19. Les déclarations, options, documents ou demandes prévues par la présente loi doivent être adressés au Ministre de l'Intérieur, sous forme de notification par voie d'huissier ou remise contre récipissé au fonctionnaire compétent au Gouvernement ou à la *Moudirieh* dont relève

la résidence de l'intéressé; à l'étranger, ils doivent être remis à l'agent diplomatique ou consulaire d'Egypte.

Un arrêté du Ministre de l'Intérieur peut conférer à tout autre fonctionnaire la qualité de recevoir ces déclarations, options, documents ou demandes.

Article 20. Le Ministre de l'Intérieur, après vérification, délivrera à tout intéressé un certificat de nationalité égyptienne contre paiement des droits qu'il aura établis par arrêté.

Ce certificat fera foi en justice tant qu'il n'aura pas été annulé par arrêté motivé du Ministre de l'Intérieur. Le certificat doit être délivré au requérant dans un délai maximum de six mois de la date de la présentation de la demande. L'abstention du Ministre de l'Intérieur de le délivrer dans le délai précité est assimilée à un rejet de la demande.

Le requérant dont la demande a été rejetée a le droit de réclamation et de recours devant les autorités compétentes.

Article 21. Les décrets et arrêtés relatifs à l'acquisition, au retrait, à la déchéance, ou au recouvrement de la nationalité égyptienne prennent effet dès la date de leur émission et doivent être publiés au « Journal Officiel » dans les quinze jours de cette date. Néanmoins, ils ne peuvent porter atteinte aux droits des tiers de bonne foi.

Article 22. Les clauses des conventions et traités internationaux relatifs à la nationalité, conclus entre le Royaume d'Egypte et les puissances étrangères, recevront toujours leur application, même si elles sont contraires aux dispositions de la présente loi.

Article 23. L'âge de la majorité prévue par les dispositions de la présente loi sera déterminé d'après la loi égyptienne.

Article 24. Toutes les décisions rendues en matière de nationalité sont opposables aux tiers et leurs dispositifs sont publiés au « Journal Officiel ».

Article 25. La charge de la preuve en matière de nationalité incombe à celui qui prétend jouir de la nationalité égyptienne ou qui émet la prétention contraire.

Article 26. Le mariage n'aura d'effet sur l'acquisition ou la perte de la nationalité que s'il a été établi par un document officiel délivré par l'autorité compétente.

Article 27. Sans préjudice de toute autre peine plus grave, est puni d'un emprisonnement ne dépassant pas deux ans ou d'une amende n'excédant pas L.E. 100 quiconque, dans l'intention d'établir la nationalité égyptienne pour lui ou pour autrui, aura sciemment fourni de fausses déclarations ou présenté des documents inexacts à l'autorité compétente.

Article 28. Est abrogé le Décret-Loi No 19 de 1929, modifié par le Décret-Loi No 92 de 1931.

Article 29. Les Ministres de l'Intérieur, des Affaires Etrangères et de la Justice sont chargés, chacun en ce qui le concerne, de l'exécution de la présente loi; le Ministre de l'Intérieur prendra tous arrêtés nécessaires à son exécution; cette loi entrera en vigueur dès sa publication au « Journal Officiel ».

(b) LOI N° 194 DU 25 OCTOBRE 1951 MODIFIANT CERTAINES DISPOSITIONS DE LA LOI N° 160 DE 1950 SUR LA NATIONALITÉ ÉGYPTIENNE. ¹

Article 1. L'alinéa 1er de l'article 9 de la loi n° 160 de 1950 sur la nationalité égyptienne est remplacé par le texte suivant:

La femme étrangère qui épouse un Egyptien n'acquiert pas la nationalité égyptienne, à moins qu'elle ne déclare dans l'acte de mariage et par une notification faite au Ministre de l'Intérieur vouloir acquérir cette nationalité ou qu'elle ne lui notifie son intention d'acquérir cette nationalité dans une demande subséquente au mariage, et à la condition que, dans les deux cas, la vie conjugale ait duré deux ans à compter de la date de la notification.

Article 2. L'article 13 de la susdite loi est remplacé par le texte suivant:

La femme égyptienne qui épouse un étranger conserve la nationalité égyptienne, à moins qu'elle ne déclare, lors de la célébration du mariage ou pendant la vie conjugale, vouloir acquérir, en conformité de la loi nationale du mari, la nationalité de ce dernier.

En cas de dissolution du mariage, la femme égyptienne peut, sur sa demande et avec l'approbation du Ministre de l'Intérieur, recouvrer sa nationalité d'origine.

Pour les princesses de la Famille Royale et les *nabilas* l'intention (d'acquérir la nationalité du mari ou de recouvrer la nationalité d'origine) sera établie par un avis communiqué par le Cabinet de S.M. le Roi à la Présidence du Conseil des Ministres pour être notifié au Ministre de l'Intérieur.

Si le mariage de la femme égyptienne avec un étranger est nul aux yeux de la loi égyptienne et valable aux termes de la loi nationale du mari, cette femme est considérée comme ayant conservé sa nationalité d'origine et n'ayant jamais acquis la nationalité de son mari.

Article 3. L'alinéa 2 de l'article 20 de la susdite loi est remplacé par le texte suivant:

Ce certificat fera foi en justice tant qu'il n'aura pas été annulé par arrêté motivé du Ministre de l'Intérieur. Le certificat doit être délivré au requérant dans un délai maximum d'un an de la date de la présentation de la demande. L'abstention du Ministre de l'Intérieur de le délivrer dans le délai précité est assimilée à un rejet de la demande.

Article 4. La femme égyptienne qui a épousé un étranger et qui a perdu sa nationalité, avant l'entrée en vigueur de la loi précitée, pourra, malgré la vie conjugale, recouvrer cette nationalité, si, dans le délai de six mois depuis l'entrée en vigueur de la présente loi, elle en fait la demande de la manière indiquée à l'un des articles 13 et 19 de la loi susdite, et que le Ministre de l'Intérieur l'approuve.

Article 5. Les Ministres de l'Intérieur, de la Justice et des Affaires Etrangères sont chargés, chacun en ce qui le concerne, de l'exécution de la présente loi qui entrera en vigueur dès sa publication au « Journal Officiel ».

¹ Journal Officiel, n° 99, du 29 octobre 1951.

(c) LOI N° 378 DU 6 AOÛT 1953 RELATIVE À L'EXEMPTION DES MEMBRES
DES COMMUNAUTÉS RELIGIEUSES NON ISLAMIQUES DU DÉLAI FIXÉ À
L'ALINÉA 1^{er} DE L'ARTICLE 10 DE LA LOI N° 160 DE 1950 SUR
LA NATIONALITÉ ÉGYPTIENNE ¹.

Article 1. Les membres des communautés religieuses non musulmanes (à déterminer par décret) sont dispensés de la condition d'expiration du délai de cinq ans prévu à l'article 10, alinéa 1) de la loi précitée, en ce qui concerne l'exercice de leurs droits dans les élections des *mèglisimilli* dont ils relèvent et de leur mandat au sein de ces *mèglis*.

Article 2. La présente loi entrera en vigueur au jour de sa publication au Journal Officiel. Le Ministre de l'Intérieur est chargé de son exécution.

25. El Salvador

(a) CONSTITUTION OF 7 SEPTEMBER 1950. ²

TITLE II. SALVADORIANS AND ALIENS.

Article 11. The following are Salvadorians by birth:

(1) Those born in the territory of El Salvador, whose father or mother is Salvadorian or natives of any of the Central American Republics or of unknown parentage.

(2) The children of a Salvadorian father or mother, born abroad, who have not obtained another nationality.

(3) The descendants of children of aliens, born in El Salvador, who within one year of attaining their majority do not opt for the nationality of the parents.

(4) Nationals of the other States which constituted the Federal Republic of Central America who, having their domicile in El Salvador, declare before the competent authority their intention to become Salvadorians.

Article 12. The following are Salvadorians by naturalization:

(1) The children of foreign parents born in El Salvador, who within one year of attaining their majority declare before a competent authority that they opt for Salvadorian nationality.

(2) Spaniards and Spanish-Americans by birth, who give proof before the competent authority of good conduct and one year's residence in the country.

(3) Aliens of whatever other origin who, in conformity with the law, prove their good conduct and five years' residence in the country, and that they have a profession, occupation, or other honest way of earning their livelihood.

(4) Those who for notable services rendered to the Republic obtain this status from the Legislative Power.

(5) The alien who, having two years' residence in the country, contracts matrimony with a Salvadorian woman, and the alien woman who under similar circumstances marries a Salvadorian man, when at the time of the marriage they opt for Salvadorian nationality; and aliens who, having

¹ Traduit par le Secrétariat des Nations Unies.

² Pan American Union, Law and Treaty Series, Washington, D.C., 1953, pp. 2-4.

married Salvadorians, and having two years' residence in the country, apply for naturalization from the competent authority.

Those persons who become naturalized must expressly renounce any other nationality.

The naturalization of minors shall be regulated by the law.

Article 13. Salvadorian nationality is lost by the voluntary acquisition of another nationality.

Salvadorians by birth who become naturalized in a foreign country can recover their original status by applying to the competent authority and proving that they have resided in the country for two consecutive years after their return. However, if they become naturalized in any of the States which formed the Federal Republic of Central America, they can recover their status of Salvadorians by birth by taking residence in El Salvador and requesting it from the competent authority.

Article 14. The status of Salvadorians and other Central Americans who adopt the nationality of any one of the States which formed part of the Federal Republic of Central America can be regulated by treaties, with the purpose of retaining their nationality of origin.

Article 15. The status of naturalized Salvadorian is lost:

(1) By residing more than two consecutive years in the country of origin or by being absent from the territory of the Republic for more than five consecutive years except in cases where permission has been granted in conformity with the law.

(2) By executed sentence, in cases which are laid down by the law. When nationality is lost in this way, it shall not be possible to recover it.

Article 16. Juridical persons constituted in conformity with the law of the Republic, and having their legal domicile in the country, are Salvadorians.

The regulations that the laws lay down in favour of Salvadorians cannot be violated by the constitution of Salvadorian juridical persons, the majority of whose membership and capital is foreign.

(b) ALIENS ACT¹ OF 27 SEPTEMBER 1886.

CHAPTER I. SALVADORIAN NATIONALS AND ALIENS

*Article 1.*² The persons listed in articles 42, 43 and 44 of the Constitution are Salvadorian nationals by birth or naturalization.

Article 2. (1) A person born outside the national territory who is a subject of a foreign government and has not become naturalized in El Salvador shall be an alien.

(2) A person born to an alien father or to an alien mother and an unknown father in Salvadorian territory shall be an alien until under the law of the State of his father or mother (as the case may be) he comes of age. After the expiry of one year therefrom he shall, unless he has made before

¹ *Anuario de Legislación de la República de El Salvador*, 1886, pages 90-95. Translation by the Secretariat of the United Nations.

² Note: See article 12 above of the new Constitution of 7 September 1950. Articles 21, 22, 23, 24, 25, 29, 39, 52 and 57 of this law were amended in 1897, 1900, 1933 and 1944.

the governor of the district in which he resides a declaration that he retains the nationality of his parent, be deemed to be a Salvadorian national.

(3) A female national of El Salvador who marries a foreign national shall if widowed retain her foreign nationality. On dissolution of her marriage a female national of El Salvador by birth may recover her nationality if she establishes residence in the Republic and declares before the proper governor her intention to recover her nationality.

A female national of El Salvador who does not acquire the nationality of her husband by marriage according to the law of his country shall retain her own nationality.

Subject to the foregoing rule, where a man changes his nationality after marriage, his wife and his minor children subject to parental authority shall, if they reside in the country in which he is naturalized, take his new nationality.

(4) A Salvadorian national who becomes naturalized in another country and transfers his residence thither shall be an alien.

(5) A person who enters the official service of a foreign government in any political, administrative, judicial or diplomatic capacity without the permission of the Legislature required by article 53, paragraph 4, of the Constitution shall be an alien.

Article 3. For the purpose of determining place of birth within the meaning of the foregoing articles it is hereby declared that every Salvadorian vessel without exception is part of the national territory and a person born aboard thereof shall be deemed to have been born within the Republic.

Article 4. By virtue of the right of extraterritoriality enjoyed by diplomatic agents, no child of a minister or employee of a Salvadorian legation shall be deemed for the purposes of this Act to have been born abroad.

Article 5. The nationality of a legal person or corporation shall be governed by the statute under which it is formed, so that if formed under Salvadorian law and legally domiciled in El Salvador it shall be deemed to be a national thereof.

Without prejudice to the law of El Salvador, alien legal persons shall enjoy therein the rights accorded to them by the law of their country of domicile.

CHAPTER II. EMIGRATION AND NATURALIZATION

Article 6. The Republic of El Salvador recognizes that the right to emigrate is a natural possession of every person and necessary for the enjoyment of individual freedom; it therefore allows its own inhabitants to exercise this right by leaving its territory and settling abroad, and likewise protects the right of an alien of any nationality to settle within its jurisdiction. It accordingly admits subjects or citizens of other States and naturalizes them in accordance with the provisions of the Constitution and of this Act.

Article 7. An offender shall not be exempted by emigration and subsequent naturalization from extradition, prosecution and punishment in virtue of a treaty, international practice or the law of the land.

Article 8. A person naturalized in El Salvador shall be entitled even abroad to the same protection of his person and property by the Government of the Republic as is a Salvadorian national by birth; but if he returns to

his country of origin he shall be liable under its law for any act done by him before his naturalization.

Article 9. The Salvadorian Government shall protect Salvadorian citizens abroad by the means permitted by international law. The Executive shall use those means in its discretion unless they would constitute hostile acts; if diplomatic action does not suffice, or the means are inadequate, or the injury to Salvadorian nationality is so serious as to require sterner measures, the Executive shall duly inform the Legislature for constitutional action.

Article 10. The naturalization of an alien shall expire if he resides in his country of origin for two years except in the official service of, or with leave of the Salvadorian Government.

*Article 11.*¹ Any alien who fulfils the requirements of article 43 of the Constitution may be naturalized in El Salvador; he shall submit an application in writing embodying the renunciation and the undertaking referred to in the next article of this Act.

Article 12. Naturalization shall in every case import renunciation of all subjection, obedience and loyalty to any other government, particularly that of which the naturalized person has been a subject, and of all protection other than that of the laws and authorities of El Salvador, and of all rights accorded to aliens by treaty or international law, and also an undertaking of adherence, obedience and subjection to the laws and authorities of the Republic.

Article 13. No certificate of naturalization shall be granted to a subject or citizen of a country with which El Salvador is at war.

Article 14. No certificate of naturalization shall be granted to a person who in another country is reputed to be or has been declared by a court of law to be a pirate, slave-dealer, arsonist, counterfeiter or forger of bank notes or other paper used as money, murderer, kidnapper or thief. Any naturalization obtained by an alien fraudulently and unlawfully shall be null and void.

Article 15. Letters and certificates of naturalization shall be issued free of charge, and no fee for costs, registration or stamps of any kind may be levied therefor.

Article 16. Since the act of naturalization is purely personal the applicant may, when the naturalization is not carried out by legal process, be represented only by special and complete power of attorney; but in no case shall a power be valid if the alien is not actually resident in the country.

Article 17. Status as a national or an alien may not be transferred to a third party; hence a national may not enjoy the rights of an alien nor an alien the privileges of a national by virtue of either status.

Article 18. Change of nationality shall not have retroactive effect. Acquisition or recovery of the rights of a Salvadorian national shall take effect only as from the day after naturalization.

Article 19. A colonist entering the country on his own account or on behalf of a private company or enterprise, and an immigrant of any class, may become naturalized in accordance with the constitutional provisions applying to his own case. Colonists already established at the present time

¹ Note: See article 12 above of the new Constitution of 7 September 1950.

shall also be subject to those provisions, but without prejudice to the rights they have acquired under their contracts.

*Article 20*¹. A naturalized alien shall, as soon as he fulfils all the requirements of article 51 of the Constitution, be a Salvadorian citizen and have the rights and duties of a Salvadorian national, but may not hold an office or position for which the Constitution requires nationality by birth.

26. Ethiopia

NATIONALITY ACT OF 22 JULY 1930.²

Nationality of children born to Ethiopian subjects in Ethiopia or abroad.

(1) Any person born to an Ethiopian, man or woman, in Ethiopia or abroad, is an Ethiopian subject.

Nationality in case of union between Ethiopian and non-Ethiopian.

(2) A regular marriage of an Ethiopian subject with a foreign woman confers upon the latter the Ethiopian nationality.

(3) Is considered, in this case, as a regular marriage:

(a) The marriage of an Ethiopian subject performed in Ethiopia with a foreign woman, according to the Ethiopian civil marriage creating between them the community of property;

(b) The marriage of an Ethiopian subject, performed abroad with a non-Ethiopian woman, in conformity with the Law and forms of celebration of marriage of the country where such union takes place.

(4) The regular marriage of a woman of Ethiopian nationality with a foreigner makes her forfeit her Ethiopian nationality if her marriage with the foreigner in question confers upon her the nationality of her husband; otherwise she retains her Ethiopian nationality. In the case where such a woman, forfeiting her Ethiopian nationality, is the owner of real estate, the status of her property will be dealt with in conformity with the Law enacted for this purpose by the Imperial Ethiopian Government.

(5) Is considered as regular marriage:

(a) The marriage performed in Ethiopia between an Ethiopian woman and a foreigner, before the Consular Authorities of the husband;

(b) The marriage of an Ethiopian woman, performed abroad with a foreigner, according to the national Law of the husband and in conformity with the legal forms of celebration of marriage of the country where such union takes place.

Nationality of children born of a union of Ethiopian and non-Ethiopian.

(6) Any child born of a regular mixed marriage, as stated in the preceding articles, follows his father's nationality. The child born to an Ethiopian father and a foreign mother, united by a regular union, shall, however, be required to justify before the Ethiopian authorities, upon request of the latter, the reason for his not having his mother's original nationality.

¹ Note: See article 12 above of the new Constitution of 7 September 1950.

² English translation received from the Ministry of Foreign Affairs of Ethiopia.

(7) The child born of a regular marriage of his mother, an Ethiopian subject, to a foreigner, may, at all times, claim the benefit of Ethiopian nationality, provided his domicile is in Ethiopia and that he can free himself completely from his paternal nationality.

Nationality of children made legitimate as a result of a union between Ethiopian and non-Ethiopian.

(8) If according to the national law of the non-Ethiopian father, the regular marriage takes place after the birth of the child resulting from the father's relations with a woman, an Ethiopian subject, the offspring recognized by that subsequent marriage will not follow the nationality of his non-Ethiopian father unless the latter's national law confers upon him the foreign nationality with all the rights pertaining thereto. The child will, otherwise, retain his Ethiopian nationality.

Nationality of the recognized children of a foreign father and of an Ethiopian mother without any subsequent marriage.

(9) The recognition, without any subsequent regular marriage of the foreign father to the Ethiopian mother, of the child resulting from their relations outside of regular marriage, will not deprive the child of his Ethiopian nationality unless this recognition, given according to the Law of the foreign father, would confer upon the child thus recognized the nationality of his father with all the rights pertaining thereto.

Nationality of the Ethiopian child adopted by a foreigner.

(10) The adoption by a man or a woman of foreign nationality of an Ethiopian child, made according to the forms of the (personal) law of the adopting person, will not affect the original Ethiopian nationality of the adopted person.

Loss of the Ethiopian nationality.

- (11) Loss of the Ethiopian nationality is incurred by:
- (a) The Ethiopian subject who acquires another nationality;
 - (b) The Ethiopian woman by her marriage to a foreigner.

Naturalization.

(12) Any foreigner fulfilling the following conditions:

- (a) Having reached the majority age according to the provisions of the national Law;
 - (b) Domiciled in Ethiopia for at least five years;
 - (c) Capable of earning his living, defraying his expenses and those of his family;
 - (d) Knowing perfectly, talking and writing fluently the Amharic language;
 - (e) Being able to prove absence of any previous penal condemnation for a crime or violation of common law,
- will be able to acquire the Ethiopian nationality.

(13) The petition for naturalization will be addressed by the person concerned to the Ministry of Foreign Affairs. To this petition should be attached the Identity Card of the foreigner as well as an excerpt from his judicial record.

(14) A special Commission of the Government consisting of the Minister of the Interior, the Minister of Foreign Affairs and a High Dignitary of

the Empire will examine the petition, make the necessary investigation and, after hearing the applicant, will grant or refuse his request for naturalization.

(15) The naturalization will be granted by decree and the new Ethiopian subject will take the oath of fidelity to the Empire before the Commission.

(16) The naturalization thus granted will not extend its effects to the naturalized person's legitimate wife unless the latter personally applies for the benefit thereof.

Reintegration into the Ethiopian nationality.

(17) All persons of Ethiopian origin who, having acquired a foreign nationality, return to settle in the country and apply to the Government for their reintegration, will, at all times, be able to get the benefit of the Ethiopian nationality.

(18) The Ethiopian woman who, by her marriage to a foreigner, has lost her Ethiopian nationality, will be able to recover it as a result of the dissolution of her marriage, through a divorce, or physical separation or on account of her husband's death, if she returns to reside in Ethiopia and applies to the Ethiopian Government for reintegration into her original Ethiopian nationality.

The present Act abrogates all laws previously enacted on this matter.

27. Finland

ACT OF 9 MAY 1941¹ CONCERNING THE ACQUISITION AND LOSS OF FINNISH CITIZENSHIP.

ACQUISITION OF FINNISH CITIZENSHIP

1. *Acquisition of citizenship by birth or otherwise by direct operation of law.*

Article 1. The following persons acquire Finnish citizenship by birth:

- (1) A child born in wedlock, if his father is a Finnish citizen;
- (2) A child born in wedlock, if his mother is a Finnish citizen and his father is stateless, provided that he does not acquire by birth the citizenship of any other country; and
- (3) Any child born out of wedlock if his mother is a Finnish citizen.

Article 2. A foundling found in Finland shall be deemed to be a Finnish citizen unless ascertained to be a citizen of another country.

Article 3. An alien woman who marries a Finnish citizen acquires Finnish citizenship by virtue of the marriage.

A person born of a premarital union between an alien woman and a Finnish citizen shall become a Finnish citizen upon their marriage if he is then unmarried and under the age of twenty-one years.

2. *Admission of an alien to Finnish citizenship.*

Article 4. An alien may be admitted to Finnish citizenship upon application:

- (1) If he has attained the age of twenty-one years;

¹ *Finlands Författningssamling*, No. 325, 1941. Translation from Swedish by the Secretariat of the United Nations.

(2) If during the five years preceding his application his actual residence and domicile have been in Finland;

(3) If, so far as is known, his conduct has been blameless; and

(4) If he is and will presumably continue to be in a position to support himself and his family.

A married person shall not be admitted to Finnish citizenship unless his spouse joins in his application. Nevertheless, a married alien may be admitted to Finnish citizenship upon application if the other spouse is a Finnish citizen, or if the spouses live apart by reason of separation, or if the other spouse has been missing for at least three years, or if there are other special circumstances present.

Article 5. An unmarried alien under the age of twenty-one years whose livelihood appears assured and who fulfils the conditions stipulated in article 4, first paragraph, sub-paragraphs (2) and (3), may be admitted to Finnish citizenship upon the application of his guardian if the unity of the family as regards citizenship will be enhanced thereby, or if there are other special circumstances present. A person who has attained the age of eighteen years may not, however, be admitted to Finnish citizenship without his consent.

Article 6. Notwithstanding the foregoing provisions, Finnish citizenship may be granted to an applicant who was formerly a Finnish citizen, or who is married to a Finnish citizen, or whose spouse with whom he is applying jointly for Finnish citizenship fulfils the condition stipulated in article 4, first paragraph, sub-paragraph (2), or if there are some other special circumstances present by reason of which the applicant should be admitted to Finnish citizenship.

The application of a person who was formerly a Finnish citizen by birth may be granted, irrespective of the stipulations made in article 4, first paragraph, sub-paragraph (4), if there are special circumstances present.

Article 7. If an alien's application for Finnish citizenship is granted, and he has not already shown that he is released from his foreign citizenship by his admission to Finnish citizenship, then the order should make it a condition of his acquisition of Finnish citizenship that he shall within a period specified in the order be released from his foreign citizenship. In special circumstances an applicant may be admitted to Finnish citizenship without such a condition.

Article 8. Unless there are special circumstances present by reason of which he should not be admitted to Finnish citizenship, a person who was born in wedlock, is unmarried, under the age of twenty-one years and resident in Finland in the custody of his parents may be admitted to Finnish citizenship with them.

Where one spouse only is admitted to Finnish citizenship, a child who is in his custody and who fulfils the conditions stipulated in the first paragraph hereof, may be granted Finnish citizenship together with him.

A child born out of wedlock shall, subject to the requirements of this article, follow the citizenship of his mother.

Article 9. An alien whose application for admission to Finnish citizenship has been granted shall become a Finnish citizen as soon as the relevant order has been registered with the County Administration. The persons referred to in article 8 shall also become Finnish citizens at the same time.

If the order is not submitted to the County Administration for registration within the time specified in the order, or if it cannot be registered because some other document which has been specified as essential to registration has not been submitted to the County Administration, the order shall lapse.

Loss of Finnish citizenship

Article 10. A Finnish citizen who is admitted to the citizenship of another country upon his application shall lose his Finnish citizenship. A Finnish citizen who becomes a citizen of another country otherwise than upon his application shall lose his Finnish citizenship if his actual residence and domicile are outside Finland; if he resides in Finland he shall lose his Finnish citizenship on removing his residence from Finland.

If at the time of her birth the wife of a Finnish citizen possessed the citizenship of a State other than Finland and continued to possess that foreign citizenship while she was a Finnish citizen, then, if her husband is admitted to citizenship of that foreign State, she shall cease to be a Finnish citizen; likewise, if during her marriage to a Finnish citizen she remained a citizen of her former country of domicile and, after the dissolution of that marriage, contracts a new marriage with a citizen of that country, she shall thereupon cease to be a Finnish citizen.

Article 11. If a person, who by birth acquired both Finnish citizenship and citizenship of another country, is not actually resident and domiciled in Finland, and, being liable to military service, has not completed or commenced active military service in Finland or undergone instruction for at least two years in a Finnish-speaking or Swedish-speaking educational establishment, and has not had such contact with Finland as to indicate affinity therewith, and on attaining the age of twenty-two years is a citizen of another country, then that person shall cease to be a Finnish citizen.

If a person ceases to be a Finnish citizen by virtue of the first paragraph hereof, then his wife shall also cease to be a Finnish citizen if her citizenship at birth was not Finnish and if she is still a citizen of another country.

Article 12. Any Finnish citizen who possesses civic rights in another country or wishes to become a foreign citizen may upon application be released from his Finnish citizenship.

If the applicant has not yet been admitted to citizenship of another country, it shall be made a condition of his release that he shall acquire citizenship of the other country within a period specified in the order.

If the applicant resides in Finland, it may be stipulated as a condition that he shall cease to reside in Finland within a period specified in the order.

Special Provisions

Article 13. Notwithstanding the provisions of this Act concerning the acquisition of Finnish citizenship, a child born in wedlock in Finland whose parents are Ingrian or East Karelian refugees of Finnish descent residing in Finland and stateless at the entry into force of this Act, and a child born out of wedlock in Finland of an Ingrian or East Karelian woman of Finnish descent residing in Finland and stateless at the entry into force of this Act, acquires Finnish citizenship by birth.

Article 14. An application for admission to Finnish citizenship of an Ingrian or East Karelian refugee of Finnish descent residing in Finland

may be granted notwithstanding the provisions of article 4, first paragraph, sub-paragraph (4).

Article 15. A person desiring a certificate declaring that he is or is not a Finnish citizen shall apply to the President of the Republic, who may, after the ruling of the supreme administrative court has been obtained, issue such certificate.

Article 16. In this Act "alien" means a person who is not a Finnish citizen.

Article 17. Regulations for giving effect to this Act shall be made by order.

Article 18. This Act shall enter into force on 1 July 1941, and the Act of 20 February 1920 concerning the admission of aliens to Finnish citizenship and the Act of 17 June 1927 concerning the loss of Finnish citizenship shall be thereby repealed. The former Act shall apply, however, to any matter concerning admission to Finnish citizenship pending at the entry into force of this Act.

If a person to whom articles 1 (2) and 13 of this Act apply is stateless and, at the entry into force of this Act, unmarried and under the age of twenty-one years, then he acquires Finnish citizenship upon the entry into force of this Act if he is actually resident and domiciled in Finland.

If before the entry into force of this Act a person was admitted upon application to the citizenship of another country without loss of Finnish citizenship, and if when this Act enters into force he is still a citizen of that other country, then he shall cease to be a Finnish citizen. If before the entry into force of this Act a Finnish citizen became a citizen of another country, otherwise than upon his application, without loss of Finnish citizenship, then he shall cease to be a Finnish citizen on removal from Finland if he is then still a citizen of the other country.

28. France

(a) ORDONNANCE N° 45-2441 DU 19 OCTOBRE 1945,
PORTANT CODE DE LA NATIONALITÉ FRANÇAISE.

Article 1er. Seront exécutées, sous le titre de Code de la nationalité française, les dispositions dont la teneur suit:

TITRE PRÉLIMINAIRE. — DISPOSITIONS GÉNÉRALES

Article 1er. La loi détermine que les individus ont, à leur naissance, la nationalité française, à titre de nationalité d'origine.

La nationalité française s'acquiert ou se perd après la naissance par l'effet de la loi ou par une décision de l'autorité publique prise dans les conditions fixées par la loi.

Article 2. Les dispositions relatives à la nationalité contenues dans les traités ou accords internationaux dûment ratifiés et publiés s'appliquent, même si elles sont contraires aux dispositions de la législation interne française.

Article 3. Les lois nouvelles relatives à l'attribution de la nationalité française, à titre de nationalité d'origine, s'appliquent même aux individus nés avant la date de leur mise en vigueur, si ces individus n'ont pas encore,

à cette date, atteint leur majorité. Cette application ne porte cependant pas atteinte à la validité des actes passés par l'intéressé ni aux droits acquis par des tiers sur le fondement des lois antérieures.

Les dispositions de l'alinéa précédent s'appliquent, à titre interprétatif, aux lois sur la nationalité d'origine qui ont été mises en vigueur après la promulgation du titre I^{er} du Code civil.

Article 4. Les conditions de l'acquisition et de la perte de la nationalité française après la naissance sont régies par la loi en vigueur au moment où se réalisent les faits et les actes de nature à entraîner cette acquisition et cette perte.

Les dispositions de l'alinéa précédent s'appliquent, à titre interprétatif, aux changements de nationalité qui se sont produits avant la mise en vigueur du présent Code.

Article 5. La date de la majorité, au sens du présent Code, est celle qui est fixée par la loi civile française.

Article 6. Au sens du présent Code, l'expression: « en France » s'entend du territoire métropolitain, de l'Algérie, de la Martinique, de la Guadeloupe et de la Réunion. — *V. Décr. 27 sept. 1946 (J. O. 29 sept.), ajoutant le département de la Guyane française.*

Article 7. A l'exception des colonies qui sont désignées à l'article précédent, l'expression: « aux colonies » s'entend, au sens du présent Code, des territoires relevant du ministère des Colonies.

Article 8. Il est tenu compte pour la détermination, à toute époque, du territoire français et du territoire colonial, des modifications résultant des actes de l'autorité publique française et des traités internationaux survenus antérieurement.

Article 9. Les actes de l'autorité publique visés à l'article précédent produisent, en ce qui concerne la nationalité, les mêmes effets que les traités d'annexion, dans les conditions visées aux articles 12 et 13.

Article 10. L'attribution, l'acquisition et la perte de la nationalité française aux colonies et dans les pays placés sous protectorat ou sous mandat français sont régies par des dispositions spéciales.

TITRE I^{er}. — DES TRAITÉS ET DES ACCORDS INTERNATIONAUX

Chapitre I^{er}. — Des traités d'annexion ou de cession de territoires

Article 11. Les personnes nées et les personnes domiciliées dans les territoires réunis à la France ou détachés par un traité international dûment ratifié comportant une annexion ou une cession acquièrent ou perdent la nationalité française suivant les dispositions édictées par ce traité.

Article 12. Dans le cas où le traité ne contient pas de telles dispositions les personnes qui demeurent domiciliées dans les territoires rattachés à la France acquièrent la nationalité française.

Article 13. Dans la même hypothèse, les personnes domiciliées dans les territoires cédés perdent la nationalité française, à moins qu'elles n'établissent effectivement leur domicile hors de ces territoires.

Article 14. Les dispositions prévues aux articles 12 et 13 s'appliquent, à titre interprétatif, aux traités internationaux relatifs à l'annexion ou à la cession de territoires promulgués antérieurement au présent Code.

Toutefois, les personnes étrangères qui étaient domiciliées dans les territoires rétrocédés par la France, conformément au traité de Paris du 30 mai 1814 et qui, à la suite de ce traité, ont transféré en France leur domicile, n'ont pu acquérir, de ce chef, la nationalité française que si elles se sont conformées aux dispositions de la loi du 14 octobre 1814. Les Français qui étaient nés hors des territoires rétrocédés et qui ont conservé leur domicile sur ces territoires n'ont pas perdu la nationalité française par application du traité susvisé.

Chapitre II. — Des conventions internationales

Article 15. Sans qu'il soit porté atteinte à l'interprétation donnée aux accords antérieurs, un changement de nationalité ne peut, en aucun cas, résulter d'une convention internationale si celle-ci ne le prévoit expressément.

Article 16. Lorsqu'un changement de nationalité est subordonné, dans les termes de la convention, à l'accomplissement d'un acte d'option, cet acte est déterminé dans sa forme par la loi de celui des pays contractants dans lequel il est institué.

TITRE II. — DE L'ATTRIBUTION DE LA NATIONALITÉ FRANÇAISE À TITRE DE NATIONALITÉ D'ORIGINE

Chapitre Ier. — De l'attribution de la nationalité française en raison de la filiation

Article 17. Est Français :

- 1° L'enfant légitime né d'un père français ;
- 2° L'enfant naturel lorsque celui de ses parents à l'égard duquel la filiation a d'abord été établie, est Français.

Article 18. Est Français :

- 1° L'enfant légitime né d'une mère française et d'un père qui n'a pas de nationalité ou dont la nationalité est inconnue ;
- 2° L'enfant naturel lorsque celui de ses parents, à l'égard duquel la filiation a été établie en second lieu, est Français si l'autre parent n'a pas de nationalité ou si sa nationalité est inconnue.

Article 19. Est Français, sauf la faculté s'il n'est pas né en France de répudier cette qualité dans les six mois précédant sa majorité :

- 1° L'enfant légitime né d'une mère française et d'un père de nationalité étrangère ;
- 2° L'enfant naturel lorsque celui de ses parents, à l'égard duquel la filiation a été établie en second lieu, est Français si l'autre parent est de nationalité étrangère.

Article 20. Acquiert, s'il n'est pas né en France, la faculté de répudier la nationalité française, l'enfant naturel mineur, Français par filiation maternelle, qui est légitimé par le mariage de ses parents, si son père est de nationalité étrangère.

Chapitre II. — De l'attribution de la nationalité française en raison de la naissance en France

Article 21. Est Français l'enfant né en France de parents inconnus. Toutefois, il sera réputé n'avoir jamais été Français si au cours de sa minorité, sa filiation est établie à l'égard d'un étranger et s'il a, conformément à la loi nationale de cet étranger, la nationalité de celui-ci.

Article 22. L'enfant nouveau-né trouvé en France est présumé, jusqu'à preuve du contraire, être né en France.

Article 23. Est Français :

1° L'enfant légitime né en France d'un père qui y est lui-même né ;

2° L'enfant naturel né en France, lorsque celui de ses parents, à l'égard duquel la filiation a d'abord été établie, est lui-même né en France.

Article 24. Est Français, sauf la faculté de répudier cette qualité dans les six mois précédant sa majorité :

1° L'enfant légitime né en France d'une mère qui y est elle-même née ;

2° L'enfant naturel né en France, lorsque celui de ses parents, à l'égard duquel la filiation a été établie en second lieu, est lui-même né en France.

Article 25. Les articles 23 et 24 sont applicables à l'enfant né en France d'un parent né aux colonies.

Chapitre III. — Dispositions communes

Article 26. L'enfant qui est Français en vertu des dispositions du présent titre est réputé avoir été Français dès sa naissance, même si l'existence des conditions requises par la loi pour l'attribution de la nationalité française n'est établie que postérieurement à sa naissance.

Toutefois, dans ce dernier cas, l'attribution de la qualité de Français dès la naissance ne porte pas atteinte à la validité des actes passés par l'intéressé ni aux droits acquis à des tiers sur le fondement de la nationalité apparente possédée par l'enfant.

Article 27. La filiation ne produit effet en matière d'attribution de la nationalité française que si elle est établie dans les conditions déterminées par la loi civile française.

Article 28. Si la filiation de l'enfant naturel résulte, à l'égard du père et de la mère, du même acte ou du même jugement, elle est réputée avoir été établie d'abord à l'égard du père.

Article 29. La filiation de l'enfant naturel n'a d'effet sur la nationalité de celui-ci que si elle est établie durant sa minorité.

Article 30. Tout enfant mineur qui possède la faculté de répudier la nationalité française dans les cas visés au présent titre peut, par déclaration souscrite conformément aux articles 101 et suivants, exercer cette faculté sans aucune autorisation.

Il peut renoncer à cette faculté dans les mêmes conditions s'il a atteint l'âge de dix-huit ans accomplis. S'il a moins de dix-huit ans, il doit être autorisé ou représenté dans les conditions prévues aux articles 53 et 54.

Article 31. Dans les cas visés à l'article précédent, nul ne peut répudier la nationalité française s'il ne prouve qu'il a, par filiation, la nationalité d'un pays étranger et, le cas échéant, qu'il a satisfait aux obligations militaires qui lui sont imposées par la loi de ce pays, sous réserve des dispositions prévues dans les accords internationaux.

Article 32. Perd la faculté de répudier la nationalité française qui lui est reconnue par les dispositions du présent titre :

1) Le Français enfant légitime mineur qui n'a pas encore exercé cette faculté, et dont le père ou la mère survivante acquiert la nationalité française; il en est, toutefois, autrement dans les cas prévus à l'article 85 du présent Code;

2) Le Français, enfant naturel mineur, qui n'a pas encore exercé cette faculté et dont le parent survivant ou le parent dont il suit par filiation la nationalité, acquiert la nationalité française; il en est, toutefois, autrement dans les cas prévus à l'article 85 du présent Code;

3) Le Français, enfant naturel mineur, qui n'a pas encore exercé cette faculté, lorsqu'il est légitimé par le mariage de sa mère avec un père français;

4) Le Français mineur qui a fait l'objet de la légitimation adoptive prévue à l'article 368 du Code civil, lorsque son père adoptif est Français;

5) Le Français mineur qui a souscrit ou celui au nom de qui a été souscrite une déclaration en vue de renoncer à exercer la faculté de répudier la nationalité française;

6) Le Français mineur qui contracte un engagement dans l'armée ou celui qui, sans opposer son extranéité, participe aux opérations du recrutement de l'armée.

Article 33. Les dispositions contenues dans les articles 23, 24 et 25 ne sont pas applicables aux enfants nés en France des agents diplomatiques ou des consuls de carrière de nationalité étrangère.

Ces enfants ont, toutefois, la faculté d'acquérir volontairement la qualité de Français conformément aux dispositions de l'article 52 ci-après.

TITRE III. — DE L'ACQUISITION DE LA NATIONALITÉ FRANÇAISE

Chapitre I^{er}. — Des modes d'acquisition de la nationalité française

Section 1. — Acquisition de la nationalité française en raison de la filiation

Article 34. L'enfant naturel légitimé au cours de sa minorité acquiert la nationalité française si son père est Français.

Article 35. L'enfant qui a fait l'objet d'une légitimation adoptive conformément à l'article 368 du Code civil acquiert la nationalité française si son père adoptif est Français.

Article 36. Sans préjudice des dispositions prévues aux articles 55 et 64, l'enfant adopté par une personne de nationalité française n'acquiert pas, du fait de l'adoption, la qualité de Français.

Section 2. — Acquisition de la nationalité française par le mariage

Article 37. (L. 24 mai 1951.) Sous réserve des dispositions des articles 38, 39, 40, 41 et 79, la femme étrangère qui épouse un Français acquiert la nationalité française au moment de la célébration du mariage.

Article 38. La femme, dans le cas où sa loi nationale lui permet de conserver sa nationalité, a la faculté de déclarer antérieurement à la célébration du mariage qu'elle décline la qualité de Française.

Elle peut, même si elle est mineure, exercer cette faculté sans aucune autorisation.

Article 39. (L. 24 mai 1951.) « Le Gouvernement peut, pendant un délai de six mois, s'opposer par décret à l'acquisition de la nationalité française. Lorsque le mariage a été célébré à l'étranger, ce délai court du jour de la transcription de l'acte sur les registres de l'état civil des agents diplomatiques

ou consulaires français ou dans les cas prévus à l'article 47, alinéa 3, du Code civil, du jour du dépôt de l'acte au ministère des Affaires étrangères. Lorsque le mariage a été célébré en France, ce délai court du jour du dépôt de l'acte à la préfecture compétente. » — *Décr. 1^{er} oct. 1951.*

En cas d'opposition du Gouvernement, l'intéressée est réputée n'avoir jamais acquis la nationalité française.

Toutefois, lorsque la validité des actes passés antérieurement au décret d'opposition était subordonnée à l'acquisition par la femme de la nationalité française, cette validité ne peut être contestée pour le motif que la femme n'a pu acquérir cette qualité.

Article 40. La femme étrangère qui a fait l'objet d'un arrêté d'expulsion ou d'un arrêté d'assignation à résidence non expressément rapporté dans les formes où il est intervenu est exclue du bénéfice de l'article 37.

Article 41. Durant le délai de six mois fixé à l'article 39, la femme qui a acquis par mariage la nationalité française ne peut être électrice ni éligible lorsque l'inscription sur les listes électorales ou l'exercice de fonctions ou de mandats électifs sont subordonnés à la qualité de Français.

Article 42. La femme n'acquiert pas la nationalité française si son mariage avec un Français est déclaré nul par une décision émanant d'une juridiction française ou rendue exécutoire en France, même si le mariage a été contracté de bonne foi.

Toutefois, lorsque la validité des actes passés antérieurement à la décision judiciaire constatant la nullité du mariage était subordonnée à l'acquisition par la femme de la nationalité française, cette validité ne peut être contestée pour le motif que la femme n'a pu acquérir cette qualité.

Article 43. Lorsque le mariage, même contracté de bonne foi, a été déclaré nul dans les conditions prévues à l'article précédent, les enfants issus de l'union annulée sont, en ce qui concerne leur nationalité, dans la situation qu'auraient eue des enfants naturels dont la double filiation résulterait du même acte ou du même jugement.

Section 3. — Acquisition de la nationalité française en raison de la naissance et de la résidence en France

Article 44. Tout individu né en France de parents étrangers acquiert la nationalité française à sa majorité si, à cette date, il a, en France, sa résidence et s'il a eu, depuis l'âge de seize ans, sa résidence habituelle en France, aux colonies ou dans les pays placés sous protectorat ou sous mandat français.

Article 45. Dans les six mois précédant sa majorité, le mineur a la faculté de déclarer, dans les conditions prévues aux articles 101 et suivants, qu'il décline la qualité de Français. Il exerce cette faculté sans aucune autorisation.

Article 46. Au cours du même délai, le Gouvernement peut, par décret, s'opposer à l'acquisition de la nationalité française soit pour indignité ou pour défaut d'assimilation, soit pour grave incapacité physique ou mentale après avis d'une commission médicale dont la composition et le fonctionnement seront fixés par décret.

Article 47. L'étranger qui remplit les conditions prévues à l'article 44 pour acquérir la nationalité française ne peut déclinier cette qualité que conformément aux dispositions de l'article 31 ci-dessus.

Il perd la faculté de décliner la qualité de Français s'il contracte un engagement volontaire dans l'armée française ou si, sans opposer son extranéité, il participe aux opérations du recrutement de l'armée.

Article 48. L'enfant né en France de parents étrangers, qui a contracté un engagement volontaire dans l'armée française en Tunisie ou au Maroc, acquiert la nationalité française à sa majorité, sauf l'opposition du Gouvernement prévue à l'article 46, si, au moment de son engagement, il avait, dans l'un de ces pays, sa résidence et s'il a eu, depuis l'âge de seize ans, sa résidence habituelle en France, aux colonies ou dans les pays placés sous protectorat ou sous mandat français.

Article 49. L'enfant né en France de parents étrangers, qui a participé, sans exciper de son extranéité, aux opérations du recrutement dans l'armée française en Tunisie ou au Maroc, acquiert la nationalité française, sauf l'opposition du Gouvernement prévue à l'article 46, si, au moment de sa comparution devant le conseil de revision, il avait, dans l'un de ces pays, sa résidence et s'il a eu, depuis l'âge de seize ans, sa résidence habituelle en France, aux colonies ou dans les pays placés sous protectorat ou sous mandat français.

Les dispositions du présent article et celles de l'article précédent ne sont pas applicables aux sujets du bey de Tunis ni à ceux du sultan du Maroc.

Article 50. L'individu qui a fait l'objet d'un arrêté d'expulsion ou d'un arrêté d'assignation à résidence non expressément rapporté dans les formes où il est intervenu est exclu du bénéfice des dispositions contenues dans la présente section.

Article 51. Les dispositions de la présente section ne sont pas applicables aux enfants nés en France des agents diplomatiques et des consuls de carrière de nationalité étrangère. Ces enfants ont, toutefois, la faculté d'acquérir volontairement la qualité de Français conformément aux dispositions de l'article 52 ci-après.

Section 4. — Acquisition de la nationalité française par déclaration de nationalité

Article 52. L'enfant mineur né en France de parents étrangers peut réclamer la nationalité française par déclaration, dans les conditions prévues aux articles 101 et suivants du présent Code, si, au moment de sa déclaration il a en France sa résidence et s'il a eu depuis au moins cinq années sa résidence habituelle en France, aux colonies ou dans les pays placés sous protectorat ou sous mandat français.

Article 53. Le mineur âgé de dix-huit ans peut réclamer la qualité de Français sans aucune autorisation.

S'il est âgé de seize ans mais n'a pas atteint l'âge de dix-huit ans, le mineur ne peut réclamer la nationalité française que s'il est autorisé par celui de ses père et mère qui a l'exercice de la puissance paternelle ou, à défaut, par son tuteur, après avis conforme du conseil de famille.

Au cas de divorce ou de séparation de corps, l'autorisation sera donnée par celui de ses parents à qui la garde a été confiée. Si la garde a été confiée à une tierce personne, l'autorisation sera donnée par celle-ci, après avis conforme du tribunal civil de la résidence du mineur statuant en chambre du conseil.

Article 54. Si l'enfant est âgé de moins de seize ans, la personne visée aux alinéas 2 et 3 de l'article précédent peut, à titre de représentant légal,

déclarer qu'elle réclame, au nom du mineur, la qualité de Français, à condition, toutefois, que ce représentant légal, s'il est étranger, ait lui-même depuis au moins cinq années sa résidence habituelle en France, aux colonies ou dans les pays placés sous protectorat ou sous mandat français.

Article 55. L'enfant adopté par une personne de nationalité française peut, jusqu'à sa majorité, déclarer, dans les conditions prévues aux articles 101 et suivants, qu'il réclame la qualité de Français, pourvu qu'à l'époque de sa déclaration il réside en France.

Il en est de même de l'enfant confié depuis cinq années au moins au service de l'assistance à l'enfance ou de celui qui, ayant été recueilli en France, y a été élevé par une personne de nationalité française ou par un étranger ayant eu en France depuis au moins cinq années sa résidence habituelle.

Le mineur est autorisé ou représenté s'il y a lieu dans les conditions prévues aux articles 53 et 54.

Article 56. Sous réserve des dispositions prévues aux articles 57 et 105, l'intéressé acquiert la nationalité française à la date à laquelle la déclaration a été souscrite.

Article 57. Dans le délai de six mois qui suit, soit la date à laquelle la déclaration a été souscrite, soit la décision judiciaire qui, dans le cas prévu à l'article 105, admet la validité de la déclaration, le Gouvernement peut, par décret, s'opposer à l'acquisition de la nationalité française soit pour indignité ou défaut d'assimilation, soit pour grave incapacité physique ou mentale après avis de la commission médicale visée à l'article 46.

La même mesure pourra être prise à l'égard d'un enfant mineur de seize ans lorsque son représentant légal, tel qu'il est déterminé à l'article 54, aura fait l'objet d'un arrêté d'expulsion ou d'un arrêté d'assignation à résidence non expressément rapporté dans les formes où il est intervenu.

Article 58. L'individu qui a fait l'objet d'un arrêté d'expulsion ou d'un arrêté d'assignation à résidence non expressément rapporté dans les formes où il est intervenu, est exclu du bénéfice des dispositions contenues dans la présente section.

Section 5. — Acquisition de la nationalité française par décision de l'autorité publique

Article 59. L'acquisition de la nationalité française par décision de l'autorité publique résulte d'une naturalisation ou d'une réintégration accordée à la demande de l'étranger.

§ 1^{er}. — Naturalisation

Article 60. La naturalisation française est accordée par décret après enquête.

Article 61. Nul ne peut être naturalisé s'il n'a en France sa résidence au moment de la signature du décret de naturalisation.

Article 62. Sous réserve des exceptions prévues aux articles 63 et 64, la naturalisation ne peut être accordée qu'à l'étranger justifiant d'une résidence habituelle en France pendant les cinq années qui précèdent le dépôt de sa demande.

Article 63. Le stage visé à l'article 52 est réduit à deux ans :

- 1) Pour l'étranger né en France ou marié à une Française;

2) Pour celui qui est titulaire d'un diplôme d'Etat d'études supérieures délivré par une université, une faculté ou un établissement d'enseignement supérieur français;

3) Pour celui qui a rendu des services importants à la France, tels que l'apport de talents artistiques, scientifiques ou littéraires distingués, l'introduction d'industries ou d'inventions utiles, la création en France d'établissements industriels ou d'exploitations agricoles.

Article 64. Peut être naturalisé sans condition de stage:

1) L'enfant légitime mineur né de parents étrangers si sa mère acquiert du vivant du père la nationalité française;

2) L'enfant naturel mineur né de parents étrangers, si celui de ses parents à l'égard duquel la filiation a été établie en second lieu acquiert du vivant de l'autre la nationalité française;

3) L'enfant mineur d'un étranger qui acquiert la nationalité française dans le cas où, conformément à l'article 85 ci-après, cet enfant n'a pas lui-même acquis par l'effet collectif la qualité de Français;

4) La femme et l'enfant majeur de l'étranger qui acquiert la nationalité française;

5) L'enfant dont l'un des parents a perdu la qualité de Français pour une cause indépendante de sa volonté, sauf si ce parent a été déchu de la nationalité française;

6) L'étranger adopté par une personne de nationalité française;

7) L'étranger père de trois enfants mineurs légitimes;

8) L'étranger qui, en temps de guerre, a contracté un engagement volontaire dans les armées française ou alliées, ou celui qui a servi dans une unité de l'armée française et à qui la qualité de combattant a été reconnue conformément aux règlements en vigueur;

9) L'étranger qui a rendu des services exceptionnels à la France ou celui dont la naturalisation présente pour la France un intérêt exceptionnel. Dans ce cas, le décret de naturalisation ne peut être accordé qu'après avis conforme du Conseil d'Etat, sur le rapport motivé du garde des sceaux, ministre de la Justice. — *Décr. 24 déc. 1945.*

Article 65. L'étranger qui a fait l'objet d'un arrêté d'expulsion ou d'un arrêté d'assignation à résidence, n'est susceptible d'être naturalisé que si cet arrêté a été rapporté dans les formes où il est intervenu.

La résidence en France pendant la durée de la mesure administrative susvisée n'est pas prise en considération dans le calcul du stage prévu aux articles 62 et 63.

Article 66. A l'exception des mineurs pouvant invoquer le bénéfice des dispositions de l'article 64, nul ne peut être naturalisé s'il n'a atteint l'âge de dix-huit ans.

Article 67. Le mineur âgé de dix-huit ans peut demander sa naturalisation sans aucune autorisation.

Le mineur âgé de moins de dix-huit ans qui peut invoquer le bénéfice des dispositions de l'article 64 doit, pour demander sa naturalisation, être autorisé ou représenté dans les conditions déterminées aux articles 53 et 54 du présent Code.

Article 68. Nul ne peut être naturalisé s'il n'est pas de bonnes vie et mœurs ou s'il a fait l'objet soit d'une condamnation supérieure à une année d'emprisonnement non effacée par la réhabilitation pour une infraction de droit commun sanctionnée en droit français par une peine criminelle ou un emprisonnement correctionnel, soit d'une condamnation

non effacée par la réhabilitation pour l'un des délits prévus par le paragraphe 2 de l'article 4 de la loi du 27 mai 1885.

Les condamnations prononcées à l'étranger pourront, toutefois, ne pas être prises en considération; en ce cas, le décret prononçant la naturalisation ne pourra être pris qu'après avis conforme du Conseil d'Etat.

Article 69. Nul ne peut être naturalisé s'il ne justifie de son assimilation à la communauté française, notamment par une connaissance suffisante, selon sa condition, de la langue française.

Article 70. Nul ne peut être naturalisé:

- 1) S'il n'est reconnu être sain d'esprit;
- 2) S'il n'est reconnu, d'après son état de santé physique, ne devoir être ni une charge ni un danger pour la collectivité.

Toutefois, cette condition n'est pas exigée de l'étranger susceptible de bénéficier des dispositions du dernier alinéa de l'article 64.

Les dispositions du présent article ne sont pas applicables à l'étranger dont l'infirmité ou la maladie a été contractée au service ou dans l'intérêt de la France. La naturalisation, dans ce cas, ne peut être accordée qu'après avis conforme du conseil d'Etat sur le rapport motivé du garde des sceaux, ministre de la Justice. Toutefois, la naturalisation des pensionnés de guerre n'est pas soumise à cette formalité. — *Décr. 24 déc. 1945.*

Article 71. Les conditions dans lesquelles s'effectuera le contrôle de l'assimilation et de l'état de santé de l'étranger en instance de naturalisation seront fixées par décret.

§ 2. — Réintégration

Article 72. La réintégration dans la nationalité française est accordée par décret, après enquête.

Article 73. La réintégration peut être obtenue à tout âge et sans condition de stage.

Toutefois, nul ne peut être réintégré s'il n'a en France sa résidence au moment de la réintégration.

Article 74. Celui qui demande la réintégration doit apporter la preuve qu'il a eu la qualité de Français.

Article 75. Ne peut être réintégré:

- 1) L'individu qui a été déchu de la nationalité française par application de l'article 98 du présent Code, à moins que, dans le cas où la déchéance a été motivée par une condamnation, il n'ait obtenu la réhabilitation judiciaire;
- 2) L'individu du sexe masculin qui a répudié la nationalité française, à moins qu'il n'ait accompli ou ne soit susceptible, en raison de son âge, d'accomplir dans l'armée française une durée de service militaire actif égale à celle qui est imposée aux jeunes gens de sa classe d'âge par la loi française sur le recrutement de l'armée.

Article 76. Les individus visés à l'article précédent peuvent, toutefois, obtenir la réintégration:

- 1) S'ils ont contracté en temps de guerre un engagement volontaire dans les armées françaises ou alliées;
- 2) S'ils ont servi en temps de guerre dans l'armée française et si la qualité de combattant leur a été reconnue conformément aux règlements en vigueur;

3) S'ils ont rendu des services exceptionnels à la France ou si leur réintégration présente pour la France un intérêt exceptionnel. Dans ce cas la réintégration ne peut être accordée qu'après avis conforme du Conseil d'Etat sur le rapport motivé du garde des sceaux, ministre de la Justice.
— *Décr. 24 déc. 1945.*

Article 77. L'étranger qui a fait l'objet d'un arrêté d'expulsion ou d'un arrêté d'assignation à résidence n'est susceptible d'être réintégré que si cet arrêté a été rapporté dans les formes où il est intervenu.

Section 6. — Dispositions communes à certains modes d'acquisition de la nationalité française

Article 78. Est assimilé à la résidence en France, lorsque cette résidence constitue une condition de l'acquisition de la nationalité française :

1) Le séjour aux colonies ou à l'étranger pour l'exercice d'une fonction conférée par le Gouvernement français ou l'exercice à l'étranger d'une fonction ou d'un emploi au siège d'une ambassade ou d'une légation française ;

2) Le séjour dans un pays en union douanière avec la France ;

3) La présence aux colonies ou à l'étranger en temps de paix comme en temps de guerre dans une formation régulière de l'armée française.

Article 79. Nul ne peut acquérir la nationalité française, lorsque la résidence en France constitue une condition de cette acquisition, s'il ne satisfait aux obligations et conditions imposées par les lois relatives au séjour des étrangers en France, à l'exception de celles qui sont prévues au titre 1^{er} du décret du 12 novembre 1938 [*abrogé et remplacé par Ord. 2 nov. 1945*].

Chapitre II. — Des effets de l'acquisition de la nationalité française

Article 80. L'individu qui a acquis la nationalité française jouit à dater du jour de cette acquisition de tous les droits attachés à la qualité de Français, sous réserve des incapacités prévues à l'article 81 du présent Code ou dans les lois spéciales.

Article 81. L'étranger naturalisé est soumis aux incapacités suivantes :

1) Pendant un délai de dix ans à partir du décret de naturalisation, il ne peut être investi de fonctions ou de mandats électifs pour l'exercice desquels la qualité de Français est nécessaire ;

2) Pendant un délai de cinq ans à partir du décret de naturalisation, il ne peut être électeur lorsque la qualité de Français est nécessaire pour permettre l'inscription sur les listes électorales ;

3) Pendant un délai de cinq ans à partir du décret de naturalisation, il ne peut être nommé à des fonctions publiques rétribuées par l'Etat, inscrit à un barreau ou nommé titulaire d'un office ministériel.

Article 82. Les incapacités prévues à l'article précédent ne s'appliquent pas :

1) Au naturalisé qui a accompli effectivement dans l'armée française le temps de service actif correspondant aux obligations de sa classe d'âge ;

2) Au naturalisé qui a servi pendant cinq ans dans l'armée française ou à celui qui, en temps de guerre, a contracté un engagement volontaire dans les armées française ou alliées ;

3) Au naturalisé qui, en temps de guerre, a servi dans l'armée française et à qui la qualité de combattant a été reconnue conformément aux règlements en vigueur.

Article 83. Le naturalisé qui a rendu à la France des services exceptionnels ou celui dont la naturalisation présente pour la France un intérêt exceptionnel, peut être relevé en tout ou en partie des incapacités prévues à l'article 81, par décret pris après avis conforme du Conseil d'Etat sur le rapport motivé du garde des sceaux, ministre de la Justice. — *Décr. 24 déc. 1945.*

Article 84. Devient de plein droit Français au même titre que ses parents, à condition que sa filiation soit établie conformément à la loi civile française :

- 1) L'enfant mineur légitime ou légitimé dont le père ou la mère, si elle est veuve, acquiert la nationalité française;
- 2) L'enfant mineur naturel, dont celui des parents à l'égard duquel la filiation a été établie en premier lieu ou, le cas échéant, dont le parent survivant acquiert la nationalité française.

Article 85. Les dispositions de l'article précédent ne sont pas applicables :

- 1) A l'enfant mineur marié;
- 2) A celui qui sert ou a servi dans les armées de son pays d'origine.

Article 86. Est exclu du bénéfice de l'article 84 :

- 1) L'individu qui a été frappé d'un arrêté d'expulsion ou d'un arrêté d'assignation à résidence non expressément rapporté dans les formes où il est intervenu;
- 2) L'individu qui, en vertu des dispositions de l'article 79 ne peut acquérir la nationalité française;
- 3) L'individu qui a fait l'objet d'un décret portant opposition à l'acquisition de la nationalité française en application de l'article 57.

TITRE IV. — DE LA PERTE ET DE LA DÉCHÉANCE DE LA NATIONALITÉ FRANÇAISE

Chapitre I^{er} — Perte de la nationalité française

Article 87. Perd la nationalité française, le Français majeur qui acquiert volontairement une nationalité étrangère.

Article 88. Toutefois, jusqu'à l'expiration d'un délai de quinze ans à partir, soit de l'incorporation dans l'armée active, soit de l'inscription sur les tableaux de recensement en cas de dispense du service actif, la perte de la nationalité française est subordonnée à l'autorisation du Gouvernement français.

Cette autorisation est accordée par décret.

Ne sont pas astreints à solliciter l'autorisation de perdre la nationalité française :

- 1° Les exemptés du service militaire;
- 2° Les titulaires d'une réforme définitive;
- 3° Tous les hommes, même insoumis, après l'âge où ils sont totalement dégagés des obligations du service militaire, conformément à la loi sur le recrutement de l'armée.

Article 89. En temps de guerre, la durée du délai prévu à l'article précédent peut être modifiée par décret.

Article 90. Perd la nationalité française, le Français qui exerce la faculté de répudier cette qualité dans les cas prévus aux articles 19, 24 et 25.

Article 91. Perd la nationalité française, le Français, même mineur, qui, ayant une nationalité étrangère, est autorisé, sur sa demande, par le Gouvernement français, à perdre la qualité de Français.

Cette autorisation est accordée par décret.

Le mineur doit, le cas échéant, être autorisé ou représenté dans les conditions prévues aux articles 53 et 54.

Article 92. Le Français qui perd la nationalité française est libéré de son allégeance à l'égard de la France :

- 1) Dans le cas prévu aux articles 87 et 88 à la date de l'acquisition de la nationalité étrangère ;
- 2) Dans le cas de répudiation de la nationalité française à la date à laquelle il a souscrit la déclaration à cet effet :
- 3) Dans le cas prévu à l'article 91 à la date du décret l'autorisant à perdre la qualité de Français.

Article 93. Perd la nationalité française, l'enfant naturel qui, devenu Français à la suite de l'acquisition par sa mère de la nationalité française, est, durant sa minorité, légitimé par le mariage de sa mère avec un étranger.

Il est libéré de son allégeance à l'égard de la France à la date de la légitimation.

Il conserve, toutefois, la nationalité française s'il n'a pas acquis la nationalité étrangère de son père ou si les dispositions des articles 23 et 25 lui sont applicables.

Article 94. La femme française qui épouse un étranger conserve la nationalité française, à moins qu'elle ne déclare expressément avant la célébration du mariage, dans les conditions et dans les formes prévues aux articles 101 et suivants, qu'elle répudie cette nationalité.

La déclaration peut être faite sans autorisation, même si la femme est mineure.

Cette déclaration n'est valable que lorsque la femme acquiert ou peut acquérir la nationalité du mari, par application de la loi nationale de celui-ci.

La femme est, dans ce cas, libérée de son allégeance à l'égard de la France à la date de la célébration du mariage.

Article 95. Le Français qui réside ou a résidé habituellement à l'étranger où les ascendants dont il tient par filiation la nationalité sont demeurés fixés depuis plus d'un demi-siècle, peut être considéré comme ayant perdu la nationalité française à moins que ses ascendants et lui-même aient conservé la possession d'état de Français.

La perte de la qualité de Français ne peut être constatée que par un jugement prononcé conformément aux dispositions prévues au titre VI du présent Code. Le jugement indique, s'il y a lieu, la date à laquelle l'intéressé a été libéré de son allégeance à l'égard de la France. Il peut également décider que celui-ci n'a jamais été Français, son père ayant cessé d'avoir cette qualité antérieurement à sa naissance.

Article 96. Le Français qui se comporte en fait comme le national d'un pays étranger peut, s'il a la nationalité de ce pays, être déclaré, par décret, avoir perdu la qualité de Français.

Il est libéré, dans ce cas, de son allégeance à l'égard de la France à la date de ce décret.

La mesure prise à son égard peut être étendue à sa femme et à ses enfants mineurs s'ils ont eux-mêmes une nationalité étrangère. Elle ne pourra, toutefois, être étendue aux enfants mineurs si elle ne l'est également à la femme.

Article 97. Perd la nationalité française le Français qui, remplissant un emploi dans un service public d'un Etat étranger ou dans une armée étrangère, le conserve nonobstant l'injonction de le résigner qui lui aura été faite par le Gouvernement français.

Six mois après la notification de cette injonction, l'intéressé sera, par décret, déclaré avoir perdu la nationalité française s'il n'a, au cours de ce délai, résigné son emploi, à moins qu'il ne soit établi qu'il a été dans l'impossibilité absolue de le faire. Dans ce dernier cas, le délai de six mois court seulement du jour où la cause de l'impossibilité a disparu.

L'intéressé est libéré de son allégeance à l'égard de la France à la date du décret.

Chapitre II. — De la déchéance de la nationalité française

Article 98. L'individu qui a acquis la qualité de Français peut, par décret, être déchu de la nationalité française :

- 1) S'il est condamné pour un acte qualifié crime ou délit contre la sûreté intérieure ou extérieure de l'Etat;
- 2) S'il est condamné pour un acte qualifié crime ou délit prévu et puni par les articles 109 à 131 du Code pénal;
- 3) S'il est condamné pour s'être soustrait aux obligations résultant pour lui de la loi sur le recrutement de l'armée;
- 4) S'il s'est livré au profit d'un Etat étranger à des actes incompatibles avec la qualité de Français et préjudiciables aux intérêts de la France;
- 5) S'il a été condamné en France ou à l'étranger pour un acte qualifié crime par la loi française et ayant entraîné une condamnation à une peine d'au moins cinq années d'emprisonnement.

Article 99. La déchéance n'est encourue que si les faits reprochés à l'intéressé et visés à l'article 98 se sont produits dans le délai de dix ans à compter de la date de l'acquisition de la nationalité française.

Elle ne peut être prononcée que dans le délai de dix ans à compter de la perpétration desdits faits.

Article 100. La déchéance peut être étendue à la femme et aux enfants mineurs de l'intéressé, à condition qu'ils soient d'origine étrangère et qu'ils aient conservé une nationalité étrangère.

Elle ne pourra, toutefois, être étendue aux enfants mineurs si elle ne l'est également à la femme.

TITRE V. — DES CONDITIONS ET DE LA FORME DES ACTES RELATIFS À L'ACQUISITION OU À LA PERTE DE LA NATIONALITÉ FRANÇAISE

Chapitre Ier. — Des déclarations de nationalité, de leur enregistrement et des décrets portant opposition à l'acquisition de la nationalité française

Article 101. Toute déclaration en vue :

- 1) D'acquérir la nationalité française;
- 2) De décliner l'acquisition de la nationalité française;
- 3) De répudier la nationalité française;
- 4) De renoncer à la faculté de répudier la nationalité française, dans les cas prévus par la loi, est souscrite devant le juge de paix du canton, dans lequel le déclarant a sa résidence.

Article 102. Lorsque le déclarant se trouve à l'étranger, la déclaration est souscrite devant les agents diplomatiques et consulaires français.

Article 103. Lorsque le déclarant se trouve aux colonies, la déclaration est reçue, suivant l'organisation judiciaire de la circonscription, soit par le juge de paix, soit par le président du tribunal, soit par l'administrateur de la circonscription.

Article 104. Toute déclaration de nationalité, souscrite conformément aux articles précédents doit être, à peine de nullité, enregistrée au ministère de la Justice. — *Décr. 24 déc. 1945.*

Article 105. Si l'intéressé ne remplit pas les conditions requises par la loi, le ministre de la Justice doit refuser d'enregistrer la déclaration. Cette décision de refus est notifiée avec ses motifs au déclarant, qui peut se pourvoir devant le tribunal civil, conformément aux articles 855 et suivants du Code de procédure civile. Le tribunal décide de la validité ou de la nullité de la déclaration. — *Décr. 24 déc. 1945.*

Article 106. Lorsque le Gouvernement s'oppose, conformément à l'article 57, à l'acquisition de la nationalité française, il est statué par décret pris après avis conforme du Conseil d'Etat.

Le déclarant, dûment averti, a la faculté de produire des pièces et mémoires.

Le décret doit intervenir six mois au plus après la déclaration ou, si la régularité de celle-ci a été contestée, six mois au plus après le jour où la décision judiciaire qui en a admis la validité est devenue définitive.

Article 107. Si, à l'expiration du délai de six mois après la date à laquelle la déclaration a été souscrite, il n'est intervenu ni une décision de refus d'enregistrement, ni un décret constatant l'opposition du Gouvernement, le ministre de la Justice doit remettre au déclarant, sur sa demande, copie de sa déclaration avec mention de l'enregistrement effectué. — *Décr. 24 déc. 1945.*

Article 108. A moins que le tribunal civil n'ait déjà statué dans l'hypothèse prévue à l'article 105, par une décision passée en force de chose jugée, la validité d'une déclaration enregistrée peut toujours être contestée par le ministère public et par toute personne intéressée. Dans ce dernier cas, le ministère public doit toujours être mis en cause.

Article 109. Lorsque le Gouvernement s'oppose à l'acquisition de la nationalité française, conformément aux articles 39 et 46, il est statué par décret pris après avis conforme du Conseil d'Etat. L'intéressé, dûment averti, a la faculté de produire des pièces et mémoires.

(*L. 24 mai 1951.*) Le décret doit intervenir soit dans le délai de six mois prévu à l'article 39, soit avant la date où l'intéressé doit atteindre sa majorité dans le cas prévu à l'article 46.

Chapitre II. — Des décisions relatives aux naturalisations et aux réintégrations

Article 110. Les décrets de naturalisation et de réintégration sont publiés au *Journal officiel* de la République française. Ils prennent effet à la date de leur signature, sans, toutefois, qu'il soit porté atteinte à la validité des actes passés par l'intéressé, ni aux droits acquis par des tiers antérieurement à la publication du décret, sur le fondement de l'extranéité de l'impétrant.

Article 111. Lorsqu'il apparaît, postérieurement au décret de naturalisation ou de réintégration, que l'intéressé ne remplissait pas les conditions requises par la loi pour pouvoir être naturalisé ou réintégré, le décret peut être rapporté dans le délai d'un an à partir du jour de sa publication.

Article 112. Lorsque l'étranger a sciemment fait une fausse déclaration, présenté une pièce contenant une assertion mensongère ou erronée ou em-

ployé des manœuvres frauduleuses à l'effet d'obtenir la naturalisation ou la réintégration, le décret intervenu peut être rapporté par décret pris après avis conforme du Conseil d'Etat. L'intéressé, dûment averti, a la faculté de produire des pièces et mémoires.

Le décret de retrait devra intervenir dans le délai de deux ans à partir de la découverte de la fraude.

Toutefois, lorsque la validité des actes passés antérieurement au décret de retrait était subordonnée à l'acquisition par l'intéressé de la qualité de Français, cette validité ne peut être contestée pour le motif que l'intéressé n'a pas acquis cette nationalité.

Article 113. Toute personne qui, moyennant une rétribution, une promesse ou un avantage quelconque, direct ou indirect, même non convenu à l'avance, aura offert, accepté de prêter ou prêté à un étranger en instance de naturalisation ou de réintégration son entremise auprès des administrations ou des pouvoirs publics en vue de lui faciliter l'obtention de la nationalité française, sera punie, sans préjudice, le cas échéant, de l'application de peines plus fortes prévues par d'autres dispositions, d'un emprisonnement de six mois à deux ans ou d'une amende de 100.000 à 10.000.000 de francs.

Article 114. Toute convention qui a pour objet de faciliter à un étranger, dans les termes de l'article précédent, l'obtention de la naturalisation ou de la réintégration dans la nationalité française, est nulle et de nul effet comme contraire à l'ordre public et les sommes payées en exécution de cette convention pourront être répétées.

Tout décret rendu à la suite d'une convention de cette nature sera rapporté dans un délai d'un an à partir du jugement de condamnation prononcé conformément aux dispositions de l'article 113.

Article 115. Lorsque le ministre de la Justice déclare irrecevable une demande de naturalisation ou de réintégration sa décision est motivée. Elle est notifiée à l'intéressé. — *Décr. 24 déc. 1945.*

Article 116. Lorsque le ministre de la Justice prononce le rejet d'une demande de naturalisation ou de réintégration, sa décision n'exprime pas de motif. Elle est notifiée à l'intéressé. — *Décr. 24 déc. 1945.*

Chapitre III. — Des décisions relatives à la perte de la nationalité française

Article 117. Les décrets portant autorisation de perdre la nationalité française sont publiés au *Journal officiel* de la République française. Ils prennent effet à la date de leur signature, sans, toutefois, qu'il soit porté atteinte à la validité des actes passés par l'intéressé, ni aux droits acquis par des tiers antérieurement à la publication du décret, sur le fondement de la nationalité française de l'impétrant.

Toutefois, dans le cas où la perte de la nationalité française est subordonnée à l'acquisition d'une nationalité étrangère, le décret portant autorisation de perdre la nationalité française est sans effet à l'égard des tiers.

Article 118. Lorsque le ministre de la Justice prononce le rejet d'une demande formée en vue d'obtenir l'autorisation de perdre la qualité de Français, sa décision n'exprime pas de motif. Elle est notifiée à l'intéressé. — *Décr. 24 déc. 1945.*

Article 119. Dans le cas où le Gouvernement déclare conformément aux articles 96 et 97, qu'un individu a perdu la nationalité française, il

est statué par décret pris après avis conforme du Conseil d'Etat. L'intéressé, dûment averti, a la faculté de produire des pièces et mémoires.

Le décret qui, dans les conditions prévues à l'article 96, étend la déclaration de perte de la nationalité française à la femme et aux enfants mineurs de l'intéressé est pris dans les mêmes formes.

Article 120. Les décrets qui déclarent, dans les cas prévus à l'article précédent, qu'un individu a perdu la nationalité française, sont publiés et produisent leurs effets dans les conditions visées à l'article 117.

Chapitre IV. — Des décrets de déchéance

Article 121. Lorsque le ministre de la Justice décide de poursuivre la déchéance de la nationalité française à l'encontre d'un individu tombant sous le coup des dispositions de l'article 98, il notifie la mesure envisagée à la personne de l'intéressé ou à son domicile; à défaut de domicile connu, la mesure envisagée est publiée au *Journal officiel* de la République française.

L'intéressé a la faculté, dans le délai d'un mois à dater de l'insertion au *Journal officiel* ou de la notification, d'adresser au ministre de la Justice des pièces et mémoires. — *Décr. 24 déc. 1945.*

Article 122. La déchéance de la nationalité française est prononcée par décret pris sur le rapport du garde des sceaux, ministre de la Justice, et après avis conforme du Conseil d'Etat. — *Décr. 24 déc. 1945.*

Le décret, qui, dans les conditions prévues à l'article 100, étend la déchéance à la femme et aux enfants mineurs de la personne déchue, est pris dans les mêmes formes.

Article 123. Les décrets de déchéance sont publiés et produisent leurs effets dans les conditions visées à l'article 117.

TITRE VI. — DU CONTENTIEUX DE LA NATIONALITÉ

Chapitre Ier. — De la compétence des tribunaux judiciaires

Article 124. La juridiction civile de droit commun est seule compétente pour connaître des contestations sur la nationalité, qu'elles se produisent isolément ou à l'occasion d'un recours pour excès de pouvoir contre un acte administratif.

Article 125. L'exception de nationalité française et l'exception d'extranéité sont d'ordre public; elles doivent être soulevées d'office par le juge.

Elles constituent, devant toute autre juridiction que la juridiction civile de droit commun, une question préjudicielle qui oblige le juge à surseoir à statuer jusqu'à ce que la question ait été tranchée selon la procédure réglée par les articles 128 et suivants du présent Code.

Article 126. Si l'exception de nationalité française ou d'extranéité est soulevée devant une juridiction répressive ne comportant pas de jury criminel, celle-ci doit renvoyer à se pourvoir dans les trente jours devant le tribunal civil compétent soit la partie qui invoque l'exception, soit, dans le cas où l'intéressé est titulaire d'un certificat de nationalité française délivré conformément aux articles 149 et suivants, le ministère public.

La juridiction répressive sursoit à statuer jusqu'à ce que la question de nationalité ait été tranchée ou jusqu'à ce que soit expiré le délai ci-dessus imparti dans le cas où le tribunal civil n'a pas été saisi.

Article 127. L'action est portée devant le tribunal du domicile ou, à défaut, devant le tribunal de la résidence de celui dont la nationalité est

en cause ou, s'il n'a en France ni domicile ni résidence, devant le tribunal de la Seine.

Chapitre II. — De la procédure devant les tribunaux judiciaires

Article 128. Le tribunal civil est saisi par voie d'assignation, à l'exception des cas où la loi autorise expressément le demandeur à se pourvoir par voie de requête, conformément aux articles 855 et suivants du Code de procédure civile.

Article 129. Tout individu peut intenter devant le tribunal civil une action dont l'objet principal et direct est de faire juger qu'il a ou qu'il n'a pas la nationalité française. Il doit assigner, à cet effet, le procureur de la République qui, nonobstant toutes dispositions contraires antérieures au présent Code, a seul qualité pour défendre à l'action, sans préjudice du droit d'intervention des tiers intéressés.

Article 130. Le procureur de la République a seul qualité pour intenter contre tout individu une action dont l'objet principal et direct est d'établir si le défendeur a ou n'a pas la nationalité française, sans préjudice du droit qui appartient à tout intéressé d'intervenir à l'action ou de contester, conformément à l'article 108, la validité d'une déclaration enregistrée.

Article 131. Le procureur est tenu d'agir s'il en est requis par une administration publique ou par une tierce personne ayant soulevé l'exception de nationalité devant une juridiction qui a sursis à statuer en application de l'article 125. Le tiers requérant devra être mis en cause et, sauf s'il obtient l'assistance judiciaire, fournir caution de payer les frais de l'instance et les dommages-intérêts auxquels il pourrait être condamné.

Article 132. Lorsque l'État est partie principale devant le tribunal civil où une question de nationalité est posée à titre incident, il ne peut être représenté que par le procureur de la République en ce qui concerne la contestation sur la nationalité.

Article 133. Lorsqu'une question de nationalité est posée à titre incident entre parties privées devant le tribunal civil, le ministère public doit toujours être mis en cause et être entendu en ses conclusions motivées.

Article 134. Lorsque le tribunal civil statue en matière de nationalité, conformément aux articles 855 et suivants du Code de procédure civile dans les cas prévus à l'article 128 du présent Code, le ministère public doit être entendu en ses conclusions motivées.

Article 135. Dans toutes les instances qui ont pour objet, à titre principal ou à titre incident, une contestation sur la nationalité, conformément aux dispositions contenues dans le présent chapitre, une copie de l'assignation ou, le cas échéant, une copie de la requête est déposée au ministère de la Justice.

Toute demande à laquelle n'est pas jointe la justification de ce dépôt est déclarée irrecevable.

Aucune décision au fond ne peut intervenir avant l'expiration du délai de trente jours à dater dudit dépôt. Exceptionnellement ce délai est réduit à dix jours, lorsque la contestation sur la nationalité a fait l'objet d'une question préjudicielle devant une juridiction statuant en matière électorale.

Les dispositions du présent article sont applicables à l'exercice des voies de recours.

Article 136. Toutes les décisions définitives rendues en matière de nationalité par les juridictions de droit commun dans les conditions visées

aux articles précédents, ont, à l'égard de tous, par dérogation à l'article 1351 du Code civil, l'autorité de la chose jugée.

Article 137. Les décisions des juridictions répressives n'ont jamais l'autorité de la chose jugée sur les questions de nationalité lorsque la juridiction civile n'a pas été appelée à se prononcer conformément aux dispositions de l'article 126.

Chapitre III. — De la preuve de la nationalité devant les tribunaux judiciaires

Article 138. La charge de la preuve, en matière de nationalité, incombe à celui qui, par voie d'action ou par voie d'exception, prétend avoir ou non la nationalité française.

Toutefois, cette charge incombe à celui qui, par les mêmes voies, conteste la qualité de Français à un individu titulaire d'un certificat de nationalité française délivré conformément aux articles 149 et suivants.

Article 139. La preuve d'une déclaration acquisitive de nationalité résulte de la production d'un exemplaire enregistré de cette déclaration.

S'il s'agit d'une déclaration souscrite à l'époque où était publié le *Bulletin des lois*, la preuve peut en être faite par la production du numéro du *Bulletin des lois* où la déclaration a été insérée.

Lorsque ces pièces ne peuvent être produites, il peut y être suppléé par la production d'une attestation délivrée par le ministre de la Justice à la demande de tout requérant et constatant que la déclaration a été souscrite et enregistrée.

Article 140. Dans le cas où la loi donne la faculté de souscrire une déclaration en vue de répudier la nationalité française ou de décliner la qualité de Français, la preuve qu'une telle déclaration n'a pas été souscrite ne peut résulter que d'une attestation délivrée par le ministre de la Justice à la demande de tout requérant.

La possession d'état de Français fait présumer, jusqu'à preuve contraire, qu'aucune déclaration de répudiation n'a été souscrite lorsque celle-ci aurait pu l'être avant la mise en vigueur de la loi du 22 juillet 1893.

Article 141. La preuve d'un décret de naturalisation ou de réintégration résulte de la production soit de l'ampliation de ce décret, soit d'un exemplaire du *Journal officiel* où le décret a été publié.

Si le décret a été pris à une époque où était publié le *Bulletin des lois*, la preuve peut en être faite par la production du numéro du *Bulletin des lois* où le décret a été inséré.

Lorsque ces pièces ne peuvent être produites, il peut y être suppléé par une attestation constatant l'existence du décret et délivrée par le ministre de la Justice à la demande de tout requérant.

Article 142. Lorsque la nationalité française est attribuée ou acquise autrement que par déclaration, naturalisation, réintégration ou annexion de territoires, la preuve ne peut être faite qu'en établissant l'existence de toutes les conditions requises par la loi.

Article 143. Néanmoins, lorsque la nationalité française ne peut avoir sa source que dans la filiation, elle est tenue pour établie, sauf la preuve contraire; si l'intéressé et les ascendants qui ont été susceptibles de la lui transmettre ont joui de la possession d'état de Français pendant trois générations.

Article 144. Lorsqu'un individu réside ou a résidé habituellement à l'étranger où les ascendants dont il tient par filiation la nationalité sont

demeurés fixés pendant plus d'un demi-siècle, cet individu ne sera pas admis à faire la preuve qu'il a, par filiation, la nationalité française si lui-même et ses ascendants n'ont pas eu depuis trois générations la possession d'état de Français.

Le tribunal devra, dans ce cas, constater la perte de la nationalité française dans les termes de l'article 95.

Article 145. La preuve d'une déclaration de répudiation de la nationalité française résulte de la production soit d'un exemplaire enregistré de cet acte, soit, le cas échéant, du numéro du *Bulletin des lois* où il a été inséré soit, à défaut, d'une attestation délivrée par le ministre de la Justice à la demande du requérant, constatant que la déclaration de répudiation a été souscrite et enregistrée.

Article 146. Lorsque la perte ou la déchéance de la nationalité française résulte d'un décret pris conformément aux dispositions des articles 91, 96, 97 et 98, la preuve de ce décret se fait dans les conditions prévues à l'article 141.

Il en est de même du décret pris en application de l'article 88.

Article 147. Lorsque la nationalité française se perd autrement que par l'un des modes prévus aux articles 145 et 146, la preuve n'en peut résulter qu'en établissant l'existence des faits et des actes qui ont pour conséquence la perte de la nationalité française.

Article 148. En dehors des cas de perte ou de déchéance de la nationalité française, la preuve de l'extranéité peut être faite par tous les moyens.

Néanmoins la preuve de l'extranéité d'un individu qui a la possession d'état de Français peut seulement être établie en démontrant que l'intéressé ne remplit aucune des conditions exigées par la loi pour avoir la qualité de Français.

Chapitre IV. — Des certificats de nationalité française

Article 149. Le juge de paix a seul qualité pour délivrer un certificat de nationalité française à toute personne justifiant qu'elle a cette nationalité.

Article 150. Le certificat de nationalité indique, en se référant aux titres II et III du présent Code, la disposition légale en vertu de laquelle l'intéressé a la qualité de Français, ainsi que les documents qui ont permis de l'établir. Il fait foi jusqu'à preuve du contraire.

Article 151. Lorsque le juge de paix refuse de délivrer un certificat de nationalité l'intéressé peut saisir le ministre de la Justice qui décide s'il y a lieu de procéder à cette délivrance.

Article 2. Sont et demeurent abrogées toutes les lois antérieures à la présente ordonnance relatives à l'attribution, à l'acquisition et à la perte de la nationalité française, à l'exception des dispositions suivantes qui demeurent en vigueur :

- 1) Articles 1^{er} et 2 de la loi du 5 août 1914, relative à l'admission des Alsaciens Lorrains dans l'armée française ;
- 2) Article 14 *b* de la loi du 10 août 1927 sur la nationalité ;
- 3) Loi du 20 décembre 1923 sur l'acquisition de la nationalité française dans la régence de Tunis ;
- 4) Loi du 28 octobre 1940 relative à la suspension des délais en matière de nationalité ;

5) Ordonnance du 6 janvier 1945 permettant à certaines femmes étrangères d'acquérir par déclaration, postérieurement à leur mariage, la nationalité française de leur mari.

Article 3. Est abrogé l'article 106 du décret du 29 juillet 1939, relatif à la famille et à la natalité françaises.

Article 4. Sont abrogés:

1) Le décret du 25 janvier 1934, relatif à la condition des fils d'étrangers nés en France et résidant au Maroc;

2) Le décret du 17 juin 1938, relatif à la condition des fils d'étrangers nés en France et résidant en Tunisie.

Article 5. L'article 345 du Code civil est remplacé par la disposition suivante:

Article 6. Après l'expiration du délai imparti par la loi sur la nationalité, antérieurement à la mise en vigueur du Code de la nationalité française, pour répudier ou décliner la qualité de Français, les intéressés pourront être relevés, par décision du garde des sceaux, ministre de la Justice, de la déchéance encourue, s'ils établissent qu'en raison des circonstances ils ont été hors d'état de procéder, dans le délai prévu, aux formalités prescrites par la loi.

Cette disposition est applicable jusqu'à l'expiration du délai de six mois suivant la date de la cessation légale des hostilités.

Article 7. Les enfants légitimes ou naturels nés à l'étranger à qui la nationalité française est attribuée conformément à l'article 19 du Code de la nationalité française pourront, s'ils sont âgés de dix-huit ans accomplis à la date de la mise en vigueur dudit Code, exercer la faculté de répudier jusqu'à l'expiration du délai d'un an suivant la date de la cessation légale des hostilités.

Article 8. La femme à qui la nationalité française a été attribuée à titre de nationalité d'origine et qui l'a perdue, pour avoir acquis du fait de son mariage, sans manifestation de volonté de sa part, la nationalité étrangère de son mari, pourra réclamer la qualité de Française par déclaration souscrite conformément à l'article 101 et dans les conditions prévues aux articles 57, 58 et 79 du Code de la nationalité française, jusqu'à l'expiration du délai d'un an suivant la date de la cessation légale des hostilités.

Article 9. Jusqu'à une date qui sera fixée par décret, et au plus tard à l'expiration du délai de cinq ans suivant la date de la cessation légale des hostilités, l'acquisition d'une nationalité étrangère par un Français du sexe masculin, âgé de moins de cinquante ans, ne lui fait perdre la nationalité française qu'avec l'autorisation du Gouvernement français.

Article 10. Jusqu'à l'expiration du délai de cinq ans suivant la date de la cessation légale des hostilités, l'étranger qui justifie avoir pris une part active à la résistance peut obtenir la naturalisation ou la réintégration dans les mêmes conditions que celui qui a servi dans une unité de l'armée française et à qui la qualité de combattant a été reconnue conformément aux règlements en vigueur.

En cas de naturalisation, il n'est pas soumis aux incapacités prévues à l'article 81 du Code de la nationalité française.

Les conditions dans lesquelles s'effectuera la preuve de l'action dans la résistance seront fixées par décret.

Article 11. Les dispositions de la présente ordonnance sont applicables à l'Algérie, à la Guadeloupe, à la Martinique et à la Réunion.

Article 12. Sous réserve des dispositions prévues à l'article 4 de la présente ordonnance, les décrets relatifs à l'attribution, à l'acquisition et à la perte de la nationalité française dans les territoires relevant du ministère des colonies et du ministère des affaires étrangères demeurent applicables et sont susceptibles d'être modifiés dans la même forme.

Article 13. Seront publiés à la suite du Code de la nationalité française, dans une édition spéciale, par les soins du garde des sceaux, ministre de la Justice, les textes déterminés ci-après :

- 1) Lois antérieures relatives à l'attribution, à l'acquisition et à la perte de la nationalité française;
- 2) Dispositions contenues dans les traités et les accords internationaux et dans les actes de l'autorité portant modifications du territoire de la France et des colonies;
- 3) Dispositions contenues dans les traités et les accords internationaux emportant expressément un changement de nationalité;
- 4) Textes relatifs à l'attribution, à l'acquisition et à la perte de la nationalité française aux colonies et dans les pays placés sous protectorat ou sous mandat français.

(b) LOI N° 46-2236 DU 16 OCTOBRE 1946 COMPLÉTANT L'ARTICLE 8 DE L'ORDONNANCE DU 19 OCTOBRE 1945 PORTANT CODE DE LA NATIONALITÉ FRANÇAISE ¹.

Article unique. L'article 8 de l'ordonnance du 19 octobre 1945 portant code de la nationalité française est complété ainsi qu'il suit :

« Les dispositions du présent article sont applicables à la femme qui, antérieurement à son mariage avec un étranger, avait acquis la nationalité française par réintégration de plein droit conformément aux paragraphes premier, 2 et 3 de l'annexe à la section V de la partie III du Traité de Versailles, ou qui n'a pas eu à se prévaloir de la réintégration de plein droit par application des textes précités, parce qu'elle avait déjà acquis la nationalité française à une date antérieure au 11 novembre 1918. »

(c) LOI N° 47-2326 DU 13 DÉCEMBRE 1947 RELATIVE AU CHANGEMENT DE NATIONALITÉ SUR LES TERRITOIRES RÉUNIS À LA FRANCE PAR LE TRAITÉ DE PARIS DU 10 FÉVRIER 1947 AVEC L'ITALIE ².

Article premier. Acquière la nationalité française à dater de l'entrée en vigueur de la présente loi et jouissent des droits civils et politiques reconnus aux Français par la Constitution et par la législation :

1. Les personnes de nationalité italienne qui, le 10 juin 1940, avaient cette nationalité et qui étaient, à cette date, domiciliées dans les terri-

¹ *Journal officiel* du 17 octobre 1946.

² *Journal officiel* du 14 décembre 1947.

toires réunis à la France par les articles 2 et 6 du traité signé à Paris le 10 février 1947;

2. Les enfants des personnes désignées ci-dessus, s'ils sont nés postérieurement au 10 juin 1940.

Article 2. Jusqu'au 16 septembre 1948, tout individu visé au paragraphe 1° de l'article précédent, âgé de plus de dix-huit ans à la date du 16 septembre 1947 ou marié à la même date, dont la langue usuelle est l'italien, peut décliner l'acquisition de la nationalité française par déclaration souscrite conformément aux articles 101 et suivants du Code de la nationalité française.

La déclaration souscrite par le père ou par la mère survivante s'étend aux mineurs non mariés âgés de moins de dix-huit ans.

La déclaration souscrite par le mari ne s'étend pas à la femme.

La femme mariée ou le mineur après dix-huit ans peuvent souscrire la déclaration sans aucune autorisation.

Article 3. L'individu qui aura souscrit la déclaration prévue à l'article précédent sera réputé n'avoir jamais acquis la nationalité française, à condition toutefois que sa déclaration ait été enregistrée dans les formes qui seront prévues par décret.

Il devra quitter effectivement les territoires de la République française dans le délai d'un an suivant la date à laquelle la déclaration aura été souscrite.

(d) DÉCRET N° 53-161 DU 24 FÉVRIER 1953 DÉTERMINANT LES MODALITÉS D'APPLICATION DU CODE DE LA NATIONALITÉ FRANÇAISE DANS LES TERRITOIRES D'OUTRE-MER¹.

Article premier. Sous réserve des modifications exprimées ci-dessous et à l'exception des articles 41, 80, 81, 82, 83, 113 et 114 du code de la nationalité française, les dispositions dudit code sont déclarées applicables à compter du 1^{er} juillet 1953 dans les territoires d'outre-mer.

Pour l'application du présent décret, l'expression « en France », employée dans les divers articles du code de la nationalité, s'entend également des territoires d'outre-mer de la République française.

Article 2. Toutefois, à Madagascar et dépendances, en Nouvelle-Calédonie et dépendances, dans les Etablissements français de l'Océanie et dans l'archipel des Comores, les articles 23, 24, 25, 44, 45, 47 et 52 du code de la nationalité française ne sont applicables qu'aux personnes dont l'un des parents au moins avait déjà la nationalité française ou la qualité de citoyen de l'Union française prévue à l'article 81 de la Constitution.

Article 3. Le délai de six mois pendant lequel le Gouvernement peut s'opposer à l'acquisition de la nationalité française, soit par le mariage, soit en raison de la naissance et de la résidence en France, soit par déclaration de nationalité, conformément aux articles 39, 46 et 57 du code de la nationalité française, est porté à un an pour les territoires d'outre-mer de la République française.

Le délai prévu au premier alinéa du nouvel article 39 *in fine* du code de la nationalité française partira à compter du dépôt de l'acte de mariage à la résidence administrative compétente.

¹ *Journal officiel* du 27 février 1953.

Article 4. Par dérogation à l'article 27 du code de la nationalité française, la filiation produit effet en matière d'attribution de la nationalité française lorsqu'elle est établie non seulement dans les conditions déterminées par la loi civile française, mais aussi par la réglementation ou par les règles coutumières applicables aux personnes qui ont conservé leur statut civil particulier.

Article 5. Par dérogation à l'article 84 du code de la nationalité française, devient de plein droit Français au même titre que ses parents, à condition que sa filiation soit établie conformément à la loi civile française, à la réglementation et aux règles coutumières applicables aux personnes qui ont conservé leur statut civil particulier :

1. L'enfant mineur légitime ou légitimé dont le père ou la mère, si elle est veuve, acquiert la nationalité française ;

2. L'enfant mineur naturel dont celui des parents à l'égard duquel la filiation a été établie en premier lieu ou, le cas échéant, dont le parent survivant acquiert la nationalité française.

Article 6. Les décrets portant naturalisation, réintégration, perte ou déchéance de la nationalité française seront publiés au *Journal officiel*, du territoire où l'intéressé réside, dès réception du *Journal officiel* de la République française où ils auront été insérés. Ils produiront néanmoins leur effet à la date de la signature dans les conditions prévues aux articles 110, 117, 120 et 123 du code de la nationalité française.

Article 7. Lorsque la mesure de déchéance envisagée à l'article 121 du code de la nationalité française n'a pu être notifiée à la personne de l'intéressé ou à son domicile, elle fait l'objet d'une publication au *Journal officiel* du territoire où se trouvait son dernier domicile connu, dès réception du *Journal officiel* de la République française qui la contient.

Le délai d'un mois accordé à l'intéressé pour produire toutes pièces et mémoires utiles commence à courir, par dérogation à l'article 121, alinéa 2, du code de la nationalité française, du jour de l'insertion au *Journal officiel* du territoire.

Article 8. Par dérogation à l'article 128 du code de la nationalité française, la juridiction civile pourra être saisie conformément aux règles de la procédure existant dans les territoires d'outre-mer de la République française.

Article 9. Par dérogation aux articles 133 et 134 du code de la nationalité française, la juridiction saisie statue sur des conclusions écrites du ministère public, lorsqu'il ne réside pas au siège de cette juridiction.

Article 10. Par dérogation à l'article 135 du code de la nationalité française, les délais de trente jours et de dix jours prévus par cet article sont portés respectivement à trois mois et à un mois lorsque la juridiction saisie a son siège dans un territoire d'outre-mer.

Article 11. Par dérogation à l'article 141 du code de la nationalité française, la preuve d'un décret de naturalisation ou de réintégration résulte de la production soit de l'ampliation de ce décret, soit d'un exemplaire du *Journal officiel* de la République française ou du *Journal officiel* du territoire où ce décret a été publié.

Article 12. Par dérogation à l'article 143 du code de la nationalité française, lorsque la nationalité française ne peut avoir sa source que dans la filiation, elle est tenue pour établie, sauf la preuve contraire, si l'intéressé et

les ascendants qui ont été susceptibles de la lui transmettre ont joui, d'une façon constante, de la possession d'état de Français.

Article 13. Par dérogation à l'article 149 du code de la nationalité française, le juge de paix et, à son défaut, le président du tribunal de première instance, ou le juge de paix à compétence étendue et, lorsque l'organisation judiciaire de la circonscription ne comporte pas de magistrats de cet ordre, les administrateurs, chefs de ces circonscriptions, ont, seuls, qualité pour délivrer un certificat de nationalité française à toute personne justifiant qu'elle a cette nationalité.

Article 14. Sont et demeurent abrogés, dans les territoires d'outre-mer de la République française, tous les textes antérieurs relatifs à l'attribution, à l'acquisition et à la perte de la nationalité française, à l'exception des dispositions relatives aux incapacités frappant les naturalisés.

L'article 24 du décret du 5 novembre 1928 reste applicable dans les territoires d'outre-mer où il l'est actuellement.

DISPOSITIONS TRANSITOIRES

Article 15. Les enfants légitimes ou naturels nés à l'étranger, à qui la nationalité française est attribuée conformément à l'article 19 du code de la nationalité française, pourront, s'ils sont âgés de dix-huit ans à la date de la mise en vigueur du présent décret, exercer la faculté de répudier jusqu'à l'expiration du délai d'un an suivant cette date.

Article 16. La femme à qui la nationalité française a été attribuée à titre de nationalité d'origine et qui l'ayant perdu pour avoir acquis, du fait de son mariage, sans manifestation de volonté de sa part, la nationalité étrangère de son mari, pourra, si elle réside dans l'un des territoires d'outre-mer de la République française, réclamer la nationalité française par déclaration souscrite conformément à l'article 103 et dans les conditions prévues aux articles 57, 58 et 79 du code de la nationalité française, jusqu'à l'expiration du délai d'un an suivant la date de la mise en vigueur du présent décret.

Les dispositions du présent article sont applicables à la femme qui, antérieurement à son mariage avec un étranger, avait acquis la nationalité française par réintégration de plein droit, conformément aux alinéas 2 et 3 du paragraphe 1^{er} de l'annexe, à la section V de la partie III du traité de Versailles, ou qui n'a pas eu à se prévaloir de la réintégration de plein droit par application des textes précités, parce qu'elle avait déjà acquis la nationalité française à une date antérieure au 11 novembre 1918.

Article 17. Pendant un délai de trois ans à compter de la promulgation du présent décret, pourront réclamer la nationalité française par déclaration souscrite conformément à l'article 103 du code de la nationalité française, et dans les conditions prévues aux articles 57 et 58 dudit code, les personnes qui résident depuis plus de dix ans dans un territoire d'outre-mer, lorsque, bien que, n'étant pas nées dans ce territoire ou dans un autre territoire de la République française, elles sont, de notoriété publique, intégrées dans la société autochtone et ont toujours été considérées comme Françaises.

Cette acquisition de la nationalité française n'aura pas pour effet de faire perdre à ceux qui en bénéficient le statut civil particulier sous lequel ils vivent.

Article 18. La femme étrangère régie par un statut civil particulier, qui a contracté mariage avec un Français à une date postérieure au 1^{er} juin

1946, est réputée avoir acquis de plein droit la nationalité française de son mari.

Elle a, toutefois, la faculté, jusqu'à l'expiration du délai d'un an suivant la date de la mise en vigueur du présent décret, de déclarer, dans la forme prévue par les articles 101 et suivants du code de la nationalité française, qu'elle décline la nationalité française.

La femme française régie par un statut civil particulier, qui a contracté mariage avec un étranger à une date postérieure au 1^{er} juin 1946, pourra, dans le délai et suivant les formes prévues à l'alinéa précédent, répudier la nationalité française qu'elle a conservée lors de son mariage.

Article 19. Jusqu'à une date qui sera fixée par un décret, l'acquisition d'une nationalité étrangère par un Français du sexe masculin ne lui fait perdre la nationalité française qu'avec l'autorisation du Gouvernement français.

Cette autorisation est de droit lorsque le demandeur a acquis une nationalité étrangère après l'âge de cinquante ans.

DISPOSITIONS DIVERSES

Article 20. Sont déclarés applicables aux territoires d'outre-mer de la République française :

1. L'article 5 de l'ordonnance n° 45-2441 du 19 octobre 1945 ;
2. La loi n° 50-399 du 3 avril 1950 ;
3. Le décret n° 45-2698 du 2 novembre 1945 modifié par le décret n° 51-1788 du 15 février 1951 ;
4. Le décret n° 47-1938 du 7 octobre 1947.

Jusqu'à l'expiration du délai de cinq ans suivant la mise en vigueur du présent décret, l'étranger qui justifie, dans les conditions fixées par le décret susvisé du 7 octobre 1947, avoir pris une part active à la Résistance, peut obtenir la naturalisation ou la réintégration dans les mêmes conditions que celui qui a servi dans une unité de l'armée française et à qui la qualité de combattant a été reconnue conformément aux règlements en vigueur.

(e) LOI N° 54-395 DU 9 AVRIL 1954 MODIFIANT L'ARTICLE 9 DE L'ORDONNANCE N° 45-2441 DU 19 OCTOBRE 1945 PORTANT CODE DE LA NATIONALITÉ FRANÇAISE ¹.

Article unique. L'article 9 de l'ordonnance n° 45-2441 du 19 octobre 1945 est modifié ainsi qu'il suit :

« *Article 9.* Jusqu'à une date qui sera fixée par décret, l'acquisition d'une nationalité étrangère par un Français du sexe masculin ne lui fait perdre la nationalité française qu'avec l'autorisation du Gouvernement français.

« Cette autorisation est de droit lorsque le demandeur a acquis une nationalité étrangère après l'âge de cinquante ans.

« Les Français du sexe masculin, âgés de moins de cinquante ans, qui ont acquis une nationalité étrangère entre le 1^{er} juin 1951 et la date d'entrée en vigueur de la présente loi, seront réputés n'avoir pas perdu la nationalité française nonobstant les termes de l'article 88 du Code de la nationalité française. Ils devront, s'ils désirent perdre la nationalité française, en demander l'autorisation au Gouvernement français, conformément aux dispositions de l'article 91 dudit Code. Cette autorisation est de droit. »

¹ *Journal officiel* du 10 avril 1954.

- (f) DÉCRET N° 54-520 DU 25 AVRIL 1954¹ PORTANT RÈGLEMENT D'ADMINISTRATION PUBLIQUE POUR L'APPLICATION DANS LA ZONE FRANÇAISE DE L'EMPIRE CHÉRIFIEN DE LA LOI N° 51-658 DU 24 MAI 1951 (ARTICLE 39 MODIFIÉ DE L'ORDONNANCE N° 45-2441 DU 19 OCTOBRE 1945).

Article 1^{er}. Le délai de six mois pendant lequel le gouvernement peut, conformément à l'article 39 du Code de la nationalité française, s'opposer à l'acquisition de la nationalité française par la femme étrangère qui épouse un Français court, lorsque le mariage est célébré dans la zone française de l'empire chérifien, du jour où l'acte de mariage est déposé à la résidence générale de France au Maroc.

Article 2. Le dépôt consiste en la remise par les conjoints, aux services ci-dessus désignés, d'une expédition de leur acte de mariage. Il en est délivré un récépissé qui fait foi de la date.

Toutefois, le dépôt peut résulter de l'envoi recommandé de cette expédition avec demande d'avis de réception. Dans ce cas, la date portée sur l'avis de réception est le point de départ du délai prévu à l'article 1^{er}.

- (g) DÉCRET N° 54-521 DU 25 AVRIL 1954² PORTANT RÈGLEMENT D'ADMINISTRATION PUBLIQUE POUR L'APPLICATION EN TUNISIE DE LA LOI N° 51-658 DU 24 MAI 1951 (ARTICLE 39 MODIFIÉ DE L'ORDONNANCE N° 45-2441 DU 19 OCTOBRE 1945).

Article 1^{er}. Le délai de six mois pendant lequel le gouvernement peut, conformément à l'article 39 du Code de la nationalité française, s'opposer à l'acquisition de la nationalité française par la femme étrangère qui épouse un Français court, lorsque le mariage est célébré en Tunisie, du jour où l'acte de mariage est déposé à la résidence générale de France en Tunisie.

Article 2. Le dépôt consiste en la remise par les conjoints, aux services ci-dessus désignés, d'une expédition de leur acte de mariage. Il en est délivré un récépissé qui fait foi de la date.

Toutefois, le dépôt peut résulter de l'envoi recommandé de cette expédition avec demande d'avis de réception. Dans ce cas, la date portée sur l'avis de réception est le point de départ du délai prévu à l'article 1^{er}.

29. Germany (West)

(a) NATIONALITY ACT OF 22 JULY 1913,^{3 4}

PART I. GENERAL PROVISIONS

Section 1 (subsequently amended). The term "German citizen" means a person who possesses the citizenship of a federal State (sections 3 to 32) or direct imperial citizenship (sections 33 to 35).

¹ *Journal officiel*, 22 mai 1954.

² *Journal officiel*, 22 mai 1954.

³ Translated by the Secretariat of the United Nations.

⁴ *Note.* According to a communication dated 5 October 1953 from the Permanent Observer of the Federal Republic of Germany to the United

Section 2 (repealed). For the purposes of this Act, Alsace-Lorraine shall be deemed to be a federal State.

For the purposes of this Act, the term "Germany" shall be deemed to include the colonies.

PART II. CITIZENSHIP OF A FEDERAL STATE

Section 3. (subsequently amended). Citizenship of a federal State is acquired

- (1) By birth (section 4);
- (2) By legitimation (section 5),
- (3) By marriage (section 6),
- (4) By admission in the case of a German citizen (sections 7, 14 and 16), and
- (5) By naturalization in the case of an alien (sections 8 and 16).

Section 4 (subsequently amended). The legitimate child of a German citizen acquires by birth the citizenship of the father; the illegitimate child of a woman who is a German citizen acquires the citizenship of the mother.

A child found in the territory of a federal State (a foundling) shall be deemed to be a child of a citizen of that State until the contrary is proved.

Section 5. If a German citizen legitimates a child by a procedure which is effective in German Law, that child acquires the citizenship of the father.

Section 6. A woman who marries a German citizen acquires the citizenship of the husband by virtue of the marriage.

Section 7 (inapplicable). If a German citizen takes up residence in a federal State, that State shall be bound to admit him to citizenship if he applies therefor, unless there are grounds recognized in sections 3 to 5 of the Act concerning the movement of persons (1 November 1867, *BGBI.*, p. 55) which authorize the State to deny admission to a new resident or to disallow continued residence.

An application made by a married woman requires the consent of the husband; in the absence of his consent, that of the guardianship authorities may be substituted. In the case of a person under parental authority or guardianship who has not completed his sixteenth year the application shall be made by his legal representative; if he has completed his sixteenth year, the application requires the consent of the legal representative.

Section 8 (subsequently amended). An alien who has taken up residence in Germany may on application be naturalized by the State in which he is resident if:

Nations, the Nationality Act of 22 July 1913 has been amended several times, especially between 1933 and 1945. All the amendments are set forth in a recently published book by Franz Massfeller, entitled *Deutsches Staatsangehörigkeitsrecht*. The most important amendments were made by the following enactments (see *op. cit.*, pages 67 and 70 respectively): Ordinance concerning German nationality of 5 February 1934 (*Verordnung über die deutsche Staatsangehörigkeit*) and Act to amend the Nationality Act of 15 May 1935 (*Gesetz zur Änderung des Reichs- und Staatsangehörigkeitgesetzes*). The account given in Massfeller's book describes the law as it stood on 30 September 1952. Since then the law governing the acquisition and loss of German nationality by married women has been affected by the entry into force of article 3, paragraph 2 of the Basic Law (Bonn Constitution); this question is discussed in greater detail in the memorandum attached to the Observer's communication (see (b) below).

(1) He is *sui juris* within the meaning of the law of the country of which he is then a national or would be *sui juris* within the meaning of German law; or if the application is made by his legal representative or with the latter's consent in accordance with the second sentence of section 7, second subsection;

(2) He is a person of good repute;

(3) He has in the place of his residence his own dwelling or lodging; and

(4) He is able to support himself and his family in that place.

Prior to naturalization, the local authorities of the place of his residence, and in so far as these do not form an independent poor law authority, the poor law authority shall be consulted concerning the applicant's fulfilment of the conditions stipulated in subsections 2 to 4 above.

Section 9 (repealed). A person may not be naturalized in a federal State until after the Imperial Chancellor has satisfied himself that none of the other States has raised an objection to that person's naturalization; if a State objects, the Federal Council shall give its ruling. An objection, to be admissible, shall be supported by evidence showing that the naturalization of the applicant would imperil the welfare of the Empire or of a State.

The foregoing provisions shall not apply

(1) To persons who were formerly citizens of the State in which the application is made, to their children and grand-children or to persons who have been adopted by a citizen of the State, unless the applicant is a citizen of a foreign country;

(2) To an alien who was born in the German Empire, provided that he has been continuously resident in the State in which application is made up to the end of his twenty-first year and that he applies for naturalization within two years after that time.

Section 10 (repealed). If the marriage of a woman who was a German citizen at the time of her marriage to an alien is dissolved by her husband's death or by divorce, then the federal State in which she takes up residence shall naturalize her, provided that she fulfils the conditions stipulated in section 8, subsections 1 and 2. The authorities of her place of residence shall be consulted concerning her fulfilment of the conditions stipulated in the said subsection 2.

Section 11 (repealed). If a person who was formerly a German citizen lost that citizenship during his minority by release, then, if he makes an application he shall be naturalized by the State in which he has taken up his residence, provided that he fulfils the conditions stipulated in section 8, first subsection, and that the application is made within two years after he attains his majority. The provisions of section 8, second subsection, shall apply.

Section 12 (repealed). If an alien who has actively served for at least one year in the same way as a German citizen in the army or navy makes an application he shall be naturalized by the State in which he has taken up his residence, provided that he fulfils the conditions stipulated in section 8, first subsection, and that his naturalization would not imperil the welfare of the Empire or of a federal State. The provisions of section 8, second subsection, and of section 9, first subsection, shall apply.

Section 13. If a person who was formerly a German citizen has not taken up his residence in Germany, he may on making an application

be naturalized by the State of which he was formerly a citizen, provided that he fulfils the conditions stipulated in section 8, subsections 1 and 2; this provision shall also apply to a person descended from or adopted by a person who was formerly a German citizen. Prior to the naturalization a report shall be made to the Imperial Chancellor; if the Chancellor raises objections, the person in question shall not be naturalized.

Section 14 (largely inapplicable). An appointment made or confirmed by the Government or by the central or higher administrative authorities of a State to a position in the direct or indirect service of the State, in the service of a municipality or municipal association, in the public school service or in the service of a religious society recognized by one of the federal States, shall, in the case of a German citizen, constitute admission to citizenship and in the case of an alien naturalization, except in so far as the instrument of appointment or confirmation otherwise provides.

This provision shall not apply to a person appointed as officer or official in the military or civilian reserve.

Section 15 (subsequently amended). If an alien who has his official residence in a federal State is appointed to the imperial service, he shall be deemed *ipso facto* to have been naturalized in that State, except in so far as the instrument of appointment otherwise provides.

If the appointee has his official residence abroad and receives a salary from the imperial treasury, he shall be naturalized by the federal State in which he makes application therefor; if he receives no salary from the imperial treasury, he may be naturalized with the consent of the Imperial Chancellor.

Section 16 (subsequently amended). The admission to citizenship or naturalization becomes effective upon the issue of the appropriate certificate by the higher administrative authorities or upon the issue of a certificate of appointment within the meaning of the provisions of section 14 or of section 15, first subsection.

The admission to citizenship or naturalization extends, except in so far as the certificate otherwise stipulates, to the wife and to those children for whom the person admitted or naturalized acts as legal representative by virtue of parental authority, but not to daughters who are or have been married.

Section 17 (subsequently amended). A person shall cease to be a citizen of a federal State if:

- (1) He is released from citizenship (sections 18 to 24);
- (2) He acquires a foreign citizenship (section 25);
- (3) He fails to perform his military duty (sections 26 and 29);
- (4) He is declared by the authorities to have ceased to be a citizen (sections 27 to 29);
- (5) Being a person born out of wedlock, he is legitimated by a citizen of another federal State or by an alien by a procedure which is effective in German law; and
- (6) Being a woman, she marries a citizen of another federal State or an alien.

Section 18 (inapplicable). An application shall not be entertained for the release of a married woman from citizenship unless the application is made by the husband, and, if he is a German citizen, unless he applies for his own release at the same time. The application requires the wife's assent.

Section 19. If a person is under parental authority or guardianship, then an application for his release from citizenship shall not be entertained unless made by the legal representative and with the consent of the German court having jurisdiction in guardianship matters. The State attorney's office shall be entitled to appeal against the decision of the court; and subsequent appeals against the decision of the appeal court shall not be subject to any restriction.

The consent of the court having jurisdiction in guardianship matters shall not be necessary if the father or mother applies for release for himself (herself) and simultaneously, by virtue of his (her) parental authority, for the child and if the applicant is responsible for the custody of the child. If the duties of a special adviser to the mother (co-guardian) extend to the care of the child, the application of the mother for the child's release requires the consent of the special adviser.

Section 20 (inapplicable). If a person is released from citizenship in one federal State the release shall operate as a release from citizenship in every other federal State, unless he reserves citizenship in another State by a declaration made before the competent authorities of the State granting the release. The reservation shall be noted in the instrument of release.

Section 21 (inapplicable). A person who possesses citizenship in another federal State and who reserves this citizenship in accordance with section 20 shall be entitled to a release.

Section 22 (largely inapplicable). If section 21 does not apply, the release shall not be granted:

(1) To a person liable to military service concerning whose liability to service a decision has not been made, unless he produces a certificate from the recruiting commission to the effect that in the opinion of the commission the release is not being applied for with a view to evading the performance of active service;

(2) To a member of the active army, of the active navy or of the active colonial troops;

(3) To a member of the reserve of the class defined in section 56, subsections 2 to 4, of the Imperial Military Act, unless he has obtained the consent of the military authorities;

(4) To any other member of the reserve after he has been called up for active service;

(5) To any official or officer, or any member of the reserve, before he has been discharged from the service.

In time of peace, the release may not be refused on grounds other than those enumerated above. The right is reserved to the Emperor to issue special decrees in time of war or when there is danger of war.

Section 23. The release becomes effective upon the issue of an instrument of release by the higher administrative authorities of the home State. The instrument in question shall not be issued to any person who is under arrest or whose arrest or imprisonment has been ordered by the judicial or police authorities.

If the release is to extend at the same time to the wife or the children of the applicant, these persons shall be mentioned by name in the instrument of release.

Section 24. If on the expiry of one year after the issue of an instrument of release the person concerned maintains his residence or domicile in Germany, the release shall be deemed to be inoperative.

(Inapplicable) This provision shall not apply if the person concerned reserved citizenship in another federal State under section 20.

Section 25. If a German citizen who has neither his residence nor his domicile in Germany acquires a foreign citizenship, he shall thereupon cease to be a German citizen, provided that the foreign citizenship is acquired as a result of his own application, or on the application of the husband or legal representative; but, in the case of a married woman or of a person having a legal representative, only if the conditions exist under which release may be applied for pursuant to sections 18 and 19.

A person shall not cease to be a German citizen if before acquiring the foreign citizenship on his application he had obtained the written consent of the competent authorities of his home State to retain his citizenship. Before this consent is given the German consul shall be consulted.

The Imperial Chancellor may order, with the consent of the Federal Council, that a person who desires to acquire citizenship in a specified foreign country shall not be granted the consent referred to in the second subsection.

Section 26 (repealed). A German citizen liable to military service who has neither his residence nor his domicile in Germany shall cease to be a German citizen on the completion of his thirty-first year, if he has not before then obtained a final decision concerning his liability to service or a deferment beyond that time.

A German citizen who is a deserter and who has neither his residence nor his domicile in Germany shall cease to be a German citizen on the expiry of two years after the publication of the decision declaring him to be a deserter (section 360 of the Military Criminal Court Ordinance). This provision shall not apply to members of the reserve, of the national guard or of the second reserve, who have been declared to be deserters because they failed to comply with a call-up for service, unless they were called up after an order to prepare for war or an order for mobilization had been issued.

If a person has ceased to be a German citizen by virtue of the foregoing provisions he may not be naturalized by a federal State until after the military authorities have been consulted. If he can produce sufficient evidence exonerating him from liability, the federal State of which he was formerly a citizen shall not deny him naturalization.

Section 27 (inapplicable). A German citizen who is resident abroad may be declared to have ceased to be a German citizen by a decision of the central authorities of his home State, if in case of war or danger of war he fails to comply with an order of the Emperor to return.

If he is a citizen of several federal States, he shall cease to be a citizen of each of them by virtue of such a decision.

Section 28 (inapplicable). If a German citizen enters the service of a foreign country without the permission of his Government he may be declared to have ceased to be a German citizen by a decision of the central authorities of his home State, if he fails to comply with an order to relinquish his foreign appointment.

If he is a citizen of several federal States, he shall cease to be a citizen of each of them by virtue of such a decision.

Section 29 (inapplicable). If pursuant to section 26, first and second subsections, or to sections 27 and 28 a person ceases to be a German

citizen, or pursuant to the second sentence of section 26, third subsection, is renaturalized, then his wife and his children (in so far as he acts as their legal representative by virtue of parental authority) shall likewise cease to be German citizens or be renaturalized, if she or they (as the case may be) are living with him in his home. This section shall not apply to daughters who are or have been married.

Section 30 (obsolete). A person who was formerly a German citizen and who was released from German citizenship before the entry into force of this Act but also would, by virtue of the operation of section 24, first subsection, be deemed not to have been released shall, on application, be naturalized by the State in which he has taken up his residence, provided that he retained his residence in Germany since the time specified in the said subsection, that he fulfils the conditions stipulated in section 8, first subsection, and that he lodges his application within one year after the entry into force of this Act. The provisions of section 8, second subsection, shall apply.

Section 31 (repealed). If a person who was formerly a German citizen ceased to be a German citizen before the entry into force of this Act by reason of ten years' residence abroad by the operation of section 21 of the Act governing the acquisition and loss of federal and State citizenship of 1 June 1870 (*Bundes-Gesetzbl.*, p. 355), he shall, if not a citizen of any State, be naturalized by the State in which he has taken up residence.

The foregoing provision shall also apply in the case of any person who was formerly a citizen of a federal State, or of a State incorporated in such a State, if he had ceased, by virtue of the law of that State, to be a citizen of that State by reason of residence outside his home State before the entry into force of the Act of 1 June 1870.

Section 32 (obsolete). A German citizen liable to military service who on the date of the entry into force of this Act has neither his residence nor his domicile in Germany and prior to that date had completed his twenty-ninth, but not yet his forty-third, year, shall cease to be a German citizen on the expiry of two years, if he has not within that time-limit obtained a final decision concerning his liability to military service.

A German citizen who is a deserter within the meaning of section 26, second subsection, and who on the date of the entry into force of this Act has neither his residence nor his domicile in Germany and prior to that date had not completed his forty-third year, shall cease to be a German citizen on the expiry of two years, if within that time-limit he does not report to the military authorities.

The provisions of section 2, third subsection, and of section 39 shall apply *mutatis mutandis*.

PART III. DIRECT IMPERIAL CITIZENSHIP

Section 33 (partly inapplicable). Direct imperial citizenship may be granted:

- (1) To an alien who has taken up his residence in a colony or to a native of a colony;
- (2) To a person who was formerly a German citizen and who has not taken up his residence in Germany; this provision shall also apply to a person descended from or adopted by a person who was formerly a German citizen.

Section 34 (partly inapplicable). Direct imperial citizenship shall, on application, be granted to an alien who holds an appointment in the imperial service and has his official residence abroad, if he receives a salary from the imperial treasury; it may be granted to him if he does not receive such a salary.

Section 35 (partly inapplicable). The provisions of this Act which relate to citizenship of a federal State, with the exception of the provisions of section 4, second subsection; section 8, second subsection; section 10, second sentence; section 11, second sentence; section 12, second sentence, and sections 14 and 21, shall apply *mutatis mutandis* to direct imperial citizenship, subject to the proviso that any reference to the central authorities of a federal State shall be construed as if it were a reference to the Imperial Chancellor or the authorities designated by him.

PART IV. FINAL PROVISIONS

Section 36. Treaties concluded by the federal States with foreign countries before the entry into force of this Act shall remain unaffected.

Section 37. Any reference made in imperial or State statutes to the provisions of the Act of 1 June 1870 concerning the acquisition and loss of federal and State citizenship or of the Act of 20 December 1875 concerning the naturalization of aliens in the imperial service, shall be construed as a reference to the corresponding provisions of this Act.

Section 38. Certificates of admission to citizenship or of naturalization in the cases provided for in sections 7, 10, 11, 12, 30 and 31 and in the first clause of section 34, shall be issued free of charge. Similarly, instruments of release issued under section 21 shall also be free of charge.

A charge of not more than three marks for both the stamping and preparation of instruments of release issued otherwise than under section 21 may be made.

Section 39 (subsequently amended). The Federal Council shall enact regulations relating to instruments or certificates of admission, naturalization and release and to documents which constitute evidence of citizenship.

The central State authorities shall determine which authorities are to be regarded as the higher administrative authorities or as military authorities for the purposes of this Act.

Section 40. An appeal shall lie against the refusal of an application for assumption under section 7, for naturalization under sections 10, 11 and 15; section 26, third subsection; sections 30 and 31 and section 32, third subsection, or of an application for release under sections 21 and 22.

The competence of authorities and procedure shall be determined in accordance with State law, and, so far as no provisions exist in the State legislation, in accordance with sections 20 and 21 of the Industrial Ordinance (*Gewerbe-Ordnung*).

Section 41. This Act shall enter into force on 1 January 1914, simultaneously with an Act to amend the Imperial Military Act and to amend the Military Service (Revision) Act of 11 February 1888.

(b) ORDINANCE OF 5 FEBRUARY 1934 CONCERNING
GERMAN NATIONALITY.

Under article 5 of the Act of 30 January 1934 concerning the Reorganization of the State (RGBl. I, page 75) it is hereby ordered as follows:

Section 1. (1) Nationality in respect of the German *Länder* is abolished.
(2) There shall henceforth be only one German nationality.

Section 2. Any decision taken by the Governments of the *Länder* under the legislation concerning nationality shall be taken for and on behalf of the State.

Section 3. German nationality shall not be granted without the consent of the Reich Minister of the Interior. Section 9 of the Nationality Act of 22 July 1913 (RGBl., page 583) is hereby repealed.

Section 4. (1) Should it be important, for the purposes of the appropriate legislation, to determine the *Land* to which a German national belongs, the deciding factor shall be his *Land* of residence.

(2) In the absence of the said deciding factor the following factors shall apply in order of precedence as shown:

1. Previous *Land* nationality;
2. Last place of residence in Germany;
3. Previous *Land* nationality of the ascendants of the person concerned;
4. The last place of residence in Germany of the ascendants of the person concerned.

(3) In case of doubt the decision of the Reich Commissioner of the Interior shall be final.

Section 5. This Ordinance shall enter into force on the day after its promulgation. During the period between this date and the date of entry into force of the Act of 30 January 1934 concerning the Reorganization of the State, the provisions hitherto in force shall apply.

(c) ACT OF 15 MAY 1935 TO AMEND THE NATIONALITY ACT.

Section 1. German nationality shall be granted at the discretion of the naturalization authorities. There is no entitlement to naturalization.

Section 2. Sections 10, 11, 12, 26 (subsection 3, paragraph 2), 31 and 32 (subsection 3), of the Nationality Act of 22 July 1913 are hereby repealed. The same applies to sections 15 (subsection 2) and 34 in so far as they confer entitlement to naturalization.

Section 3. This Act shall enter into force on the day of its promulgation.

(d) MEMORANDUM OF 5 OCTOBER 1953 BY THE PERMANENT OBSERVER OF THE FEDERAL REPUBLIC OF GERMANY TO THE UNITED NATIONS ON THE CHANGES MADE IN THE NATIONALITY ACT OF 22 JULY 1913 BY ARTICLE 3, PARAGRAPH 2, OF THE BASIC LAW (CONSTITUTION OF THE FEDERAL REPUBLIC OF GERMANY) CONCERNING MARRIED WOMEN.¹

Under the Nationality Act of 22 July 1913 (*Reichs- und Staatsangehörigkeitsgesetz*) married women were treated differently in some respects from men,

¹ Bonn Constitution, article 3, paragraph 2: "Men and women shall have equal rights."

as far as acquisition and loss of German nationality are concerned. Article 3, paragraph 2, of the Bonn Constitution (*Grundgesetz für die Bundesrepublik Deutschland*) which became effective on 24 May 1949, enunciated the principle that men and women shall have equal rights.

This did not mean, however, that any legislative provision in conflict with article 3, paragraph 2 of the Bonn Constitution was deprived of its effectiveness immediately. Article 117, paragraph 1, laid down that any such provision should remain in force until it was adjusted to article 3, paragraph 2, but not beyond 31 March 1953.

The Government of the Federal Republic of Germany made preparations to have the Parliament pass legislation to make the adjustments contemplated in article 117, paragraph 1, before April 1, 1953. This could not, however, be accomplished; therefore, all provisions containing a discrimination of women became ineffective automatically on 1 April 1953.

The appropriate Governmental authorities are continuing their efforts to introduce adjusting legislation in order to clarify the legal situation and to remove any doubts as to which provisions must be considered as having ceased to be operative. For the guidance of the authorities dealing with questions of nationality, the Ministry of the Interior recently issued the following recommendations regarding the Nationality Act of 22 July 1913:

- (1) s. 3, No. 3: Will cease to be operative as from 1 April 1953.
- (2) s. 6: Will cease to be operative as from 1 April 1953.
- (3) s. 17, No. 6: Will cease to be operative as from 1 April 1953.
- (4) s. 16, No. 2: As from 1 April 1953, the wife has to make the application herself; a simultaneous application by the husband is no longer required.
- (5) s. 18, also in connexion with s. 25, No. 1: Same as s. 16, No. 2.
- (6) s. 23, No. 2: Will cease to be operative as from 1 April 1953.
- (7) s. 19, also in connexion with s. 25, No. 1: With regard to applications for the release and naturalization of minors the parent other than the one filing the application shall be heard; it is not necessary, however, that this parent agree to the filing of the application.

As will be gathered from the foregoing, the most important changes are that a German woman no longer loses her German nationality by marriage to an alien or a stateless person, and that an alien woman no longer acquires German nationality by marriage to a German national.

30. Greece

- (a) ACT NO. 391 OF 29 OCTOBER 1856¹ AS AMENDED BY THE LEGISLATIVE DECREE OF 13 SEPTEMBER 1926, WHICH WAS CONFIRMED BY THE ORDER OF 12 AUGUST 1927.

BOOK I. CONCERNING PERSONS

SECTION I. THE ENJOYMENT, LOSS AND RECOVERY OF CIVIL RIGHTS

Chapter I. The enjoyment of civil rights

Article 14. A person is a Greek national if:

- (a) At the time of that person's birth his father was a Greek national;

¹ Translation by the Secretariat of the United Nations.

(b) He was born out of wedlock and at the time of his birth his mother was a Greek national;

(c) He was born in Greece of unknown parents or of parents of unknown nationality;

(c) 2 (a) He was born in Greece, is resident in Greece and does not possess a foreign nationality;

(d) He was born out of wedlock and at the time his mother was an alien and his father was a Greek national, provided that he is duly recognized by his father;

(e) His father or his mother was born in Greece or had been resident in Greece for not less than five years before that person's birth, provided that that person is himself resident in Greece at the time of attaining the age of majority as defined by Greek law and provided further that he does not renounce Greek nationality by a declaration made before the municipal or communal authority of the place of his domicile in the year following his attainment of majority. In any such case he shall append to the declaration a certificate from the competent authority stating that he has retained the nationality of the parents. This provision shall not apply to any person born in Greece of alien parents who are resident in Greece in connexion with a public office remunerated by the Greek or a foreign State;

(f) He was born in Greece of alien parents and if, under the law applicable to the parents, he does not follow the nationality which they possessed at the time of his birth.

Article 15. An alien who has attained the age of majority as defined by the law of the country of which he is a national may acquire Greek nationality by naturalization.

A person who wishes to apply for naturalization shall make a declaration before the authorities of the place in which he proposes to establish his residence, and after the date of the declaration he shall be resident in Greece for two years if of Greek ethnic origin and for three years if of other origin; upon the expiry of this period, and after obtaining a certificate from the competent authority to the effect that he has not committed any of the offences mentioned in article 22 of the Penal Code, he shall take the oath of allegiance before the competent prefect.

Article 16. The Crown is empowered to grant to an alien who has applied for naturalization the full enjoyment of civil rights during the period of residence prescribed in the foregoing article; in any such case the provisions of Greek law shall be fully applicable to the said alien.

Article 17. If at the time of applying for naturalization an alien has children under the age of majority, these children shall be Greek nationals as from the date on which his naturalization becomes effective; nevertheless, within one year after attaining the age of majority, the said children may, by satisfying the requirements stipulated in article 14, paragraph (e), renounce Greek nationality.

The wife of a person who acquires Greek nationality by naturalization shall herself *ipso facto* acquire Greek nationality through her husband's naturalization, though if she was of foreign origin she may renounce the said nationality by making a declaration within one year after his naturalization before the municipal or communal authority of her place of domicile.

In any such case, she shall attach to her declaration a certificate issued by the competent authority stating that she retains her nationality of origin.

Article 18. If during the two-year (or three-year) period of residence mentioned in article 15 a child is born to the applicant, that child shall acquire Greek nationality through the naturalization of the father.

Article 19. If a person was born out of wedlock, then, if his mother was at the time a Greek national and his father an alien, and if his father recognizes him, that person may acquire Greek nationality pursuant to the provisions of article 17; in similar circumstances, a person who was born in Greece of a mother who was at the time an alien, may likewise acquire Greek nationality pursuant to the said provisions.

Article 20. A person who was born of parents who have renounced Greek nationality may at any time acquire the said nationality by satisfying the requirements of article 17.

Article 21. An alien woman who marries a Greek national acquires Greek nationality through that marriage.

Article 22. If an alien renders distinguished services to Greece, or introduces an important invention or industry into Greece, or establishes bodies or undertakings serving the public interest, or makes an exceptional contribution to the country's intellectual life, that alien may be naturalized by special legislation.

Chapter II. The renunciation and recovery of civil rights

Article 23. A person shall cease to be a Greek national if:

(a) He acquires by naturalization the nationality of a foreign country. For this purpose the prior permission of the Greek Government, to be given through the Ministry of Foreign Affairs after consideration of the relevant circumstances, shall be required; nevertheless, this permission shall be withheld in any case in which the applicant is liable to military service or has been convicted of an offence against military law or if a prosecution is pending against him for a criminal offence; or

(b) He accepts without the permission of the Crown employment in the service of a foreign Government and fails, after being directed by the Greek Government to relinquish the said employment within a specified period, to comply with this direction.

In any case in which the acceptance of such employment involves, pursuant to the law of that foreign country, the acquisition of that country's nationality, or in which a Greek national acquires a foreign nationality of his own free will in conformity with a legislative provision of the foreign country concerned, then in any such circumstances as aforesaid the provisions of paragraph (a) shall apply.

Article 24. If a person renounces Greek nationality, his wife and children shall nevertheless retain their Greek nationality.

Article 25. If a woman who is a Greek national marries an alien, she shall not cease to be a Greek national unless she acquires her husband's nationality through the marriage. If the husband acquires Greek nationality by naturalization, or if the marriage is dissolved by divorce or by his death, she may recover Greek nationality on becoming resident in Greece and on making a declaration before the municipal authorities of the place in which she proposes to reside.

Article 26. If a person is naturalized in a foreign country with the permission of the Crown, he shall recover Greek nationality if, on returning to Greece, he makes a declaration before the competent authorities stating

his intention to recover the said nationality and if he establishes his residence in Greece.

Article 27. A person who has renounced Greek nationality may at any time recover the said nationality if, on returning to Greece, he makes the necessary declaration before the competent authorities, remains resident in Greece for a period of six months and takes the oath of allegiance before the prefect.

Article 28. A person who has entered foreign military service without the permission of the Crown may recover Greek nationality if, on returning to Greece, and after obtaining the permission of the Crown, he fulfils the conditions governing the naturalization of aliens.

Article 29. The enactments relating to the criminal law shall contain regulations specifying in what circumstances a person who has been convicted of a criminal offence may be deprived of civil rights.

(b) ACT NO. 1242 (b) OF 1919 CONCERNING ELEMENTARY EDUCATION.¹

Article 8. A Greek refugee who satisfies the statutory requirements may likewise be appointed to a post in (secondary or) elementary education. Not later than three months from the date of his appointment his name shall be entered in the register of males of a commune or municipality, and he shall be deemed to be a Greek national as soon as he has taken the oath of public service (Act No. 564, article 5).

(c) ACT NO. 4324 OF 1930 CONCERNING ARMY RECRUITMENT.²

PART I. VOLUNTARY ENLISTMENT AND RE-ENLISTMENT

Article 3. In time of mobilization or war any number of volunteers may, by virtue of an order issued on the motion of the Minister of the Army, be recruited in the various arms and units of the Army from age groups not liable to military service, from reserve classes that have not been called up, and from among aliens of Greek origin, which last-named persons may if they so desire acquire Greek nationality by application to the prefect (*nomarchi*) without further formality, and shall then be registered in the commune or municipality of their choice.

Persons so recruited shall undertake thereby to serve in the Army for the duration of the period of mobilization or war.

(d) LEGISLATIVE DECREE NO. 1391 OF 6 OCTOBER 1938 ON THE STATUS OF PETTY OFFICERS, SEAMEN, AND BOYS OF THE GREEK NAVY.³

QUALIFICATIONS FOR THE VOLUNTARY ENLISTMENT OF BOYS UNDER
COMPULSORY SERVICE AGE IN THE GREEK NAVY

General qualifications

Article 8. No person shall be accepted as a volunteer unless he possesses the following qualifications, to be confirmed by the certificates specified in brackets after each:

¹ Official Gazette No. 189, 27 August 1919, p. 1384. Translation by the Secretariat of the United Nations.

² Official Gazette No. 65, 28 February 1930. Translation by the Secretariat of the United Nations.

³ Official Gazette No. 635, 11 October 1938. Translation by the Secretariat of the United Nations.

(a) He shall be a Greek national. (Extract from the Register of Males.)
 A person whose parents were at the time of his birth Greek nationals but who has not yet acquired Greek nationality may enlist, and shall thereby acquire Greek nationality. (Extract from the Official Register in respect of the parents, or certificate of the proper consular or communal authority.)

(e) LEGISLATIVE DECREE NO. 2280/1940 OF 2 APRIL 1940¹ TO
 AMEND AND SUPPLEMENT THE ACT RELATING TO NATIONALITY.

CHAPTER I. GENERAL PROVISIONS

Article 1. Article 14 of Act No. 391 of 1856, as supplemented by statutory regulation of 13/15 September 1926² and amended by the Order of 12/13 August 1927,³ is hereby amended in its paragraph 1 (e) to read:

“*Article 14.* A person is a Greek national if:

“ . . .

“(e) he was born in Greece of parents who at the time of his birth were aliens, provided that his father or his mother was born in Greece or had been resident in Greece for not less than five years before his birth, that he is himself resident in Greece at the time of attaining the age of majority as defined by Greek law, that he applies for naturalization within one year from the attainment of his majority, and that the Minister of Internal Affairs approves his application. Article 17 shall also apply to the wife and children of any person so naturalized. Any person born before 1 November 1913 in one of the territories incorporated in the State on that date shall be deemed to have been born in Greece.”

Article 2. The provisions relating to naturalization in:

(a) The Act of 1856, article 15, paragraph 2, and

(b) The Order⁴ of 10/11 September 1925, article 2, as amended by the Order⁵ of 5/28 May 1926 confirmed by the Order⁶ of 15/19 October 1927, and finally amended and confirmed by Acts 3441 and 3442 of 1927, shall be replaced by the following words:

“A person who wishes to become a Greek national by naturalization shall be required to submit an application to the municipal or communal authority of the place where he proposes to establish his residence. Thereafter, if not of Greek ethnic origin, he shall be required to be resident in Greece for three years. The Minister of Foreign Affairs shall have discretion to reject or accept the application for naturalization, which must be accompanied by supporting documents. The naturalized person shall take the oath of allegiance before the competent prefect or the consular authorities, who shall be empowered thereto in each particular case by the Minister of Internal Affairs.”

¹ Official Gazette, 1940, vol. 117, No. 1, 2 April. Translation by the Secretariat of the United Nations.

² Published in Volume 551.

³ Published in Volume 595.

⁴ Published in Volume 503.

⁵ Published in Volume 538.

⁶ Published in Volume 601, Statute Book.

Article 3. After article 15 of the Civil Code of 1856, there shall be inserted the following article 15 (a):

“1. A person resident abroad whose nationality is in doubt but who is of Greek ethnic origin may acquire Greek nationality by naturalization by submitting an application to the competent Greek consular authority which shall transmit the application to the Minister of Internal Affairs, who shall decide thereon.

“2. All supporting documents, all available information concerning the applicant, and an opinion from the consul concerning the evidence produced in support of the application shall be transmitted therewith. The application shall name the commune or the town in which the applicant wishes to be registered. On approval by the Minister the naturalized person may take the oath of allegiance before the consul.”

Article 4. The first paragraph of article 17 of the Civil Code of 1856, replaced by the Decree of 13/15 September 1926 and amended by the Order of 12/13 August 1927, shall be replaced by the following words:

“If at the time of applying for naturalization an alien has children under the age of majority, these children shall be Greek nationals as from the date on which his naturalization becomes effective; nevertheless, any such child, if not of Greek ethnic origin, may within one year after attaining the age of majority renounce Greek nationality by making a declaration before the municipal or communal authority of his place of residence, provided that this renunciation shall require the approval of the Minister of Internal Affairs.”

Article 5. After article 23 of the Civil Code of 1856 there shall be inserted the following article 23 (a):

“If a Greek national who is not of Greek ethnic origin has for not less than five years been using a foreign passport or other foreign identity document, he may be deprived of Greek nationality by an order made by the Minister of Internal Affairs after consultation with the Nationality Council.”

Article 6. After article 28 of the Civil Code of 1856 there shall be inserted the following article 28 (a):

“1. A person who was formerly an alien and who has acquired Greek nationality

“(a) By naturalization; or

“(b) Pursuant to paragraph (e) inserted in article 14 of the Civil Code of 1856 by the Order of 13/15 September 1926, amended by the Decree of 12/13 August 1927 and replaced by article 1 of this Decree; or

“(c) Pursuant to the Decree of 12/13 August 1927, article 5; or

“(d) By marriage to a Greek national,

and the wife and minor children of a person mentioned in sub-paragraph (a) hereof, may be declared to have forfeited Greek nationality.

“2. Such forfeiture shall be announced by an order made by the Minister of Internal Affairs after consultation with the Nationality Council, a senior police officer to be designated by the competent Minister as an additional member of the Council for the purpose of such proceedings.”

“3. A person to whom this article applies may be declared to have forfeited Greek nationality if he:

“(a) Has done anything that prejudices the public peace or the internal or external security of the State or the established social order;

“(b) In furthering the interests of a foreign State, has committed any act that is incompatible with Greek nationality and prejudicial to the interests of Greece;

“(c) Has committed the offence of desertion.

“4. The rules to be observed in the investigation of, and in the production of evidence relating to, any of the aforesaid acts, shall be laid down in a Royal Order.”

Article 7. Article 5 of the Decree of 12/13 August 1927 shall be repealed on the entry into force of this Decree, subject to the proviso that persons who at the time of its entry into force have completely and in fact fulfilled their military obligations or are serving in the armed forces, but not persons rejected as unfit, shall retain Greek nationality.

CHAPTER II. SPECIAL PROVISIONS

Article 8. 1. An alien of Greek ethnic origin who is resident in Greece at the entry into force of this Decree, having come to Greece before 31 December 1934 from a region designated in a joint order made by the Ministers of Internal Affairs and of Foreign Affairs, and having the nationality of the State to which that region belongs, shall be entitled to hold a permit, renewable every two years, to reside in Greece.

2. If a residence permit has not been issued by the competent authority within two months from the date of submission of the application therefor, the previous permit issued to the applicant shall be deemed to have been extended automatically for two years; but if the public interest should so require the competent authority may refuse to issue a residence permit or may revoke one already issued.

3. Such refusal or revocation shall be notified in writing to the applicant, who may within twenty days after receiving such notice appeal to the competent Minister, and may remain in Greece during the time allowed for the appeal and until a decision thereon has been given by the Minister.

4. Aliens of Greek ethnic origin who came to Greece on or after 1 January 1935 shall be subject to the statutory provisions now in force, but the provisions of the foregoing paragraphs may be extended to apply to them by a joint order made by the Ministers of Foreign Affairs and of Internal Affairs in each particular case.

Article 9. 1. In all cases where a permit to reside in Greece is issued under the preceding article a permit to work shall also be issued, subject to the conditions laid down in existing statutory provisions.

2. Of the professions which may be practised only by Greek nationals, the Minister of Internal Affairs, the Minister of Labour and any other Minister concerned shall specify by a joint order those professions for the practice of which the competent Minister may issue licences.

3. The Minister of Internal Affairs and the Minister concerned shall specify by joint order the functions and posts in the State service and in statutory corporations to which aliens of Greek ethnic origin referred to in article 8 may be appointed. Persons appointed to such posts shall thereby acquire Greek nationality, and persons already serving therein shall be deemed to have acquired Greek nationality upon their appointment.

4. The Ministers mentioned in paragraph 2 shall by joint order make regulations for the issue of the permits and licences referred to in para-

graphs 1 and 2, and generally for giving effect to the provisions of those paragraphs.

Article 10. Aliens of Greek ethnic origin who fulfil the prescribed conditions shall acquire Greek nationality on admission to any military school.

Persons already attending such a school and persons who, having attended and passed out of such a school, are on the entry into force of this Decree serving in the army, shall be deemed to have acquired Greek nationality on their admission to such a school.

Article 11. Former Turkish nationals of Greek ethnic origin who, without the permission of the Turkish Government, acquired some other nationality

(a) Before 30 January 1923 if they are persons to whom article 7 of the Lausanne Convention of 30 January 1923 on the exchange of populations applies, or

(b) Before 23 July 1930 if they are persons to whom article 28 of the Ankara Convention of 10 June 1930 applies, shall not, even if they have abandoned their property in Turkey, be deemed to have acquired Greek nationality.

Article 12. For the purpose of the acquisition of Greek nationality a refugee from Russia of Greek ethnic origin who arrived in Greece before the end of 1937 shall be deemed to be a person covered by the Resolution of 14/23 April 1925 of the Fourth Constituent Assembly held in Athens.

Article 13. A person not of Greek nationality who wishes to enrol in a school of any grade in Greece shall be required to produce a certificate of nationality from the competent authorities of the State of which he is a national or from its consular authorities in Greece or, failing such a certificate, a certificate from the Minister of Internal Affairs to the effect that he does not possess Greek nationality.

Article 14. The said Minister may request the Nationality Council for an advisory opinion on any matter related to nationality in addition to the cases in which he may do so under existing legislative provisions.

Article 15. An appeal against an order of the Committee on Nationality and Eligibility for Exchange or of the Exchange Advisory Council, or an application for review of a declaration of nationality, submitted to the Ministry of Internal Affairs by a private person shall not be admitted unless accompanied by a receipt from the State Treasury for the sum of 200 drachmae.

Article 16. The following enactments shall be repealed on the entry into force of this Decree:

(a) Act No. 734 of 7/14 June 1916 relating to the State registration of persons of Greek ethnic origin resident abroad, and

(b) Act No. 3098 of 17/24 July 1924 relating to the acquisition of Greek nationality by refugees of Greek ethnic origin from Asia Minor and Thrace.

(f) ACT NO. 580 OF 7 SEPTEMBER 1943 TO AMEND AND SUPPLEMENT THE LAW RELATING TO NATIONALITY. ¹

Having regard to the Communication of the Head of the Government to the Greek People, of 7 April 1943, it is hereby enacted as follows:

¹ Official Gazette No. 302, 10 September 1943. Translation by the Secretariat of the United Nations.

Article 1. 1. Every application for the recovery of Greek nationality in any of the circumstances specified in articles 25, 26 and 27 of the Civil Code of 1856 shall, without prejudice to the provisions thereof, be subject to the discretionary approval of the Minister of the Interior.

2. The provisions of the preceding paragraph shall, pending publication of the relevant regulations by the Ministry of the Interior, likewise apply to declarations of option to recover Greek nationality made between 1938 and the coming into force of this Act.

Article 2. 1. Paragraphs 1, 2, 3 and 4 of article 28 (a) of the Civil Code, as supplemented by article 6 of Act No. 2280 of 1940, shall be replaced by the following words:

- (1) Any person being a Greek national
 - (a) By naturalization; or
 - (b) Pursuant to article 14 (c) 2(a) of the Civil Code, 1856, inserted therein by the Decree of 12/13 August 1927; or
 - (c) Pursuant to article 14 (e) of the said Civil Code, inserted by the Order of 13/15 September 1926, amended by the Decree of 12/13 August 1927, and replaced by article 1 of Legislative Decree No. 2280 of 1940; or
 - (d) Pursuant to article 14 (f) of the said Civil Code, inserted by article 1 of the Order of 13/15 September 1926; or
 - (e) Pursuant to article 17 of the said Civil Code; or
 - (f) Pursuant to Act No. 1524 of 1918; or
 - (g) Pursuant to Act No. 4415 of 1929; or
 - (h) By marriage to a Greek,

and the spouse and children of any person mentioned in sub-paragraphs (a) to (g) hereof, may be declared to have forfeited Greek nationality.

(2) Such forfeiture shall be announced by an order made by the Minister of Internal Affairs after consultation with the Nationality Council.

(3) A person to whom this article applies may be declared to have forfeited Greek nationality if he:

- (a) Has done anything that prejudices the public peace or the internal or external security of the State or the established social order;
- (b) In furthering the interests of a foreign State, has committed any act that is incompatible with Greek nationality and prejudicial to the interests of Greece;

(c) Fails to perform a military duty;

(d) Acquires a foreign nationality without the permission of the Government;

(e) Has been declared unworthy of the privilege of Greek nationality.

(4) Regulations governing procedure and evidence in the foregoing circumstances shall be established by Royal Decree.

Article 3. At the end of the fourth section of paragraph 3 of Article 19 of Legislative Decree No. 1488 of 1938 concerning the Organization of the Administrative Services of the Ministry of the Interior, the following words shall be appended: "or, if he is unable to attend, by such other professor or lecturer of the Faculty of Law as the Minister of the Interior may appoint".

(g) ROYAL DECREE NO. 315 OF 19 APRIL 1947
CONCERNING THE RECOGNITION OF PERSONS AS GREEK NATIONALS. ¹

Sole Article. (1) A person who has rendered important services to Greece or served in the Greek Army during the period of hostilities between 28 October 1940 and 16 August 1945 may be recognized as a Greek national by joint order of the Ministers of Foreign Affairs and of Internal Affairs, made after consultation with the Nationality Council and on a resolution of the Council of Ministers.

(2) The provisions now in force concerning the wife and minor children of a person who acquires Greek nationality by naturalization shall apply to the wife and minor children of a person recognized as a Greek national under paragraph (1).

(h) DECREE NO. 37 OF 6 DECEMBER 1947 TO DEPRIVE OF GREEK NATIONALITY PERSONS WHO COMMIT ABROAD ACTS PREJUDICIAL TO THE NATIONAL INTEREST. ²

Article 1. If a Greek national who is temporarily or permanently resident abroad is proved to have committed acts prejudicial to the national interest during the present rebellion, or to have supported in any way whatsoever the guerrilla warfare being waged against the State, he may be deprived of Greek nationality.

Article 2. On the application of the Ministers of Foreign Affairs, Justice, Internal Affairs and Public Order, a committee consisting of one Councillor of State or member of the Supreme Court as chairman, one director of the Ministry of Foreign Affairs and one prefect of police, all designated by the appropriate Ministers, shall determine whether the acts committed by the person in question constitute acts prejudicial to the national interest. The Committee shall assemble the papers and evidence necessary for its decision and shall transmit the documents with its recommendation to the Nationality Council attached to the Ministry of Internal Affairs.

Within ten days after the transmission of the documents the Nationality Council shall give its decision, and if it decides that the acts in question are prejudicial to the national interest a Royal Decree may be issued on the application of the Ministers of Justice and of Foreign Affairs to deprive the person concerned of Greek nationality. The opinion of the committee referred to in the preceding paragraph concerning the alleged acts of the person concerned shall not be binding on the Council. The period within which an appeal may be lodged shall begin to run from the date of the publication of the Royal Decree in the Official Gazette; a stay of execution of the said Decree may not be granted. The Council of State shall rule on the appeal within a time-limit of one month.

Article 3. A person deprived of Greek nationality under the provisions of this Decree may not return to Greece, and shall if arrested on Greek soil be prosecuted as an alien liable to expulsion, without prejudice to his liability under the Penal Code and under the provisions of Act No. 4310

¹ Official Gazette, No. 78 of 19 April 1947. Translation by the Secretariat of the United Nations.

² Official Gazette No. 267 of 7 December 1947. Translation by the Secretariat of the United Nations.

of 1929 concerning the settlement and movement of aliens in Greece, etc., as amended by subsequent legislation.

Article 4. This Decree shall enter into force on publication in the Official Gazette.

(i) ACT NO. 517 OF 3 JANUARY 1948 CONCERNING THE NATIONALITY OF PERSONS RESIDING OR ORIGINATING IN THE DODECANESE.¹

Article 1. Persons of Italian nationality who were resident in the Dodecanese on 10 June 1940 and their children born after that date shall become Greek subjects.

Article 2. (1) All persons referred to in article 1 who are over the age of 18 years, and married persons of any age, may, if their ordinary language is Italian, opt for Italian nationality within one year from the entry into force of the Treaty of Peace with Italy of 10 February 1947.

(2) This option shall be exercised by declaration made before the competent Greek communal or municipal administrative authority or, if the person entitled to opt is resident abroad, before the competent Greek consular authority.

(3) Persons who opt for Italian nationality shall transfer their residence to Italy within one year from the date on which they exercise their option.

(4) A married woman shall not be bound by her husband's option.

(5) All unmarried children under the age of 18 years shall be automatically bound by the option of their father or, if he is dead, by the option of their mother.

(6) The right of an unmarried person under the age of 18 years without father or mother, as mentioned in article 19, paragraph 2, of the Treaty of Peace with Italy, to opt for Italian nationality shall be exercised by his guardian.

(7) Persons who opt for Italian nationality and leave Greek territory under the foregoing paragraphs shall retain their Italian nationality and shall be deemed not to have acquired Greek nationality.

Article 3. Italian nationals of Greek ethnic origin and of the Orthodox Christian confession who or whose ancestors were born in the Dodecanese, and who were resident in Greece or established their residence there within one year thereafter and have not acquired Greek nationality by virtue of articles 1 and 4 of this Act, shall automatically become Greek nationals.

Article 4. (1) An Italian national of Greek ethnic origin and of the Orthodox Christian confession who was, or whose parents were, born in the Dodecanese and who is living abroad may acquire Greek nationality by naturalization if he applies to the competent Greek consular authority within one year from the entry into force of this Act and if his application is accepted and he takes the oath of allegiance before the said authority. He shall indicate in his application the municipality or commune in whose general register and register of males he wishes his name to be entered.

(2) If a person to whom the foregoing paragraph applies lives at a long distance from the office of a consular authority he may send his

¹ Official Gazette No. 7 of 9 January 1948. Translation by the Secretariat of the United Nations.

application to that authority by registered post. The consular authority on receipt of the application may permit him to take the oath of allegiance before the priest of the Greek parish or before the head of the Greek community or before two witnesses who shall be Greek nationals.

(3) The wife and minor children of a naturalized person shall become Greek nationals in virtue of his naturalization.

Article 5. The application of all the provisions of existing statutes relating to Greek nationality and to competence and jurisdiction in matters of nationality shall be extended to the Dodecanese.

Article 6. Regulations for giving effect to this Act shall be made by Royal Order.

This Act, having been passed by the Fourth Constituent Assembly and ratified by Us this day, shall be published in the Official Gazette and have the force of a law of the State.

31. Guatemala

(a) CONSTITUTION ¹ OF 11 MARCH 1945

TITLE II

Nationality and citizenship

Article 5. Guatemalans shall be classified as nationals by birth and nationals by naturalization.

Article 6. A person shall be a national by birth if:

(1) He was born in the territory of the Republic to a Guatemalan father or mother, or to unidentified parents, or to parents of unknown nationality; or

(2) He was born in the territory of the Republic to alien parents, and either parent at his birth or during his minority, or he himself during his minority, became domiciled in the country; or, having been born in Guatemala to alien parents in transit other than a diplomatic representative or a person holding an office legally comparable thereto, he opts for Guatemalan nationality on attaining his majority, being legally entitled to do so; or

(3) Having been born abroad to a father or mother who was a Guatemalan national by birth, he becomes domiciled in Guatemala, or is not an alien by the law of the country of his birth, or, being entitled to do so, opts for Guatemalan nationality.

A person opting for Guatemalan nationality shall be deemed to renounce and shall renounce expressly all other nationality.

Article 7. A national by origin of any other of the Republics constituting the United Provinces of Central America shall, on acquiring domicile in Guatemala (unless he expressly reserves his nationality) or, without acquiring domicile, on declaring before a competent authority his desire to be a Guatemalan national, shall be deemed to be a Guatemalan national by birth.

In either case he shall retain his nationality of origin.

¹ Translation by the Secretariat of the United Nations.

Article 8. An alien shall be a Guatemalan national by naturalization if:

- (1) He has obtained a naturalization certificate in accordance with law; or
- (2) He obtains a naturalization certificate after the statutory period of domicile and residence in the country; or
- (3) Being a Spanish or Ibero-American national by birth, he establishes domicile in the country and declares before a competent authority his desire to be a Guatemalan national; or
- (4) Being a woman married to a Guatemalan national, she opts for Guatemalan nationality.

A person shall on naturalization expressly renounce all other former nationality.

The State may revoke naturalization when to do so appears necessary for the defence of its institutions.

Article 9. A Guatemalan national shall be a citizen if:

- (1) He is a male over eighteen years of age, or
- (2) She is a woman over eighteen years of age and can read and write.

To elect, to stand for election, and to seek public office are rights and duties inherent in citizenship.

Suffrage shall be obligatory and secret for male citizens who can read and write, optional and secret for female citizens, and optional and public for illiterate male citizens.

Every male aged eighteen years or more who can read and write shall cause his name to be registered in the civic register during the year in which he obtains citizenship. Women and illiterate males shall be entitled to be so registered. An illiterate male may exercise the suffrage six months after registration.

For the purpose of registration in the civic register a person able to read and write shall appear before the proper authority with his identity documents and sign the entry. An illiterate male shall present the said documents and shall also be accompanied by two reputable citizens resident in the vicinity as witnesses, who shall attest the applicant's civic capacity and his desire to exercise the right of suffrage.

No one may compel a female citizen or an illiterate male to be registered in the civic register or to vote, nor compel any citizen to vote for any particular person. Any public officer or servant and any employer contravening any provision of this paragraph shall be liable to imprisonment and fine, and shall be deprived of his civic rights and disqualified from public office for the period prescribed by statute.

An illiterate male may be elected only to municipal office.

Article 10. No person, even if he be a citizen, may hold any office in the State unless he possesses the requisite capacity and integrity, which shall be determined by statute.

Article 11. An alien may be appointed to a public office tenable only by a citizen, and shall in such case become naturalized and shall acquire Guatemalan citizenship.

Article 12. Guatemalan nationality shall be forfeited:

- (1) By naturalization in a foreign country, except
 - (a) Another Central-American country, or
 - (b) Spain or an Ibero-American country granting reciprocity, or in virtue of a statute or an international treaty;

(2) By voluntary service rendered in time of war to enemies of Guatemala or their allies and amounting to treason against the fatherland;

(3) By a naturalized Guatemalan citizen who resides for five consecutive years in his country of origin or who absents himself from the Republic for ten years;

(4) By a naturalized Guatemalan citizen who denies in any public instrument that he is a Guatemalan national, or who applies for or uses a foreign passport;

(5) By revocation of a naturalization certificate issued in accordance with statute.

Article 13. Guatemalan nationality shall be recovered:

(1) Where naturalization has been obtained in a foreign country, by entering the territory of the Republic for the purpose of establishing domicile;

(2) In a case to which paragraph (2) of the preceding article applies, by executive order, which may be made after the expiry of a period one and one-half times the length of the sentence.

A naturalized person forfeiting Guatemalan nationality may in no case recover it.

Article 14. Citizenship is suspended:

(1) By a warrant of arrest issued in the case of an offence punishable by correctional imprisonment and which is notailable under bond; this shall not apply to political offences;

(2) By final sentence of conviction issued in the case of an offence;

(3) By a disability in pursuance of a judgment; or

(4) In the other cases provided for by this Constitution.

Article 15. Suspension of citizenship ceases:

(1) By a decree of freedom which revokes that of imprisonment;

(2) By a stay of proceedings;

(3) By a final verdict of acquittal;

(4) By having served the sentence, when rehabilitation is not necessary;

(5) By amnesty; or

(6) By rehabilitation.

Article 16. Citizenship is lost:

(1) By loss of nationality.

(2) By assisting another country or a foreigner against Guatemala in any diplomatic claim or before an international tribunal;

(3) In the other cases provided for in this Constitution.

Article 17. Citizenship is recovered:

(1) By residence in the territory of the Republic during the time determined by law after the recovery of nationality;

(2) By administrative decision in the case of the second clause of the preceding article; or

(3) In accordance with the law in other cases.

Article 18. A Guatemalan national shall:

(1) Serve and defend the fatherland;

- (2) Work for the civic, cultural, economic and social advancement of the country;
- (3) As prescribed by statute, pay taxes;
- (4) Observe and cause to be observed the Constitution of the Republic;
- (5) Obey all statutes and regulations;
- (6) Respect the authorities.

Article 19. It shall become the strict duty of an alien as soon as he enters the territory of the Republic to respect the authorities, pay taxes, and obey the law, to the protection of which he shall become entitled.

Article 20. No Guatemalan national or alien shall in any instance sustain a claim against the Government for any compensation for loss or damage caused to his person or property by civil strife.

(b) LEGISLATIVE DECREE NO. 2010 OF 26 MAY 1934 AMENDING
ARTICLE 97 OF THE CIVIL CODE.

Article 97. By marriage the woman adds her husband's surname to her own and keeps her nationality, unless she wishes to adopt her husband's. In this case she must expressly state this in her marriage certificate.

(c) ALIENS ACT NO. 1781 OF 25 JANUARY 1936 AS AMENDED. ¹

I

SOLE CHAPTER. DEFINITION OF ALIENS

Article 1. For the purposes of this Act, the following persons are considered aliens:

- (a) Persons born outside the territory of Guatemala of parents who are not Guatemalans;
- (b) Children born in wedlock outside Guatemala of an alien father and a mother who, although a Guatemalan, is not a Guatemalan by origin;
- (c) Guatemalans who have adopted a foreign nationality, unless they return to Guatemala with the object of settling in the country permanently;
- (d) Persons born outside Guatemala of parents who have adopted a foreign nationality;
- (e) A Guatemalan woman who has clearly stated in her marriage certificate that she renounces her nationality and adopts that of her husband;
- (f) The children of diplomatic agents, even if born in Guatemalan territory.

Article 2. Guatemalan vessels are declared to be Guatemalan territory for the purpose of determining the nationality of persons born on board.

Article 3. If a person who is a Guatemalan national by birth has adopted a foreign nationality, he shall *ipso facto* recover Guatemalan nationality from the time when he enters the country with the intention of settling there and shall recover his citizenship twenty-four hours thereafter.

¹ As amended by Decrees 2153 (1938), 10 (1944) and 281 (1946). Translation by the Secretariat of the United Nations.

Evidence of the intention to settle in the country may be adduced either by an express declaration in writing made before the Department of External Relations, or it may be inferred from actions which clearly imply such an intention.

A naturalized Guatemalan who adopts a foreign nationality shall be subject to the general rules governing naturalization.

Article 4. The children of a Guatemalan father or the children born out of wedlock of a Guatemalan mother shall, if born in a foreign country, acquire Guatemalan nationality as from the time when they begin to reside in the Republic; they shall acquire Guatemalan nationality irrespective of this condition if they are entitled to Guatemalan nationality under the law of their place of birth, or if they had the right to choose and opted for Guatemalan nationality. If a child born as mentioned above wishes to enjoy Guatemalan citizenship, he must, within the year following his coming of age, make a declaration before the Guatemalan consular agent, who shall enter his name in the register and report the case immediately to the Department of External Relations. The Department shall communicate the information to the appropriate civil registry.

Article 5. A Guatemalan woman married to an alien who did not retain her nationality upon marriage, may recover Guatemalan nationality provided that she makes a declaration in proper form, before the Secretariat of External Relations of Guatemala or before a Guatemalan diplomatic or consular agent in the place of her residence stating her wish to do so.

An alien woman married to a Guatemalan in whose marriage certificate it is not stated that she has adopted her husband's nationality may, at any time, be considered a Guatemalan citizen if she is domiciled in Guatemala and if she makes a declaration in proper form as laid down in the previous paragraph. If she becomes a widow or if the marriage is dissolved, she shall keep her Guatemalan nationality unless she makes an express declaration to the contrary, in proper form as aforesaid.

In the cases covered by this article, Guatemalan diplomatic or consular officials shall proceed as described in the preceding article.

Article 6. A Guatemalan who, without the permission of the Government of Guatemala, enters the service of a foreign country as a member of the armed forces or in a similar capacity shall forfeit Guatemalan nationality, but may recover it under the conditions laid down in article 3 of this Act.

Article 7. Natural-born Guatemalan nationals, the children of aliens, who emigrate and live outside Guatemala and who wish to retain Guatemalan nationality are required to prove on attaining their majority that they have discharged and are discharging the duties which nationality places upon them, and for that purpose must return to the Republic and reside therein for not less than five years.

IV

SOLE CHAPTER. NATURALIZATION

Article 58. Persons born in any of the other Central American republics who express the direct desire before the competent authorities to acquire Guatemalan nationality and who satisfy the conditions laid down by law shall be regarded as natural Guatemalan nationals. Where no such

reciprocity exists, the declaration referred to above shall have the effect of conferring on any such Central American Guatemalan nationality by naturalization.

Article 59. Aliens who, having resided in the country for the period required by the law, obtain naturalization certificates, and also persons who obtained naturalization certificates previously in accordance with the existing statutory requirements are naturalized Guatemalans.

Article 60. An alien may become naturalized in Guatemala, unless disqualified by an express legislative provision, and the Department of External Relations may accept or reject the applications of aliens for Guatemalan naturalization.

Article 61. Naturalization may be explicit, tacit or presumptive.

Article 62. Certificates of naturalization may be in the form of a grant or of a declaration.

If the former, naturalization is granted by express terms, and if the latter, the persons concerned are declared to have been naturalized in accordance with the law in consequence of the performance of certain acts, that is to say, they are declarations of tacit naturalization.

Article 63. A declaratory certificate of tacit naturalization is retroactive in its effects to the date of the legal instrument which produced the change of nationality; a concessive certificate of nationality takes effect only as from the day on which it is delivered.

Article 64. Naturalization may be obtained provided that the conditions set forth in either of the following cases have been satisfied:

1. Uninterrupted residence in the territory of the Republic for the five years prior to the date on which proceedings are started; or proof that the applicant is domiciled in the country, and has resided there for periods amounting in all to ten years or more.

2. Proof that the applicant, if he has resided in the country for less than five years and more than two, has definitive ownership of some real property and possesses capital invested in real estate or industrial enterprises to the value of more than 20,000 quetzals.

The Executive is empowered to waive these conditions:

If the alien has resided in the country for two years and has rendered the country important services or contributed to its development culturally, scientifically or in some other way which, in the opinion of the Executive, deserves to be taken into account.

When the application for naturalization is submitted to the political chief at the applicant's place of domicile, the applicant must prove that he has been of good conduct and that he has an income, occupation, art, trade or other respectable means of subsistence. These matters may be proved by documentary evidence or oral testimony and the Directorate-General of Police must also report on the matter. When the dossier is complete and the statutory notices have been published, the political chief shall refer the case to the Department of External Relations; and when the application has been examined, the President of the Republic may, if the required conditions have been satisfied, issue an order granting naturalization. A copy of this order shall be sent to the Civil Registry so that the appropriate entry may be made.

Spaniards and Ibero-Americans are exempted from the requirement of five years' and two years' residence respectively and may apply for

naturalization at any time, on submitting a simple declaration to the effect that they wish to settle in the country.

Article 65. Certificates of naturalization shall not be granted to the subjects of nations at war with Guatemala; to persons who have been convicted of serious offences; and to persons whose entry or residence in the country are considered undesirable by the law.

Article 66. The Department of External Relations shall not issue passports to naturalized aliens before a year has elapsed since the date of the corresponding entry in the Civil Register.

Article 67. Tacit naturalization takes place when an alien accepts public office or duties for which the possession of nationality is required by law.

Article 68. Naturalized persons acquire all the rights and assume all the obligations of Guatemalans, subject in the case of rights to the limitations established by law.

Article 69. The effects of naturalization are purely individual so far as the person who applied for it is concerned and both wife and adult children must apply individually in case they wish to acquire naturalization. The minor children of a naturalized person who were not Guatemalans may, when they come of age, opt for the nationality of their parents or retain the nationality to which they are entitled.

Article 70. A naturalized alien who absents himself from the country for more than two years shall forfeit the rights conferred on him by naturalization unless he obtains permission from the Department of External Relations to prolong his absence from the country. Such permission may be granted only for a further two years, on the expiry of which the naturalized person must return to the Republic and reside therein for a period of not less than five years. The consular agents of the Republic may not endorse or renew the passports of naturalized aliens who have not obtained this permission. If the Department of External Relations is not given sufficient explanation of the cause of the absence or of the reason for which prolongation is requested, it may issue an order cancelling the naturalization, and such order shall be noted in the Civil Register and at the consulate where the person concerned has registered as a Guatemalan.

Final provisions

Article 111. The legitimate children of a German citizen who were born in Guatemala during the period of validity of the Treaty of Peace, Friendship, Commerce and Navigation concluded with Germany in 1887, which expired on 15 March 1916, must, in order to be registered, present documents delivered in Germany by the appropriate authorities showing that they have performed military service in their country in accordance with article X, paragraphs 2 and 3, of the said Treaty; these documents must be endorsed by the German Legation. They must also produce their birth certificates. Both requirements are essential if they wish to be registered as aliens.¹

Article 112. The provisions of this Act shall in no way affect the immunities and guarantees which international law and the treaties and

¹ Legislative Decree No. 7, 8 November 1887. *Recopilación de Tratados Internacionales*, volume 61.

conventions concluded by the Government provide in respect of diplomatic representatives and the consular corps, or any rights which in the said treaties may be granted in particular to aliens who are nationals of a specified nation.

Article 113. Executive Decree No. 491 of 21 February 1894 and Legislative Decree No. 245 of 30 April 1894 are repealed *in toto*; as are also the various amendments to those Decrees and all provisions inconsistent with this Act.

(d) DECREE NO. 2391 ¹ OF 11 JUNE 1940 CONCERNING NATURALIZATION.

Article 1. The acquisition of Guatemalan nationality by naturalization entails the renunciation and absolute relinquishment by the naturalized person of the political ties which connected him with his country of origin or with any other foreign country. The express renunciation of the applicant's nationality shall be a prerequisite for the grant of Guatemalan naturalization.

Article 2. Naturalized Guatemalans who have not yet expressly renounced their nationality of origin must do so before the Department of External Relations within two months following the date on which this law comes into force. If they fail to do so, the Department of External Relations shall take steps to cancel the naturalization order.

Naturalized Guatemalans who are outside the country must renounce their nationality of origin as prescribed by this article within the two months following the date of their re-entry into the national territory.

Article 3. Naturalized Guatemalans and persons who have acquired Guatemalan nationality by the other means provided for by law must refrain from performing acts or making statements which imply a political tie with their country of origin. Offences against this provision shall be punished by cancellation of Guatemalan nationality and expulsion from the national territory.

Article 4. The acts or statements to which the preceding article refers shall include the use of an alien passport, membership of foreign political parties and the propagation or systematic dissemination of the ideas or policies of foreign political parties which are in conflict with the constitutional principles on which the country's institutions are based.

(e) POLITICAL STATUTE OF 10 AUGUST 1954 ²

CHAPTER II. NATIONALITY AND CITIZENSHIP

Article 9. A person shall be a Guatemalan national by birth if:

(a) He was born in the territory of the Republic to a Guatemalan father or mother, or to unidentified parents, or to parents of unknown nationality; or

¹ Translation by the Secretariat of the United Nations.

² *Diario Oficial* No. 15 of 11 August 1954. Translation by the Secretariat of the United Nations.

(b) He was born in the territory of the Republic to alien parents, and either parent at his birth or during his minority, or he himself during his minority, became domiciled in the country, or

He was born in Guatemala to alien parents in transit and opts for Guatemalan nationality on attaining his majority, being legally entitled to do so.

This provision shall not apply to children of diplomatic representatives or of persons holding offices rendering them legally comparable thereto;

(c) Having been born abroad to a father or mother who was a Guatemalan national by birth, he becomes domiciled in Guatemala; or otherwise if he is not an alien by the law of the country of his birth, or, being legally entitled to do so, he opts for Guatemalan nationality.

A person opting for Guatemalan nationality shall be deemed to renounce and shall renounce expressly all other nationality;

(d) Being a Central American national, he expresses a desire to be deemed to be a Guatemalan national by birth; provided that he is domiciled in Guatemala and the constitution of his country of origin provides for reciprocity.

An alien shall be a Guatemalan national by naturalization if:

(a) He has obtained a naturalization certificate in accordance with law; or

(b) He obtains a naturalization certificate after the statutory period of domicile and residence in the country;

(c) Being a woman married to a Guatemalan national, she opts for her husband's nationality.

A person shall on naturalization expressly renounce all other former nationality. A naturalization certificate may be revoked in accordance with law or if a security measure so requires.

Article 13. Guatemalan nationality shall be forfeited:

(a) By naturalization in a foreign country;

(b) By voluntary service rendered in time of war to enemies of Guatemala or their allies and amounting to treason against the fatherland;

(c) By the voluntary use of a foreign passport;

(d) By a naturalized Guatemalan national who resides for two or more consecutive years outside the territory of Guatemala;

(e) By revocation of the naturalization certificate.

Nationality shall be recovered in accordance with the Aliens Act.

32. Haïti

(a) CONSTITUTION DU 25 NOVEMBRE 1950.

Article 5. Les règles relatives à la nationalité sont déterminées par la loi.

Les étrangers peuvent acquérir la nationalité haïtienne en se conformant aux règles établies par la loi.

Les étrangers naturalisés Haïtiens ne sont admis à l'exercice des droits politiques que dix ans à partir de la date de leur naturalisation.

Article 6. Tout étranger qui se trouve sur le territoire d'Haïti jouit de la protection due aux Haïtiens, sauf les mesures dont la nécessité se ferait sentir contre les ressortissants des pays où l'Haïtien ne jouit pas de cette même protection.

(b) LOI SUR LA NATIONALITÉ DU 22 AOÛT 1907.

Article 1^{er}. La qualité d'Haïtien s'acquiert par la naissance, par la naturalisation et par la faveur spéciale de la loi.

Elle peut se prouver par les actes de l'état civil, par la possession d'état et par les autres moyens légaux.

Article 2. Sont Haïtiens par la naissance:

1. Tout individu né en Haïti ou ailleurs de père haïtien;
2. Tout individu né également en Haïti ou ailleurs de mère haïtienne sans être reconnu par son père;
3. Tout individu né en Haïti de père étranger ou, s'il n'est pas reconnu par son père, de mère étrangère, pourvu qu'il descende de la race africaine. La qualité d'Haïtien ainsi acquise ne peut être enlevée par la reconnaissance ultérieure du père étranger.

Sont aussi Haïtiens, tous ceux qui jusqu'à ce jour ont été reconnus tels.

Article 3. Tout individu né en Haïti de père et de mère inconnus ou de père et de mère connus, mais dont la nationalité est inconnue, acquerra la nationalité d'Haïtien en vertu de la déclaration de sa naissance, faite à l'officier de l'état civil, à moins que, avant sa majorité reconnue par ses père et mère ou par l'un d'eux, il ne soit établi qu'ils n'appartiennent à une nationalité étrangère et ne descendent ni l'un ni l'autre de la race africaine.

Article 4. Tout individu né en Haïti de père et de mère étrangers qui ne descendent pas de la race africaine; tout individu né en Haïti de père et de mère étrangers, qui eux-mêmes y sont nés et ne descendent pas de la race africaine; tout individu non reconnu par son père, né en Haïti, d'une mère étrangère qui ne descend pas de la race africaine, acquerra la qualité d'Haïtien par une simple déclaration faite dans l'année de sa majorité au parquet du tribunal civil de sa résidence.

Cette déclaration comportera renonciation à sa nationalité étrangère et adoption de la nationalité haïtienne.

Article 5. Tout étranger peut devenir Haïtien par la naturalisation après deux ans de résidence en Haïti.

Cependant, il ne sera admis à l'exercice des droits politiques que cinq ans après sa naturalisation.

Ces dispositions ne dérogent en rien à celles des articles 1 et 7 de la loi du 10 août sur les Levantins.

Article 6. Le délai de résidence prévu en l'article précédent est réduit à un an en faveur de tout étranger qui aura épousé une Haïtienne, qui aura rendu des services importants à Haïti, y aura apporté des talents distingués, introduit une industrie, un métier ou une invention utile, créé un établissement industriel ou agricole.

Article 7. L'étranger qui aura accepté une fonction civile ou militaire et l'aura conservée pendant cinq ans, acquerra, par ce fait, la qualité d'Haï-

tien, à moins qu'il ne déclare par acte signifié au parquet du tribunal de sa résidence vouloir conserver sa nationalité.

Article 8. Il est statué, par arrêté du président de la République, sur chaque demande de naturalisation. Cet arrêté sera publié au *Moniteur*.

Article 9. L'étrangère mariée à un Haïtien suit la condition de son mari. La femme haïtienne mariée à un étranger perd sa qualité d'Haïtienne.

Article 10. L'Haïtienne qui aura perdu sa nationalité par le fait de son mariage avec un étranger, peut la recouvrer par la naturalisation.

Article 11. En cas de dissolution du mariage contracté entre un étranger et une Haïtienne, celle-ci n'aura, pour redevenir Haïtienne, qu'à faire au parquet du tribunal civil de sa résidence la déclaration qu'elle renonce à sa nationalité étrangère et qu'elle reprend son ancienne qualité d'Haïtienne.

Les enfants mineurs, nés à l'étranger, garderont leur nationalité étrangère jusqu'à l'année de leur majorité où ils auront la faculté d'acquérir la qualité d'Haïtiens par une déclaration dans les mêmes formes. Les enfants majeurs nés à l'étranger, s'ils sont établis en Haïti ou s'ils viennent s'y fixer pourront de même acquérir la nationalité haïtienne par une déclaration au parquet du tribunal civil de leur résidence.

Article 12. La femme haïtienne mariée à un étranger qui, après son mariage, se fait naturaliser Haïtien recouvre, par ce fait, sa nationalité primitive et les enfants majeurs de cet étranger naturalisé, nés hors d'Haïti, pourront, s'ils le demandent, obtenir la qualité d'Haïtiens, sans condition de stage, soit par l'arrêté présidentiel qui confère cette qualité au père, soit comme conséquence d'une déclaration faite par eux au parquet du tribunal civil de leur résidence dans les termes de l'article 4.

Les enfants mineurs nés à l'étranger pourront, dans l'année de leur majorité, acquérir la qualité d'Haïtiens en faisant une déclaration pareille.

Article 13. Jouiront de la même faculté, et dans la même condition, les enfants mineurs d'un père ou d'une mère survivant qui se fait naturaliser Haïtien.

Article 14. Les dispositions de l'article 12 sont applicables à la femme d'origine non haïtienne mariée à un étranger qui se fait naturaliser Haïtien.

Article 15. L'Haïtienne dont le mari haïtien viendrait à se naturaliser étranger après son mariage, gardera sa nationalité haïtienne, à moins qu'elle ne se naturalise étrangère.

Les enfants nés avant la naturalisation restent Haïtiens.

Article 16. Pour les jeunes gens à qui la loi confère, sans condition de stage, la faculté de devenir Haïtiens, dans l'année de leur majorité, le fait de s'engager dans l'armée haïtienne ou de prendre part aux opérations de recrutement et, en général, d'exercer les droits ou d'accomplir les obligations attachées à la qualité de citoyen haïtien sans exciper de leur extranéité, à partir de l'époque de leur majorité, équivaudra à la déclaration prévue par la loi et les en dispensera.

CHAPITRE II. DE LA PERTE DE LA QUALITÉ D'HAÏTIEN

Article 17. La qualité de citoyen se perd :

1. Par la naturalisation en pays étranger;
2. Par l'abandon de la Patrie au moment d'un danger imminent;

3. Par l'acceptation non autorisée de fonctions publiques ou de pensions conférées par un gouvernement étranger;

4. Par tous services rendus aux ennemis de la République, ou par transactions faites avec eux;

5. Par la condamnation contradictoire et définitive à des peines perpétuelles à la fois afflictives et infamantes.

Article 18. L'Haïtien naturalisé étranger ne pourra retourner en Haïti qu'après cinq ans, lesquels commenceront à partir de la date du décret ou de l'acte de naturalisation.

Article 19. L'Haïtien naturalisé étranger et qui reviendra en Haïti pourra être poursuivi pour crime ou délit commis avant sa naturalisation à moins qu'il n'y ait prescription.

Article 20. Dans tous les cas où, soit un Haïtien soit une étrangère, aura acquis une nationalité étrangère, il aura un délai d'un an pour disposer de ses biens immeubles.

Passé ce délai, il sera, sur la poursuite des parties intéressées ou, à leur défaut, du ministère public, procédé à la licitation desdits immeubles, selon les formes tracées au titre VII du Code de procédure civile.

Article 21. Aucun Haïtien ou Haïtienne ne peut se dénationaliser en Haïti. Il faut aller en pays étranger et y résider le nombre d'années exigé par la loi locale et la Constitution d'Haïti.

Article 22. Seront publiées au *Moniteur* par les soins du secrétaire d'Etat de la Justice, toutes les déclarations de nationalité, et à défaut de déclaration, tous les changements de nationalité opérés par l'effet de la loi.

Article 23. L'acte de naturalisation délivré à un Haïtien ou une Haïtienne, qui n'aura pas résidé à l'étranger pendant cinq ans au moins ne pourra produire aucun effet légal.

Article 24. La présente loi abroge toutes les lois ou dispositions de lois qui lui sont contraires. Elle sera exécutée à la diligence des secrétaires d'Etat des Relations extérieures et de la Justice, chacun en ce qui le concerne.

(c) DÉCRET-LOI DU 29 MAI 1939.

Article 1^{er}. L'article 1^{er} du Décret-Loi du 29 novembre 1937, modifiant l'article 6 de la Loi du 22 Août 1907 sur la nationalité est amendé comme suit:

« Le délai de résidence prévu à l'article précédent est réduit à un an, en faveur de tout étranger qui aura épousé une Haïtienne ou qui aura rendu des services importants à Haïti, y aura apporté des talents distingués.

« Il est également réduit à un an, en faveur de tout étranger, qui sera venu se fixer dans le Pays avec l'intention d'y placer des capitaux importants, en vue du développement de l'industrie et de l'agriculture.

« Néanmoins, pourra bénéficier de la naturalisation, avant même l'année de résidence, tout étranger, venu dans le but ci-dessus indiqué qui aura justifié qu'il possède en Haïti des capitaux investis dans des entreprises industrielles ou agricoles.

« Dans ce cas, il sera assujéti au paiement d'une taxe de naturalisation de mille gourdes.

« Le Secrétaire d'Etat des Relations Extérieures pourra, sur la demande formelle des intéressés, et en vertu d'une décision du Conseil des Secrétaires d'Etat, autoriser les Agents Diplomatiques ou Consulaires, lorsqu'ils sont de nationalité haïtienne, à recevoir le serment prévu par l'article 14 du Code Civil, dans le cas où lesdits intéressés auront justifié avoir investi les capitaux dans des entreprises industrielles ou agricoles haïtiennes ou lorsqu'ils auront contribué, par un rapport financier substantiel, à l'établissement ou au développement des Œuvres sociales agricoles ou autres d'utilité publique, entreprises par le Gouvernement.

« Le procès-verbal dressé à cette occasion par l'Agent qualifié sera immédiatement acheminé au Département des Relations Extérieures, pour les suites utiles à y donner.

« Il sera délivré aux personnes qui pourront être ainsi admises à la nationalité haïtienne et qui auront prouvé avoir rempli l'engagement ci-dessus, une lettre de naturalisation, assujettie à une taxe de mille cinq cents gourdes. Ces personnes, chaque année, acquitteront une taxe d'immatriculation conformément à ce qui est prévu au tarif consulaire.

« Le défaut de paiement de la taxe d'immatriculation, durant deux années consécutives, équivaldra à une renonciation tacite de l'intéressé à la nationalité haïtienne ».

Article 2. Le présent Décret-Loi abroge toutes Lois ou dispositions de Lois qui lui sont contraires et sera exécuté à la diligence des Secrétaires d'Etat de la Justice, des Finances et des Relations Extérieures.

(d) DÉCRET-LOI DU 22 JUILLET 1939.

Article 1^{er}. Le Décret-Loi du 29 mai 1939, amendant l'article 1^{er} du Décret-Loi du 29 novembre 1937 est modifié comme suit:

Le délai de résidence prévu à l'article précédent est réduit à un an, en faveur de tout étranger qui aura épousé une Haïtienne.

Il est également réduit à un an, en faveur de tout étranger qui sera venu se fixer en Haïti, avec la détermination d'y placer des capitaux importants, destinés au financement d'entreprises agricoles ou industrielles et qui aura effectué à la Banque Nationale de la République d'Haïti, le dépôt d'un cautionnement de trois mille dollars.

Ce cautionnement ne pourra être remboursé que sur quittance de l'intéressé, dûment visée par le Secrétaire d'Etat des Finances, en vertu d'une décision du Conseil des Secrétaires d'Etat.

L'étranger ainsi devenu Haïtien devra prouver, dans un délai de trois mois, à partir de la date de sa naturalisation — s'il ne l'a fait auparavant —, qu'il est associé, commanditaire ou actionnaire dans une ou plusieurs entreprises agricoles ou industrielles pour une valeur de dix mille dollars. Faute de quoi, son cautionnement prendra automatiquement le caractère d'un don consenti au Gouvernement, pour l'établissement ou le développement de ses Œuvres sociales agricoles ou autres d'utilité publique.

Néanmoins, pourra bénéficier de la naturalisation avant même l'année de résidence tout étranger qui, venu dans le but indiqué au paragraphe précédent, aura justifié qu'il possède en Haïti, en qualité d'associé, de commanditaire ou d'actionnaire des capitaux jugés importants, dont la valeur ne sera pas moindre de dix mille dollars, investis dans des entreprises agricoles ou industrielles légalement constituées et en activité de fonctionnement.

La taxe afférente aux naturalisations prévues ci-dessus est fixée à deux cents dollars.

Article 2. Le Secrétaire d'Etat des Relations Extérieures pourra, sur la demande formelle des intéressés et en vertu d'une décision du Conseil des Secrétaires d'Etat, autoriser les Agents diplomatiques ou consulaires, lorsqu'ils sont de nationalité haïtienne, à recevoir le serment prévu par l'article 14 du Code Civil dans le cas où lesdits intéressés auront justifié avoir investi des capitaux dans des entreprises industrielles ou agricoles haïtiennes ou lorsqu'ils auront contribué, par un apport financier substantiel, à l'établissement, au développement des Œuvres sociales, agricoles ou d'utilité publique entreprises par le Gouvernement.

Le procès-verbal dressé à cette occasion par l'Agent qualifié sera immédiatement acheminé au Département des Relations Extérieures, pour les suites utiles à y donner.

Il sera délivré aux personnes qui pourront être ainsi admises à la nationalité haïtienne, et qui auront prouvé avoir rempli l'engagement ci-dessus, une lettre de naturalisation, assujettie à une taxe de trois cents dollars.

Ces personnes, chaque année, acquitteront une taxe d'immatriculation, conformément à ce qui est prévu au tarif consulaire.

Le défaut de paiement de la taxe d'immatriculation durant deux années consécutives équivaldra à une renonciation tacite de l'intéressé à la nationalité haïtienne.

Article 3. Le présent Décret-loi abroge toutes Lois ou dispositions de Lois qui lui sont contraires et sera exécuté à la diligence des Secrétaires d'Etat de la Justice, des Finances et des Relations Extérieures.

(e) DÉCRET-LOI N° 8 DU 3 JUILLET 1941.

Article 1er. L'étranger ne peut devenir Haïtien par la naturalisation qu'après dix années consécutives de résidence en territoire haïtien.

Article 2. Il adresse, à cette fin, au Département de la Justice, une requête assujettie à une taxe de cent gourdes, payable au Bureau des Contributions, contre récépissé définitif. Aucune autre taxe ne sera perçue pour l'acte de naturalisation.

A cette requête doivent être annexées les pièces justificatives suivantes :

- a) Le permis de séjour de l'intéressé;
- b) Sa carte d'identité;
- c) Un certificat de résidence signé du Juge de Paix et du Magistrat Communal;
- d) Le récépissé du Bureau des Contributions constatant le paiement de la taxe ci-dessus prévue.

L'étranger que l'article 15 du Décret-Loi du 29 octobre 1940 dispense des formalités relatives au permis de séjour, doit suppléer à la production de cette pièce, par tous autres papiers ou documents.

Après enquête du Département de l'Intérieur sur la moralité de l'étranger, le Secrétaire d'Etat de la Justice transmet, avec son avis motivé sur la demande, la requête et les pièces justificatives au Président de la République qui, s'il accueille favorablement cette demande, y statue par arrêté.

Et avant la publication au *Moniteur*, avis en est donné par le Secrétaire d'Etat de la Justice, au Doyen du Tribunal Civil compétent, qui reçoit de l'intéressé le serment suivant: Je renonce à toute autre patrie qu'Haïti.

Article 3. L'étranger naturalisé Haïtien n'est admis à l'exercice des droits politiques que dix ans après sa naturalisation.

Article 4. Le délai de résidence prévu en l'article 1^{er} est réduit à cinq ans, en faveur de tout étranger qui aura épousé une Haïtienne.

Article 5. Sont abolis les droits de timbre prévues aux articles 1 et 2 de la Loi du 13 mai 1935, relatifs à la déclaration et à la requête établissant qu'un individu se trouve dans les conditions requises pour bénéficier de la nationalité haïtienne.

Article 6. Le présent Décret-Loi abroge toutes Lois ou dispositions de Lois, tous Décrets-Lois ou dispositions de Décrets-Lois qui lui sont contraires, notamment le Décret-Loi du 29 novembre 1937, les Décrets-Lois des 29 mai et 22 juillet 1939, sauf en ce qui a trait à la taxe d'immatriculation prévue au tarif consulaire, les Décrets-Lois des 9 janvier et 30 avril 1940, et sera exécuté à la diligence des Secrétaires d'Etat de la Justice, de l'Intérieur, des Finances et des Relations Extérieures, chacun en ce qui le concerne.

(f) DÉCRET N° 108 DU 4 FÉVRIER 1942.

Article 1^{er}. Tous étrangers devenus Haïtiens par naturalisation, en vertu du Décret-Loi du 29 mai 1939, quels que soient leur âge et leur sexe et en quelque pays qu'ils se trouvent, sont enjoins par le présent Décret à venir d'urgence en Haïti.

Article 2. Faute par les naturalisés majeurs visés à l'article précédent —et pour les mineurs, faute par les personnes chargées de leur garde— d'obtempérer à cette injonction dans les six mois de date du présent Décret, ils seront déchus de la qualité d'Haïtien, avec effet rétroactif de cette déchéance à la date du présent Décret.

Article 3. Les personnes devenues Haïtiennes par leur mariage avec des naturalisés se trouvant dans les conditions sus-visées et les enfants issus de ce mariage seront frappés de la même déchéance, faute par eux de se conformer aux prescriptions du présent Décret.

Article 4. Le présent Décret sera publié et exécuté à la diligence des Secrétaires d'Etat de la Défense Nationale, de la Justice et des Relations Extérieures.

(g) LOI N° 178 DU 5 AOÛT 1942 RELATIVE A LA NATIONALITÉ HAÏTIENNE.

Article 1^{er}. Sont déchues de leur qualité d'Haïtien les personnes qui, à la date du présent Décret, n'auront pas satisfait à la condition d'investir des capitaux en Haïti pour le développement économique du pays, raison essentielle et unique de l'octroi de la nationalité haïtienne dont elles ont bénéficié en vertu, soit du Décret-Loi du 29 novembre 1937, soit de celui du 29 mai 1939 ou de celui du 22 juillet 1939.

Article 2. Sont également déchues de leur qualité d'Haïtien, avec effet rétroactif de cette déchéance au 4 février 1942, toutes les personnes visées par le Décret de cette même date et qui ont acquis la nationalité haïtienne à l'étranger en vertu des Décrets-Lois du 29 mai 1939 et du 22 juillet 1939, ainsi que les personnes devenues Haïtiennes par leur mariage avec des naturalisés se trouvant dans les conditions sus-visées et les enfants issus de ce mariage.

Article 3. La liste des personnes qui ont perdu la nationalité haïtienne pour les raisons énoncées aux articles 1 et 2 du présent Décret, sera publiée au *Moniteur* par les soins du Secrétaire d'Etat de la Justice.

Article 4. Le présent Décret sera publié et exécuté à la diligence des Secrétaires d'Etat de la Défense Nationale, de la Justice, de l'Intérieur et des Relations Extérieures.

(h) LOI N° 220 DU 23 OCTOBRE 1942 RELATIVE A LA NATIONALITÉ
HAÏTIENNE.

Article 1^{er}. L'article 9 de la Loi du 22 août 1907 sur la nationalité, en ce qui concerne la femme haïtienne, est ainsi modifié:

« *Article 9.* L'Haïtienne mariée à un étranger conserve sa nationalité haïtienne. »

Article 2. L'article 10 et le 1^{er} alinéa de l'article 11 de la Loi du 22 août 1907 sont et demeurent abrogés.

Article 3. L'Haïtienne qui, par l'effet de son mariage avec un étranger, avait perdu sa nationalité haïtienne par application de l'ancien article 9 de la loi du 22 août 1907, pour la recouvrer, n'aura qu'à faire au Parquet du Tribunal Civil de sa résidence, la déclaration qu'elle reprend sa nationalité haïtienne.

Cette déclaration sera publiée au *Moniteur Officiel*.

Article 4. Le présent Décret-Loi abroge toutes lois ou dispositions de lois, tous Décrets-Lois ou dispositions de Décrets-Lois qui lui sont contraires et sera exécuté à la diligence du Secrétaire d'Etat de la Justice.

(i) LOI N° 340 DU 28 DÉCEMBRE 1943.

Article 1^{er}. L'article 4 du Décret-Loi du 3 juillet 1941 sur la naturalisation, est ainsi modifié:

« *Article 4.* Le délai de résidence prévu en l'article 1^{er} est réduit à cinq ans en faveur de tout étranger qui aura épousé une Haïtienne et à trois ans en faveur des Membres du Clergé Catholique d'Haïti. »

Article 2. Le présent Décret-Loi abroge toutes Lois ou dispositions de Lois, tous Décrets-Lois ou dispositions de Décrets-Lois qui lui sont contraires, et sera exécuté à la diligence des Secrétaires d'Etat de la Justice et des Cultes, chacun en ce qui le concerne.

(j) DÉCRET-LOI N° 288 DU 3 JUIN 1944 RELATIF A LA NATIONALITÉ
HAÏTIENNE.

Article 1^{er}. L'article 4 de la Loi du 22 août 1907 sur la nationalité est ainsi modifié:

« *Article 4.* Tout individu né en Haïti de père et mère étrangers qui ne descendent pas de la race africaine; tout individu né en Haïti de père et de mère étrangers qui eux-mêmes y sont nés et ne descendent pas de la race africaine; tout individu non reconnu par son père, né en Haïti, d'une mère étrangère qui ne descend pas de la race africaine, acquerra la qualité d'Haïtien par une simple déclaration faite dans l'année de leur majorité au Parquet du Tribunal Civil de leur résidence. »

« Cette déclaration comportera renonciation à leur nationalité étrangère et adoption de la nationalité haïtienne.

Néanmoins, il est laissé au Président de la République, pour des motifs relevant de sa souveraine appréciation, la faculté d'autoriser la réception de cette déclaration par le Parquet compétent, lorsque l'intéressé n'a pu la faire à temps, par suite de circonstances indépendantes de sa volonté. »

Article 2. Le présent Décret-Loi abroge toutes lois ou dispositions de lois, tous Décrets-Lois ou dispositions de Décrets-Lois qui lui sont contraires et sera exécuté à la diligence du Secrétaire d'Etat de la Justice.

(k) LOI DU 24 FÉVRIER 1947.

Article 1^{er}. L'article 17 de la Loi du 22 août 1907 sur la nationalité est ainsi modifié:

« *Article 17.* La qualité de citoyen se perd:

- 1) Par la naturalisation en pays étranger.
- 2) Par l'abandon de la patrie au moment d'un danger imminent.
- 3) En cas de conflit de nationalité, par le choix manifeste ou la jouissance active d'une nationalité étrangère.
- 4) Par l'acceptation non autorisée de fonctions publiques ou de pensions conférées par un gouvernement étranger.
- 5) Par tous services rendus aux ennemis de la République ou par transactions faites avec eux.
- 6) Par la condamnation contradictoire et définitive à des peines perpétuelles à la fois afflictives et infamantes. »

Article 2. La présente Loi abroge toutes lois ou dispositions de Lois, tous Décrets-Lois ou dispositions de Décrets-Lois qui lui sont contraires et sera exécutée à la diligence des Secrétaires d'Etat des Relations Extérieures et de la Justice.

33. Honduras

(a) CONSTITUTION ¹ OF 28 MARCH 1936.

TITLE II. NATIONALITY AND SOVEREIGNTY

Chapter I. Honduran nationals

Article 6. A person may be a Honduran national by birth or by naturalization.

Article 7. A person shall be a Honduran national by birth if:

- (1) Not being a child of a diplomatic agent or of an alien in transit, he was born in the national territory; or
- (2) Having been born abroad to a Honduran father or mother, he starts to reside in Honduras, or is a Honduran national by the law of the country of his birth or, being entitled to do so, opts for Honduran nationality; or otherwise as provided by treaty.

Article 8. A Honduran national born in the national territory may not, while there resident, have any nationality other than Honduran.

¹ Translation by the Secretariat of the United Nations.

Article 9. Neither matrimony nor its dissolution affect the nationality of husband, wife, or their children.

Article 10. A person originating in another republic of Central America shall, to the extent of any reciprocity granted by that country, be deemed to be a Honduran national by birth if, after one year's residence in Honduras, he makes before the competent authority a written declaration of his desire to be a Honduran national and complies with the legal requirements.

Article 11. A person shall be a naturalized Honduran if:

(1) Being a Spaniard or a Latin American, he has resided in Honduras for two years; or

(2) Being otherwise an alien, he has resided in Honduras for more than four consecutive years.

In each case the applicant shall be required to renounce his nationality before the competent authority and to declare his desire to adopt Honduran nationality; or

(3) He obtains a naturalization certificate by decree of the National Congress.

Article 12. Honduran nationality shall be forfeited:

(1) By voluntary naturalization in a foreign country; or

(2) By revocation of a naturalization certificate; or

(3) By serving in time of war an enemy of Honduras or that enemy's allies.

Article 13. Nationality lost under item (3) of the preceding article may be restored by legislative decree.

Article 14. Every Honduran national shall be obliged to defend the fatherland, to respect its authorities, and to contribute to the support and the moral and material growth of the nation.

(b) ALIENS ACT OF 1 MARCH 1946,¹ AS AMENDED BY DECREE NO. 60 OF 8 FEBRUARY 1951 (ENACTED BY DECREE NO. 81).

CHAPTER I

Aliens

Article 1. The term "alien" means:

1. Any person who was not born in the territory of the Republic and has not been lawfully naturalized in the Republic according to law.

2. Any person who was born abroad of a Honduran father or mother, so long as he is not resident in Honduras; this provision shall not apply however, in the case of any such person to whom the law of the country of his birth attributes Honduran nationality. Any such person as aforesaid shall likewise be deemed to be an alien if, under the said law, he is entitled to elect his nationality but fails to opt for Honduran nationality within one year after attaining his majority. The provisions of this paragraph may be amended by treaties.

3. Any person whose country of origin is one of the other republics of Central America if, after one year's residence in Honduras, he does

¹ La Gaceta, No. 12, 853 of 22 March 1946. Translation by the Secretariat of the United Nations.

not make a declaration in writing before the competent authority expressing the wish to be regarded as a Honduran national.

4. Any Spaniard, and any Latin American, who has been resident in Honduras for two years, and any person possessing some other nationality who has been resident in Honduras for more than four consecutive years, if he does not make a declaration before the competent authority renouncing his nationality and expressing the wish to adopt Honduran nationality.

5. Any Honduran is naturalized in another country who transfers his residence to that country.

6. Any person whose certificate of naturalization is withdrawn.

7. Any Honduran who renders services to enemies of Honduras and its allies in time of war. In this case, Honduran nationality may be recovered (if recoverable at all) by legislative decree.

8. Any person, even though born in Honduras, whose father was a diplomatic representative, or whose parents were aliens in transit, at the time of the birth. The term "alien in transit" means any alien who happens to be in the territory of the Republic or who comes to the country as a visitor, provided that he does not stay in the country for more than three months from the date of his entry and that at the time of his application to the Honduran consulates for the necessary documents he declared that he was travelling as a visitor. Similarly, aliens who enter with a special permit authorizing them to stay for more than three months but who do not intend to settle in the country shall be deemed to be in transit.

Article 2. The nationality of bodies corporate and foundations shall be governed by the law of the country in which they are constituted. Consequently, all such bodies which are not constituted in accordance with the laws of the Republic shall be deemed to be alien and may not carry on their activities in the country unless they have first satisfied the requirements of Honduran legislation.

CHAPTER II

Expatriation

Article 3. In the same way as Hondurans may expatriate themselves by becoming naturalized in another country, by virtue of their right of self-determination, so aliens may acquire Honduran nationality in conformity with the laws of the Republic.

Article 4. Naturalization obtained in a foreign country shall not exempt a criminal from any extradition proceedings, trial or penalties to which he may be liable under treaties, international agreements or the law of Honduras.

Article 5. A Honduran, so long as he resides in the Republic, shall be incapable, even by acquiring a foreign nationality, of avoiding the duties which he owes under the Constitution and legislation of Honduras.

Article 6. A person who has been naturalized in Honduras shall be entitled, even while abroad, to the same protection as Hondurans by birth, so far as his person and property are concerned.

Article 7. For the purpose of protecting Hondurans resident abroad, the Executive Power shall employ the procedures and methods laid down in treaties and, in the absence of express provisions, the principles of international law.

CHAPTER III

Honduran nationality by reason of origin

Article 8. In conformity with article 10 of the Constitution, a person whose country of origin is one of the other Republics of Central America shall be deemed to be a Honduran by birth if, after one year's residence in the country, he expresses the wish to be a Honduran by a declaration made in writing before the competent authority and fulfils the statutory requirements, provided that the country of origin grants reciprocal treatment to Hondurans.

Article 9. The declaration referred to in the foregoing article shall be made by any such person as aforesaid before the Political Governor of the *departamento* (administrative area) in which he resides and the declarant shall produce evidence proving that he was born in one of the Central American Republics, has been resident in Honduras for more than one year, is of good repute and has not been convicted of any offence.

Article 10. Upon receipt of the information concerning the points last above mentioned, the Governor shall transmit it to the Department of State for Foreign Affairs where the competent authorities shall verify the existence and extent of the reciprocity stipulated above and in the Constitution. The said Department shall give a ruling in the light of the evidence produced.

CHAPTER IV

Naturalization

Article 11. If the applicant is a Spaniard or Latin American who has resided in Honduras for two years, or a person of some other nationality who has resided in the country for more than four consecutive years, he shall make a declaration in writing before the Political Governor of the *departamento* of his residence expressing the wish to adopt Honduran nationality; in addition, he shall expressly renounce his nationality and produce evidence of the length of his residence, and show that he is of good repute and has not been convicted of any offence.

Article 12. In the application for naturalization, the person concerned shall also renounce all submission, obedience and allegiance to any other government, and especially to the government of the country of which he has been a national, as well as to any protection other than that extended by the laws and authorities of Honduras and to any right conferred on aliens by treaties or international law; in addition, he shall make a solemn declaration promising allegiance and obedience to the laws and authorities of Honduras.

Article 13. Upon receipt of the information concerning the points referred to in article 11, the Governor shall transmit the original documents to the Department of State for Foreign Affairs, which shall then give its ruling according to law.

Article 14. No certificate of naturalization shall be granted to any subject or citizen of any nation with which Honduras is in a state of war.

Article 15. Similarly, a certificate of naturalization shall not be granted to any person who is held, or has been declared by a court in any other

country, to be a pirate, or a slave trader or white slave trafficker, or guilty of arson, counterfeiting, forging of bank notes or other documents representing money, or of public or commercial securities, or guilty of murder, parricide, rape, kidnapping or larceny, nor to any person who is regarded, pursuant to statute, as undesirable for admission into or residence in the country.

Article 16. Any certificate of naturalization obtained by an alien by fraud or in violation of legislative provisions shall be null and void.

Article 17. The Department of State for Foreign Affairs may withdraw the certificate of naturalization of any person who absents himself from the country for more than five consecutive years or who becomes unworthy of Honduran nationality by reason of duly proved serious misconduct. A naturalized person who loses Honduran nationality for any reason whatsoever shall be unable to recover the said nationality except by a decree of the National Congress.

Article 18. The naturalization of an alien in Honduras shall take effect on the day following that on which he receives the ruling declaring him to be naturalized.

A declaratory order concerning Honduran nationality by reason of origin, obtained by a person whose country of origin is one of the other Republics of Central America, shall take effect in the same way.

Rights vested or acquired in or by the person concerned in the former country shall be governed by the law of that country, but future rights shall be governed by the law of Honduras.

CHAPTER V

Registration and its effects

Article 19. The register of aliens shall be kept by the Department of State for Foreign Affairs and shall contain the name, marital status, occupation, domicile and nationality of every alien, the name and nationality of his parents, the place of birth of the person registered, the name of his wife, the names of his children who are under the age of eighteen years, and a certificate stating that the fingerprints of the registered person have been taken.

Article 20. Every alien who is over the age of eighteen years and resident in the country shall be required to register. This provision shall not, however, apply to aliens in transit or to aliens who hold a special permit authorizing them to stay in the country for more than three months but who do not propose to settle therein. The registration fee shall be five *lempiras*, payable in the form of fiscal stamps affixed to the relevant certificate.

Any alien to whom the foregoing paragraph applies shall be required, before registration, to appear, if in the capital, at the Central Identification Section, and if in a *departamento*, at the fingerprint offices, so that his fingerprints may be taken and the relevant certificate issued to him.

An alien who has settled in the country and fails to comply with the duty to register within three months after his arrival in the country shall be liable to a fine of 10 to 100 *lempiras*, to be imposed by administrative proceedings, or to expulsion from the Republic at the discretion of the Executive Power.

Article 21. For the purposes of the said registration every alien shall, in the capital, apply to the Department of State for Foreign Affairs and, in the *departamentos* to the political authority, in both cases producing evidence of his nationality by means of any of the following documents:

1. A certificate from his country's diplomatic or consular representative accredited in the Republic, provided that the certificate states that the person concerned is a national of the country on whose behalf the representative is acting.

2. The passport duly attested with which the applicant entered the Republic.

3. A certificate of naturalization duly attested: only in cases where sufficient evidence is produced to show that this document has been destroyed or lost, or that this document is not required under the law of the country in which it would otherwise have been issued, shall other equally authentic evidence be admissible to show that the person concerned lawfully obtained the naturalization which he claims to have obtained.

Article 22. If application is made in a *departamento*, the Governor shall transmit the application together with the supporting documents to the Department of State for Foreign Affairs which shall, if it sees fit, register the applicant and, if so, issue the relevant certificate.

Article 23. Evidence of registration shall take the form of a certificate issued and signed by the Secretary of State for Foreign Affairs, who shall be the only person competent to issue such certificates; registration shall constitute a legal presumption that the alien possesses the nationality which he claims, though this presumption is rebuttable.

Article 24. No authority or official shall recognize any person as possessing a particular foreign nationality unless that person produces his registration certificate. This certificate shall not enable its owner to claim any right or facility to which it entitles him, if the benefit of the right or facility in question accrued before the date of registration.

Article 25. The legal status of a registered alien shall be affected in the case of a state of war existing between Honduras and the country of which he is a national.

34. Hungary

NATIONALITY ACT LX OF 24 DECEMBER 1948.¹

CHAPTER I

Acquisition of Hungarian nationality

Article 1. The titles under which Hungarian nationality is acquired are the following:

1. Descent,
2. Marriage, and
3. Naturalization.

Article 2. 1. Hungarian nationality is acquired by descent by the following:

¹ Text based on the English translation received from the Minister of Hungary, Washington.

(a) A legitimate child of a man of Hungarian nationality, including any such child who, in accordance with the relevant statutory provisions, is deemed to have been legitimated through the subsequent marriage of his parents;

(b) An illegitimate child of a man of Hungarian nationality acknowledged to be his child by a fully valid declaration (Act XXIX of 1946, article 10) or if that man has been declared to be that child's father by a valid judgment (Act XXIX of 1946, article 17);

(c) An illegitimate child of a woman of Hungarian nationality, if the child does not fall under the provisions of paragraph (b).

2. If the subsequent marriage or the fully valid acknowledgment of paternity or the entry into effect of a judgment declaring paternity occurs after the entry into force of this Act and if at that time the child possesses a nationality other than Hungarian and has attained his majority, then the provisions of paragraph 1 above shall not apply to such child unless within one year from that time he makes a declaration addressed to the Minister of the Interior stating that he wishes to follow the Hungarian nationality of his father. Any person residing abroad may file such declaration with the Hungarian representative abroad having jurisdiction for the place of residence of such person.

Article 3. 1. Hungarian nationality by marriage is acquired by any woman of non-Hungarian nationality who marries a Hungarian national.

2. The woman shall retain her Hungarian nationality acquired in accordance with the provisions of paragraph 1 upon the death of her husband or if the Court dissolves the marriage or grants a judicial separation of the spouses.

Article 4. The Minister of the Interior may naturalize any non-Hungarian national

(a) Who has had his permanent residence in Hungary without interruption for three years prior to making his application, and

(b) Whose naturalization does not appear to be detrimental to the interests of the State.

Article 5. The Minister of the Interior may also, in cases where the conditions stipulated in article 4, paragraph (a), are not fulfilled, naturalize a non-Hungarian national who is living in Hungary or wants to settle in this country if his ascendant was a Hungarian national and naturalization appears to be desirable owing to special circumstances.

Article 6. The Government, on an application made by the party and on the proposal of the Minister of the Interior, may also in cases where the conditions stipulated in article 4, paragraph (a), are not fulfilled, naturalize a non-Hungarian national who is living in Hungary or wants to settle in this country if his naturalization is likely substantially to further the interests of the State.

Article 7. An application made under articles 4 to 6 in respect of a person who is not or not fully *sui juris* may be filed by the legal representative of that person.

Article 8. 1. The naturalization of a husband shall apply to his wife living with him in marriage at the time of the filing of the application for naturalization.

2. The effects of the naturalization of the parent shall apply to his child under parental power, irrespective of whether the child be legitimate or illegitimate.

Article 9. 1. An application for naturalization with the supporting documents required for the decision of the case shall be filed with the head of the municipal authority of the applicant's place of residence, or, if he is resident abroad, with the Hungarian representative abroad having jurisdiction for the place of residence or directly with the Minister of the Interior.

2. The head of the municipal authority (Hungarian representative abroad) shall consider whether the documents submitted in support of the application constitute sufficient evidence; if necessary, he shall ask the applicant for supplementary particulars; the said authority shall obtain from authorities, offices or private persons any necessary information and thereafter shall transmit the entire documentary material together with his opinion and statement of reasons to the Minister of the Interior.

Article 10. 1. If the Minister of the Interior sees fit to grant naturalization, he shall issue the corresponding certificate.

2. In the certificate of naturalization there shall be enumerated all dependent persons to whom the effects of the naturalization apply.

3. The naturalized person acquires Hungarian nationality as from the day on which the certificate of naturalization is issued.

4. No fee may be charged in respect of a grant of naturalization.

5. If by virtue of article 5 more than one person applies for naturalization, all the persons concerned may submit a joint application. In such case the application, its enclosures and the certificate of naturalization shall be exempt from stamp duty. The Minister of the Interior may grant further facilities with regard to the procedure.

CHAPTER II

Loss of Hungarian nationality

Article 11. Hungarian nationality may be lost by:

1. Marriage,
2. Legitimation, acknowledgment of paternity or judgment establishing paternity,
3. Release, or
4. Deprivation.

Article 12. A woman contracting marriage with a foreign national shall lose her Hungarian nationality unless she does not acquire by such marriage the nationality of her husband. This provision shall also be applied to any woman who has married a non-Hungarian national before the entering into force of this Act.

Article 13. 1. An illegitimate child who acquires the foreign nationality of his father by *ex gratia* legitimation or by the subsequent marriage of his parents or by acknowledgment by his father or by a judicial declaration of paternity shall lose his Hungarian nationality.

2. The provisions of paragraph 1 shall not apply to a person who has attained his majority and whose permanent place of residence is in Hungary at the time of the *ex gratia* legitimation or of the subsequent marriage or of the acknowledgment of paternity or of the entry into effect of the judgment establishing paternity.

Article 14. 1. The Minister of the Interior upon application made by the party may release from allegiance to Hungary any person who:

- (a) Is not in arrears with any tax or other public dues;
- (b) Is not subject to a sentence imposed by a Hungarian Court in a criminal cause.

2. A man who is over the age of seventeen years but under the age of forty-two may not be released from allegiance except with the approval of the Minister of National Defence.

3. In the case of a person who is not or not fully *sui juris* an application under paragraph 1 may—subject to the prior consent of the guardianship authority—be filed by his legal representative.

4. The provisions of article 12, paragraph 2 of Act I of 1946 shall remain unaffected.

Article 15. The provisions of articles 8 and 9 and of article 10, paragraphs 1, 2 and 4 referring to naturalization shall be applied *mutatis mutandis* to the procedure of release, with the difference that a reference to the certificate of release shall be substituted for any reference to a certificate of naturalization and that the person released shall lose Hungarian nationality as from the day on which the certificate of release is issued.

Article 16. 1. The Minister of the Interior may deprive of his Hungarian nationality a person who has without the permission of the Government entered the public service of another country.

2. The decision of the Minister of the Interior shall be published in the Official Gazette. The decision shall become operative on the date of such publication.

Article 17. 1. The Government on a proposal made by the Minister of the Interior may deprive of his Hungarian nationality a person who:

(1) Accepts from the Government of any foreign State or from any organ thereof or from a foreign political organization, without the permission of the Hungarian Government, any office or mandate of a political character or becomes a member of a foreign organization having a political character or takes part in the activity of such an organization; or

(2) On going abroad contravenes or evades the statutory provisions relating to departure from the country.

2. The decision of the Government shall extend to the wife and minor children of a man deprived of his nationality if the decision contains a statement to this effect.

3. The property of a person deprived of his Hungarian nationality by virtue of this article shall be confiscated. The provisions of articles 6 to 8 of Act XXVI of 1948 shall be applied to the confiscation *mutatis mutandis*.

4. The decision of the Government shall be published in the Official Gazette. The decision shall become operative on the date of such publication.

5. Act XXVI of 1948 to deprive of Hungarian nationality certain persons resident abroad and to confiscate their property shall not be affected by the provisions of paragraph 1.

CHAPTER III

Re-naturalization

Article 18. 1. A person who has lost Hungarian nationality may on his application be re-naturalized.

2. The provisions of articles 4, 7, 8, 9 and 10 of this Act relating to naturalization shall—with the differences mentioned in articles 19 and 20—be applied *mutatis mutandis* to re-naturalization.

Article 19. 1. The Minister of the Interior may also re-naturalize, in the absence of the requirements set out in article 4, paragraph (a):

(1) A person who has lost his Hungarian nationality by release, absence or the acquisition of a foreign nationality through naturalization if such person resides or wishes to settle in Hungary and re-naturalization is motivated by circumstances deserving special consideration;

(2) A woman who has lost her Hungarian nationality through marrying a non-Hungarian national if:

(a) She has become a widow; or

(b) Her marriage has been dissolved by a judicial decision valid in Hungarian law; or

(c) She has been living for more than one year in Hungary separated from her husband.

2. In applying paragraph 1, item (2) (b), a judicial separation shall be deemed to constitute a dissolution of the marriage if the marriage cannot be dissolved according to the law of the country of the husband.

Article 20. The Government, on the proposal of the Minister of the Interior, may also re-naturalize in the absence of the requirements set out in paragraph (a) of article 4 a person who has been deprived of Hungarian nationality by virtue of article 16 or article 17.

CHAPTER IV

Miscellaneous

Article 21. Until proved to be a foreign national a person shall be considered to be a Hungarian national if he:

1. Was born after the completion of the registration of Hungarian citizens (article 33) on the territory of Hungary;

2. Was found in Hungary as descending from parents unknown and is being or has been brought up in Hungary.

Article 22. 1. A woman who lost her Hungarian nationality by marriage shall recover her Hungarian nationality if her marriage is annulled by a judicial decision which is valid in Hungarian law. The re-acquisition of Hungarian nationality shall take place on the date on which the judicial decision becomes effective.

2. A woman who has acquired Hungarian nationality by marriage shall lose such nationality if her marriage is annulled by a judicial decision which is valid in Hungarian law. The loss of the nationality shall take place on the date on which the judicial decision becomes effective; nevertheless she shall retain her Hungarian nationality if within one year from the date on which the judicial decision became effective she makes a declaration addressed to the Minister of the Interior stating her wish to retain her Hungarian nationality.

Article 23. A Hungarian national who is at the same time a national of another State shall be considered to be a Hungarian national until such time as he loses his Hungarian nationality by virtue of this Act.

Article 24. The Minister of the Interior shall be empowered to issue a certificate stating that a particular possesses or has lost Hungarian nationality

or that, according to the evidence available, the person is not a Hungarian national.

CHAPTER V

Article 25. 1. If on the entry into force of the Trianon Peace Treaty, ratified by Act XXXIII of 1921, a person remained, pursuant to the provisions of the said Treaty relating to nationality, a national of Hungary or retained or acquired Hungarian nationality by an option of nationality exercised under article 63 or article 64 of the said Peace Treaty, that person is hereby recognized to be a Hungarian national.

2. The Hungarian nationality of a person recognized as a Hungarian national by virtue of paragraph 1 shall extend to his wife and children and to the wife of any male child of that person.

3. The provisions of this article shall not apply to a person who lost his nationality owing to circumstances occurring after the entry into force of the said Trianon Peace Treaty or after the exercise of the said option of nationality.

Article 26. 1. With effect from 20 January 1945, a person who was formerly a Hungarian national shall be recognized as a Hungarian national if he had lost Hungarian nationality through the invalidation of the statutory provisions referred to in the Armistice Convention concluded in Moscow on 20 January 1945 and ratified by Act V of 1945 and if both on 1 January 1948 he was, and on the date of the entry into force of this Act he is, resident in Hungary.

2. The provisions of paragraph 1 shall apply by virtue of the statutory provisions mentioned therein to a person who was formerly a Hungarian national and who lost Hungarian nationality if he was made a prisoner of war or deported or obliged to leave Hungary on account of his Socialist (Communist, Social-Democrat), anti-fascist or democratic views and if he settled after 1 January 1948, but within six months after the cessation of the reason of his forced absence, in the present territory of Hungary.

Article 27. 1. Irrespective of the provisions of articles 25 and 26, a person shall be recognized as a Hungarian national if on 1 January 1948 his permanent place of residence was in Hungary, if he is not proved to be a foreign national and if both he and that parent whose nationality is determined by descent under article 2 were born within the frontiers of Hungary as existing prior to 26 July 1921.

2. The provisions of paragraph 1 shall also apply to a person who settled in Hungary as a consequence of the forced absence defined in article 26, paragraph 2, after 1 January 1948 but within six months after the cessation of the reason of the said forced absence.

3. The provisions of paragraph 1 shall also apply to a person who prior to 1 September 1939 had to seek employment abroad as a consequence of an economic crisis in the capitalistic economic system or as a consequence of unemployment and who by 1 January 1948 had not returned to Hungary, if that person applies within one year from the entry into force of this Act to the Minister of the Interior for the recognition of his Hungarian nationality. If abroad, the applicant shall submit this application through the Hungarian representative having jurisdiction for his place of residence or, in default of a place of residence, for his place of sojourn. The said Minister shall determine whether the conditions governing the recognition of Hungarian nationality under this paragraph are fulfilled.

Article 28. 1. The Minister of the Interior may, on an application made by the person concerned, in any case in which the conditions stipulated in article 4, paragraph (a) have not been fulfilled, naturalize any person who was born within the frontiers of Hungary as existing prior to 26 July 1921 if the permanent place of residence of that person was on 15 September 1947 in Hungary and is in Hungary at the time when application for naturalization is made and naturalization is desirable owing to special circumstances.

2. The provisions of article 7 shall apply in any case arising under this article.

Article 29. The provisions of article 19, paragraph 1 (1), shall apply if the applicant lost Hungarian nationality not for any of the reasons mentioned therein but as a consequence of the provisions on nationality of the Trianon Peace Treaty ratified by Act XXXIII of 1921 or as a consequence of the invalidation of the statutory provisions mentioned in article 26, paragraph (1), of this Act.

Article 30. 1. Irrespective of the provisions of articles 25, 26 and 27 of this Act, those former Hungarian nationals who, on account of their Socialist (Communist, Social-Democrat), anti-fascist or democratic political conviction, attitude or activity, including any activity in furtherance of the revolutions of the years 1918 and 1919, have gone abroad either by their own desire or owing to some ministerial measure, shall be Hungarian nationals if they have returned to Hungary before 15 September 1948 even if by virtue of other statutory provisions relating to nationality they had lost their Hungarian nationality.

2. The provisions of paragraph 1 hereof shall also be applicable to the wife and children of a person who has gone abroad in the circumstances described.

Article 31. 1. If by virtue of the provisions of article 3, first paragraph, of Act IV of 1939 a woman was unable to acquire Hungarian nationality by her marriage, she shall by virtue of this Act be deemed to have acquired Hungarian nationality by her marriage.

2. If by virtue of the provision referred to in paragraph 1 above a person was unable to acquire Hungarian nationality even though legitimated by his father, that person shall be deemed by virtue of this Act to have acquired Hungarian nationality by legitimation.

Article 32. 1. In the circumstances described in article 39, paragraph 1, of Act XXIX of 1946, Hungarian nationality may be acquired after the entry into force of this Act by *ex gratia* legitimation.

2. The provisions of article 2, paragraph 2, shall apply *mutatis mutandis*.

CHAPTER VI

Final provisions

Article 33. 1. All Hungarian nationals shall produce evidence of their nationality for the purpose of registration. By reference to the particulars registered, a register of nationality shall be prepared.

2. A person whose name appears in the register of nationality shall be treated as a Hungarian national until the contrary has been proved.

3. The Minister of the Interior shall by order make the rules which are to govern registration and the preparation of the register; the rules relating

to Hungarian nationals resident abroad shall be made in consultation with the Minister of Foreign Affairs.

Article 34. Any provision relating to nationality contained in an international agreement shall be considered legally effective in Hungary even if it is at variance with the provisions of this Act.

Article 35. For the purposes of this Act, an Honorary Consul shall not be considered to represent Hungary abroad unless the Minister of Foreign Affairs, in consultation with the Minister of the Interior, has authorized him to deal with matters relating to nationality.

Article 36. 1. On the entry into force of this Act (paragraph 1 of article 37) all statutory provisions contrary thereto shall cease to be operative.

2. In particular the following provisions shall cease to be operative: The provisions of Act L of 1879, in so far as they have not been repealed, Act IV of 1886, Article 24 of Act XVII of 1922, Article 66, paragraph 2 of Act II of 1939 and also article 66, paragraph 4 of the said Act, the paragraph in question having become inapplicable by virtue of article 12, paragraph 2, Act I of 1946, and article 66, paragraph 6 of the said Act, Act XIII of 1939, Article 9 of Act XIV of 1939, Order No. 5.070/1945 of the Prime Minister, Article 7 of Order No. 9.590/1945 of the Prime Minister.

3. Any reference contained in a statutory provision to a provision repealed by this Act shall be construed as if it were a reference to the corresponding provision of this Act.

Article 37. 1. The Minister of the Interior shall by order appoint the date of the entry into force of this Act.

2. By order made under paragraph 1 the Minister may postpone the entry into force of article 21, 1, and of article 33, in respect of which special orders may be issued subsequently.

35. Iceland

NATIONALITY ACT OF 23 DECEMBER 1952.¹

Article 1. A person acquires Icelandic nationality by birth:

(1) If he was born in wedlock and his father was at the time an Icelandic national;

(2) If he was born in wedlock in Iceland of a mother who was at the time an Icelandic national and if either his father had no nationality or he did not acquire his father's nationality by birth;

(3) If he was born out of wedlock of a mother who was at the time an Icelandic national. A foundling child found in Iceland shall be deemed in the absence of proof to the contrary to be an Icelandic national.

Article 2. If a person was born out of wedlock and if at the time his father was an Icelandic national and his mother an alien, then, if he is unmarried and under the age of eighteen years, that person acquires Icelandic nationality on his parents' marriage.

¹ Translation by the Secretariat of the United Nations.

Article 3. An alien born in Iceland and domiciled there continuously since his birth may, if he has attained the age of twenty-one but has not yet attained the age of twenty-three years, acquire Icelandic nationality by notifying the Ministry of Justice in writing of his desire to do so. If he is stateless or proves that he will lose his foreign nationality on acquiring Icelandic nationality, he may give such notice on attaining the age of eighteen years.

If Iceland is at war a national of an enemy State, or a stateless person whose nationality immediately before he became stateless was that of an enemy State, may not acquire Icelandic nationality under this article.

Article 4. If a person who acquired Icelandic nationality by birth and had been domiciled in Iceland until he attained the age of eighteen years has lost Icelandic nationality, he may recover Icelandic nationality by notifying the Ministry of Justice in writing of his desire to do so, provided that he has been domiciled in Iceland for the two years immediately preceding this notice. If he is a national of another country, such notice will be effective only if he proves that by giving it he loses his foreign nationality.

Article 5. If a man acquires Icelandic nationality under article 3 or 4, any children born to him in wedlock shall, if they are unmarried, under the age of eighteen years and resident in Iceland, acquire Icelandic nationality at the same time, unless they have been placed in the custody of their mother after their parents' divorce or judicial separation.

The provision in the first paragraph under which a child born in wedlock acquires the said nationality together with his father shall likewise apply in respect of:

- (1) A child born out of wedlock and his mother, unless his father is an alien and has custody of him;
- (2) A child born in wedlock and his widowed mother;
- (3) A child born in wedlock and his divorced or judicially separated mother, if she has custody of him.

Article 6. Nationality may be granted by statute in conformity with the Constitution.

Before an application for nationality is submitted to the Althing, the Ministry of Justice shall receive a report thereon from the chief of police and from the local authority of the applicant's place of residence.

Except in so far as this Act otherwise provides, the provisions of article 5 shall apply to the children of a person who acquires nationality under this Act.

Article 7. A person shall cease to be an Icelandic national if:

- (1) He acquires a foreign nationality by application or express consent;
- (2) He acquires a foreign nationality by entering the public service of another State;
- (3) Being unmarried and under the age of eighteen years, he becomes a foreign national because his parents having custody of him, or one of his parents having custody of him either alone or together with the other parent who is not an Icelandic national, have or has acquired a foreign nationality in the manner described in paragraph (1) or (2) above;
- (4) Being unmarried and under the age of eighteen years, he becomes a foreign national through the marriage of his parents with each other; nevertheless, if he resides in Iceland he shall not cease to be an Icelandic national unless he leaves Iceland before he attains the age of eighteen years and is at that time a national of another country.

Article 8. An Icelandic national who was born abroad and has never been domiciled in Iceland, and has never stayed in Iceland for any purpose which raises the presumption that he wishes to be an Icelandic citizen, shall cease to be an Icelandic national on attaining the age of twenty-two years. On application the President may, however, permit him to retain Icelandic nationality.

The children of a person who ceases to be an Icelandic national by virtue of this article shall also cease to be Icelandic nationals if they had originally become Icelandic nationals through him.

Article 9. The President may release from allegiance to Iceland a person who has become or wishes to become a foreign national; but if the person has not already become a foreign national, he shall be required to prove that he will become a foreign national within a specified time.

Article 10. The Minister of Justice shall settle any dispute as to whether a person has acquired Icelandic nationality at the passing of this Act or is qualified to acquire Icelandic nationality by declaring his desire to do so. An order on such a matter shall be subject to appeal to the court.

The Minister of Justice may issue regulations for giving effect to this Act.

A declaration made under this Act to the effect that a person wishes to become an Icelandic national may be made only by the person himself, and not by a person having custody of him or exercising parental authority over him.

Where no other age-limit is specified in this Act, a person who has attained the age of eighteen years shall, even if in the custody of another person, be entitled to make a declaration under this Act concerning his nationality.

Article 11. A minor under the age of eighteen years who would have possessed Icelandic nationality if the provisions of article 1 (2) had been in effect before the entry into force of this Act, and who neither is nor has been a national of another country, shall acquire Icelandic nationality on the entry into force of this Act.

A woman who under the legislation previously in force ceased to be an Icelandic national by marrying a foreign national or by acquiring a foreign nationality either by marriage or because her husband acquired the same, but who would have retained Icelandic nationality if the provisions of this Act had then been in force, may recover Icelandic nationality by notifying the Ministry of Justice in writing before 31 December 1957 of her wish to do so.

A woman who attains the age of twenty-two years before 1 January 1956 and is or has been married at that date shall not cease to be an Icelandic national by virtue of article 8, first paragraph, before the end of 1956.

If a person who has become a national of another country but retained Icelandic nationality by virtue of the second sentence of article 5 of Act No. 64 of 28 January 1935 ceases to reside in Iceland, he shall not cease to be an Icelandic national unless he still possesses the nationality of another country and would lose or would have lost Icelandic nationality under article 7 of this Act if it had been in force previously.

If after the entry into force of this Act circumstances occur by reason of which he is entitled to become, or may cease to be, an Icelandic national,

then, in such circumstances, this Act shall apply as if it had been in force previously.

Article 12. This Act shall enter into force on 1 January 1953.

At the same time Act No. 64 of 28 January 1935 concerning nationality and the acquisition and loss of nationality shall be repealed.

36. India

CONSTITUTION OF 26 NOVEMBER 1949.

Article 5. At the commencement of this Constitution every person who has his domicile in the territory of India and:

- (a) Who was born in the territory of India; or
- (b) Either of whose parents was born in the territory of India; or
- (c) Who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement, shall be a citizen of India.

Article 6. Notwithstanding anything in Article 5, a person who has migrated to the territory of India from the territory now included in Pakistan shall be deemed to be a citizen of India at the commencement of this Constitution if:

(a) He or either of his parents or any of his grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted); and

(b) (i) In the case where such person has so migrated before the nineteenth day of July, 1948, he has been ordinarily resident in the territory of India since the date of his migration, or

(ii) In the case where such person has so migrated on or after the nineteenth day of July, 1948, he has been registered as a citizen of India by an officer appointed in that behalf by the Government of the Dominion of India on an application made by him therefor to such officer before the commencement of this Constitution in the form and manner prescribed by that Government:

Provided that no person shall be so registered unless he has been resident in the territory of India for at least six months immediately preceding the date of his application.

Article 7. Notwithstanding anything in Articles 5 and 6, a person who has after the first day of March, 1947, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India:

Provided that nothing in this article shall apply to a person who, after having so migrated to the territory now included in Pakistan, has returned to the territory of India under a permit for resettlement or permanent return issued by or under the authority of any law and every such person shall for the purposes of clause (b) of Article 6 be deemed to have migrated to the territory of India after the nineteenth day of July, 1948.

Article 8. Notwithstanding anything in Article 5, any person who or either of whose parents or any of whose grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted), and who is ordinarily residing in any country outside India as so defined shall be deemed to be a citizen of India if he has been registered as a

citizen of India by the diplomatic or consular representative of India in the country where he is for the time being residing on an application made by him therefor to such diplomatic or consular representative, whether before or after the commencement of this Constitution, in the form and manner prescribed by the Government of the Dominion of India or the Government of India.

Article 9. No person shall be a citizen of India by virtue of Article 5, or be deemed to be a citizen of India by virtue of Article 6 or Article 8, if he has voluntarily acquired the citizenship of any foreign State.

Article 10. Every person who is or is deemed to be a citizen of India under any of the foregoing provisions of this Part shall, subject to the provisions of any law that may be made by Parliament, continue to be such citizen.

Article 11. Nothing in the foregoing provisions of this Part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship.

37. Indonesia

(a) ACT NO. 3 OF 10 APRIL 1946¹ CONCERNING CITIZENS
AND RESIDENTS OF INDONESIA.

Article 1. A person shall be an Indonesian citizen if:

- (a) He belongs to the indigenous population of Indonesia; or
- (b) Though not falling within that class, he is a descendant of a person of that class and was born and domiciled within the territory of the Indonesian State, or, though not a descendant of a person of that class, he was born within the territory of Indonesia and has been domiciled therein for at least five consecutive years, and has attained the age of 21 or has married, unless there has been submitted a declaration that he should not become an Indonesian citizen because he is a citizen of another State;
- (c) He has been granted Indonesian citizenship by naturalization;
- (d) He is a legitimate, legitimized or legally acknowledged child of a man who at his birth was an Indonesian citizen;
- (e) His father, being an Indonesian citizen, died within 300 days before his birth;
- (f) He has been legally acknowledged only by his mother, and she was at the time of his birth an Indonesian citizen;
- (g) He has not been legally recognized by his father or mother but was born within the territory of the Indonesian State;
- (h) He was born within the territory of the Indonesian State to unknown parents or to parents of unknown nationality.

Article 2. (1) A married woman shall take during the subsistence of her marriage the citizenship of her husband;

(2) A married woman may not make an application or a declaration relating to change of citizenship.

Article 3. (1) Indonesian citizenship granted to a man shall extend to his legitimate, legitimized and legally acknowledged children and to his

¹ Text based on the English translation received from the Indonesian Delegation to the United Nations.

adopted children who have not attained the age of 21 and have never married.

(2) Indonesian citizenship granted to a widow by naturalization shall extend to her legitimate or legitimized children who have not attained the age of 21 or have never married.

(3) Indonesian citizenship acquired by a woman shall extend to her children legally acknowledged only by her who have not attained the age of 21 and have never married.

(4) Loss of citizenship by a father or a mother shall extend to children as specified above and also to adopted children, but only to such children as have acquired the nationality of another country.

(5) Loss of citizenship by a mother in consequence of her marriage or of a declaration made under article 10 shall not extend to her children.

Article 4. (1) A declaration made under article 1 (*b*) shall be submitted to the Minister of Justice in writing within a period of one year after the provisions of that paragraph have taken effect in respect of the person referred to.

(2) The declarant shall submit with his declaration, or shall undertake to submit, evidence of:

(*a*) His birth and the birth of his children to whom the provisions of article 3 apply and who have not attained the age of 21 and have never married, with their full names and the names of his wives;

(*b*) His marriages;

(*c*) Dissolution of his marriages;

(*d*) Foreign nationality.

(3) On receipt of the declaration the Minister of Justice shall as soon as possible register the same and publish it in the Official Gazette with a statement of whether it has been given legal effect and to whom it shall apply, and shall notify the declarant of the order made on the declaration.

Article 5. (1) Indonesian citizenship by naturalization shall be acquired when the statute granting the naturalization comes into effect.

(2) Indonesian citizenship by naturalization may be granted to a person who has attained the age of 21 or has been married and who has been domiciled or resident within the territory of Indonesia during the previous five consecutive years and is proficient in the Indonesian language.

(3) For each grant of naturalization a fee of F.500 shall be paid to the Treasury of the Indonesian Government.

(4) An application for Indonesian citizenship by naturalization shall be submitted in writing on stamped paper to the Minister of Justice through the court of justice of the area in which the applicant resides.

(5) The applicant shall submit with his application, or shall undertake to submit, evidence of:

(*a*) His birth and the birth of his children to whom the provisions of article 3 apply and who have not attained the age of 21 and have not been married, with their full names and the names of his wives;

(*b*) His marriages;

(*c*) Dissolution of his marriages;

(*d*) His domicile and residence within the territory of Indonesia during the previous five consecutive years;

(*e*) His proficiency in the Indonesian language;

(f) Payment into the Treasury of the Indonesian Government of the naturalization fee aforesaid;

(g) If he is an alien, the lawfulness of his naturalization by the law of his country of origin.

(6) On receipt of the application the court of justice shall as soon as possible examine the same to determine whether the legal requirements have been fulfilled. After the order on the application has been made, the court of justice shall send as soon as possible a copy of the order, together with the application and annexed documents, to the Minister of Justice.

(7) If the application is granted, the Minister of Justice shall as soon as possible notify the applicant thereof through the president of the court of justice.

(8) The statute granting an application for naturalization shall enter into force on the day on which the applicant makes before the court of justice of the area in which he is domiciled the following oath or affirmation:

“I swear (or affirm) to recognize and accept the supreme authority of the State of Indonesia and to be loyal thereto, and to uphold the laws of the State of Indonesia, and to perform this duty willingly and in no wise to fail therein.”

(9) The clerk of the court shall record the making of the oath or affirmation.

(10) The court shall issue to the person making the oath or affirmation, and simultaneously to all other persons to whom his naturalization extends, a certificate of Indonesian citizenship in the form determined by the Minister of Justice.

(11) The court shall as soon as possible notify the Minister of Justice of the issue of the certificate.

(12) On receipt of the said notice the Minister of Justice shall as soon as possible register the same and publish it in the Official Gazette.

(13) If the application for naturalization is rejected, the fee paid to the Treasury of the Indonesian Government shall be refunded.

Article 6. (1) A person who has acquired Indonesian citizenship through the naturalization of his father or mother may make, in the year after attaining the age of 21 or on prior marriage, a declaration that he no longer desires to be bound by the naturalization.

(2) The declaration shall be submitted in writing to the Minister of Justice together with evidence, or an undertaking to submit evidence, of:

(a) The declarant's birth and the birth of his children to whom the provisions of article 3 apply, and their full names, and the names of his wives;

(b) His birth before his father or mother acquired Indonesian citizenship by naturalization;

(c) His marriages;

(d) Dissolution of his marriages;

(e) Acquisition of citizenship of another country by his children mentioned in the declaration.

On receipt of the declaration the Minister of Justice shall as soon as possible register the same and publish it in the Official Gazette with a statement of whether it has been given legal effect and to whom it shall apply, and shall notify the declarant of the order made on the declaration.

Article 7. Naturalization may also be granted in the interests of the State. In such a case the provisions of article 5 (2-7, 13) shall not apply.

The statute granting the naturalization shall in each case lay down the requirements therefor.

Article 8. Indonesian citizenship shall be forfeited by reason of:

- (1) Acquisition of citizenship of another country;
- (2) Entry into the armed forces or government service of another country without prior leave of the President of the Republic of Indonesia.

Article 9. (1) A woman who has forfeited her Indonesian citizenship in consequence of her marriage may within one year after the dissolution of her marriage recover her citizenship by declaring in writing to the Minister of Justice that she desires to do so.

The declarant shall submit with the declaration evidence of:

- (a) Her marriage;
 - (b) Dissolution thereof;
 - (c) Her Indonesian citizenship before her marriage;
 - (d) The birth and full names of any children of hers born out of wedlock after the dissolution of the marriage and legally acknowledged only by her.
- (2) On receipt of the declaration the Minister of Justice shall as soon as possible register the same and publish it in the Official Gazette with a statement of whether it has been given legal effect and to whom it shall apply, and shall notify the declarant of the order made on the declaration.

Article 10. (1) A woman who in consequence of her marriage has acquired Indonesian citizenship shall retain the same after the dissolution of her marriage, unless she submits in writing to the Minister of Justice within one year after the dissolution of her marriage a declaration that she no longer desires to be an Indonesian citizen. She shall submit with her declaration, or shall undertake to submit, evidence of:

- (a) Her marriage;
 - (b) Dissolution of her marriage;
 - (c) The fact that before her marriage she was not an Indonesian citizen.
- (2) On receipt of the declaration the Minister of Justice shall as soon as possible register the same and publish it in the Official Gazette with a statement of whether it has been given legal effect and to whom it shall apply, and shall notify the declarant of the order made on the declaration.

Article 11. (1) A child of an Indonesian citizen who has forfeited his Indonesian citizenship because his father or mother has acquired the citizenship of another country by naturalization may recover his Indonesian citizenship by submitting a declaration in writing to the Minister of Justice within one year after attaining the age of 21 or after his prior marriage.

The declarant shall submit with his declaration, or shall undertake to submit, evidence of:

- (a) His birth and the birth of his children to whom the provisions of article 3 apply, and their full names, and the names of his wives;
- (b) His birth before his father or mother acquired the citizenship of another country by naturalization;
- (c) His marriages;
- (d) Dissolution of his marriages.

(2) On receipt of the declaration the Minister of Justice shall as soon as possible register the same and publish it in the Official Gazette with a statement of whether it has been given legal effect and to whom it shall apply, and shall notify the declarant of the order made on the declaration.

Article 12. The Minister of Justice shall establish and keep a register for the purposes of the registration aforesaid.

Article 13. A person who is not an Indonesian citizen shall be an alien.

Article 14. (1) A resident of Indonesia is a person who has resided within the territory of the State of Indonesia for a continuous period of twelve months.

(2) The legal status of a resident of Indonesia shall be forfeited automatically by residence outside the territory of the State of Indonesia.

(3) A wife shall take the legal status of her husband as a resident during the subsistence of her marriage.

(4) A child who is under the age of 21 and has not been married and whose father or guardian has the legal status of a resident of Indonesia shall be deemed to be a resident of Indonesia.

On attaining the age of 21 or on prior marriage he shall, if residing within the territory of the State of Indonesia, remain a resident of Indonesia.

Article 15. This Act shall enter into effect on the date of its promulgation.

TRANSITIONAL PROVISIONS

(1) A person who on the date of entry into force of this Act has no father and has not attained the age of 21 or married shall be an Indonesian citizen if his father satisfied at the moment of death the requirements of article 1 (*b*). The person entitled to make on behalf of the first-mentioned person the declaration referred to at the end of article 1 (*b*) shall be the guardian.

(2) A woman who on the date of entry into force of this Act has no husband by reason of the death of her last husband shall, if he fulfilled at the moment of death the requirements of article 1 (*a*) or (*b*), be an Indonesian citizen unless within one year of the entry into force of this Act she submits a declaration that, having herself not fulfilled the aforesaid requirements, she does not desire to become an Indonesian citizen.

In such a case the provisions of article 10 shall apply as though its paragraph (1) (*c*) read:

“that she has not fulfilled the requirements of article 1 (*a*) or (*b*)”.

(3) Until such time as shall be determined by executive order the declaration referred to in articles 4 (1), 6 (2), 9 (1), 10 (1) and 11 (1) shall be submitted to the Minister of Justice of the area of residence of the declarant.

On receipt of the declaration referred to in paragraph (1) hereof the court of justice shall send the same as soon as possible to the Minister of Justice.

. . . .

(*b*) AGREEMENT OF 1949 CONCERNING THE ASSIGNMENT OF CITIZENS.

The Kingdom of the Netherlands and the Republic of the United States of Indonesia,

Considering that at the transfer of sovereignty it shall be determined whether persons who up to that time were subjects of the Kingdom of the Netherlands including those who, under the law of the Republic of Indonesia were, in the eyes of the Republic of the United States of

Indonesia, citizens of the Republic Indonesia, are to be assigned Netherlands or Indonesian nationality;

Agree, that at the transfer of sovereignty the following provisions shall come into effect.

Article 1. Under the terms of the present agreement are deemed to be of age those who have reached the age of eighteen years or those who were married at an earlier age.

Those whose marriage was dissolved before they had reached the age of eighteen years shall continue to be deemed of age.

Article 2. Where the present agreement applies to persons who, under the law of the Republic of Indonesia on nationality were citizens of the latter Republic immediately before the transfer of sovereignty, the Republic of the United States of Indonesia understands that the terms "acquiring" or "preserving" Indonesian nationality, as hereafter used in the present agreement, imply that Republican nationality shall be converted into Indonesian nationality; and that the terms "retaining" the Netherlands nationality and "rejecting" Indonesian nationality as hereafter used in the present agreement imply the loss of Republican nationality.

Article 3. Netherlands nationals who are of age shall retain their nationality, but, if born in Indonesia or if residing in Indonesia for at least the last six months, they shall, within the time limit therefor stipulated, be entitled to state that they prefer Indonesian nationality.

Article 4. 1. Without prejudice to the provisions of paragraph 2 below, Netherlands subjects-non-Netherlanders (Nederlandse onderdanen-niet-Netherlanders) who are of age and who, immediately before transfer of sovereignty belonged to the indigenous population (orange jang asli) of Indonesia shall acquire Indonesian nationality but if they are born outside Indonesia and reside in the Netherlands or in a territory not under the jurisdiction of either partner in the Union, they shall, within the time limit therefor stipulated, be entitled to state that they prefer Netherlands nationality.

2. The subjects of the Netherlands referred to in paragraph 1 above who are residents of Surinam or of the Netherlands Antilles shall

(a) If they were born outside the Kingdom, acquire Indonesian nationality but may, within the time-limit therefor stipulated, state that they prefer Netherlands nationality;

(b) If they were born within the Kingdom, retain Netherlands nationality but may, within the time limit therefor stipulated, state that they prefer Indonesian nationality.

Article 5. Persons who, immediately before the transfer of sovereignty, are of age and are Netherlands subjects of foreign origin-non-Netherlanders (uiteemse Nederlandse onderdanen-niet-Netherlanders) and who were born in Indonesia or reside in the Republic of the United States of Indonesia shall acquire Indonesian nationality but may, within the time limit therefor stipulated, reject Indonesian nationality;

If, immediately before the transfer of sovereignty, such persons had no other nationality than the Netherlands nationality, they shall regain Netherlands nationality;

If, immediately before the transfer of sovereignty such persons possessed simultaneously another nationality, they shall, when rejecting Indonesian nationality, regain Netherlands nationality only on the strength of a statement made by them to that effect.

Article 6. Persons who, immediately before the transfer of sovereignty, were of age and are Netherlands subjects of foreign origin-non-Netherlanders (uitheemse Nederlandse onderdanen-niet-Nederlanders) and who were not born in Indonesia and reside within the Kingdom, shall retain Netherlands nationality but may, within the time limit therefor stipulated, state that they prefer Indonesian nationality and reject Netherlands nationality;

Those who, at the transfer of sovereignty simultaneously possess a foreign nationality, may simply reject Netherlands nationality, on the understanding that the right to reject Netherlands nationality, connected or not with the right to prefer Indonesian nationality, shall not belong to inhabitants of Surinam of Indian or Pakistani origin.

Article 7. Those who, at the transfer of sovereignty are of age and are Netherlands subjects of foreign origin-non-Netherlanders (uitheemse Nederlandse onderdanen-niet-Nederlanders) and who reside outside a territory under the jurisdiction of either partner in the Union and who were born in the Netherlands, in Surinam or the Netherlands Antilles, shall retain Netherlands nationality;

If these persons are born of parents who were Netherlands subjects by birth in Indonesia, they may, within the time limit therefor stipulated, state that they prefer Indonesian nationality and reject Netherlands nationality;

If, at the transfer of sovereignty, these persons simultaneously possess a foreign nationality, they may simply reject Netherlands nationality.

If these persons were born outside a territory under the jurisdiction of either partner in the Union, they fall under the terms of the present article or under the terms of article 5 above, according to the place of birth of either father or mother, with due observance of the distinctions established by the provisions of article 1 of the Act of 1892 on Netherlands citizenship and residence (ingezetenschap);

If the parents were also born outside a territory under the jurisdiction of either partner in the Union, the place of birth of the father or of the mother shall be decisive.

Article 8. With due observance of the distinctions established by the provisions of article 1 of the Act of 1892 referred to in article 7 above, persons not of age shall follow the nationality of their father or mother, provided either parent is a Netherlands subject and living at the transfer of sovereignty.

Article 9. With due observance of the distinctions established by the provisions of article 1 of the Act of 1892 referred to in articles 7 and 8 above, persons not of age whose father or mother is, at the transfer of sovereignty, not a Netherlands subject, or is deceased, shall fall directly under the terms of the preceding articles;

If these persons have no living parent, their domicile shall be deemed to be their place of actual residence and, in all cases where a statement on their part is provided for, such statements may be made on their behalf by their lawful representative. In the absence of a lawful representative the above provisions shall become applicable at the time such a lawful representative is appointed.

Article 10. The married woman shall follow the status of her husband. In case the marriage is dissolved she shall, within the time limit of one year thereafter, be entitled to make a statement by which she may acquire

or reject the nationality she would or could have acquired or rejected by a statement, had she not been married at the transfer of sovereignty.

Article 11. The exercise of the right to prefer or reject a nationality shall not nullify any act previously performed and which would be valid if this right had not been exercised according to the above provisions.

EXECUTIVE REGULATIONS

Article 12. Statements by persons to the effect that they prefer or reject a nationality under the terms of the preceding articles shall be made before or addressed to

- (a) The High Commissioners of the Parties, or
- (b) The ordinary judiciary to whose normal jurisdiction these persons belong, or
- (c) The officials further to be designated by the competent authorities of both states.

Statements of the kind referred to in the preceding paragraph by persons abroad may be made before, or sent to diplomatic or consular authorities of either Party and under whose jurisdiction the person concerned is domiciled.

Signatures or fingerprints appearing on a written statement shall be duly legalized.

A person making or sending a statement as above referred to shall at once receive a certificate thereof.

Statements as referred to above made in the course of a given calendar month shall be published in the course of the following month in the official Gazette of the State whose officials have received such statements; duplicates or certified copies thereof shall be forwarded monthly to the Government of the other State.

Both Parties shall give ample publicity to the conditions on which such statements may be made. These statements and certificates thereof shall be free from stamp duty or cost.

Article 13. Wherever the preceding articles mention "the time limit therefor stipulated", these words shall apply to a period of two years from the transfer of sovereignty.

Article 14. Decisions concerning the exercise or the prevention of exercise of the right of option may be requested from the ordinary judiciary under whose jurisdiction the interested party resides. If the latter resides abroad, the District Court (Arrondissements Rechtbank) of Amsterdam and the ordinary judiciary at Batavia (Djakarta) shall be competent.

Persons concerned in such decisions shall, as in civil law, have the right of appeal and of any other legal recourse. A decision having obtained legal validity shall be notified by the Government of the Party under whose jurisdiction such decision was taken to the Government of the other Party by whom it shall be recognized as binding.

Note

None of the provisions in this agreement shall apply to the nationality of the inhabitants of the residency of New Guinea in case the sovereignty over this territory is not transferred to the Republic of the United States of Indonesia.

38. Iran

LIVRE II DU CODE CIVIL DU 16 FÉVRIER 1935¹ DE LA NATIONALITÉ.

Article 976. Sont sujets iraniens :

- 1) Tous les habitants de l'Iran à l'exception de ceux dont la nationalité étrangère est certaine. Est certaine la nationalité étrangère de ceux dont les titres de nationalité ne sont point contestés par le Gouvernement iranien;
- 2) Tout individu né d'un père iranien, en Iran ou à l'étranger;
- 3) Tout individu né en Iran de père et mère inconnus;
- 4) Tout individu né en Iran de parents étrangers dont l'un y est lui-même né;
- 5) Tout individu né en Iran d'un père étranger et y ayant résidé au moins un an à dater du jour où il a atteint l'âge de dix-huit ans révolus. A défaut de cette condition, l'admission de cette catégorie de personnes dans la nationalité iranienne sera régie par les dispositions relatives à la naturalisation;
- 6) Toute étrangère mariée à un Iranien;
- 7) Tout étranger naturalisé Iranien.

Remarque: Les dispositions des paragraphes 4 et 5 ne seront pas applicables aux enfants nés des représentants diplomatiques et consulaires étrangers.

Article 977. Les personnes mentionnées aux paragraphes 4 et 5 (de l'article précédent) auront, dans l'année qui suit l'âge de 18 ans révolus, la faculté d'opter pour la nationalité de leur père à condition toutefois de présenter, dans le délai susindiqué, une déclaration écrite au Ministère des Affaires étrangères, accompagnée d'une attestation du Gouvernement dont ressort leur père, leur reconnaissant cette nationalité.

Article 978. Le principe de réciprocité sera appliqué à tout Etat qui reconnaîtrait les enfants nés d'un sujet iranien sur son territoire comme ses propres sujets et n'admettrait le retour à la nationalité iranienne qu'avec une autorisation préalable.

Article 979. Pour être naturalisé, il faut :

- 1) Avoir l'âge de 18 ans révolus;
- 2) Avoir résidé en Iran pendant cinq années consécutives ou non;
- 3) N'être pas déserteur;
- 4) N'avoir été condamné dans aucun pays pour délit grave ou crime de droit commun;

Est assimilé à la résidence en Iran, mentionnée au paragraphe 2 du présent article, le séjour en pays étranger pour le service du Gouvernement iranien.

Article 980. La naturalisation peut être accordée par approbation du Conseil des Ministres et sans condition de résidence :

- 1) A toute personne ayant rendu un service important ou apporté une contribution importante aux intérêts publics iraniens;
- 2) A tout étranger qui a épousé une Iranienne et dont il a un enfant ainsi qu'à toute personne possédant de hautes connaissances scientifiques ou une compétence dans des questions d'intérêt public.

¹ Texte français reçu de la délégation permanente de l'Iran auprès des Nations Unies.

Article 981. Si, dans un délai de cinq ans, à dater de l'acte de naturalisation, il est établi que l'individu naturalisé a été déserteur ou, si avant l'expiration du délai prévu par la législation iranienne pour la prescription de l'infraction ou de la peine, il est reconnu que l'individu en question a été condamné pour délit grave ou crime de droit commun, il sera déchu de la nationalité iranienne par ordre du Conseil des Ministres.

Remarque: Sera déchu de la nationalité iranienne par autorisation du Conseil des Ministres et sans préjudice des peines prescrites par la loi, tout étranger naturalisé Iranien et résidant en pays étranger:

a) Qui aura commis des actes contre la sûreté intérieure ou extérieure de l'Etat iranien ou qui aura attenté à la souveraineté nationale ou aux libertés publiques iraniennes;

b) Qui n'aura pas fait son service militaire tel qu'il est prescrit par la loi iranienne.

Article 982. La naturalisation iranienne entraîne la jouissance de tous les droits reconnus aux citoyens iraniens à l'exception des fonctions de ministre, de gérant d'un ministère et de toutes missions diplomatiques à l'étranger. Néanmoins, les naturalisés ne peuvent qu'après dix ans à dater de leur titre de naturalisation, être nommés:

- 1) Membre des corps législatifs;
- 2) Membre d'un Conseil provincial, départemental ou municipal;
- 3) Fonctionnaire au Ministère des Affaires étrangères.

Article 983. La demande de naturalisation devra être présentée au Ministère des Affaires étrangères soit directement, soit par l'entremise du Gouverneur ou du Gouverneur-Général. A cette demande devront être annexées les pièces suivantes:

1) Copie certifiée conforme des actes constatant l'identité du postulant, de sa femme et de ses enfants;

2) Certificat de la police indiquant la durée de séjour du postulant en Iran et attestant qu'il n'a pas de mauvais antécédents et qu'il possède une fortune suffisante ou exerce une profession déterminée susceptible d'assurer son existence.

Le Ministère des Affaires étrangères complétera, s'il y a lieu, les informations relatives à la personne du postulant et soumettra le tout au Conseil des Ministres aux fins de décision. Si la demande est admise, l'acte de naturalisation sera délivré à l'intéressé.

Article 984. Seront reconnus sujets iraniens la femme et les enfants mineurs des personnes naturalisées, conformément à la présente loi.

Toutefois, la femme, dans un délai d'un an à dater de l'acte de naturalisation de son mari, et les enfants mineurs dans le même délai à dater de l'âge de 18 ans révolus, pourront, en présentant au Ministère des Affaires étrangères une déclaration écrite, opter pour la nationalité antérieure du mari ou du père.

Cependant, l'attestation mentionnée à l'article 977 devra être annexée à la déclaration faite par les enfants des deux sexes.

Article 985. L'acquisition de la nationalité iranienne par le père ne produit aucun effet sur la nationalité des enfants qui, à la date de la demande de naturalisation, avaient atteint l'âge de 18 ans révolus.

Article 986. L'étrangère qui, par son mariage, est devenue Iranienne, peut, après le divorce ou le décès de son mari, se faire réintégrer dans sa nationalité d'origine à condition d'en aviser par écrit le Ministère des Affaires étrangères.

Toutefois, la veuve ayant des enfants de son mari décédé ne pourra exercer ce droit tant que ses enfants n'auront pas atteint l'âge de 18 ans révolus.

Dans tous les cas, la femme qui, en vertu du présent article, reprend sa nationalité d'origine, n'aura le droit de posséder en Iran des biens immobiliers que dans les limites où ce droit est reconnu aux ressortissants étrangers.

Si elle possède des biens immobiliers dépassant la limite autorisée aux étrangers, ou si des biens de cette nature et dépassant ladite limite venaient à lui être échus à titre de succession, elle devra, dans l'année qui suivra la perte de la nationalité iranienne ou l'acquisition des biens à titre successoral, transférer à des sujets iraniens par le moyen qui lui conviendra la part dépassant la limite autorisée; faute de quoi les biens en question seront vendus sous la surveillance du Procureur Impérial du lieu et le prix en sera remis à l'intéressée, déduction faite des frais de vente.

Article 987. La femme iranienne qui épouse un étranger conserve sa nationalité iranienne à moins que la loi du pays dont ressort le mari ne lui impose la nationalité de ce dernier.

Toutefois, après le décès du mari ou la dissolution du mariage, elle sera réintégrée dans sa nationalité d'origine avec tous les droits et prérogatives qui s'y rattachent sur simple présentation d'une demande au Ministère des Affaires étrangères, accompagnée du certificat de décès de son mari ou de l'acte constatant la dissolution du mariage.

Remarque 1. L'Iranienne désirant acquérir la nationalité de son époux dans le cas où la loi du pays dont ressort le mari lui laisserait la liberté d'opter entre sa nationalité d'origine et celle de son mari, pourra, sur sa demande écrite adressée au Ministère des Affaires étrangères, être autorisée à acquérir cette nationalité, à condition de justifier de raisons plausibles.

Remarque 2. L'Iranienne qui, par suite de son mariage, acquiert une nationalité étrangère, ne peut avoir d'autres biens immobiliers que ceux en sa possession au moment du mariage. Ce droit n'est pas transmissible à ses héritiers de nationalité étrangère.

Les dispositions de l'article 988 relatives à la répudiation de la nationalité iranienne ne sont point applicables aux femmes susmentionnées.

Article 988. Les sujets iraniens ne peuvent répudier leur nationalité iranienne que sous les conditions suivantes:

- 1) Avoir atteint l'âge de 25 ans révolus;
- 2) Avoir obtenu l'autorisation du Conseil des ministres;
- 3) Avoir pris l'engagement préalable de transférer à des sujets iraniens, dans l'année qui suit la répudiation de la nationalité iranienne, et par tel moyen qui leur conviendra, tous les droits qu'ils ont sur des immeubles situés en Iran ou qu'ils pourraient y acquérir à titre successoral, alors même que les lois iraniennes autoriseraient les étrangers à avoir de pareils droits.

La femme ainsi que les enfants majeurs ou mineurs de l'individu qui répudie sa nationalité iranienne, conformément au présent article, ne perdent point leur nationalité iranienne à moins que l'autorisation du Conseil des Ministres ne les vise également;

- 4) Avoir accompli le service militaire.

Remarque. Les personnes qui, conformément au présent article, répudient la nationalité iranienne et acquièrent une nationalité étrangère doivent,

en plus des dispositions édictées pour elles au paragraphe 3 de cet article, quitter l'Iran dans un délai d'un an, à défaut de quoi les autorités compétentes ordonneront leur expulsion ainsi que la vente de leurs biens. Si lesdites personnes voulaient ultérieurement rentrer en Iran, elles devront obtenir une autorisation spéciale du Conseil des Ministres et ce pour une seule fois et pour une durée déterminée.

Article 989. Tout sujet iranien qui, après l'année solaire 1280 et contrairement aux prescriptions légales, aurait acquis une nationalité étrangère restera reconnu Iranien et la nationalité étrangère ainsi acquise sera nulle et non avenue. Néanmoins, tous ses biens immobiliers seront mis en vente sous la surveillance du Procureur Impérial du lieu et le prix lui en sera remis, déduction faite des frais de vente. Il sera, de plus, privé du droit d'être ministre, sous-secrétaire d'Etat, membre d'un corps législatif, d'un conseil provincial, départemental ou municipal, et d'exercer toute autre fonction gouvernementale.

Article 990. Tout sujet iranien dont le père ou lui-même aurait, conformément à la loi, acquis une nationalité étrangère et désirerait être réintégré dans sa nationalité d'origine, y sera admis aussitôt qu'il en aura fait la demande, à moins que le Gouvernement juge inopportune sa réintégration.

Article 991. Un règlement approuvé par le Conseil des Ministres déterminera les modalités d'exécution de la loi sur la nationalité et fixera les frais à payer (droits de chancellerie) pour les demandes de naturalisation, de l'acquisition d'une nationalité étrangère ou de la conservation de la nationalité d'origine.

39. Iraq

(a) NATIONALITY LAW OF OCTOBER 9, 1924.¹

Article 1. This Law shall be called "The Iraq Nationality Law".

It prescribes the conditions under which Iraq nationality may be acquired and lost.

Preliminary—Definitions

Article 2. In this law the following expressions shall have the following meanings:

(1) "Iraq National" means a person possessing Iraq nationality either by birth, naturalization or otherwise.

(2) "Alien" is any person other than an Iraq national.

(3) "Disability" means the status of being a married woman, or a minor, lunatic or idiot.

(4) The age of majority shall be taken to be eighteen years calculated according to the Solar calendar in the case of Iraqis, and shall be determined, in the case of aliens, by the laws of the State of which they are nationals.

(5) The term "habitually resident in Iraq" shall be deemed to include every person who has had his usual place of residence in Iraq since the twenty-third day of August, 1921.

¹ Flournoy and Hudson, A Collection of Nationality Laws, New York, 1929, pp. 348-351.

Throughout the law the masculine shall include the feminine where there is nothing repugnant thereto in the context.

PART I. IRAQ NATIONALITY

Article 3. All persons who on the 6th day of August, 1924, were Ottoman subjects and were habitually resident in Iraq are hereby declared to have ceased to be Ottoman subjects and to have acquired Iraq nationality on that date.

Article 4. Any person who has become an Iraq national by virtue of Article 3 hereof and who has attained his majority on or before the 6th day of August, 1926, may on or before the said 6th day of August, 1926, by written declaration to be made as hereinafter provided, state his option for Turkish nationality. Provided that such person shall not for the purposes of this law be deemed to have ceased to be an Iraq national unless and until he has obtained a certificate from such officer as may be prescribed by regulation under this law, that he has transferred his place of residence from Iraq in accordance with the provisions of Article 6 hereof.

Article 5. Any person who has attained his majority and who by virtue of Article 3 becomes an Iraq national and differs in race from the majority of the population of Iraq may in manner prescribed in Article 4 hereof opt for the nationality of one of the States in which the majority of the population is of the same race as the person exercising the right to opt, subject to the consent of that State.

Article 6. Any person who has exercised the right to opt in accordance with Article 4 or 5 shall be bound to transfer his place of residence from Iraq within twelve months from the date of option and shall thereupon cease to be an Iraq national. He shall be entitled to remove from Iraq free of export duty all movable property owned by him in Iraq, and to retain all immovables owned by him herein.

Article 7. Any Ottoman subject who has obtained his majority and who, although not habitually resident in Iraq, is a native of Iraq, may on or before the 6th day of August, 1926, by written declaration as hereinafter provided, opt for Iraq nationality, and he shall thereupon with the consent of the Iraq Government acquire Iraq nationality, provided that where necessary an agreement on the subject has been concluded between the Iraq Government and the Government of the country where the person is resident.

Article 8. The following persons shall be deemed to be Iraq nationals:

(a) Any person wherever born, whose father was at the time of that person's birth an Iraq national, and was either born in Iraq or obtained his Iraq nationality by naturalization or by virtue of Articles 3, 4, or 5 hereof,

(b) Any person born in Iraq who has attained his majority and whose father was born in Iraq and was at the time of that person's birth ordinarily resident in Iraq.

Article 9. Any person born in Iraq whose father is an alien may, within one year after attaining his majority, state by declaration as hereinafter provided his desire to become an Iraq national and he shall thereupon be deemed to be an Iraq national. Provided that the declarant while resident in any country other than Iraq has not acquired any foreign

nationality and that there is no provision in the law of the country where he has resided, which prevents him from making such a declaration.

PART II. NATURALIZATION

Article 10. Any person not under disability who fulfils the following conditions may apply as hereinafter provided for the grant of a certificate of naturalization as an Iraq national:

(i) That he has had his usual place of residence in Iraq after attaining his majority for the three years immediately preceding his application.

(ii) That he is of good character.

(iii) That he intends to reside in Iraq.

Article 11. The Minister of Interior shall have absolute discretion to grant or refuse an application for a certificate of naturalization as he thinks most conducive to the public good and no appeal shall lie from his decision.

The Minister of Interior may, if he considers that special circumstances render it desirable, dispense with the condition of three years' previous residence.

Article 12. Subject to the provisions of this law a person to whom a certificate of naturalization has been granted shall be deemed to be an Iraq national for all purposes.

PART III. LOSS OF IRAQ NATIONALITY

Article 13. An Iraq national who becomes voluntarily naturalized in any foreign State shall thereupon cease to be an Iraq national, but his new nationality shall not be recognized in Iraq unless the Iraq Government shall have granted an authorization in this behalf, and if at any time thereafter he shall return to Iraq, the Iraq Government shall have the right to regard him as an Iraq national or to expel him from Iraq.

Article 14. Any person who has become an Iraq national in pursuance of Article 8 of this Law may within one year of attaining his majority by declaration made in the form hereinafter provided, renounce his Iraq nationality and shall thereupon cease to be an Iraq national.

Article 15. If an Iraq national shall enter the civil or military service of a foreign State and shall not give up such service, if called upon to do so by the Iraq Government, the Minister of Interior may by notice in the Official Gazette declare that such person has lost his Iraq nationality.

Article 16. An Iraq national who loses his Iraq nationality shall not thereby be discharged from any obligation arising from any act done by him before he ceased to be an Iraq national.

PART IV. NATIONAL STATUS OF MARRIED WOMEN AND MINOR CHILDREN

Article 17. The wife of an Iraq national shall be deemed to be an Iraq national and subject to the provisions of Article 19 hereof; the wife of an alien shall be deemed to be an alien.

(i) Provided that a woman who has acquired Iraq nationality by marriage may within three years after the death of her husband or dissolution of the marriage renounce her Iraq nationality by declaration made in the form hereinafter provided and shall hereupon cease to be an Iraq national.

(ii) Provided also that a woman who has lost Iraq nationality by marriage, may resume it by declaration made in the form hereinafter provided within three years from the death of her husband or the dissolution of her marriage.

Article 18. (1) If an alien acquires Iraq nationality his minor children shall thereupon become Iraq nationals.

(2) If an Iraq national ceases to be an Iraq national his minor children shall thereupon cease to be Iraq nationals. Provided that a minor child who has ceased to be an Iraq national under the provisions of this paragraph may within two years after attaining his majority, resume Iraq nationality by declaration made in the form hereinafter provided.

Article 19. If a widow or divorced woman who is an alien, marry an Iraq national, her children born before she became an Iraq national shall not by reason only of such marriage acquire Iraq nationality.

Article 20. The Minister of Interior may propose regulations for carrying into effect the objects of this law generally, and in particular for levying fees in respect of declarations and documents under this law, and may issue instructions with respect to the following matters:

(a) The form and registration of certificates of naturalization.

(b) The form and registration of declarations of option for Turkish nationality and declarations of acquisition, resumption, retention and renunciation of Iraq nationality.

Article 21. This Law shall be deemed to be in force from the 6th day of August, 1924.

Article 22. The Ministers of Interior and Justice are charged with the execution of this Law.

(b) NATIONALITY (AMENDMENT) LAW OF FEBRUARY 25, 1925.¹

Article 1. This Law shall be called "The Iraq Nationality Amendment Law, 1925".

Article 2. Article 13 of the Iraq Nationality Law, 1924, is deleted and the following substituted:

"*Article 13.* An Iraq national who becomes voluntarily naturalized in any foreign State, shall thereupon cease to be an Iraq national. Provided that if he shall at any time thereafter have his usual place of residence in Iraq for the period of one year he shall, if he continues to reside in Iraq, be regarded while in Iraq as an Iraq national."

Article 3. Article 14 is amended by the insertion of the following words after the words "his majority": "or if he shall have reached his majority on or before 6 August, 1925, then before the 6th August, 1926".

Article 4. In Article 17 of the said Law the words "subject to the provisions of Article 19 hereof" are deleted.

Article 5. In Article 19 the words "before she became an Iraq national" are deleted and the words "before the said marriage" substituted.

¹ Flournoy and Hudson, A Collection of Nationality Laws, New York, 1929, pp. 351-352.

Article 6. Article 20 is deleted and the following substituted:

“The amount of fees to be paid in respect of any application, declaration or grant under this Law shall be prescribed, from time to time, by Royal Irada.

“The Minister of Interior may by notification in the Official Gazette, make regulations generally for carrying into effect the objects of this Law, and in particular with respect to the following matters:

“(a) The form and registration of certificates of naturalization.

“(b) The form and registration of declarations of option under Articles 4 and 5 hereof, and declarations of acquisition, resumption, or renunciation of Iraq nationality.”

Article 7. This Law shall come into force from the date of its publication in the Official Gazette.

Article 8. The Ministers of the Interior and Justice are charged with the execution of this law.

(c) ORDINANCE NO. 81 OF 28 OCTOBER 1926¹ FOR THE AMENDMENT OF THE NATIONALITY LAW, 1924.

Article 1. (A) This Ordinance shall be called “Ordinance for the Amendment of the Iraq Nationality Law, 1924”, No. 81 of 1926.

(B) It shall come into force from the date of its publication in the Government Gazette.

Article 2. Article 4 of the Iraq Nationality Law shall be amended as follows:

A—The words “on or before the said 6th day of August 1926”, shall be substituted by “on or before the 17th July, 1927”.

B—The following shall be added to the end of the Article “and subject to the condition that the Turkish Government agrees to the change of Nationality”.

Article 3. Articles 5 and 6 of the Law shall be altered in the light of the amendment of date mentioned in Article 2 (A) of this Ordinance.

Article 4. Article 7 of the Law shall be altered by the substitution of the words “the 17th day of July, 1927” for “the 6th day of August, 1926”.

(d) ORDINANCE NO. 62 OF 15 AUGUST 1933 FOR THE CANCELLATION OF IRAQ NATIONALITY.

Article 1. The Council of Ministers may decide the cancellation of Iraq Nationality conferred upon any Iraqi not related to a family normally resident in Iraq before the World War, if he commits or attempts to commit an act considered to be dangerous to the security and safety of the State.

Article 2. The Minister of Interior may order the deportation ex-Iraq of any person deprived of Iraq Nationality in accordance with Article 1, should he deem his deportation necessary in the interest of public security and comfort.

. . .

¹ Flournoy and Hudson, A Collection of Nationality Laws, New York, 1929, pp. 358-359.

(e) LAW NO. 1 OF 4 MARCH 1950. SUPPLEMENT TO ORDINANCE ON CANCELLING OF IRAQ NATIONALITY NO. 62 OF 15 AUGUST 1933.

Article 1. The Council of Ministers may cancel the Iraqi nationality of the Iraqi Jew who willingly desires to leave Iraq for good, pending putting his signature on a special form in the presence of the official whom the Minister of Interior designates.

Article 2. The Iraqi Jew who leaves Iraq, or tries to leave Iraq illegally, shall forfeit the Iraqi nationality by a decision of the Council of Ministers.

Article 3. The Iraqi Jew who had previously left Iraq illegally, shall be considered as if he had left Iraq for good, unless he comes back within a period of two months from enforcing this Law, and he shall forfeit his Iraqi nationality from the date of the expiry of this period.

Article 4. The Minister of Interior is charged with issuing orders to expel everyone who has forfeited his Iraqi nationality in accordance with the first and second Articles, unless he is duly convinced, according to satisfactory reasons, that his provisional staying in Iraq is a judicial or legal necessity, or to safeguard the rights of a third party which are officially documented.

Article 5. This Law shall be in force for one year from the date of its enforcing, and it is permissible to terminate it any time within this period by a Royal Irada published in the Official Gazette.

40. Ireland

(a) CONSTITUTION OF 1937.

Article 9. 1. (1) On the coming into operation of this Constitution any person who was a citizen of Saorstát Éireann immediately before the coming into operation of this Constitution shall become and be a citizen of Ireland.

(2) The future acquisition and loss of Irish nationality and citizenship shall be determined in accordance with law.

(3) No person may be excluded from Irish nationality and citizenship by reason of the sex of such person.

2. Fidelity to the nation and loyalty to the State are fundamental political duties of all citizens.

(b) NATIONALITY AND CITIZENSHIP ACT NO. 13 OF 1935.

An Act to provide for and regulate for all purposes, municipal and international, the acquisition by birth or otherwise of citizenship of Saorstát Éireann, and the forfeiture or loss of such citizenship, and to provide for divers matters connected with the matters aforesaid. [10th April, 1935.]

Be it enacted by the Oireachtas of Saorstát Éireann as follows:

1. In this Act:

The expression "the Minister" means the Minister for Justice; the word "legation" includes the office of a High Commissioner; the word "citizen" when used in relation to Saorstát Éireann includes (save where precluded by the context) a person who is a citizen of Saorstát Éireann by virtue of article 3 of the Constitution¹ and when used in relation to

¹ *Article 3.* Every person, without distinction of sex, domiciled in the area of the jurisdiction of the Irish Free State (Saorstát Éireann) at the time of

a country other than Saorstát Eireann includes a subject or national of such country, and the word "citizenship" shall be construed accordingly; the word "prescribed" means prescribed by regulations made by the Minister under this Act.

2. (1) The following persons shall be natural-born citizens of Saorstát Eireann, that is to say:

(a) Every person who was born in Saorstát Eireann on or after the 6th day of December, 1922, and before the date of the passing of this Act, and

(b) Every person who is born in Saorstát Eireann on or after the date of the passing of this Act, and

(c) Every person who was born on or after the 6th day of December 1922, and before the date of the passing of this Act in a ship registered in Saorstát Eireann, and

(d) Every person who is born on or after the date of the passing of this Act in a ship registered in Saorstát Eireann, and

(e) Every person who was born outside Saorstát Eireann on or after the 6th day of December, 1922, and before the date of the passing of this Act and whose father was, on the day of such person's birth, a citizen of Saorstát Eireann, and

(f) Subject to the subsequent provisions of this section, every person who is born outside Saorstát Eireann on or after the date of the passing of this Act and whose father was, on the day of such person's birth, a citizen of Saorstát Eireann.

(2) Where:

(a) A person is born outside Saorstát Eireann on or after the date of the passing of this Act, and

(b) Such person's father is, on the day of such person's birth, a natural-born citizen of Saorstát Eireann born outside Saorstát Eireann, or a naturalized citizen of Saorstát Eireann, and

(c) Such person's father is, on the day of such person's birth, not employed in the service of the Government of Saorstát Eireann, such person shall not be a natural-born citizen of Saorstát Eireann unless within one year or, where the Minister because of special circumstances so permits, within two years after the day of such person's birth the fact of such person's birth is registered:

(d) If such person is born in Northern Ireland, in the Northern Ireland births register, or (in any other case),

(e) If such person is born in a country in which there is, on the day of his birth, a Saorstát Eireann legation or consulate, in the foreign births entry book kept at such legation or consulate or in the foreign births register, or

(f) If such person is born in a country in which there is, on the day of his birth, neither a Saorstát Eireann legation nor a Saorstát Eireann consulate, in the foreign births register.

the coming into operation of this Constitution who was born in Ireland or either of whose parents was born in Ireland or who has been ordinarily resident in the area of the jurisdiction of the Irish Free State (Saorstát Eireann) for not less than seven years, is a citizen of the Irish Free State (Saorstát Eireann) and shall within the limits of the jurisdiction of the Irish Free State (Saorstát Eireann) enjoy the privileges and be subject to the obligations of such citizenship: Provided that any such person being a citizen of another State may elect not to accept the citizenship hereby conferred; and the conditions governing the future acquisition and termination of citizenship in the Irish Free State (Saorstát Eireann) shall be determined by law. (Constitution of the Irish Free State of 6 December 1922.)

(3) Every natural-born citizen of Saorstát Éireann whose right to such citizenship is conditional on the entry in the Northern Ireland births register or in the foreign births register or in a foreign births entry book of the fact of his birth shall cease to be a citizen of Saorstát Éireann at the expiration of one year or such longer period as the Minister (before or after the expiration of such year) shall, in any particular case because of special circumstances, permit after the day on which such person attains the age of twenty-one years, unless such person, after attaining that age and before the expiration of the said year or longer period aforesaid, makes in the prescribed form and registers with the Minister in the prescribed manner a declaration of retention of his citizenship of Saorstát Éireann and also, if he is a citizen of a foreign country, divests himself, in accordance with the laws of that country, of his citizenship thereof.

(4) Every person who is not a citizen of Saorstát Éireann by virtue of Article 3 of the Constitution but was born before the 6th day of December, 1922, either in Ireland or of parents of whom at least one was born in Ireland shall:

(a) If such person is at the passing of this Act or becomes thereafter permanently resident in Saorstát Éireann, be deemed to be a natural-born citizen of Saorstát Éireann, or

(b) If such person at the passing of this Act is permanently resident outside Saorstát Éireann and is not a naturalized citizen of any other country, be deemed, upon being registered in accordance with the next following sub-section of this section, to be a natural-born citizen of Saorstát Éireann.

(5) No person whose right to be deemed to be a natural-born citizen of Saorstát Éireann under the next preceding sub-section of this section is made by that sub-section conditional on registration in accordance with this sub-section shall be deemed to be a natural-born citizen of Saorstát Éireann unless, within one year or, where the Minister (before or after the expiration of such year) because of special circumstances so permits, within two years after the passing of this Act, the name of such person is registered:

(a) If such person is, at the passing of this Act, permanently resident in a country in which there is a Saorstát Éireann legation or consulate, in the register of nationals kept at such legation or consulate or in the general register of nationals, or

(b) If such person is, at the passing of this Act, permanently resident in a country in which there is neither a Saorstát Éireann legation nor a Saorstát Éireann consulate, in the general register of nationals.

(6) Every person born before the 6th day of December, 1922, who is, at the passing of this Act, employed outside Saorstát Éireann in the civil service of the Government of Saorstát Éireann as an established officer but is not a citizen of Saorstát Éireann by virtue of Article 3 of the Constitution shall be deemed to be a natural-born citizen of Saorstát Éireann.

(7) Notwithstanding anything contained in the foregoing provisions of this section:

(a) A person who was or is born in Saorstát Éireann on or after the 6th day of December, 1922 (whether before or after the passing of this Act), shall not be a natural-born citizen of Saorstát Éireann if such person's father was or is, on the day of such person's birth, envoy extraordinary and minister plenipotentiary or the head of a foreign diplomatic mission established in Saorstát Éireann or is the secretary of legation, or other member of the diplomatic staff of such mission whose appointment as such has

been officially notified to the Minister for External Affairs or is otherwise entitled to diplomatic immunities and in any case possesses the nationality of the country by which such mission is accredited, and

(b) A person who was or is born in Saorstát Eireann on or after the 6th day of December, 1922 (whether before or after the passing of this Act), and whose father, on the day of the birth of such person, was or is a consul-general, consul, vice-consul, or other official of another country charged with an official mission in Saorstát Eireann and possessed or possesses the nationality of the country by which he was or is appointed, shall, if such person at his birth acquired or acquires by the laws of the said country by which his father was or is so appointed the nationality of such country, cease to be a citizen of Saorstát Eireann if and when a declaration of alienage is made and lodged with the Minister in the prescribed form and manner by such person's father on behalf of such person before such person has attained the age of twenty-one years or by such person after he has attained that age.

3. (1) Any person who is not a citizen of Saorstát Eireann may apply to the Minister in the prescribed form and manner for a certificate of naturalization.

(2) Every person who applies under this section for a certificate of naturalization shall furnish to the Minister, in his form of application or otherwise, all such information as the Minister shall, in such form or otherwise, require for the due consideration of such application, and shall, if and when required by the Minister so to do, verify all or any of such information by the statutory declaration of some person (whether the applicant or another person) having knowledge of the facts.

(3) If any person fails to furnish any information or any verification which he is required by the Minister under this section to furnish, the Minister may, on the ground of such failure and without prejudice to any other power of refusal conferred by this Act, refuse the application in relation to which such information or verification was so required.

(4) If any person, for the purposes of or in relation to an application under this section, gives or makes to the Minister any statement or information which is to his knowledge false or misleading in any material respect, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

4. (1) Whenever an application is duly made to the Minister for a certificate of naturalization, the Minister may, at his absolute discretion but subject to the limitations imposed by this section, either:

(a) Grant such application and issue to the applicant a certificate of naturalization accordingly, or

(b) Refuse such application.

(2) A certificate of naturalization shall not be issued to a person of unsound mind, nor (save as is expressly authorised by this Act) to a person who has not attained the age of twenty-one years.

(3) The Minister shall not issue to any person a certificate of naturalization unless or until he is satisfied:

(a) That such person is of good character, and

(b) That, save as is otherwise provided by the Act, such person resided continuously in Saorstát Eireann for the period of one year expiring on the date of his application for such certificate and also resided, during the eight years next preceding the said period of one year, in Saorstát

Eireann for a continuous period of four years or for a number of discontinuous periods amounting in the aggregate to four years, and

(c) That such person *bona fide* intends, if and when such certificate is issued to him, to have his usual or principal place of residence in Saorstát Eireann, and

(d) That such person has made, in the prescribed form and manner, a declaration of acceptance of citizenship of Saorstát Eireann.

(4) Where the applicant for a certificate of naturalization is the spouse of a person who is under this Act deemed (in virtue of permanent residence in Saorstát Eireann) to be a natural-born citizen of Saorstát Eireann, the Minister may, if he so thinks proper, dispense in the case of such applicant with compliance by such applicant with so much of this section as relates to residence in Saorstát Eireann prior to the application for a certificate of naturalization.

(5) Where the applicant for a certificate of naturalization satisfies the Minister:

(a) That she is a widow, and

(b) That her husband, immediately before his death, was not a citizen of Saorstát Eireann, and

(c) That she was, immediately before her marriage, a citizen of Saorstát Eireann, and

(d) That she relinquished under this Act her citizenship of Saorstát Eireann on account of her marriage to a person who was not a citizen of Saorstát Eireann, and

(e) That she was at the date of the death of her husband and is at the date of such application ordinarily resident outside Saorstát Eireann, the Minister may, if he so thinks proper, dispense in the case of such applicant with compliance by her with so much of this section as relates to residence or to intended residence in Saorstát Eireann.

(6) The Minister may, if he so thinks fit in the case of any particular applicant for a certificate of naturalization, deem any particular period of service by such applicant outside Saorstát Eireann in the employment of the Government of Saorstát Eireann to be residence in Saorstát Eireann for the purposes of this section.

5. (1) The Executive Council may, if and whenever they so think proper, cause a certificate of naturalization to be issued under this Act to any person or to a child or grandchild of any person who, in the opinion of the Executive Council, has done signal honour or rendered distinguished service to the Irish Nation.

(2) The Executive Council may authorise the Minister to dispense, in relation to the issue of a certificate of naturalization under this section, with compliance by the person to whom such certificate is issued with all or such one or more as the Executive Council shall think proper of the conditions which are by virtue of this Act conditions precedent to the grant of a certificate of naturalization.

6. (1) Where a person applies under this Act to the Minister for a certificate of naturalization and states in such application that he claims to be a citizen of Saorstát Eireann, and that some doubt has arisen as to whether he is or is not entitled to such citizenship, and that he makes such application solely for the purpose of removing such doubt, the Minister may, if he thinks proper so to do having regard to all the circumstances of the case, issue to such person a certificate of naturalization containing an express statement that it is issued solely to remove doubts.

(2) The issue to any person of a certificate of naturalization under this section shall not be evidence or an admission that such person was not a citizen of Saorstát Éireann prior to the issue of such certificate and shall not prejudice or affect any claim by such person to have been a citizen of Saorstát Éireann at any time prior to such issue.

7. (1) The Minister may at any time, if in his absolute discretion he thinks proper so to do on account of the Irish descent or Irish associations of a person who has not attained the age of twenty-one years and having regard to the other circumstances of the case, issue to such person a certificate of naturalization notwithstanding that such person has not attained the said age, and whether such person does or does not comply with the conditions which are by virtue of this Act conditions precedent to the grant to him of a certificate of naturalization.

(2) A certificate of naturalization shall be issued under this section only on the application, in the prescribed form and manner, of a parent or guardian of the person to whom such certificate is intended to relate.

(3) A person to whom a certificate of naturalization has been issued under this section may, within one year after attaining the age of twenty-one years, make and lodge with the Minister in the prescribed form and manner a declaration of alienage, and thereupon such person shall cease to be a citizen of Saorstát Éireann.

8. (1) Every certificate of naturalization issued under this Act shall be in the prescribed form and sealed with the official seal of the Minister and shall be expressed and shall, as from the issue thereof and so long as it remains unrevoked, operate to confer on the person named therein the same status as a natural-born citizen of Saorstát Éireann.

(2) There shall be charged and paid on the issue of every certificate of naturalization under this Act such fee as may be prescribed.

(3) The Minister may, on application being made to him in the prescribed form and manner, issue, on payment of the prescribed fee, a copy, certified in the prescribed manner to be a correct copy, of any certificate of naturalization issued under this Act.

(4) A person to whom a certificate of naturalization is issued under this Act shall, as from the issue of such certificate and so long as such certificate remains unrevoked, be entitled to and have (subject to the provisions of this Act) all the political and other rights, powers, and privileges of a natural-born citizen of Saorstát Éireann and be subject to all the obligations, duties, and liabilities of such natural-born citizen, but, in the case of a certificate of naturalization issued to a person who has not attained the age of twenty-one years, without prejudice while he is under that age to the limitations arising from the fact of his not having attained the said age.

(5) As soon as may be after the issue, under this Act, of a certificate of naturalization, the Minister shall publish in the *Iris Oifigiúil* notice of the fact of the issue of such certificate and of the name of the person to whom it was issued and such other (if any) particulars thereof as the Minister shall think proper.

9. (1) Every certificate of naturalization issued under this Act shall state the name of every child of the person to whom it relates who, at the date of the issue of such certificate, is under the age of twenty-one years and is not a citizen of Saorstát Éireann.

(2) The statement in a certificate of naturalization in pursuance of this section of the name of a child of the person to whom such certificate

relates shall operate to confer on such child the status of a natural-born citizen of Saorstát Eireann, but any such child may, within one year after attaining the age of twenty-one years, make and lodge with the Minister in the prescribed manner a declaration of alienage in the prescribed form, and thereupon such child shall cease to be a citizen of Saorstát Eireann.

10. (1) The Minister may at any time, on his own motion and at his absolute discretion, by order revoke any certificate of naturalization issued under this Act.

(2) The Minister shall revoke a certificate of naturalization whenever he is satisfied:

(a) That the issue of such certificate was procured by fraud, or by misrepresentation (whether fraudulent or innocent), or by concealment of material facts or circumstances, or

(b) That within five years after the issue of such certificate the person to whom such certificate relates was sentenced by any court (including a court in a country in which, by convention or by law, citizens of Saorstát Eireann enjoy or are entitled to enjoy the same status as citizens of such country) to a fine of not less than one hundred pounds or to imprisonment for a term of not less than twelve months or to penal servitude for any term, or

(c) That such person was not of good character at the date of the issue of such certificate, or

(d) That (except in the case of a person who has not attained the age of twenty-one years and the case of a person to whom the Executive Council have caused a certificate of naturalization to be issued) such person has, for a continuous period of not less than seven years subsequent to the issue of such certificate, been ordinarily resident outside Saorstát Eireann (otherwise than in the course of employment in the service of the Government of Saorstát Eireann or as agent for or representative of a person resident or carrying on business in Saorstát Eireann) without maintaining substantial connection with Saorstát Eireann, or

(e) That such person is, under the law of a country which is at war with Saorstát Eireann, a citizen of such country.

(3) As soon as may be after the revocation of a certificate of naturalization, the Minister shall publish in the *Iris Oifigiúil* notice of the revocation of such certificate.

(4) Whenever a certificate of naturalization is revoked, the person to whom such certificate related shall deliver such certificate to the Minister within three months after such revocation, and if he fails so to do he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds and a further fine not exceeding one pound for every day during which such failure is continued.

(5) It shall be a good defence to a charge of having committed an offence under this section to prove that the certificate in relation to which such offence is alleged to have been committed has been destroyed.

11. Whenever the Minister revokes a certificate of naturalization, then, if the person to whom such certificate related is, at the time of such revocation, married and his wife or her husband (as the case may be) was immediately before such revocation a citizen of Saorstát Eireann, the following provisions shall have effect, that is to say:

(a) Such revocation shall not of itself prejudice or affect such citizenship of such wife or husband;

(b) If such wife or husband (as the case may be) was, immediately before such revocation, a citizen of Saorstát Éireann by virtue of a certificate of naturalization issued to her or him, the Minister may, by the order effecting such revocation or by a subsequent order made within one year after such revocation, revoke the certificate of naturalization so issued to such wife or husband;

(c) Such wife or husband may (unless her or his certificate of naturalization has been revoked under the foregoing provisions of this section) make and lodge with the Minister in the prescribed form and manner within one year after such revocation a declaration of alienage, and thereupon such wife or husband (as the case may be) shall cease to be a citizen of Saorstát Éireann.

12. Whenever the Minister revokes a certificate of naturalization, then, if the person to whom such certificate related had, at the time of such revocation, a child under the age of twenty-one years who was, immediately before such revocation, a citizen of Saorstát Éireann, the following provisions shall have effect, that is to say:

(a) Such revocation shall not of itself prejudice or affect such citizenship of such child;

(b) The Minister may, by the order effecting such revocation or by a subsequent order made within one year after such revocation, terminate the citizenship of such child and thereupon such child shall cease to be a citizen of Saorstát Éireann.

13. Every foundling who was or is first found as a deserted infant in Saorstát Éireann shall, until the contrary is proved, be deemed to have been born in Saorstát Éireann.

14. Where a woman satisfies the Minister:

(a) That she is a widow, and

(b) That her husband, immediately before his death, was not a citizen of Saorstát Éireann, and

(c) That she was, immediately before her marriage, a citizen of Saorstát Éireann, and

(d) That she relinquished under this Act her citizenship of Saorstát Éireann on account of her marriage to a person who was not a citizen of Saorstát Éireann, and

(e) That she is ordinarily resident in Saorstát Éireann, such woman shall be entitled to make and lodge with the Minister in the prescribed form and manner a declaration that she intends to continue to be ordinarily resident in Saorstát Éireann and desires to resume her citizenship of Saorstát Éireann, and upon so making and lodging such declaration such woman shall be deemed to have resumed her citizenship of Saorstát Éireann.

15. (1) The marriage, after the 6th day of December, 1922, and before the date of the passing of this Act, of a citizen of Saorstát Éireann to a person who was not a citizen of Saorstát Éireann shall not of itself operate or be deemed ever to have operated to deprive the party to such marriage who was previous thereto a citizen of Saorstát Éireann of his said citizenship or to confer citizenship of Saorstát Éireann on the party to the said marriage who was not a citizen of Saorstát Éireann previous thereto.

(2) The marriage, on or after the date of the passing of this Act, of a citizen of Saorstát Éireann to a person who is not a citizen of Saorstát Éireann shall not of itself operate to deprive the party to such marriage who is previous thereto a citizen of Saorstát Éireann of his said citizenship

or to confer citizenship of Saorstát Éireann on the party to the said marriage who is not a citizen of Saorstát Éireann previous thereto.

16. (1) Where either:

(a) One of the parties to a marriage solemnised (whether in or outside Ireland) before the 6th day of December, 1922, became a citizen of Saorstát Éireann by virtue of Article 3 of the Constitution and the other of such parties did not become a citizen of Saorstát Éireann by virtue of the said Article, or

(b) One of the parties to a marriage solemnised (whether in or outside Saorstát Éireann) on or after the 6th day of December, 1922, and before the date of the passing of this Act was, immediately before such marriage, a citizen of Saorstát Éireann by virtue of Article 3 of the Constitution and the other of the said parties was not, immediately before such marriage, a citizen of Saorstát Éireann by virtue of the said Article, and in either such case the parties to such marriage have for at least two years before the passing of this Act or, where such marriage was solemnised within those two years, continuously since such solemnisation been ordinarily resident outside Saorstát Éireann and intend to continue ordinarily resident outside Saorstát Éireann, the party to such marriage who (as the case may be) became a citizen of Saorstát Éireann by virtue of Article 3 of the Constitution or was, immediately before such marriage, a citizen of Saorstát Éireann by virtue of the said Article shall, at the time appointed by the next following sub-section of this section cease to be a citizen of Saorstát Éireann unless he or she shall before the expiration of two years after the passing of this Act make and lodge with the Minister in the prescribed form and manner a declaration of election to retain Saorstát Éireann citizenship as his or her post-nuptial citizenship.

(2) The time at which any particular person shall cease to be a citizen of Saorstát Éireann by virtue of the next preceding sub-section of this section shall be whichever of the following times is applicable to his or her case, that is to say:

(a) If such person has, before the passing of this Act, acquired the nationality of his or her spouse—the expiration of two years after the passing of this Act, or

(b) If such person, within two years after the passing of this Act, acquires the nationality of his or her spouse—the expiration of such period, or

(c) If such person has not, before the expiration of two years from the passing of this Act, acquired the nationality of his or her spouse—the date on which he or she acquires such nationality.

(3) Where one of the parties to a marriage solemnised (whether in or outside Saorstát Éireann) on or after the date of the passing of this Act is, immediately before such marriage, a citizen of Saorstát Éireann and the other of such parties is, immediately before such marriage, not a citizen of Saorstát Éireann, and such parties intend permanently to have their ordinary residence outside Saorstát Éireann after such marriage, the said party who is, immediately before such marriage, a citizen of Saorstát Éireann shall at the time appointed by the next following sub-section of this section cease to be a citizen of Saorstát Éireann unless he or she shall before the expiration of one year after such marriage make and lodge with the Minister in the prescribed form and manner a declaration of election to retain Saorstát Éireann citizenship as his or her post-nuptial citizenship.

(4) The time at which any particular person shall cease to be a citizen of Saorstát Eireann by virtue of the next preceding sub-section of this section shall be whichever of the following times is applicable to his or her case, that is to say:

(a) If such person shall, on or within one year after his or her marriage, acquire the nationality of his or her spouse—the expiration of such year, or

(b) If such person has not, before the expiration of one year after his or her marriage, acquired the nationality of his or her spouse—the date on which he or she acquires such nationality.

17. Where—

(a) Either—

(i) One of the parties to a marriage solemnised (whether in or outside Ireland) before the 6th day of December, 1922, became a citizen of Saorstát Eireann by virtue of Article 3 of the Constitution and the other of such parties did not become a citizen of Saorstát Eireann by virtue of the said Article, or

(ii) One of the parties to a marriage solemnised (whether in or outside Saorstát Eireann) on or after the 6th day of December, 1922, and before the date of the passing of this Act was, immediately before such marriage, a citizen of Saorstát Eireann by virtue of Article 3 of the Constitution and the other of such parties was not, immediately before such marriage, a citizen of Saorstát Eireann by virtue of the said Article, and

(b) The party to such marriage who (as the case may be) did not become a citizen of Saorstát Eireann by virtue of Article 3 of the Constitution or was not, immediately before such marriage, a citizen of Saorstát Eireann by virtue of the said Article duly applies under this Act for a certificate of naturalization and lodges with the Minister with the application for such certificate a declaration in the prescribed form electing to take citizenship of Saorstát Eireann as his or her post-nuptial citizenship, and proves in the prescribed form and manner to the satisfaction of the Minister that he or she has ceased or will, upon the acquisition of citizenship of Saorstát Eireann, cease to be a citizen of any other country, and

(c) The Minister is satisfied that the said parties are at the date of the said application ordinarily resident in Saorstát Eireann and have been so ordinarily resident continuously since the passing of this Act and for at least two years before such passing or, where such marriage was solemnized within those two years, for the period between such solemnization and such passing,

the Minister shall, in respect of the said party so applying for a certificate of naturalization, dispense with compliance with the provisions of this Act in relation to residence in Saorstát Eireann before the application as a condition precedent to the issue of a certificate of naturalization.

18. Where:

(a) One of the parties to a marriage solemnized (whether in or outside Saorstát Eireann) on or after the date of the passing of this Act is, immediately before such marriage, a citizen of Saorstát Eireann and the other of such parties is, immediately before such marriage, not a citizen of Saorstát Eireann, and

(b) Such parties intend permanently to have their ordinary residence in Saorstát Eireann, and

(c) The party to such marriage who, immediately before such marriage, was not a citizen of Saorstát Eireann duly applies under this Act for a

certificate of naturalization and lodges with the Minister with the application for such certificate a declaration in the prescribed form electing to take citizenship of Saorstát Eireann as his or her post-nuptial citizenship, and proves in the prescribed form and manner to the satisfaction of the Minister that he or she has ceased or will, upon the acquisition of citizenship of Saorstát Eireann, cease to be a citizen of any other country,

the provisions of this Act in relation to residence in Saorstát Eireann before the application as a condition precedent to the issue of a certificate of naturalization shall, in respect of the said party so applying for such certificate, be subject to the following modifications, that is to say, if the said party is a man the said condition in relation to residence shall be that such party shall have been ordinarily resident in Saorstát Eireann for a period of two years ending on the date of such application, and if such party is a woman the Minister shall dispense with compliance by such party with the said condition in relation to residence.

19. (1) The death of a person shall not effect any change in or loss of the citizenship of the surviving wife or husband of such person.

(2) The acquisition of citizenship of Saorstát Eireann by a person shall not of itself confer citizenship of Saorstát Eireann on the wife or husband of such person, and the loss of citizenship of Saorstát Eireann by a person shall not deprive the wife or husband of such person of such citizenship.

(3) The acquisition by a person of citizenship of a country other than Saorstát Eireann shall not of itself deprive the wife or husband of such person of citizenship of Saorstát Eireann.

20. Where a person who is a citizen of Saorstát Eireann ceases to be a citizen of Saorstát Eireann, such cesser shall not deprive any child of such person who is, at the date of such cesser, under the age of twenty-one years of citizenship of Saorstát Eireann.

21. (1) Save as is otherwise provided by this Act, every citizen of Saorstát Eireann who, after he has attained the age of twenty-one years, becomes a citizen of another country shall thereupon cease to be a citizen of Saorstát Eireann.

(2) Every natural-born citizen of Saorstát Eireann who is at birth or becomes before he attains the age of twenty-one years a citizen of another country and within one year after attaining the age of twenty-one years makes and lodges with the Minister in the prescribed form and manner a declaration of alienage shall, as from the lodgment of such declaration, cease to be a citizen of Saorstát Eireann, but without prejudice to any previous loss of such citizenship.

22. Whenever a person ceases to be a citizen of Saorstát Eireann, such cesser shall not, by itself and without more, operate to discharge any obligation, duty, or liability undertaken, imposed, or incurred before such cesser.

23. (1) Whenever a convention made, whether before or after the passing of this Act, between Saorstát Eireann and any other country or between the Government of Saorstát Eireann and the Government of any other country provides for the enjoyment in such other country (either absolutely or subject to compliance with conditions) by citizens of Saorstát Eireann of all or any of the rights and privileges of citizens of such other country and for the enjoyment in Saorstát Eireann (either absolutely or subject to such compliance as aforesaid) by citizens of such other country

of all or any of the rights and privileges of citizens of Saorstát Eireann, then and in every such case citizens of such other country shall, so long as such convention continues in force, enjoy in Saorstát Eireann, in accordance with and subject to the terms of such convention, such of the rights and privileges of citizens of Saorstát Eireann as are secured to them in that behalf by such convention.

(2) Whenever the Executive Council is satisfied that, by virtue of the law for the time being in force in any country, citizens of Saorstát Eireann enjoy in such country (either absolutely or subject to compliance with conditions) all or any of the rights and privileges of citizens of such country, the Executive Council may by order declare that citizens of such country shall enjoy in Saorstát Eireann such rights and privileges similar to those so conferred by such law on citizens of Saorstát Eireann in such country as shall be specified in such order, but subject to compliance with such (if any) conditions (similar to the conditions (if any) imposed by such law) as shall be specified in such order.

(3) So long as an order made by the Executive Council under the next preceding sub-section of this section remains in force, citizens of the country to which such order relates shall enjoy in Saorstát Eireann in accordance with such order the rights and privileges specified in that behalf in such order but subject to compliance with the conditions (if any) specified in such order.

(4) The Executive Council may at any time by order amend or revoke any order previously made by them under this section.

(5) Nothing in this section or any order made under this section shall operate :

(a) To confer on any person any right or privilege which is conferred, by any Act of the Oireachtas (whether passed before or after this Act) on any class or group of persons, whether defined as citizens or as nationals of Saorstát Eireann or in any other manner whatsoever of which such person is, at the relevant time, not a member, or

(b) To confer any right or privilege on any woman who is the wife of a citizen of Saorstát Eireann and did not, on account of her marriage to such citizen, become a citizen of Saorstát Eireann and was not, immediately before such marriage, a citizen of Saorstát Eireann or of any of the other countries to which this section relates, or

(c) To entitle any person to become or be the owner of a ship or of a share in a ship registered in Saorstát Eireann and having the status of a ship registered under the Merchant Shipping Act, 1894, unless such person is a citizen of a country between which and Saorstát Eireann or between the Government of which and the Government of Saorstát Eireann a convention exists and is in force by virtue of which citizens of such country are entitled to own any such ship or a share in any such ship as aforesaid.

(6) Every order made by the Executive Council under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution is passed by either House of the Oireachtas within the next subsequent twenty-one days on which such House has sat after the order is laid before it annulling such order, such order shall be annulled accordingly, but without prejudice to the validity of anything previously done under such order.

24. (1) The Minister for External Affairs shall cause to be kept in every legation and every consulate a book to be called and known and in this Act referred to as the foreign births entry book.

(2) The birth in any country outside Saorstát Eireann of a child whose father is, on the day of such birth, a citizen of Saorstát Eireann shall be registrable, in accordance with regulations made under this section, in the foreign births entry book kept in the legation (if any) or any consulate (if any) in such country.

(3) From time to time, but not less than once in every year, there shall be transmitted, in accordance with regulations made under this section, from every legation and every consulate to the Minister for External Affairs a copy of every entry (if any) made in the foreign births entry book kept in such legation or consulate of which a copy was not previously so transmitted to the said Minister.

(4) Every document which purports to be a copy of an entry in a foreign births entry book and to be duly authenticated in accordance with regulations made under this section shall be admitted in evidence in every court of justice without proof of the seal or signature by which such document purports to be so authenticated or of the authority of the person by whom such seal was affixed or such signature was made and, until the contrary is proved, shall be deemed to be a true copy of such entry and be accepted as good and sufficient proof of the fact and terms of such entry.

(5) The Minister for External Affairs may by order make regulations in respect of all or any of the following matters that is to say:

(a) The form of the foreign births entry book and the officer by whom and the manner generally in which such book is to be kept;

(b) The persons by whom and the manner in which births may be registered in a foreign births entry book;

(c) The particulars to be entered in the foreign births entry book in respect of every birth registered therein;

(d) The inspection of foreign births entry books by members of the public;

(e) The furnishing to members of the public of copies of entries in foreign births entry books and the authentication of such copies;

(f) The transmission in pursuance of this section of copies of entries in the foreign births entry book to the Minister for External Affairs;

(g) With the consent of the Minister for Finance, the fees (if any) to be charged for the registration of births in a foreign births entry book, for the inspection of entries in such book, and for copies of entries in such book.

25. (1) The Minister for External Affairs shall cause to be kept:

(a) A register to be called and known and in this Act referred to as the Northern Ireland births register, and

(b) A register to be called and known and in this Act referred to as the foreign births register.

(2) The birth in Northern Ireland of a child whose father is, on the day of such birth, a citizen of Saorstát Eireann shall be registrable, in accordance with regulations made under this section, in the Northern Ireland births register.

(3) The birth outside Ireland of a child whose father is, on the day of such birth, a citizen of Saorstát Eireann shall be registrable, in accordance with regulations made under this section, in the foreign births register.

(4) The Minister for External Affairs shall cause to be registered in the foreign births register every birth which is entered in a foreign births entry book and a copy of the entry of which in such book is transmitted to the said Minister in pursuance of this Act.

(5) Every document which purports to be a copy of an entry in either of the registers kept in pursuance of this section and to be duly authenticated in accordance with regulations made in respect of such register under this section shall be admitted in evidence in every court of justice without proof of the seal or signature by which such document purports to be so authenticated or of the authority of the person by whom such seal was affixed or such signature was made and, until the contrary is proved, shall be deemed to be a true copy of such entry and be accepted as good and sufficient proof of the fact and terms of such entry.

(6) The Minister for External Affairs may by order make regulations relating to all or any of the following matters in respect of each of the registers kept in pursuance of this section, that is to say:

(a) The form of such register and the officer by whom and the place and manner generally in which such register is to be kept;

(b) The persons by whom and the manner in which births may be registered in such register;

(c) The particulars to be entered in such register in respect of every birth registered therein;

(d) The inspection of such register by members of the public;

(e) The furnishing to members of the public of copies of entries in such register and the authentication of such copies;

(f) In the case of the foreign births register, the entry in such register of births copies of the entry of which in the foreign births entry book are transmitted to the Minister for External Affairs under this Act;

(g) With the consent of the Minister for Finance, the fees (if any) to be charged for the registration of births in such register, for the inspection of entries in such register, and for copies of entries therein.

26. (1) The Minister for External Affairs shall cause to be kept in every legation and every consulate a register to be called and known and in this Act referred to as the register of nationals.

(2) The name:

(a) Of every person who is a citizen of Saorstát Eireann and is residing either temporarily or permanently in a country in which a register of nationals is kept, and

(b) Of every person permanently resident in a country in which a register of nationals is kept whose right to be deemed a natural-born citizen of Saorstát Eireann is under this Act conditional upon registration in the register of nationals or in the general register of nationals, shall be registrable, in accordance with regulations made under this section, in the register of nationals kept in the legation (if any) or any consulate (if any) in the country in which he is so resident.

(3) From time to time, but not less than once in every year, there shall be transmitted, in accordance with regulations made under this section, from every legation and every consulate to the Minister for External Affairs a copy of every entry (if any) made in the register of nationals kept in such legation or consulate of which a copy was not previously so transmitted to the said Minister.

(4) Every document which purports to be a copy of an entry in a register of nationals and to be duly authenticated in accordance with

regulations made under this section shall be admitted in evidence in every court of justice without proof of the seal or signature by which such document purports to be so authenticated or of the authority of the person by whom such seal was affixed or such signature was made and, until the contrary is proved, shall be deemed to be a true copy of such entry and be accepted as good and sufficient proof of the fact and terms of such entry.

(5) The Minister for External Affairs may by order make regulations in respect of all or any of the following matters, that is to say:

(a) The form of the register of nationals and the officer by whom and the manner generally in which such register is to be kept;

(b) The persons by whom and the manner in which names may be registered in a register of nationals;

(c) The particulars to be entered in the register of nationals in respect of every name registered therein;

(d) The inspection of registers of nationals by members of the public;

(e) The furnishing to members of the public of copies of entries in registers of nationals and the authentication of such copies;

(f) The transmission in pursuance of this section of copies of entries in the register of nationals to the Minister for External Affairs;

(g) With the consent of the Minister for Finance, the fees (if any) to be charged for the registration of names in a register of nationals, for the inspection of entries in such register, and for copies of entries in such register.

(6) As soon as may be after the entry in a register of nationals of the name of any person whose right to natural-born citizenship of Saorstát Eireann is under this Act conditional upon registration in such register or in the general register of nationals, the Minister for External Affairs shall publish in the *Iris Oifigiúil* notice of the fact of such entry and the name of the person to whom such entry relates and such other particulars (if any) as the said Minister may think proper.

27. (1) The Minister for External Affairs shall cause to be kept a register to be called and known and in this Act referred to as the general register of nationals.

(2) The name of every person who is permanently resident outside Saorstát Eireann and whose right to be deemed a natural-born citizen of Saorstát Eireann is under this Act conditional upon registration in the general register of nationals or in either that register or a register of nationals shall be registrable, in accordance with regulations made under this section, in the general register of nationals.

(3) The Minister for External Affairs shall cause to be registered in the general register of nationals every name which is entered in a register of nationals and a copy of the entry of which in such register is transmitted to the said Minister in pursuance of this Act.

(4) Every document which purports to be a copy of an entry in the general register of nationals and to be duly authenticated in accordance with regulations made under this section shall be admitted in evidence in every court of justice without proof of the seal or signature by which such document purports to be so authenticated or of the authority of the person by whom such seal was affixed or such signature was made and, until the contrary is proved, shall be deemed to be a true copy of such entry and be accepted as good and sufficient proof of the fact and terms of such entry.

(5) The Minister for External Affairs may by order make regulations in respect of all or any of the following matters, that is to say:

(a) The form of the general register of nationals and the officer by whom and the place and manner generally in which the general register of nationals is to be kept;

(b) The persons by whom and the manner in which names may be registered in the general register of nationals;

(c) The particulars to be entered in the general register of nationals in respect of every name registered therein;

(d) The inspection of the general register of nationals by members of the public;

(e) The furnishing to members of the public of copies of entries in the general register of nationals and the authentication of such copies;

(f) The entry in the general register of nationals of names, copies of the entry of which in a register of nationals are transmitted to the Minister for External Affairs in pursuance of this Act;

(g) With the consent of the Minister for Finance, the fees (if any) to be charged for the registration of names in the general register of nationals, for the inspection of entries in such register, and for copies of entries in such register.

(6) As soon as may be after the entry in the general register of nationals of the name of any person whose right to be deemed a natural-born citizen of Saorstát Éireann is under this Act conditional upon registration in the general register of nationals or in either that register or a register of nationals, the Minister for External Affairs shall, in every case where the name of such person has not been entered in a register of nationals, publish in the *Iris Oifigiúil* notice of the fact of such entry in the general register of nationals and the name of the person to whom such entry relates and such other particulars (if any) as the said Minister may think proper.

28. (1) The Minister may by order make regulations in relation to any matter or thing referred to in this Act as prescribed or to be prescribed, but no such regulation shall be made in relation to the amount or collection of fees without the consent of the Minister for Finance.

(2) Every regulation made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling such regulation is passed by either such House within the next subsequent twenty-one days on which that House has sat after such regulation is so laid before it, such regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

29. The Minister for External Affairs, or any diplomatic or consular officer authorized in that behalf by the Minister for External Affairs may, upon the application of any person who is a citizen (other than a naturalized citizen) of Saorstát Éireann and upon such payment by such person of the prescribed fee, issue to such person a certificate in writing stating that such person is, at the date of such certificate, a citizen of Saorstát Éireann.

30. All expenses incurred by the Minister or by the Minister for External Affairs in carrying this Act into effect shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

31. Whenever any person is by this Act required or empowered to make a declaration for the purposes of this Act, regulations made under this Act may require that such persons shall pay, on the making of such declaration, such fee as may be prescribed.

32. (1) All fees payable under this Act shall be collected and taken in such manner as the Minister for Finance shall, from time to time, direct and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the said Minister.

(2) The Public Offices Fees Act, 1879, shall not apply in respect of any fees payable under this Act.

33. (1) The British Nationality and Status of Aliens Act, 1914, and the British Nationality and Status of Aliens Act, 1918, if and so far as they respectively are or ever were in force in Saorstát Eireann, are hereby repealed.

(2) The common law relating to British nationality, if and so far as it is or ever was, either wholly or in part, in force in Saorstát Eireann, shall cease to have effect.

(3) The facts or events by reason of which a person is at any time a natural-born citizen of Saorstát Eireann shall not of themselves operate to confer on such person any other citizenship or nationality.

34. Every person who is a citizen of Saorstát Eireann by virtue of Article 3 of the Constitution and every person who is or becomes a citizen of Saorstát Eireann by or under this Act shall be such citizen for all purposes, municipal and international.

35. This Act may be cited as the Irish Nationality and Citizenship Act, 1935.

(c) NATIONALITY AND CITIZENSHIP (AMENDMENT) ACT NO. 39 OF 1937.
AN ACT TO AMEND SECTION 2 OF THE IRISH NATIONALITY AND CITIZENSHIP ACT, 1935, BY REMOVING THE LIMITATION ON THE TIME WITHIN WHICH REGISTRATION IN ACCORDANCE WITH SUBSECTION (5) OF THAT SECTION MAY BE EFFECTED AND BY REQUIRING THE CONSENT OF THE MINISTER FOR JUSTICE TO EVERY SUCH REGISTRATION [15th December, 1937].

1. In this Act the expression "the Principal Act" means the Irish Nationality and Citizenship Act, 1935 (No. 13 of 1935).

2. (1) So much of subsection (5) of section 2 of the Principal Act as limits the time within which registration in accordance with that subsection may be effected is hereby repealed as from the passing of the Principal Act and in lieu thereof it is hereby enacted that:

(a) Registration in accordance with the said subsection (5) may (subject to the provisions of the next following paragraph of this subsection) be effected and shall be deemed always to have been capable of being effected at any time after the passing of the Principal Act, whether before or after the passing of this Act, and

(b) No person shall be registered in accordance with the said subsection (5) after the passing of this Act without the consent of the Minister for Justice.

(2) The reference, in paragraph (b) of subsection (4) of the said section 2 of the Principal Act, to the next following subsection of that section shall

be construed and have effect and be deemed always to have had effect as referring to that subsection as amended by this section.

3. (1) This Act may be cited as the Irish Nationality and Citizenship (Amendment) Act, 1937.

(2) The Principal Act and this Act may be cited together as the Irish Nationality and Citizenship Acts, 1935 and 1937.

41. Israel

(a) LAW OF RETURN, OF 6 JULY, 5710-1950.

1. Every Jew has the right to come to this country as an "oleh" (plural olim—a Jew immigrating to Israel permanently, translator).

2. (a) Aliyah shall be by oleh's visa.

(b) An oleh's visa shall be granted to every Jew who expresses his desire to settle in Israel, unless the Minister of Immigration is satisfied that the applicant:

(1) Is acting against the Jewish people, or

(2) Is likely to endanger public health or the security of the State.

3. (a) A Jew who comes to Israel and subsequent to his arrival expresses his desire to settle in Israel is entitled, while in Israel, to receive an oleh's certificate.

(b) The restrictions specified in section 2 (b) shall also apply to the grant of an oleh's certificate, but a person shall not be considered to be endangering public health on account of an illness contracted after his arrival in Israel.

4. Every Jew who came to this country as an oleh before the coming into force of this Law and every Jew born in this country, whether before or after the coming into force of this Law, shall have the same status as a person who comes to this country as an oleh under this Law.

5. The Minister of Immigration is charged with the implementation of this Law and may make regulations as to all matters relating to its implementation and also as to the grant of oleh's visas and oleh's certificates to minors up to the age of 18 years.

(b) NATIONALITY LAW, OF 1 APRIL, 5712-1952.

PART ONE: ACQUISITION OF NATIONALITY

1. Israel nationality is acquired:

By return (section 2),

By residence in Israel (section 3),

By birth (section 4), or

By naturalization (sections 5 to 9).

There shall be no Israel nationality save under this Law.

2. (a) Every "oleh"¹ under the Law of Return, 5710-1950, shall become an Israel national.

(b) Israel nationality by return is acquired:

¹ Translator's Note: "oleh" and "aliyah" mean respectively a Jew immigrating, and the immigration of a Jew, to the Land of Israel.

(1) By a person who came as an "*oleh*" into, or was born in, the country before the establishment of the State—with effect from the day of the establishment of the State;

(2) By a person having come to Israel as an "*oleh*" after the establishment of the State—with effect from the day of his "*aliyah*";

(3) By a person born in Israel after the establishment of the State—with effect from the day of his birth;

(4) By a person who has received an "*oleh's*" certificate under section 3 of the Law of Return, 5710-1950, with effect from the day of the issue of the certificate.

(c) This section does not apply:

(1) To a person having ceased to be an inhabitant of Israel before the coming into force of this Law;

(2) To a person of full age who, immediately before the day of the coming into force of this Law or, if he comes to Israel as an "*oleh*" thereafter, immediately before the day of his "*aliyah*" or the day of the issue of his "*oleh's*" certificate is a foreign national and who, on or before such day, declares that he does not desire to become an Israel national;

(3) To a minor whose parents have made a declaration under paragraph (2) and included him therein.

3. (a) A person who, immediately before the establishment of the State, was a Palestinian citizen and who does not become an Israel national under section 2, shall become an Israel national with effect from the day of the establishment of the State if:

(1) He was registered on the 4th Adar, 5712 (1st March, 1952) as an inhabitant under the Registration of Inhabitants Ordinance, 5709-1949; and

(2) He is an inhabitant of Israel on the day of the coming into force of this Law; and

(3) He was in Israel, or in an area which became Israel territory after the establishment of the State, from the day of the establishment of the State to the day of the coming into force of this Law, or entered Israel legally during that period.

(b) A person born after the establishment of the State who is an inhabitant of Israel on the day of the coming into force of this Law, and whose father or mother becomes an Israel national under subsection (a), shall become an Israel national with effect from the day of his birth.

4. A person born while his father or mother is an Israel national shall be an Israel national from birth; where a person is born after his father's death, it shall be sufficient that his father was an Israel national at the time of his death.

5. (a) A person of full age, not being an Israel national, may obtain Israel nationality by naturalization if:

(1) He is in Israel; and

(2) He has been in Israel for three years out of the five years immediately preceding the day of the submission of his application; and

(3) He is entitled to reside in Israel permanently; and

(4) He has settled, or intends to settle, in Israel; and

(5) He has some knowledge of the Hebrew language, and

(6) He has renounced his prior nationality or has proved that he will cease to be a foreign national upon becoming an Israel national.

(b) Where a person has applied for naturalization, and he meets the requirements of subsection (a), the Minister of the Interior, if he thinks fit to do so, shall grant him Israel nationality by the issue of a certificate of naturalization.

(c) Prior to the grant of nationality, the applicant shall make the following declaration:

“I declare that I will be a loyal national of the State of Israel.”

(d) Nationality is acquired on the day of the declaration.

6. (a) (1) A person who has served in the regular service of the Defence Army of Israel or who, after the 16th Kislef, 5708 (29th November, 1947) has served in some other service which the Minister of Defence, by declaration published in *Reshumot*, has declared to be military service for the purposes of this section, and who has been properly discharged from such service; and

(2) A person who has lost a son or daughter in such service, are exempt from the requirements of section 5 (a), except the requirement of section 5 (a) (4).

(b) A person applying for naturalization after having made a declaration under section 2 (c) (2) is exempt from the requirement of section 5 (a) (2).

(c) A person who immediately before the establishment of the State was a Palestinian citizen is exempt from the requirement of section 5 (a) (5).

(d) The Minister of the Interior may exempt an applicant from all or any of the requirements of section 5 (a) (1), (2), (5) and (6) if there exists in his opinion a special reason justifying such exemption.

7. The spouse of a person who is an Israel national or who has applied for Israel nationality and meets or is exempt from the requirements of section 5 (a) may obtain Israel nationality by naturalization even if she or he is a minor or does not meet the requirements of section 5 (a).

8. Naturalization confers Israel nationality also upon the minor children of the naturalized person.

9. (a) Where a minor, not being an Israel national, is an inhabitant of Israel, and his parents are not in Israel or have died or are unknown, the Minister of the Interior, on such conditions and with effect from such day as he may think fit, may grant him Israel nationality by the issue of a certificate of naturalization.

(b) Nationality may be granted as aforesaid upon the application of the father or mother of the minor or, if they have died or are unable to apply, upon the application of the guardian or person in charge of the minor.

PART TWO. LOSS OF NATIONALITY

10. (a) An Israel national of full age, not being an inhabitant of Israel, may declare that he desires to renounce his Israel nationality; such renunciation is subject to the consent of the Minister of the Interior; the declarant's Israel nationality terminates on the day fixed by the Minister.

(b) The Israel nationality of a minor, not being an inhabitant of Israel, terminates upon his parents' renouncing their Israel nationality; it does not terminate so long as one of his parents remains an Israel national.

11. (a) Where a person, having acquired Israel nationality by naturalization:

- (1) Has done so on the basis of false particulars; or
 - (2) Has been abroad for seven consecutive years and has no effective connexion with Israel, and has failed to prove that his effective connexion with Israel was severed otherwise than by his own volition; or
 - (3) Has committed an act constituting a breach of allegiance to the State of Israel,
- a District Court may, upon the application of the Minister of the Interior, revoke such person's naturalization.

(b) The Court may, upon such application, rule that the revocation shall apply also to such children of the naturalized person as acquired Israel nationality by virtue of his naturalization and are domiciled abroad.

(c) Israel nationality terminates on the day on which the judgment revoking naturalization ceases to be appealable or on such later day as the Court may fix.

12. Loss of Israel nationality does not relieve from a liability arising out of such nationality and created before its loss.

PART THREE. FURTHER PROVISIONS

13. In this Law:

"of full age" means of the age of eighteen years or over;

"minor" means a person under eighteen years of age;

"child" includes an adopted child, and "parents" includes adopters;

"foreign nationality" includes foreign citizenship, and "foreign national" includes a foreign citizen, but does not include a Palestinian citizen.

14. (a) Save for the purposes of naturalization, acquisition of Israel nationality is not conditional upon renunciation of a prior nationality.

(b) An Israel national who is also a foreign national shall, for the purposes of Israel law, be considered as an Israel national.

(c) An inhabitant of Israel residing abroad shall, for the purposes of this Law, be considered as an inhabitant of Israel so long as he has not settled abroad.

15. An Israel national is entitled to obtain from the Minister of the Interior a certificate attesting his Israel nationality.

16. A person who knowingly gives false particulars as to a matter affecting his own or another person's acquisition or loss of Israel nationality is liable to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred pounds, or to both such penalties.

17. (a) The Minister of the Interior is charged with the implementation of this Law and may make regulations as to any matter relating to its implementation, including the payment of fees and exemption from the payment thereof.

(b) The Minister of Justice may make regulations as to proceedings in District Courts under this Law, including appeals from decisions of such Courts.

18. (a) The Palestinian Citizenship Orders, 1925-1942, are repealed with effect from the day of the establishment of the State.

(b) Any reference in any provision of law to Palestinian citizenship or Palestinian citizens shall henceforth be read as a reference to Israel nationality or Israel nationals.

(c) Any act done in the period between the establishment of the State and the day of the coming into force of this Law shall be deemed to be

valid if it were valid had this Law been in force at the time it was done.
 19. (a) This Law shall come into force on the 21st Tamuz, 5712 (14th July, 1952).

(b) Even before that day, the Minister of the Interior may make regulations as to declarations under section 2 (c) (2).

42. Italy

NATIONALITY ACT OF 13 JUNE 1912.¹

Article 1. Is a citizen by birth:

(1) The son of an Italian citizen;

(2) The son of a mother who is an Italian citizen if his father is unknown or is neither an Italian citizen nor a citizen of any other State, or if that person does not follow the citizenship of the alien father in conformity with the law of the country of which the father is a citizen;

(3) A person born in the kingdom if both parents are unknown or are neither Italian citizens nor citizens of any other State, or if that person does not follow the citizenship of his alien parents in conformity with the law of the country of which they are citizens.

A child of unknown parents found in Italy shall, until the contrary be proved, be deemed to have been born in the kingdom.

Article 2. If during the minority of a person who is not *sui juris* that person is acknowledged by his father or by his mother, or if his parental relationship is established by a judicial decision, then that acknowledgment or decision shall determine that person's citizenship in conformity with the provisions of this Act.

For this purpose, the father's citizenship shall prevail even if his acknowledgment, or the judicial decision establishing parental relationship with the father, is given subsequently to acknowledgment by the mother.

If the person to whom the acknowledgment or the judicial decision relates has attained the age of majority or is *sui juris*, he shall retain his citizenship, but within one year from the date of the said acknowledgment or decision he may make a declaration to the effect that he opts for the citizenship which is derived from parental relationship.

The provisions of this article shall be applicable also to a person whose paternity or maternity is established pursuant to article 193² of the Civil Code.

Article 3. An alien who was born in the kingdom, or whose parents had at the date of his birth been resident in the kingdom for not less than ten years, shall become an Italian citizen:

¹ As amended by Royal Legislative Decree No. 1997 of 1 December 1934. Translation by the Secretariat of the United Nations.

² Now article 279, which reads as follows:

"*Article 279.* In the circumstances listed in the preceding article (Prohibition of investigation of paternal or maternal relationship) and whenever a claim for a judicial decision of paternity is barred, an illegitimate child shall be entitled to maintenance, provided that

"(1) a paternal or maternal relationship is implicitly established by an order of a civil or criminal court; or

"(2) such relationship derives from a marriage which has been annulled; or

"(3) such relationship is evidenced by an unambiguous declaration executed by the parents in writing."

(1) If he enters military service in the kingdom or accepts employment in the service of the Government.

(2) If on attaining the age of twenty-one years he is resident in the kingdom and within one year after attaining that age opts for Italian citizenship.

(3) If he has been resident in the kingdom for not less than ten years, and does not declare, within the period mentioned in paragraph (2), his desire to retain foreign citizenship.

The provisions contained in this article shall also be applicable to an alien whose father or whose mother or whose father's father was an Italian citizen by birth.

Article 4.¹ Italian citizenship, including the enjoyment of political rights, may, subject to a hearing of the case by the Council of State, be granted to:

(1) An alien who has served the Italian State for three years, even though this service was rendered abroad;

(2) An alien who has been resident in the kingdom for not less than five years;

(3) An alien who has been resident in the kingdom for two years and has rendered distinguished services to Italy or has contracted marriage with a woman who is an Italian citizen;

(4) A person who has been resident in the kingdom for six months and who could, but for his failure to make the relevant declaration within the prescribed time-limit, have become an Italian citizen by virtue of legislative provisions.

In exceptional cases and in special circumstances, the Government shall have discretionary power to grant Italian citizenship to persons who do not fulfil the conditions laid down in paragraphs (1) to (4) of this article.

Article 5. The royal decree granting Italian citizenship shall have no effect if the person to whom the said citizenship is granted does not take the oath of allegiance to the King and does not swear to observe the statutes and the other laws of the State.

Article 6. (Repealed by Royal Legislative Decree No. 1997 of 1 December 1934.)

Article 7. Save as otherwise expressly stipulated in international treaties, an Italian citizen who was born and is resident in a foreign country in which he is treated as a citizen of that country by birth, shall nevertheless retain Italian citizenship unless he renounces Italian citizenship on attaining the age of majority or on becoming *sui juris*.

Article 8. A person shall cease to be an Italian citizen if he:

(1) Of his own will acquires a foreign citizenship and establishes or has established his residence abroad;

(2) Having acquired a foreign citizenship independently of his own will, declares that he renounces Italian citizenship, and establishes or has established his residence abroad;

In the circumstances indicated in paragraphs (1) and (2), the Government may waive the requirement of removal to a foreign country.

(3) Having accepted employment in the service of a foreign Government, or having entered the military service of a foreign Power, he remains in that service even though directed by the Italian Government to

¹ Amended by Royal Legislative Decree No. 1997 of 1 December 1934.

discontinue the said employment or to leave the said service within a specified period.

If a person ceases to be an Italian citizen by virtue of a provision in this article, he shall not thereupon be relieved of his military service obligations, except in so far as he may qualify for the benefit of special legislation.

Article 9. If a person has ceased to be an Italian citizen in pursuance of articles 7 and 8, he may recover Italian citizenship if he:

(1) Performs military service in the kingdom or accepts employment in the service of the State;

(2) Declares to renounce the citizenship of the State of which he is a citizen, or proves that he has discontinued the employment or left the military service abroad which he had previously, and despite a direction by the Italian Government, held or entered; provided that in either case he has established, or establishes within one year from the date of the renunciation, his residence in the kingdom;

(3) Having ceased to be an Italian citizen owing to the acquisition of foreign citizenship, has been resident in the kingdom for two years.

Nevertheless, in the cases contemplated in paragraphs (2) and (3), the person in question shall not recover Italian citizenship if the Government orders that he shall not recover the same. This order may be made by the Government for serious reasons, and in conformity with the expressed opinion of the Council of State, within three months from the fulfilment of the conditions stipulated in the said paragraphs (2) and (3), if the foreign citizenship most recently acquired be that of a European country, or within six months in other cases.

A person may recover Italian citizenship even if he does not fulfil the condition governing residence in the kingdom, provided that not less than two years previously he ceased to be resident in the State of which he is a citizen and transferred his residence to some other foreign country but did not acquire the latter's citizenship. For the purpose of recovering Italian citizenship in these circumstances the person concerned shall first obtain the permission of the Government.

Article 10. A married woman cannot assume a citizenship different from her husband's, even if there is a personal separation between them.

An alien woman who marries an Italian citizen acquires Italian citizenship. She shall retain the said citizenship during her widowhood, unless she recovers her original citizenship by remaining abroad or transferring her residence to a foreign country.

If a woman who is an Italian citizen marries an alien, she shall cease to be an Italian citizen if her husband possesses a citizenship which she may acquire by the marriage. In the event of the dissolution of the marriage, she shall recover Italian citizenship if she resides in, or returns to, the kingdom and if in either case she makes a declaration to the effect that she wishes to recover Italian citizenship. Residence in the kingdom for more than two years after the dissolution of the marriage, if there are no children of that marriage, shall be tantamount to a declaration as aforesaid.

Article 11. If the husband, being an Italian citizen, acquires a foreign citizenship, the wife, if residing in the conjugal home, shall cease to be an Italian citizen if she acquires the citizenship of her husband; nevertheless,

she may recover Italian citizenship in conformity with the provisions of the preceding article.

If the husband, being an alien, acquires Italian citizenship, the wife shall acquire Italian citizenship if living in the conjugal home.

If, however, husband and wife are legally separated, and there are no children of their marriage who would, in pursuance of the following article, acquire their father's new citizenship, the wife may make a declaration to the effect that she wishes to retain her own citizenship.

Article 12. If a person acquires or recovers Italian citizenship, his minor children, if not *sui juris*, shall likewise acquire Italian citizenship unless, being resident abroad, they retain their foreign citizenship in conformity with the law of the State whose citizenship they possess. Nevertheless, if born of a person who is a foreign citizen by birth and who has become a citizen any such child who acquired Italian citizenship under the foregoing provisions may, within one year after attaining the age of majority or becoming *sui juris*, opt for the citizenship of origin.

If a person ceases to be an Italian citizen, his minor children, if not *sui juris* and if living with the parent who has *patria potestas* or legal guardianship¹ over them, shall, on condition that they acquire a foreign citizenship, likewise cease to be Italian citizens.

The provisions contained in this article shall also be applicable in cases where the father has died and the mother has *patria potestas* or legal guardianship and possesses a citizenship different from that of the father. They shall not, however, be applicable in cases where the mother has *patria potestas* and changes her citizenship in consequence of a new marriage, in which event the citizenship of all the children born of the previous marriage shall not be affected.

Article 13. The acquisition or recovery of Italian citizenship in all the above-mentioned cases shall take effect from the day following the date on which all the prescribed conditions and formalities were fulfilled.

The applications and declarations relating to the acquisition or recovery of Italian citizenship shall be exempt from any charges or dues.

Article 14. A person who is resident in the kingdom and does not possess either Italian citizenship or the citizenship of another State, shall be subject to Italian laws as far as civil rights and military service are concerned.

Article 15. The territory of the Italian colonies shall be deemed to be territory of the kingdom for the purposes of this Act, save as otherwise stipulated in the legislative provisions applicable to the said colonies.

Article 16. Any declaration referred to in this Act may be made before the officer of civil status (*ufficiale dello stato civile*) of the commune in which the declarant has established or intends to establish his residence, or before a royal diplomatic or consular officer abroad.

The authority to receive such declarations may be extended by the Government of the King to other public officials.

TEMPORARY PROVISIONS

Article 17. Upon the enactment of this Act, articles 4 to 15 of the Civil Code, article 36 of the Emigration Act of 31 January 1901 (No. 23),

¹ The new Civil Code contains no provisions concerning legal guardianship.

the Act of 17 May 1906 (No. 217), and all other provisions inconsistent with this Act, shall cease to be operative.

Nevertheless, nothing herein contained shall affect the legislative provisions relating to the grant of Italian citizenship by royal decree, including the grant of political rights to persons of Italian origin who are not citizens of the kingdom.

The provisions of international conventions shall not be affected by this Act.

Article 18. If a person acquired Italian citizenship prior to the commencement of this Act but did not acquire political rights, he may obtain the said rights by royal decree, if the Council of State makes a favourable recommendation and if the conditions stipulated in article 4 are fulfilled.

Article 19. Citizenship acquired before the effective date of this Act may only be modified by reason of occurrences subsequent to such date.

If at the date of the commencement of this Act a person's citizenship status differs from that which he would possess by virtue of the provisions enacted herein, he may, within one year from the said date, opt for either Italian or the foreign citizenship to which he is potentially entitled pursuant to these provisions.

A person who is entitled to opt for Italian or a foreign citizenship by virtue of any of the foregoing articles may make the declaration of option within one year from the date of the commencement of this Act, even if the prescribed time-limit has elapsed, unless he was entitled to make such a declaration under previous legislation and failed to make it.

Article 20. After consultation with the Council of State, the Government will enact, by royal decree, the regulations to give effect to this Act, which shall enter into force on 1 July 1912.

43. Japan

NATIONALITY LAW OF 4 MAY 1950.¹

PURPOSE OF THIS LAW

Article 1. The conditions necessary for being a Japanese national shall be determined by the provisions of this Law.

ACQUISITION OF NATIONALITY BY BIRTH

Article 2. A child shall, in any of the following cases, be a Japanese national when:

- (1) At the time of its birth, the father is a Japanese national;
- (2) The father who died prior to the birth of the child was a Japanese national at the time of his death;
- (3) The mother is a Japanese national if the father is unknown or has no nationality;
- (4) Both parents are unknown or have no nationality, in cases where the child is born in Japan.

¹ Act No. 147 of 4 May 1950 published in the Official Gazette English edition. Extra. No. 418 of 4 May 1950.

NATURALIZATION

Article 3. (1) One who is not a Japanese national (hereinafter referred to as "an alien") may acquire Japanese nationality by naturalization.

(2) The permission of the Attorney-General shall be obtained for naturalization.

Article 4. The Attorney-General shall not permit the naturalization of an alien unless he or she fulfils all of the following conditions:

(1) That one has had a domicile in Japan for five or more years consecutively;

(2) That one is twenty years of age or more and a person of full capacity according to the law of his or her native country;

(3) That one is a man or woman of upright conduct;

(4) That one has property or ability enough to lead independent living;

(5) That one has no nationality, or one's acquisition of Japanese nationality will cause the loss of one's nationality;

(6) A person who, since the enforcement of the Constitution of Japan has never plotted or advocated, or formed or belonged to a political party or other organization which has plotted or advocated the overthrow of the Constitution of Japan or the Government existing thereunder.

Article 5. With respect to an alien who falls under any one of the following items, and has presently a domicile in Japan, the Attorney-General may permit the naturalization of the alien even when the said alien does not fulfil the condition mentioned in item (1) of the preceding article.

(1) One who is the husband of a Japanese national and has a domicile or residence in Japan consecutively for three years or more;

(2) One who is the child of one who was a Japanese national (excluding child by adoption) and has a domicile or residence in Japan consecutively for three years or more;

(3) One who is born in Japan and has a domicile or residence in Japan consecutively for three years or more, or whose father or mother (excluding father and mother by adoption) was born in Japan;

(4) One who has had a residence in Japan consecutively for ten years or more.

Article 6. With respect to an alien who falls under any one of the following items, the Attorney-General may permit the naturalization of the alien even when the said alien does not fulfil the conditions indicated in items (1), (2) and (4) of Article 4:

(1) The wife of a Japanese national;

(2) A child (excluding child by adoption) of a Japanese national who has a domicile in Japan;

(3) A child by adoption of a Japanese national, who has been domiciled in Japan for one or more years consecutively and who was a minor according to the law of its native country at the time of the adoption;

(4) One who has lost Japanese nationality (excluding one who has lost Japanese nationality after one's naturalization in Japan) and who has a domicile in Japan.

Article 7. With respect to an alien who has especially rendered meritorious service to Japan, the Attorney-General may, notwithstanding the provision of Article 4, permit the naturalization of the alien with the approval of the Diet.

LOSS OF NATIONALITY

Article 8. A Japanese national shall lose his or her Japanese nationality when he or she acquires a foreign nationality at his or her own will.

Article 9. A Japanese national who has acquired a foreign nationality by reason of his or her birth in the foreign country shall lose Japanese nationality retroactively as from the time of birth, unless the Japanese national manifests his or her volition to reserve his or her Japanese nationality according to the provisions of the Family Registration Law. (Law No. 224 of 1947.)

Article 10. (1) A Japanese national having a foreign nationality may renounce his or her Japanese nationality.

(2) The renunciation of nationality shall be made by notifying the Attorney-General.

(3) Whoever has renounced his or her nationality shall lose Japanese nationality.

PROCEDURE FOR RENUNCIATION OF NATIONALITY

Article 11. The application for permission of naturalization, or the notification of renunciation of nationality, shall be made by the legal representative in his or her behalf, if the person who intends to become naturalized or renounce nationality is under fifteen years of age.

Article 12. The Attorney-General shall, when he has permitted naturalization or accepted notification of renunciation of nationality, announce to that effect by public notice in the Official Gazette.

2. The naturalization or renunciation of nationality shall come into effect as from the day of the public notice under the preceding paragraph.

Article 13. Other than those provided for in the preceding two Articles, the procedures concerning naturalization and renunciation of nationality shall be prescribed by the Attorney-General.

SUPPLEMENTARY PROVISION

1. This Law shall come into force as from July 1, 1950.

2. The Nationality Law (Law No. 66 of 1899) shall be abolished.

3. The application for permission of naturalization or the applications for permission of restoration of nationality made under the provisions of the old Nationality Law before the enforcement of this Law, shall be regarded as applications for permission of naturalization made under the provisions of this Law.

4. The application for permission of renunciation of nationality made before the enforcement of this Law under the provisions of the old Nationality Law shall be regarded as the notifications of renunciation of nationality made under the provisions of this Law.

5. A child whose parent was naturalized in Japan prior to the enforcement of this Law and who has acquired Japanese nationality under the provision of article 15, paragraph 1, of the old Nationality Law shall be regarded as having been naturalized in Japan with respect to the application of the provisions of article 6, item (4). The same shall apply to one who, prior to the enforcement of this Law, was adopted by a Japanese national or became the incoming husband (*nyufu*) of a Japanese national.

44. Jordan (Hashemite Kingdom of)

(a) REVISED DRAFT OF TRANS-JORDAN NATIONALITY LAW OF
1 MAY 1928.

PART I. ACQUISITION OF TRANS-JORDAN NATIONALITY

1. All Ottoman subjects habitually resident in Trans-Jordan on the 6th day of August 1924 shall be deemed to have acquired Trans-Jordan nationality.

For the purpose of this Article the term "habitually resident in Trans-Jordan" shall be deemed to include any person who had his usual place of residence in Trans-Jordan during the twelve months preceding the 6th day of August 1924.

2. Any person who has acquired Trans-Jordan nationality by virtue of Article I hereof and has attained his majority and, on or before the 6th day of August 1926 has, by written declaration, stated his option for Turkish nationality, shall, subject to the provisions of Article 4 hereof, be regarded as having ceased to be a Trans-Jordan national.

3. Any person who has attained his majority and, by virtue of Article I hereof, has acquired Trans-Jordan nationality, but differs in race from the majority of the population of Trans-Jordan, and on or before the 6th day of August 1926 has, by written declaration, stated his option for the nationality of one of the States in which the majority of the population is of the same race as himself shall, subject to the consent of that State and to the provisions of Article 4 hereof, be regarded as having ceased to be a Trans-Jordan national.

4. Any person who has exercised the right to opt in accordance with Article 2 or 3 shall be bound to transfer his place of residence from Trans-Jordan within twelve months from the date of option and shall thereupon cease to be a Trans-Jordan national. He shall be entitled to remove from Trans-Jordan free of export duty all movable property owned by him in Trans-Jordan and to retain all immovables owned by him therein.

5. Any Ottoman subject who has attained his majority and was born in Trans-Jordan and who, on or before the 6th day of August 1926 has, by written declaration made as hereinafter provided, stated his desire to become a Trans-Jordan national, may, with the consent of the Chief Minister acquire such nationality.

6. The following persons shall be deemed to be Trans-Jordan nationals:

(a) Any person, wherever born, whose father at the time of that person's birth was a Trans-Jordan national and was either born in Trans-Jordan or attained his Trans-Jordan nationality by naturalization, or in virtue of Article I hereof;

(b) Any person born in Trans-Jordan who has attained his majority and whose father was born in Trans-Jordan and at the time of that person's birth was ordinarily resident in Trans-Jordan provided that such person has not acquired any other nationality.

PART II. NATURALIZATION

7. Any person not under disability who fulfils the following conditions, viz:

- (a) That he has had his usual place of residence in Trans-Jordan for two years immediately preceding his application;
 - (b) That he is of good character;
 - (c) That he intends to reside in Trans-Jordan and
 - (d) That he knows the Arabic language
- may apply to the Chief Minister for the grant of a certificate of naturalization as a Trans-Jordan national.

8. The Chief Minister shall have absolute discretion to grant or refuse an application for naturalization and may, if he considers that special circumstances render it conducive to the public good and if his decision is approved by His Highness the Amir, dispense with the condition of two years' previous residence.

9. The person to whom a certificate of naturalization is granted shall be deemed to be a Trans-Jordan national for all purposes.

PART III. NATIONAL STATUS OF MARRIED WOMEN AND OF MINOR CHILDREN

10. The wife of a Trans-Jordan national shall be deemed to be a Trans-Jordan national and the wife of an alien shall be deemed to be an alien:

(a) Provided that a woman who has acquired Trans-Jordan nationality by marriage may within two years after the death of her husband or dissolution of the marriage renounce her Trans-Jordan nationality by declaration made in the form hereinafter provided and shall thereupon cease to be a Trans-Jordan national.

(b) Provided also that a woman who has lost Trans-Jordan nationality by marriage may resume it by declaration made in the form hereinafter provided within two years from the death of her husband or the dissolution of her marriage.

11. The minor children of any person who has acquired Trans-Jordan nationality by virtue of this Law shall become Trans-Jordan nationals.

12. If any person loses Trans-Jordan nationality, his minor children shall also lose it but they shall have the right to apply by declaration within two years of attaining their majority to resume Trans-Jordan nationality.

13. If a widow or divorced woman who is an alien marries a Trans-Jordan national her children born before the said marriage will not by reason only of such marriage acquire Trans-Jordan nationality.

PART IV. LOSS OF TRANS-JORDAN NATIONALITY

14. Any national of Trans-Jordan who becomes voluntarily naturalized in any Foreign State shall thereupon cease to be a Trans-Jordan national, provided that, if at any time thereafter he shall return and have his usual place of residence in Trans-Jordan for the period of at least one year, the Trans-Jordan Government shall have the right to regard him as a Trans-Jordan national while he continues to reside there.

15. If a Trans-Jordan national enters the civil or military service of a Foreign State without the permission of the Trans-Jordan Government and when called upon to do so by the Trans-Jordan Government does not give up such service the Chief Minister may declare that such person has lost his Trans-Jordan nationality.

16. Any person who has acquired Trans-Jordan nationality in virtue of Article 6 may, within one year of attaining his majority by written declaration renounce his Trans-Jordan nationality and shall thereupon be deemed to have ceased to be a Trans-Jordan national if he was born and has had his usual place of residence outside Trans-Jordan.

17. A Trans-Jordan national who loses Trans-Jordan nationality shall not thereby be discharged from any obligation arising from any act done by him before he ceased to be a Trans-Jordan national.

PART V. MISCELLANEOUS

18. "Trans-Jordan national" means a person possessing Trans-Jordan nationality either by birth, naturalization or otherwise.

"Alien" is any person other than a Trans-Jordan national.

"Disability" means the status of being a married woman or minor, lunatic or idiot or otherwise legally incompetent.

The age of majority shall for all purposes connected with the application of this Law be taken to be 18 years calculated according to the Solar calendar.

19. The Chief Minister may make Regulations for carrying into effect the objects of this Law generally, and in particular for levying fees. He may issue instructions with respect to the form and registration of:

- (a) Certificates of naturalization;
- (b) Declarations of option for Turkish or Foreign nationality; and
- (c) Declarations of acquisition, resumption, retention and renunciation of Trans-Jordan nationality.

20. For the purpose of considering applications for Trans-Jordan nationality, the following shall be considered as the provisional frontiers between Trans-Jordan and the Hedjaz, Syria and Iraq:

Frontier between Trans-Jordan and the Hedjaz

A line drawn from a point two miles South of Aqaba to a point on the Hedjaz Railway two miles South of Mudawara and thence proceeding to the intersection of meridian 38° East and parallel 29° 35' North.

Frontier between Trans-Jordan and Iraq

A line drawn from the intersection of meridian 39° East and parallel 32° North to the nearest point on the frontier laid down in Article I of the Franco-British Convention of December 23rd, 1920.

Frontier between Trans-Jordan and Syria

As laid down in Article I of the above Convention.

(b) LAW NO. 24 OF 15 NOVEMBER 1944. A LAW TO AMEND THE TRANS-JORDAN NATIONALITY LAW.

1. This law shall be called the Trans-Jordan Nationality (Amendment) Law. It shall come into force one month after the date of its publication in the Official Gazette.

2. Herein the Trans-Jordan Nationality Law is called the Principal Law.

3. Article 8 of the Principal Law is amended to read as follows:

"8 (a) The Council of Ministers shall have absolute discretion to grant or refuse any application for naturalization and may, if they consider that special circumstances render it conducive to the public good, and if their decision is approved by His Highness the Amir, dispense with the condition of two years previous residence.

"(b) A certificate of naturalization shall not be granted to any person unless such person by reason of becoming naturalized in Trans-Jordan loses any nationality which he had at the time of such naturalization.

"(c) A certificate of naturalization shall not be granted to any person who has become a Trans-Jordan national by naturalization but has lost such nationality by becoming naturalized in a foreign state.

"(d) A certificate of naturalization granted by the Council of Ministers shall be issued under the signature of the Minister of Interior.

4. Article 14 of the Principal Law is amended to read as follows:

"14. Any national of Trans-Jordan who becomes naturalized in any foreign state with the consent of the Council of Ministers shall thereupon cease to be a Trans-Jordan national."

(c) ADDITIONAL LAW (NO. 56 OF 1949) TO THE NATIONALITY LAW.

1. This law is called "Additional law to the Jordanian Nationality" and to be carried out as from the date of its publication in the Official Circulation Journal.

2. At the time when this law is carried out, all the inhabitants or residents of the Jordan and the Western Part, which is ruled by the Jordan Government, and who carried the Palestinian Nationality, are considered as Jordanians and are entitled to all the benefits as well as the duties and obligations of the Transjordanians.

(d) NATIONALITY LAW, NO. 6 OF 4 FEBRUARY 1954. ¹

CHAPTER I. GENERAL PROVISIONS

Article 1. This Law shall be called the Jordanian Nationality Law, 1954, and shall come into force on the date of its publication in the Official Gazette.

Article 2. In this Law, except where the context otherwise requires:

"Jordanian" means any person who by virtue of this Law possesses Jordanian nationality.

"Alien" means any person who is not a Jordanian.

"Arab" means, for the purposes of this Law, any person whose father was of Arab origin and who is a national of a State Member of the Arab League.

"Emigrant" means any Arab born in the Hashemite Kingdom of the Jordan or in the usurped part of Palestine who emigrated from or quitted the country, or a child, wherever born, of such a person.

"Incapacity" means the condition of any person who is a minor or of unsound mind or mentally defective or incapable at law.

¹ Translation by the Secretariat of the United Nations.

“Full age” in all matters to which this Law applies means the age of eighteen solar years.

Article 3. A person shall be a Jordanian national if:

(1) He acquired Jordanian nationality under the Jordanian Nationality Law, 1928, or the amendments thereto;

(2) He acquired Jordanian nationality under Law No. 56 of 1949;

(3) Not being Jewish, he possessed Palestinian nationality before 15 May 1948 and at the date of publication of this Law was ordinarily resident in the Hashemite Kingdom of the Jordan.

Article 4. Any Arab who at the date of publication of this Law is resident in the Hashemite Kingdom of the Jordan and has resided there continuously for not less than fifteen years may acquire Jordanian nationality if he renounces his nationality of origin and the law of his country permits him to do so.

Article 5. His Majesty may, with the approval of the Council of Ministers, grant Jordanian nationality to any emigrant who submits a written declaration of option therefor, on condition that he relinquishes any other nationality possessed by him at the time of application.

Article 6. (1) Save as otherwise provided in this Law, every declaration or application shall be submitted to the Minister of the Interior or his deputy.

(2) Every application which under this Law may be granted only if some requirement has been complied with shall be accompanied by certificates or documents proving compliance with that requirement.

Article 7. For the purposes of articles 4, 5 and 6 a person shall be deemed to be a Jordanian national from the date of his receipt of notice that his application has been granted by the competent authority.

CHAPTER II. NATIONALITY OF DEPENDANTS

Article 8. (1) The wife of a Jordanian shall be a Jordanian national, and the wife of an alien shall be an alien.

(2) A woman who has acquired Jordanian nationality by marriage may renounce the same within two years from the death of her husband or the dissolution of her marriage by making a declaration in the form prescribed in this Law, and shall thereby lose her Jordanian nationality.

(3) A woman who has lost her Jordanian nationality by marriage may recover the same within two years from the death of her husband or the dissolution of her marriage by making a declaration in the form prescribed in this Law.

Article 9. The children, wherever born, of a Jordanian shall be Jordanians.

Article 10. If any person loses Jordanian nationality, his minor children shall lose it also, but may apply to recover it by making a declaration within two years from the date on which they attain full age.

Article 11. Children of a widow or a divorced woman born before her marriage to a Jordanian shall not acquire Jordanian nationality by reason only of that marriage.

CHAPTER III. NATURALIZATION

Article 12. Any person other than a Jordanian who is not incapable may apply to the Council of Ministers for grant of a certificate of Jordanian naturalization if:

- (1) He has been ordinarily resident in the Hashemite Kingdom of the Jordan for a period of four years preceding the date of his application;
- (2) He has not been convicted of any offence reflecting upon his honour or morals;
- (3) He intends to reside in the Hashemite Kingdom of the Jordan;
- (4) He knows the Arabic language, and
- (5) He is of good behaviour and repute.

Article 13. (1) The Council of Ministers may in its discretion grant or reject an application for naturalization, save that if the applicant is an Arab and complies with the requirements laid down in article 12 it shall be bound to grant his application.

(2) The Council of Ministers may dispense with the requirement of four years' previous residence if the applicant is an Arab or if for some special reason his naturalization would be in the public interest.

(3) A certificate of Jordanian naturalization shall not be granted to any person unless he loses by such naturalization the nationality he possesses at the date thereof.

(4) A certificate of naturalization shall not be granted to any person who has acquired Jordanian nationality by naturalization but has later lost the same by opting to acquire the nationality of a foreign State.

(5) A certificate of naturalization granted by the Council of Ministers shall bear the signature of the Minister of the Interior or his deputy.

Article 14. A person to whom a certificate of naturalization has been granted shall be deemed to be a Jordanian in every respect.

CHAPTER IV. RENUNCIATION OF NATIONALITY

Article 15. Any Jordanian not of Arab origin may renounce his Jordanian nationality and acquire the nationality of a foreign State.

Article 16. Any Jordanian of Arab origin may renounce his Jordanian nationality and acquire the nationality of an Arab State.

Article 17. Any Jordanian of Arab origin may, with the approval of the Council of Ministers, renounce his Jordanian nationality and acquire the nationality of a foreign State.

CHAPTER V. LOSS OF JORDANIAN NATIONALITY

Article 18. (1) Any person who enters the military service of a foreign State without the prior licence or leave of the Jordanian Council of Ministers and refuses to leave the same when so directed by the Government of the Hashemite Kingdom of the Jordan shall lose his nationality.

(2) The Council of Ministers may, with the approval of His Majesty, declare that a Jordanian has lost Jordanian nationality who:

(a) Has entered the civil service of a foreign State and refuses to leave the same when so directed by the Government of the Hashemite Kingdom of the Jordan, or

(b) Has entered the service of an enemy State.

Article 19. The Council of Ministers may, with the approval of His Majesty, cancel a certificate of naturalization granted to any person if:

- (1) He has committed or attempted to commit any act deemed to endanger the security and safety of the State,
- (2) He has lost Jordanian nationality through disclosure of a misrepresentation in the evidence on the strength of which he was granted a certificate of naturalization.

Article 20. A Jordanian who loses Jordanian nationality shall not be thereby exempted from any obligation incurred by him as a result of any act done by him before he lost Jordanian nationality.

Article 21. The Council of Ministers may make regulations for giving effect to the provisions of this Act and for the collection of fees payable thereunder, and may make orders relating to the form and registration of:

- (1) Certificates of naturalization;
- (2) Declarations of option for nationality;
- (3) Acquisition and renunciation of Jordanian nationality.

CHAPTER VI. REPEALS

Article 22. Any Ottoman or Jordanian or Palestinian enactment published before this Law in the Official Gazette shall, in so far as it conflicts with the provisions hereof, be repealed.

Article 23. The Prime Minister and the Ministers shall give effect to this Law.

45. Korea ¹

(a) NATIONALITY LAW NO. 16 OF 20 DECEMBER 1948.

Article 1. The purpose of this law is to lay down the conditions for acquiring the nationality of the Republic of Korea.

Article 2. The following persons shall be deemed to be nationals of the Republic of Korea:

1. A person whose father is a national of the Republic of Korea at the time of his birth;
2. A person whose father was a national of the Republic of Korea at the time of the latter's death if he had died prior to the former's birth;
3. A person whose father is unknown or stateless and whose mother is a national of the Republic of Korea;
4. A person born in the Republic of Korea provided that his parents are unknown or stateless.

An infant found in the Republic of Korea shall be deemed to have been born in the Republic of Korea.

Article 3. An alien who is a person as laid down below shall acquire the nationality of the Republic of Korea:

1. The wife of a national of the Republic of Korea;
2. A person recognized by his father or mother who is a national of the Republic of Korea;
3. A naturalized person.

¹ Texts based on the English translation received from the Ministry for Foreign Affairs of the Republic of Korea.

Article 4. If an alien desires to acquire the nationality of the Republic of Korea, he must satisfy the following conditions:

1. He must be a minor in accordance with the law of his State ;
2. If a woman she must not be the wife of an alien ;
3. Whichever of his parents was the first to recognize him must be a national of the Republic of Korea ;
4. If he was recognized simultaneously by both parents his father must be a national of the Republic of Korea.

Article 5. Any alien may apply to the Minister of Justice for the grant of naturalization, provided that he satisfies the following conditions:

1. He must have resided continuously in the Republic of Korea for not less than five years ;
2. He must be over the age of twenty years ;
3. He must be of good character ;
4. He must have sufficient resources to maintain himself independently or be able to earn his livelihood ;
5. He must not have a nationality or forfeit his old nationality by acquiring the nationality of the Republic of Korea.

Article 6. Even if an alien fails to satisfy the condition set forth under no. 1 of the preceding article he may be naturalized, provided that he resided continuously in the Republic of Korea for not less than three years, subject to any of the following conditions, namely:

1. That his father or mother was a national of the Republic of Korea ;
2. That his wife is a national of the Republic of Korea ;
3. That he was born in the Republic of Korea and his father or mother was born in the Republic of Korea.

Article 7. An alien who fails to satisfy the conditions laid down under nos. 1, 2 and 4 of article 5 may be naturalized, provided that he resides in the Republic of Korea and fulfils any of the conditions laid down below:

1. That his father is a national of the Republic of Korea ;
2. That he has rendered great services to the Republic of Korea ;
3. That if a woman, she has not acquired the nationality of the Republic of Korea but is the wife of a person who has acquired that nationality.

If the Minister of Justice approves naturalization as provided under no. 2, the matter shall be subject to the approval of the President.

Article 8. The wife of a person who has acquired the nationality of the Republic of Korea shall acquire that nationality also unless otherwise provided by the law of her country.

The rule laid down in the paragraph last preceding shall apply in the case of the son of a person who has acquired the nationality of the Republic of Korea if he is a minor pursuant to the law of his country.

Article 9. The wife of an alien shall not be naturalized except together with her husband.

Article 10. It shall not be lawful for a naturalized person or the wife or son of a naturalized person to assume the offices specified below:

1. President, Vice-President,
2. Minister of State,
3. Ambassador Extraordinary and Plenipotentiary, Minister Extraordinary and Envoy Plenipotentiary,
4. Officer in Supreme Command of the national military forces, the Chief of Staff.

The rule laid down in the preceding paragraph shall apply to a person who acquires the nationality of the Republic of Korea in accordance with no. 1 of article 3, or article 8.

Article 11. Naturalization shall be announced to the public in the Official Gazette.

Naturalization shall not come into force unless it has been announced.

Article 12. A national of the Republic of Korea shall forfeit the nationality of the Republic of Korea if:

1. He is married to an alien and acquires the nationality of the spouse;
2. He is adopted by an alien and acquires the nationality of such alien;
3. If having acquired the nationality of the Republic of Korea by marriage, he acquires the nationality of a foreign state by annulment of marriage or divorce;
4. If he voluntarily acquires the nationality of a foreign state;
5. If he had dual nationality but lost the nationality of the Republic of Korea with the approval of the Minister of Justice;
6. If he is under age and a national of the Republic of Korea, is recognized by an alien and thus acquires the nationality of a foreign state, except where such person is adopted by or being a woman is married to a national of the Republic of Korea.

Article 13. Where the wife or minor son of a man who has forfeited the nationality of the Republic of Korea acquire his nationality, they shall forfeit the nationality of the Republic of Korea.

Article 14. The nationality of the Republic of Korea may be restored to any person who has forfeited that nationality in accordance with the two preceding articles, provided that he has a place of residence in the Republic of Korea.

The rule laid down in article 8 shall apply *mutatis mutandis* to the case mentioned in the preceding paragraph.

Article 15. The procedure concerning naturalization, the loss of nationality and its restoration shall be determined by an Order of the President.

Article 16. If a person has forfeited the nationality of the Republic of Korea he shall within one year from the date of the forfeiture transfer to a national of the Republic of Korea all rights which cannot be enjoyed by a person who is not a national of the Republic of Korea.

In the event of failure to comply with the preceding rule, the rights shall be forfeited automatically.

(b) PRESIDENTIAL ORDER NO. 567 OF 18 NOVEMBER 1951 GOVERNING
THE NATIONALITY LAW.

Article 1. Any person who desires naturalization shall apply to the Minister of Justice; he shall file an application for naturalization together with the requisite documents certifying the existence of the conditions required for naturalization.

If the person desiring naturalization is married and has minor children, he shall mention this in the application and attach documents certifying the family relation.

Article 2. If a person desires permission as provided under no. 5 of Article 12 of the Nationality Law, he shall submit to the Minister of Justice an

application for loss of nationality together with documents certifying his dual nationality.

Article 3. If a person has forfeited the nationality of the Republic of Korea he shall make a report thereon to the Minister of Justice attaching documents certifying the reasons for losing such nationality,.

Article 4. If a person desires restoration of the nationality of the Republic of Korea he shall submit an application to the Minister of Justice and attach thereto the following documents:

1. A document certifying the reasons for the loss of nationality;
2. A document certifying that he is resident in the Republic of Korea;
3. If the person desires restoration of his nationality to his wife and minor children this shall be mentioned in the application and documents certifying the relation shall be attached.

Article 5. If the Minister of Justice approves the grant of naturalization, the restoration of nationality or the loss of nationality as mentioned in Article 2, or if he receives a report on loss of nationality, he shall announce such matters to the public in the Official Gazette and duly notify the applicant of approval of naturalization, restoration of nationality and loss of nationality.

46. Laos

LOI N° 138 SUR L'ACQUISITION OU LA PERTE DE LA NATIONALITÉ LAOTIENNE ¹ DU 6 AVRIL 1953.

Article 1. La nationalité laotienne s'acquiert en principe par la filiation paternelle.

Article 2. Les enfants légitimes nés d'un père laotien ou les enfants naturels reconnus par leur père laotien, qu'ils soient nés au Laos ou à l'étranger, ont la nationalité laotienne.

L'enfant naturel reconnu par sa mère laotienne a la nationalité laotienne. L'enfant né au Laos de parents inconnus sera laotien, sauf s'il réclame à sa majorité une autre nationalité justifiée par les présomptions de sa naissance.

Article 3. La femme laotienne qui épousera un étranger conservera la nationalité laotienne à moins qu'elle ne déclare expressément, au moment de la célébration du mariage, vouloir acquérir la nationalité de son mari, en conformité des dispositions de la loi nationale de ce dernier.

Lorsque la femme laotienne a conservé la nationalité laotienne, les enfants auront un droit d'option pour l'une ou l'autre nationalité dans l'année qui suivra leur majorité.

Article 4. L'étrangère qui épousera un Laotien suivra la condition de son mari, sauf si son statut personnel lui permet de conserver sa nationalité d'origine et qu'elle fasse usage de ce droit au moment du mariage. Dans ce dernier cas les enfants pourront opter pour la nationalité de leur mère dans l'année qui suivra leur majorité.

Article 5. Les individus remplissant les conditions prévues aux articles 3 et 4 pour exercer un droit d'option et qui lors de la mise en vigueur de la présente loi sont âgés de plus de dix-huit ans et sont domiciliés au Laos depuis leur majorité sont de nationalité laotienne à moins qu'ils

¹ Ordonnance royale n° 104 du 19 avril 1953.

ne déclinent cette nationalité dans un délai d'un an à dater du jour de la publication de ladite loi.

Article 6. La présente loi n'est applicable ni aux nationaux français ni à leurs descendants. Le statut existant qui les concerne est maintenu en vigueur et ne pourra être modifié qu'après intervention d'un accord entre le Gouvernement français et le Gouvernement royal.

Article 7. L'accession à la nationalité laotienne sous forme de naturalisation, de même que les conditions de perte de nationalité laotienne autres que celles visées à l'article 3 ci-dessus, feront l'objet d'une loi ultérieure.

47. Liban ¹

(a) ARRÊTÉ 2825 DU 30 AOÛT 1924.

Article 1. Sont confirmés de plein droit dans la nationalité libanaise et réputés avoir désormais perdu la nationalité turque les ressortissants turcs établis sur le territoire du Grand Liban à la date du 30 août 1924.

Article 2. Les personnes âgées de plus de 18 ans, ayant perdu la nationalité turque et acquis de plein droit la nationalité libanaise en vertu de l'article précédent ont la faculté pendant une période de deux ans à dater du 30 août 1924 d'opter pour la nationalité turque.

Article 3. Les personnes âgées de plus de 18 ans, ayant perdu la nationalité turque en vertu de l'article 1^{er} et qui diffèrent par la race de la majorité de la population du territoire du Grand Liban peuvent, dans le délai de deux ans, à dater du 30 août 1924 opter pour la nationalité d'un des Etats auquel est transféré un territoire détaché de la Turquie par le Traité de paix du 24 juillet 1923, si dans cet Etat la majorité de la population est de la même race que la personne exerçant le droit d'option. Si cet Etat accorde sa nationalité à la personne ayant exercé cette option celle-ci perdra la nationalité libanaise.

Article 4. Les personnes ayant, conformément aux dispositions des articles 2 et 3 du présent arrêté, exercé le droit d'option pour une nationalité autre que la nationalité libanaise devront, dans les douze mois qui suivront, transporter leur domicile dans l'Etat en faveur duquel elles auront opté.

Les personnes tenues, aux termes de l'alinéa précédent de transporter leur domicile hors du territoire du Grand Liban seront libres d'y conserver les biens immobiliers qu'elles possèdent. Elles pourront emporter leurs biens meubles de toute nature. Il ne leur sera imposé de ce fait aucun droit ou taxe de sortie.

Article 5. Les ressortissants turcs âgés de plus de 18 ans, originaires du territoire du Grand Liban et se trouvant au 30 août 1924 établis hors du dit territoire de la Turquie ont la faculté d'opter pour la nationalité libanaise s'ils se rattachent par la race à la majorité de la population du Grand Liban. Ce droit d'option devra être exercé dans le délai de deux ans à dater du 30 août 1924 auprès des agents soumis à la souveraineté française auprès des autorités administratives désignées à cet effet par le Gouvernement français. L'option entraînera l'acquisition de la nationalité libanaise si le dit gouvernement mandataire y consent.

¹ Textes français reçus du Ministère des affaires étrangères de la République libanaise.

Article 6. Pour tout ce qui concerne l'application des dispositions du présent arrêté, les femmes mariées suivront la condition de leur mari et les enfants âgés de moins de 18 ans suivront la condition de leurs parents.

(b) ARRÊTÉ N° 15/S DU 19 JANVIER 1925 RELATIF A LA NATIONALITÉ LIBANAISE.

Article 1. Sont Libanais:

1. Les individus nés de père libanais.
2. Les individus nés sur le territoire du Grand Liban qui ne justifient pas avoir à leur naissance acquis par filiation une nationalité étrangère.
3. Les individus nés sur le territoire du Grand Liban de parents inconnus ou dont la nationalité est inconnue.

Article 2. L'enfant naturel dont la filiation est établie pendant sa minorité prendra la nationalité libanaise si celui de ses parents à l'égard duquel la preuve de filiation a été faite en premier lieu est lui-même Libanais. Si cette preuve résulte pour le père et la mère du même acte ou du même jugement, l'enfant prendra la nationalité du père, si ce dernier est Libanais.

Article 3. Peuvent être naturalisés par arrêté du Chef de l'Etat après enquête et sur leur demande:

1. L'étranger qui justifiera une résidence non interrompue de cinq années au Liban.
2. L'étranger qui a épousé une Libanaise et qui justifiera d'une résidence non interrompue d'un an au Liban, depuis son mariage.
3. Par arrêté motivé, l'étranger qui aura rendu au Liban des services importants.

Article 4. La femme mariée à un étranger qui se fait naturaliser Libanais, et les enfants majeurs de l'étranger naturalisé pourront, s'ils le demandent, obtenir la nationalité libanaise sans condition de résidence, soit par arrêté qui confère cette nationalité au mari, ou au père ou à la mère, soit par arrêté spécial. Deviennent Libanais les enfants mineurs d'un père ou d'une mère survivante qui se font naturaliser Libanais à moins que dans l'année qui suivra leur majorité ils ne déclinent cette qualité.

Article 5. La femme étrangère qui épousera un Libanais deviendra Libanaise.

Article 6. La femme libanaise qui épousera un étranger perdra sa nationalité à condition toutefois que la loi nationale de son mari lui confère la nationalité de celui-ci, sinon elle restera Libanaise.

Article 7. Pourra recouvrer par arrêté du Chef de l'Etat la nationalité libanaise la femme qui l'aura perdue par l'effet de son mariage avec un étranger, après la dissolution de ce mariage pourvu qu'elle réside au Grand Liban ou qu'elle y entre en déclarant qu'elle veut s'y fixer.

Article 8. Perdent la qualité de Libanais:

1. Le Libanais qui a acquis une nationalité étrangère si cette acquisition a été préalablement autorisée par arrêté du Chef de l'Etat.
2. Le Libanais qui, ayant accepté les fonctions publiques conférées par un Gouvernement Etranger, les conserve nonobstant l'injonction du Gouvernement libanais de les résigner dans un délai déterminé.

Article 9. Les contestations en matière de nationalité relèvent exclusivement des tribunaux civils.

DISPOSITIONS TRANSITOIRES

Article 10. Sous réserve des facultés d'option prévues par le Traité de paix signé à Lausanne le 24 juillet 1923, sont Libanais les individus nés sur le territoire du Grand Liban, d'un père qui est lui-même né Ottoman et possédait au 1^{er} novembre 1914 la nationalité ottomane.

Article 11. Peuvent être naturalisés Libanais par arrêté du Chef de l'Etat après enquête et s'ils sont établis sur le territoire du Liban en faisant une déclaration dans l'année qui suit leur majorité ou la dissolution du mariage, les enfants et les femmes mariées qui auront acquis une nationalité étrangère par application de l'article 36 du Traité de paix de Lausanne.

Article 12. Sont abrogées toutes dispositions contraires à celles du présent arrêté.

Article 13. Le Secrétaire Général et le Gouverneur du Grand Liban sont chargés, chacun en ce qui le concerne, de l'exécution du présent arrêté qui entrera en vigueur le jour de sa publication au Bulletin Officiel des Actes du Haut-Commissariat.

(c) ARRÊTÉ N° 160/LR, DU 16 JUILLET 1934.

Article 1. Le paragraphe 3 de l'article 3 des arrêtés 15/S et 16/S du 19 janvier 1925 est complété par la disposition suivante:

« Peuvent être considérés comme services importants, les services effectifs dans les troupes spéciales du Levant lorsque leur durée atteint ou excède deux années. »

(d) ARRÊTÉ N° 122/LR DU 19 JUIN 1939.

Article 1. Est abrogé l'article 3 de l'arrêté 15/S du 19 janvier 1925 sur la nationalité libanaise complété par l'arrêté 160/LR du 16 juillet 1934. Cette abrogation aura effet à compter du jour où la loi libanaise du 27 mai 1939 sur la naturalisation entrera en vigueur par sa publication au Journal officiel de la République libanaise.

Article 2. Peuvent être considérés comme services exceptionnels, au sens de l'article 2 de la loi libanaise du 27 mai 1939 sur la naturalisation, les services effectifs dans les troupes spéciales du Levant lorsque leur durée atteint ou excède deux années.

(e) RECTIFICATIF DU 13 AVRIL 1942 AU DÉCRET LÉGISLATIF N° 154/NI DU 23 MARS 1942.

Article 1. Au lieu de « A dater de la promulgation du présent décret législatif, toute demande de naturalisation libanaise est assujettie à une taxe spéciale dont le taux est fixé comme suit:

20 livres libanaises par personne majeure

5 livres libanaises par personne mineure.

Toutefois le Président de la République pourra sur la proposition du Ministre de l'Intérieur, exempter le demandeur du paiement de cette taxe ».

Lire: « Toute demande de naturalisation libanaise est assujettie à une taxe spéciale dont le taux est fixé comme suit:

1. 10 livres libanaises lors de la présentation de toute demande pour chaque personne majeure et 5 livres libanaises pour chaque personne mineure.

2. 25 livres libanaises pour toute personne majeure et 10 livres libanaises pour toute personne mineure à la date de la signature du décret accordant la nationalité.

Toutefois, le demandeur peut être exempté de la dernière taxe suivant décret pris sur la proposition du Ministre de l'intérieur ».

Article 2. La perception de cette taxe sera assurée par l'apposition d'un timbre fiscal de la valeur sus-mentionnée sur la requête du demandeur.

(f) LOI DU 31 JANVIER 1946¹.

1. Le Libanais qui a acquis une nationalité étrangère sans y avoir été autorisé par décret du Chef de l'Etat.

2. Le Libanais qui a accepté au Liban un emploi d'un gouvernement étranger ou d'une institution relevant d'un gouvernement étranger sans une autorisation préalable accordée par le gouvernement libanais. Sera considéré comme une réponse négative le fait pour le gouvernement libanais de ne pas répondre à une demande d'autorisation dans un délai de deux mois à dater de la présentation de cette demande.

3. Le Libanais qui, résidant en dehors du territoire libanais, a accepté un emploi public accordé par un gouvernement étranger dans un pays étranger et qui a gardé cet emploi nonobstant les ordres reçus pour l'abandonner dans un délai déterminé.

4. Le Libanais occupant actuellement un emploi accordé par un gouvernement étranger qui a gardé cet emploi nonobstant les ordres reçus pour l'abandonner dans un délai déterminé. La perte de la nationalité prévue dans les alinéas 2, 3 et 4 sera décidée par décret pris en conseil des ministres.

5. Le gouvernement peut, à tout moment, retirer l'autorisation indiquée ci-dessus par décision prise en conseil des ministres.

Article 2. Toute personne d'origine libanaise résidant en dehors du Liban et qui n'a pas opté pour la nationalité libanaise, peut si elle retourne définitivement au Liban, demander à être considérée comme Libanaise. Un décret sera pris à cet effet en conseil des ministres.

Article 3. Tout étranger qui a acquis la nationalité libanaise perd cette nationalité s'il a résidé en dehors du Liban pendant une période de cinq années consécutives.

Article 4. Cette loi dont la procédure d'application sera déterminée par décret, abrogera toutes les dispositions qui lui sont contraires et qui ne sont pas conformes à son contenu.

¹ Journal officiel de la République libanaise. (Texte traduit de l'arabe par le Secrétariat des Nations Unies.)

48. Liberia

(a) LAW OF 8 FEBRUARY 1922.¹

CHAPTER IV. CITIZENS

Section 66. Native Citizens. All persons of Negro descent born in the Republic of Liberia and subject to the jurisdiction thereof are citizens of the Republic of Liberia. The circumstance of birth within the Republic of Liberia makes one who is of Negro descent a citizen thereof, even if his parents were at the time aliens, provided they were not, by reason of diplomatic character or otherwise, exempted from the jurisdiction of its laws.

Section 67. Children of Citizens Born Abroad. All children born out of the limits and jurisdiction of the Republic of Liberia whose fathers were at the time of their birth citizens thereof are citizens of the Republic of Liberia; but the rights of citizenship do not descend to children whose fathers never resided in the Republic of Liberia. That the citizenship of the father descends to the children born to him when abroad is a generally acknowledged principle of international law.

Section 68. Naturalized Citizens. Naturalization is a judicial act, and certificates of naturalization in regular form, by any circuit or territorial court of the Republic of Liberia, will be treated by consular officers as conclusive evidence of citizenship, except as herein otherwise provided.

Section 69. Other Races. The Statutes of the Republic of Liberia with respect to naturalization authorize the naturalization only of Negroes, or persons of Negro descent. The naturalization of all persons not Negroes nor of Negro descent, as aforesaid, is unauthorized and void, and consular officers will disregard their certificates of naturalization.

Section 70. Wife of Citizen. Any woman of Negro descent married to a citizen of the Republic of Liberia is a citizen thereof; and it is immaterial whether the husband became a citizen before or after marriage. Any woman who acquires Liberian citizenship by marriage shall be assumed to have retained it after the termination of the marital relation by death or absolute divorce if she continues to reside in the Republic of Liberia, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens or, if she resides abroad, she may retain Liberian citizenship by registering as a Liberian citizen before a Liberian consul within one year after the termination of the marital relation.

Section 71. A Liberian Woman who Marries a Foreigner. A Liberian woman who marries a foreigner takes the nationality of her husband. At the termination of the marital relation, by death or absolute divorce, she may resume her Liberian citizenship; if abroad, by registering as a Liberian citizen within one year with a Consul of the Republic of Liberia, or by returning to reside in the Republic of Liberia; or if residing in the Republic of Liberia at the termination of the marital relation by continuing to reside therein.

Section 72. Children of Naturalized Citizens. The naturalization or resumption of Liberian citizenship of the parents confers Liberian citizenship

¹ Flournoy and Hudson, A Collection of Nationality Laws, New York 1929. pp. 413-415.

upon the minor children and shall begin at the time such minor children begin to reside permanently in the Republic of Liberia.

Section 73. Expatriation. A Liberian citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state. When any naturalized citizen shall have resided for two years in that foreign state from which he came, or for five years in any other foreign state, it shall be presumed that he has ceased to be a Liberian citizen, and his place of general abode shall be deemed his place of residence during the said years.

Provided: That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the Republic of Liberia, under such rules and regulations as the Department of State may prescribe. A Liberian citizen shall not be allowed to expatriate himself when this country is at war.

Section 74. Oath of Allegiance. Every child born without the Republic of Liberia of Liberian parents and resident abroad upon attaining his majority is required, in order to conserve his Liberian citizenship, to take the oath of allegiance to the Republic of Liberia before a Liberian consul.

Section 75. Duplicates of Evidence of Citizenship. Diplomatic and consular officers are required to file with the Department of State duplicates of any evidence, registration, or other acts taken before them in conservation of citizenship and the right of protection.

(b) LAW ON NATURALIZATION OF 14 DECEMBER 1938. AN ACT RELATING TO NATURALIZATION.

Section 1. That from and after the passage of this Act, all laws or parts of law conflicting with the provisions of this Act, are hereby repealed.

Section 2. This Act shall be known as the Naturalization Act, and shall be enforced from the date of its publication.

Section 3. The term Naturalization, when used in this Act, shall mean the act of clothing or adopting any alien Negro of the age of twenty-one years and upward, or any alien person of Negro descent, of the age of twenty-one years and upward with the privileges of a native citizen of the Republic of Liberia.

Section 4. Filing of Declaration of Intention to become a citizen: Any alien Negro or any alien person of Negro descent intending to become a citizen of the Republic of Liberia, shall as a prerequisite appear before the office of the Clerk of any Circuit Court, or his authorized deputy, in the jurisdiction in which such alien resides and file a declaration upon or affidavit of his intention to become a citizen.

Section 5. The Declaration of Intention mentioned above must give information regarding the applicant, that is, his name, age, occupation, physical description, place of birth, last foreign residence, and allegiance, date of arrival in Liberia, name of (if any) by which he/vessel entered the territory of the Republic, and, present residence.

Section 6. Petition for Citizenship: An applicant for naturalization must not less than two nor more than three years after he has made his declaration of intention, make and file a petition signed in his own handwriting and duly verified in which he must give information similar to

that required in the Declaration of Intention, and he must state that he does not believe in Anarchy. The petition must also show that he renounces all foreign allegiance and intends to reside permanently within the Republic of Liberia, and must state whether he has heretofore been refused naturalization, and if so, on what grounds; and it must be verified by two credible witnesses, citizens of the Republic of Liberia, who personally know that the applicant has been at least two years a resident in the territory of the Republic of Liberia, or of the County where the application is made, and who personally know him to be of good moral character, and that he has not been guilty of any impropriety in his public conduct.

Section 7. Oath of Allegiance: The applicant shall declare upon oath before the Clerk of the Circuit Court of the County in which he resides that he will support the Constitution and laws of the Republic of Liberia, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign Prince, Potentate, State and Sovereignty whatever and particularly to the one of which he was before a citizen or subject.

Section 8. Notice and Hearing: Upon the filing of a Declaration of Intention and a petition for naturalization, the Clerk of the Court is required to file a copy thereof with the Attorney General for his information, and to give public notice thereof by posting data regarding the applicant, together with the date, as near as may be, of the final hearing, and the names of the witnesses whom the applicant expects to summon in his behalf; and if the applicant desires, the Clerk of Court shall issue subpoenas for such witnesses, who shall not be those verifying the petition.

Section 9. Fees: The Clerk of the Court shall charge and collect from the petitioner the following fees in each proceeding for naturalization: an internal revenue stamp fee of \$3.00, and stamps of the aforesaid value shall be placed upon each Declaration of Intention. A further charge of \$3.00 shall be made by the Clerk of the Court for his services in receiving and filing each Declaration of Intention and Petition for Naturalization and for issuing a Certificate of Citizenship to the Petitioner.

Section 10. The Department of Justice shall have the right to intervene in all matters of naturalization for the purpose of cancelling Certificates of Citizenship, or for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition, and has the right to call witnesses and produce evidence in opposition to the petition.

Section 11. Cancellation of Certificate for fraud or absence: If any naturalized alien shall have fraudulently secured a Certificate of Citizenship, or if any alien who after the issuance of a Certificate of Citizenship shall return to the country of his nativity, or go to any other foreign country, and take up permanent residence therein for seven consecutive years, and no account can be given of his absence, the Judge of the Circuit Court upon information of the Attorney General, County or District Attorney, shall have authority to cancel the Certificate of the said naturalized alien and the Clerk of the Court shall notify the Department of State of such cancellation. All lands held in the territory of the Republic by any person whose Certificate of Citizenship is so cancelled, shall be forfeited and they shall be escheated to the Government, unless said naturalized alien shall leave a wife or legitimate children in the Republic. Officials and employees of Government who may be engaged on Govern-

mental duties abroad are, however, exceptions to the provisions of this paragraph.

Section 12. Application to be filed in the Department of State: The Secretary of State shall furnish the Clerk of Court in each County with forms of Declaration of Intention, and Certificate of Citizenship. All declarations shall be signed by the applicant in triplicate, and a copy thereof shall be forwarded by the Clerk of Court to the Department of State, within thirty days after the date of its execution, and the same shall be filed in the Department of State.

Section 13. Penalty for fraud or official neglect: Any person falsely procuring the naturalization of any party, or any person making any false statement, or doing any wrongful thing contrary to the provisions of this chapter, shall be deemed guilty of a felony, and shall be punished with a fine not exceeding \$300.00 or imprisonment not exceeding six months or both; and any officer neglecting any duty imposed upon him by this chapter shall be deemed guilty of a misdemeanor, and shall be punished with a fine not exceeding \$200.00 or dismissal from office or both.

Section 14. Evidence of naturalization: The Clerk of Court shall keep a record of all naturalization certificates issued and of all cases where naturalization has been refused, and such record shall be sufficient proof of naturalization. If the record is available parole evidence will not be admitted to prove or disprove naturalization, but where no naturalization records can be produced secondary evidence of the contents may be given just as secondary evidence of the contents of any record may be given.

Section 15. After an immigrant shall have been naturalized he shall then be entitled to a Certificate of Citizenship to be issued to him by the Clerk of the Circuit Court.

SCHEDULE OF FORM

DECLARATION OF INTENTION

Republic of Liberia,
County

I age years, do declare on oath (or affirm) that it is my intention to settle permanently in the Republic of Liberia, and to become a citizen thereof; and I hereby declare my allegiance to the Republic of Liberia and renounce forever all allegiance and fidelity to any foreign Power and particularly to the being the foreign Power of which I am now a citizen or subject, so help me God.

Subscribed and sworn to before me this day of A. D.
.

.
Clerk of the Circuit Court

.
County

CERTIFICATE OF CITIZENSHIP

Republic of Liberia,
County

Be it known that on this day of A.D. who previous to his (or her) naturalization was a citizen or subject of

..... at present residing at in the Republic of Liberia, having filed his (or her) Declaration of Intention as provided by law, and having satisfied me by his (or her) own statement under oath that he (or she) is a person of good moral character, attached to the principles of the Constitution of the Republic of Liberia, and has been in every respect a law abiding person during his (or her) residence in the Republic; and having taken oath to support and defend the Constitution and laws of the Republic of Liberia against all enemies, foreign and domestic, and to renounce and abjure all allegiance and fidelity to any foreign Power particularly to the being the foreign Power to which he (or she) formerly owed allegiance.

Therefore it is ordered: That said be and he (or she) is hereby admitted as a citizen of the Republic of Liberia.

In Witness whereof this Certificate is signed by the Clerk of Court of the County of this day of A.D.

.....
Clerk of the Circuit Court

.....
County

Any law to the contrary notwithstanding

(c) LAW ON NATURALIZATION OF 28 JANUARY 1948. AN ACT TO AMEND AN ACT RELATING TO NATURALIZATION PASSED AND APPROVED 14 DECEMBER 1938.

Section 1. That from and after the passage of this Act, Section Six of the Legislature entitled "An Act Relating to Naturalization" passed at the Session, 1938, be and the same is hereby amended to provide that the President of Liberia is authorized and empowered to waive the probationary period in the case of any applicant or applicants for naturalization after filing his Declaration of Intention and allow such applicant or applicants to become citizens immediately.

Section 2. This Act shall take effect immediately and be published in hand-bills.

Any law to the contrary notwithstanding

(d) LAW ON NATURALIZATION OF 17 JANUARY 1951. AN ACT REGULATING HOW CERTIFICATES OF CITIZENSHIP MAY BE CANCELLED OR ANNULLED.

Section 1. Any alien who may become a naturalized citizen of the Republic of Liberia pursuant to the Constitutional provision for acquiring such citizenship shall, upon presentation to any of the Circuit Courts of the Republic by the Attorney General or any prosecuting officer of State, have his citizenship certificate annulled or cancelled for any of the following reasons:

(a) Where it is shown that at the time the person acquired citizenship he was not eligible to such citizenship by some existing law of the Republic or that he was not eligible to enter or reside in the Republic.

(b) Where the person who has acquired citizenship is not of good moral character and such fact was not known at the time he became a citizen.

(c) A certificate of citizenship may be cancelled where, at the time it was issued, the person naturalized was an anarchist, or naturally opposed to all government or where subsequent disloyalty shows that at the time of naturalization he failed to disclose that he had stronger feelings for his native land than his adopted country thereby committing a legal fraud on the country of his adoption.

(d) A certificate of citizenship may also be cancelled on the ground of fraud where it can be shown that the person naturalized intentionally concealed material facts about himself or wilfully made a misstatement or misrepresentation of such facts.

(e) Where a manifest error of law or fact on the part of the persons authorized to issue certificates of citizenship results in the granting of a certificate without compliance with statutory requirements, such as where the person granting same has no jurisdiction, or where the certificate is granted before it should be, or where all the laws governing the naturalization of a citizen are not fully complied with.

Section 2. The Legislature may, where the gravity of the case demands, enact a special statute ordering proceedings for cancellation of certificates of citizenship on specified grounds not encompassed in sub-sections (a) to (e) of Section One of this Act.

Section 3. All proceedings having for their objects the cancellation of certificates of citizenship shall be brought in the Circuit Court at a special session held for the purpose upon information of the Department of Justice and/or any of its agencies. All trials shall be summary and without a jury.

Section 4. After a decree of court has been given cancelling a certificate of citizenship, the President of Liberia is hereby vested with authority to deport or cause to be deported the person or persons whose certificate of citizenship has been cancelled and should no territory be found to which to deport such person or persons, he shall cause him or them to be interned until they can be deported.

Any law to the contrary notwithstanding

49. Libya

CONSTITUTION OF 7 OCTOBER 1951.

Article 8. Every person who resides in Libya and has no other nationality, or is not the subject of any other State, shall be deemed to be a Libyan if he fulfils one of the following conditions:

- (1) That he was born in Libya;
- (2) That either of his parents was born in Libya;
- (3) That he has had his normal residence in Libya for a period of not less than ten years.

Article 9. Subject to the provisions of Article 8 of this Constitution, the conditions necessary for acquiring Libyan nationality shall be determined by a federal law. Such law shall grant facilities to persons of Libyan origin residing abroad and to their children and to citizens of

Arab countries and to foreigners who are residing in Libya and who at the coming into force of this Constitution have had their normal residence in Libya for a period of not less than ten years. Persons of the latter category may opt for Libyan nationality in accordance with the conditions prescribed by the law, provided they apply for it within three years as from the 1st of January 1952.

Article 10. No one may have Libyan nationality and any other nationality at the same time.

50. Liechtenstein

ACT OF 14 NOVEMBER 1933

ON THE ACQUISITION AND LOSS OF NATIONALITY.¹

General

Article 1. The acquisition and loss of Liechtenstein nationality shall henceforth be governed exclusively by the provisions of this Act, without prejudice, however, to international agreements.

Article 2. Every national of Liechtenstein shall be required to be a citizen of a commune of the principality; however, this provision shall not apply to members of the princely house.

Acquisition of nationality

Article 3. Liechtenstein nationality is acquired:

- (a) By birth and legitimation
- (b) By marriage
- (c) by grant.

(a) By birth

Article 4. Legitimate children of Liechtenstein nationals possess Liechtenstein nationality by virtue of their birth. A child shall be deemed to be legitimate if, having been born out of wedlock of Liechtenstein nationals, he is treated as legitimate in consequence of the removal of the impediment to marriage or by reason of an honest mistake on the part of the spouses, or is legitimated by subsequent marriage or declared legitimate by the Prince in the exercise of prerogative powers (articles 160 to 162 of the General Civil Code).

A child born out of wedlock shall possess Liechtenstein nationality so long as the mother possesses Liechtenstein nationality and so long as she does not, by subsequently marrying the father of that child, lose Liechtenstein nationality and legitimate the child by that subsequent marriage. A child born of an alien woman and legitimated by her subsequent marriage to a Liechtenstein national shall not be recognized as a Liechtenstein national unless the parentage is proved.

(b) By marriage

Article 5. If an alien woman marries a Liechtenstein national she acquires Liechtenstein nationality without special grant, subject, however, to the provisions of article 29 of the Communes Act of 24 May 1864.

¹ Translation by the Secretariat of the United Nations.

Similarly, if an alien obtains Liechtenstein nationality by grant, his wife acquires the said nationality, unless they have been judicially separated or the marriage has been dissolved or annulled.

(c) *By grant*

Article 6. An alien shall not qualify for the grant of Liechtenstein nationality unless:

(a) He possesses full legal capacity according to the law of the country of which he is then a national; in default of such capacity, the consent of the father or legal representative may be accepted;

(b) He can prove that, in the event of the grant of Liechtenstein nationality, he is assured of admission as a citizen in a Liechtenstein commune;

(c) He can prove that he loses his previous nationality upon acquiring Liechtenstein nationality. If, however, according to the law of his country of origin, he retains his previous nationality in the event of acquiring a foreign nationality, this condition may be waived; the Government of the principality may dispense with the production of evidence of release from the previous national allegiance. In any such case, however, the person concerned may not claim the protection of the Liechtenstein authorities in his dealings with the country of which he was previously a national;

(d) He has been domiciled in the territory of the principality of Liechtenstein for at least three years; as an exception, this condition may be waived in special cases.

Article 7. The following documents shall be attached to any application for the grant of Liechtenstein nationality, which shall be addressed to the Government:

(a) The birth certificate of the applicant and, if he is married, of his wife, the marriage certificate, the death certificate of a former spouse, and the birth certificates of legitimate minor children. These documents may be replaced by a family certificate delivered by the competent authorities if this certificate contains the requisite particulars in an officially attested form;

(b) If the applicant has been judicially separated or his marriage has been dissolved or annulled, the original or certified copy of the relevant court order;

(c) A passport, residence card (*Heimatschein*) or similar identity document issued by the competent authorities and constituting evidence of the nationality of the applicant and of the members of his family;

(d) Evidence of the applicant's domicile in the territory of the principality of Liechtenstein;

(e) A certificate of good character delivered by the competent authorities of the place of residence. This certificate shall refer also to the applicant's wife and to his minor children over the age of fourteen years. If the latter are resident in another commune a separate certificate shall be submitted for them;

(f) Documentary evidence of property and income in the form of bank statements, tax assessments, and the like;

(g) If the applicant is not domiciled in Liechtenstein, evidence to show that he has come to an agreement with the Revenue Department, after

consultation with the Assessment Board of the commune where he proposes to reside, concerning his liability to taxation;

(h) If the applicant wishes to retain or applies for recognition of his titles of nobility, the patent of nobility or a certified copy thereof;

(i) A certificate of religious denomination.

Article 8. The retention or recognition of a title of nobility shall not imply any privileges.

Article 9. An agent signing an application on behalf of the applicant shall be required to prove his authority by an officially certified power of attorney.

Fees

Article 10. A fee shall be payable by each applicant in respect of the grant of Liechtenstein nationality. This fee shall be not less than half the sum payable by the applicant in respect of his admission as a citizen in a Liechtenstein commune. In special cases the said fee may be reduced by the Government. An appropriate special fee shall be fixed by the Government in each individual case in respect of the retention or recognition of titles of nobility. These fees shall be paid to the Princely Treasury in Vaduz before the issue of the certificate of naturalization.

Article 11. The applicant's relations with the State of which he is then a national, and his other personal and family circumstances, shall be investigated before the grant of Liechtenstein nationality. His application shall be refused if these relations and circumstances are such that there is reason to fear that the State might suffer some prejudice as a consequence of the grant of Liechtenstein nationality.

Article 12. After examining the application for naturalization and the supporting documents as required by statute and after obtaining satisfactory information concerning the applicant, the Government shall submit the application to the Diet (*Landtag*). If the Diet approves the application, the Government shall submit the requisite proposal to the Prince, who has the exclusive right, subject to the exception provided for in article 15, to grant Liechtenstein nationality.

No person shall have a right to the grant of Liechtenstein nationality.

Article 13. The communal citizenship acquired by the grant of Liechtenstein nationality shall not imply any right to the use or to the proceeds of communal property.

Article 14. After Liechtenstein nationality has been granted, the Government, or its duly authorized agent, shall accept the oath of allegiance sworn by the person concerned. Only male persons of full age shall swear the oath of allegiance.

Recovery of nationality

Article 15. The Government is hereby empowered, with the consent of the citizens' assembly of the commune of which the person concerned was formerly a citizen, to authorize the reinstatement, free of charge, in Liechtenstein nationality and communal citizenship to any person who was formerly a national and a citizen, provided that that person is domiciled in the principality or had been obliged by special circumstances to renounce the said nationality, and provided further that that person applies for the reinstatement in the said nationality and citizenship within

ten years after returning to Liechtenstein. Article 7, paragraphs (a) to (f), and article 13 shall apply *mutatis mutandis*.

Grant of nationality honoris causa

Article 16. If an alien has rendered services by the furtherance of the cultural and economic interests of the principality or of a commune, in particular by enhancing the possibilities of employment and earnings of the population, or contributes by some special means to a rise in the revenues of the principality and communes, honorary Liechtenstein nationality (but not communal citizenship) may be granted to him by the Prince on the proposal of the Government, or, with the approval of the Prince and with the concurrence of the Government, a commune may grant him honorary communal citizenship (but not Liechtenstein nationality).

Loss of nationality

Article 17. Liechtenstein nationality is lost by:

- (a) Renunciation express or implied;
- (b) Marriage;
- (c) Deprivation of nationality.

(a) By express renunciation

Article 18. Any Liechtenstein national of either sex may renounce Liechtenstein nationality on the condition that he:

- (a) has full legal capacity according to the law of the country whose nationality he possesses or is applying for; and
- (b) can prove that he has already acquired, or has been promised, the nationality of another country for himself, his spouse and his legitimate minor children.

The relevant application shall be supported by official certificates indicating the birth and the sex of the legitimate minor children. Persons who have been placed under the supervision of a trustee or guardian shall be required to submit such applications through their legal representative.

The Government shall be the authority competent to issue the document of release from the allegiance.

In the case of a married man it shall be a consequence of his renunciation that his wife and legitimate minor children likewise lose Liechtenstein nationality.

(b) By implied renunciation

Article 19. A person who acquires the nationality of another State according to the law of that State and who allows thirty years to elapse from the date on which he acquired that foreign nationality without renewing his residence card in Liechtenstein, shall be deemed to have renounced his nationality by implication. In the event of implied renunciation as aforesaid, that person's wife, children and descendants shall also be deemed to have renounced Liechtenstein nationality.

(c) By marriage

Article 20. A woman shall cease to be a Liechtenstein national if she marries an alien.

(d) By deprivation of nationality

Article 21. At any time before the expiry of five years after the date on which an alien acquired Liechtenstein nationality by grant, the Government may deprive him of this nationality if it should be discovered that the conditions which under this Act govern the grant of nationality had not been fulfilled. Nevertheless, the Government is empowered at any time (regardless of the aforesaid time-limit) to deprive a person of Liechtenstein nationality if he acquired it by fraud.

The fees paid under article 10 of this Act shall not be reimbursable.

Article 22. The loss of nationality implies the loss of communal citizenship.

Final provisions

Article 23. This Act repeals and supersedes the Act of 28 March 1864 (LGB1. No. 3), the Act of 27 July 1920 (LGB1. No. 9) and article 72 of the administrative and transitional regulations of 20 January 1926 (LGB1. No. 4) to give effect to the legislation relating to persons and corporations.

Article 24. This Act, not being of an urgent character, shall enter into force on the day of its publication.¹

51. LuxembourgLOI DU 9 MARS 1940 SUR L'INDIGÉNAT LUXEMBOURGEOIS².

I. DES LUXEMBOURGEOIS D'ORIGINE

Article 1. Sont Luxembourgeois:

1) L'enfant légitime né, même en pays étranger, d'un père ayant la qualité de Luxembourgeois au jour de la naissance;

2) L'enfant né dans le Grand-Duché de parents légalement inconnus, à moins que l'acte de naissance de l'enfant n'indique, d'après les déclarations faites à l'officier de l'état civil, une étrangère comme mère du nouveau-né.

L'enfant trouvé dans le Grand-Duché est présumé, jusqu'à preuve du contraire, être né sur le sol luxembourgeois.

Article 2. L'enfant naturel dont la filiation maternelle est légalement constatée pendant sa minorité et avant son émancipation, suit la condition de sa mère, au jour de l'acte de reconnaissance ou du jugement déclaratif de sa filiation.

Il suit la condition de son père, si la reconnaissance volontaire ou judiciaire de sa filiation paternelle est antérieure ou concomitante à celle de sa filiation maternelle.

Si le jugement déclaratif de filiation n'est rendu qu'après la mort de la mère resp. du père, l'enfant suit la condition que le reconnaissant avait au jour de son décès.

Article 3. L'enfant naturel légitimé pendant sa minorité et avant son émancipation, suit la condition de son père au jour de la légitimation, si celui-ci est Luxembourgeois ou sujet d'une nation dont la loi confère aux enfants légitimés la nationalité de leur père.

¹ 10 January 1934.

² Complément au Code civil, p. 1089, 1952.

Article 4. La qualité de Luxembourgeois d'origine est suffisamment établie par la preuve de la possession d'état de Luxembourgeois en la personne de celui des auteurs du réclamant dont la nationalité fait la condition de la sienne.

La possession d'état de Luxembourgeois s'acquiert par l'exercice des droits que cette qualité confère.

La preuve contraire est de droit.

II. DE L'ACQUISITION DE LA QUALITÉ DE LUXEMBOURGEOIS

Article 5. La qualité de Luxembourgeois s'acquiert par naturalisation ou par option.

A. De la naturalisation

Article 6. Pour être admis à la naturalisation il faut avoir atteint l'âge de 25 ans, et avoir résidé dans le Grand-Duché pendant 15 ans, à condition que pendant les cinq années qui ont précédé immédiatement la demande, cette résidence n'ait pas subi d'interruption.

Sous cette même condition la résidence obligatoire est réduite à 10 ans lorsque celui qui sollicite la naturalisation:

- a) Est né sur le sol luxembourgeois;
- b) Ou avait eu la qualité de Luxembourgeois d'origine et l'a perdue;
- c) Ou est mari d'une Luxembourgeoise d'origine; ou bien veuf d'une Luxembourgeoise d'origine, dont il a un ou plusieurs enfants en vie, dont un au moins est établi au Grand-Duché; ou bien époux divorcé d'une Luxembourgeoise d'origine, s'il en a un ou plusieurs enfants en vie, dont la garde lui a été confiée et dont au moins un est établi au Grand-Duché.

La naturalisation peut être conférée, sans condition de résidence, à l'étranger qui a rendu des services signalés à l'Etat.

Article 7. La naturalisation sera refusée à l'étranger:

- 1) Lorsque la loi nationale de l'intéressé lui permet de conserver ou de se faire autoriser à conserver sa nationalité dans le cas où il en acquerrait une autre, à moins que l'impétrant ne justifie, par des certificats ou attestations lui délivrés par les autorités compétentes, qu'il n'a fait aucun usage de cette faculté, et qu'il perd ou a perdu irrévocablement sa nationalité d'origine;
- 2) Lorsque la naturalisation ne se concilie pas avec les obligations qu'il a à remplir envers l'Etat auquel il appartient et qu'il pourrait en naître des difficultés;
- 3) Lorsqu'il ne justifie pas d'une assimilation suffisante;
- 4) Lorsqu'il a encouru, dans le pays ou à l'étranger, une condamnation entraînant d'après la loi luxembourgeoise, la déchéance du droit électoral, pour la durée de cette déchéance;
- 5) Lorsqu'il a encouru une condamnation définitive pour contravention aux dispositions légales sur la sécurité intérieure ou extérieure du pays, ou pour tentative d'une de ces infractions.

Article 8. La femme qui demande la naturalisation conjointement avec son mari est dispensée des conditions d'âge et de résidence fixées par l'art. 6.

Article 9. Pour être admis à la naturalisation, il faut:

- 1) Adresser au Ministre de la justice une demande par écrit, signée du demandeur en naturalisation;
- 2) Joindre à cette demande, en dehors des pièces visées aux art. 7 et 12:
 - a) L'acte de naissance;

- b) Une notice biographique rédigée avec exactitude;
- c) Le certificat constatant le chiffre des impositions payables à l'Etat et aux communes et un extrait hypothécaire;
- d) Un certificat constatant la durée de la résidence et un certificat de moralité, délivrés par les bourgmestres et échevins des communes dans lesquelles l'étranger a séjourné pendant le temps de sa résidence dans le pays;
- e) Un extrait du casier judiciaire;
- f) Un certificat sanitaire délivré par un ou plusieurs médecins et dont la forme et les conditions seront fixées par règlement d'administration publique.

Article 10. Le Ministre de la justice devra entendre le conseil communal de la dernière résidence de l'étranger et le Procureur général d'Etat dans leur avis motivé. L'avis du conseil communal devra être pris en séance secrète.

Article 11. La naturalisation peut encore, en l'absence d'une demande privée, être proposée par le Gouvernement.

Article 12. La naturalisation peut être gratuite toutes les fois qu'elle est accordée pour des services signalés à l'Etat.

Dans les autres cas elle est assujettie à un droit d'enregistrement de 2.000 fr. au moins jusqu'à 50.000 fr. au maximum, à fixer par arrêté grand-ducal.

Toute demande en naturalisation doit être accompagnée d'une quittance délivrée par le receveur de l'enregistrement et constatant le versement entre ses mains d'une somme de 500 fr. à valoir sur le droit d'enregistrement qui deviendra exigible en cas d'octroi de la naturalisation. Cette somme n'est restituée en aucun cas.

Article 13. Toute demande en naturalisation, ainsi que toute proposition du Gouvernement ayant le même objet, sera produite à la Chambre, et si elle est prise en considération, renvoyée aux sections. Sur le rapport de la section centrale, la Chambre décide après discussion s'il y a lieu, et à huis clos, si elle adopte ou si elle n'adopte pas la demande ou la proposition en naturalisation.

Article 14. Dans les huit jours qui suivront la sanction grand-ducale, le Ministre de la justice délivrera à l'intéressé une expédition certifiée de l'acte de naturalisation.

Article 15. Muni de cette expédition revêtue de la formalité de l'enregistrement, l'intéressé se présentera devant l'officier de l'état civil du lieu de sa résidence et déclarera qu'il accepte la naturalisation qui lui est conférée.

Il sera dressé immédiatement procès-verbal de cette déclaration dans l'un des registres mentionnés par l'art. 35.

Article 16. La déclaration prescrite par l'article précédent sera faite, sous peine de déchéance, dans les trois mois à compter de la sanction grand-ducale.

Article 17. L'autorité municipale enverra, dans les huit jours, au Ministre de la Justice une expédition dûment certifiée de l'acte d'acceptation.

Article 18. La loi qui confère la naturalisation sera insérée par extrait au *Mémorial* qui indiquera la date de l'acte d'acceptation.

La naturalisation ne sortira ses effets que trois jours francs après sa publication au *Mémorial*.

Mention de cette publication doit être faite en marge de l'acte d'acceptation.

B. De l'option

Article 19. Peut acquérir la qualité de Luxembourgeois par option:

1) L'enfant né dans le pays d'un étranger, père ou mère, qui y est né lui-même et y a eu sa résidence jusqu'à la naissance de cet enfant, à condition que l'enfant ait rempli les conditions de résidence inscrites à l'art. 20. Ce paragraphe s'applique également à l'enfant né d'une mère qui a ou avait eu la qualité de Luxembourgeoise d'origine, lorsque toutes les conditions y prescrites sont remplies;

2) L'enfant né d'un père naturalisé Luxembourgeois lorsque la naturalisation du père a été acquise durant la minorité de l'enfant;

3) L'étrangère qui épouse un Luxembourgeois ou dont le mari acquiert par option ou recouvre la qualité de Luxembourgeois.

Article 20. La recevabilité de l'option, prévue à l'article 19, 1), est soumise aux conditions suivantes:

1) L'intéressé doit avoir eu sa résidence habituelle dans le Grand-Duché pendant l'année antérieure à la déclaration d'option et y avoir résidé habituellement soit depuis l'âge de 14 ans jusqu'à l'âge de 18 ans soit pendant au moins 9 ans.

La condition de résidence imposée par l'alinéa qui précède est limitée aux deux années antérieures à l'option en ce qui concerne l'enfant né de parents étrangers dont l'un avait eu la qualité de Luxembourgeois;

2) Dans le cas où l'intéressé résiderait dans le pays, il doit déclarer que son intention est d'y fixer son domicile, et dans le cas où il résiderait à l'étranger, il doit faire sa soumission de fixer dans le Grand-Duché son domicile et de s'y établir effectivement dans l'année à compter de l'acte de soumission;

3) La déclaration d'option doit être faite entre l'âge de 18 et 22 ans accomplis.

L'intéressé qui justifie avoir été empêché de faire sa déclaration dans le délai légal, peut être relevé de la déchéance par décision du Tribunal d'arrondissement du lieu de son domicile.

La procédure à suivre est celle prévue en matière de rectification des actes de l'état civil.

Article 21. Dans les cas visés par l'article 19, 3), la déclaration d'option doit être faite durant les six mois à partir du jour du mariage ou du jour où le mari est devenu ou redevenu Luxembourgeois.

Article 22. Dans les cas visés par l'article 19, nos 1 et 3, l'option est en outre irrecevable:

1) Lorsque la loi nationale de l'intéressé lui permet de conserver ou de se faire autoriser à conserver sa nationalité dans le cas où il en acquerrait une autre, à moins que l'impétrant ne justifie, par des certificats ou attestations lui délivrés par les autorités compétentes, qu'il n'a fait aucun usage de cette faculté et qu'il perd ou a perdu irrévocablement sa nationalité d'origine;

2) Lorsque l'option ne se concilie pas avec les obligations que l'intéressé a à remplir envers l'Etat auquel il appartient et qu'il pourrait en naître des difficultés;

3) Lorsqu'il ne justifie pas d'une assimilation suffisante;

4) Lorsqu'il a encouru, dans le pays ou à l'étranger, une condamnation entraînant d'après la loi luxembourgeoise la déchéance du droit électoral, pour la durée de cette déchéance;

5) Lorsqu'il a encouru une condamnation définitive pour contravention aux dispositions légales sur la sécurité intérieure ou extérieure du pays ou pour tentative d'une de ces infractions.

En outre, les dispositions de l'article 9, n° 2, doivent trouver leur application.

Article 23. Les déclarations visées à l'article 19, nos 1 et 3, sont soumises à l'agrément du Ministre de la Justice à accorder sur avis motivés du conseil communal de la dernière résidence et du Procureur général d'Etat. L'avis du conseil communal sera pris en séance secrète.

Article 24. L'acquisition de la qualité de Luxembourgeois par voie de déclaration d'option est assujettie à un droit d'enregistrement de 200 fr. au moins jusqu'à 40.000 fr. au maximum. Ce droit est fixé pour chaque cas par décision du Ministre de la justice. Toutefois ce droit est réduit à 20 fr. en cas d'indigence dûment constatée de l'intéressé. Sauf au cas d'indigence visé ci-dessus, toute déclaration d'option doit être accompagnée d'une quittance délivrée par le receveur de l'enregistrement et constatant le versement entre ses mains d'une somme de 100 fr. à valoir sur le droit d'enregistrement qui deviendra exigible en cas d'agrément de la déclaration par le Ministre de la justice. Cette somme n'est restituable en aucun cas.

La décision d'agrément du Ministre de la justice doit être enregistrée, sous peine de nullité de la déclaration, dans un délai de trois mois à compter de sa notification. Cette notification sera faite par voie administrative constatée par un reçu à signer par l'intéressé, sinon par voie d'huissier conformément à l'article 68 du Code de procédure civile. Les frais de cet exploit qui seront à charge de l'intéressé, seront recouvrés par l'administration de l'enregistrement.

La déclaration d'option ne sortira ses effets que trois jours francs après sa publication au *Mémorial*.

Mention de cette publication resp. du refus d'agrément doit être faite en marge de la déclaration d'option.

III. DE LA PERTE DE LA QUALITÉ DE LUXEMBOURGEOIS

Article 25. Perd la qualité de Luxembourgeois :

1) Celui qui acquiert volontairement, même pendant sa minorité, une nationalité étrangère;

2) La femme qui épouse un étranger d'une nationalité déterminée, si la nationalité de son mari lui est acquise obligatoirement en vertu de la loi étrangère;

3) La femme dont le mari acquiert volontairement une nationalité étrangère, si la nationalité de son mari lui est acquise en vertu de la loi étrangère; toutefois la femme peut dans ces deux cas conserver la qualité de Luxembourgeoise si elle est Luxembourgeoise d'origine, par une déclaration faite durant les six mois à partir du jour du mariage ou du jour où le mari a cessé d'être Luxembourgeois. Cette déclaration est irrecevable dans le cas où les conditions prescrites à l'art. 22, 1), 2) et 4) ne sont pas remplies;

4) L'enfant mineur non émancipé d'un Luxembourgeois devenu étranger par application du présent article et exerçant sur lui le droit de garde, s'il a acquis la nationalité étrangère en même temps que son auteur;

5) Le Luxembourgeois même mineur qui, possédant par l'effet de la loi, sans manifestation de volonté de sa part, une nationalité étrangère à laquelle il lui est loisible de renoncer, n'a pas fait fruit de cette faculté.

IV. DU RECouvreMENT DE LA QUALITÉ DE LUXEMBOURGEOIS

Article 26. 1) Le Luxembourgeois d'origine qui a perdu sa qualité de Luxembourgeois, peut toujours être autorisé à la recouvrer par une déclaration, sous condition de renoncer à toute distinction contraire à la loi luxembourgeoise.

La recevabilité de la demande en autorisation de recouvrement de la nationalité luxembourgeoise est soumise à la condition que l'intéressé ait eu sa résidence effective dans le Grand-Duché pendant les deux années qui précèdent immédiatement la demande.

L'autorisation est accordée par arrêté grand-ducal à prendre sur avis motivés du conseil communal de la dernière résidence, du Procureur général d'Etat et du Conseil d'Etat.

L'avis du conseil communal sera pris en séance secrète.

La déclaration sera faite, sous peine de déchéance, dans les trois mois à compter de la notification de l'arrêté grand-ducal. Cette notification sera faite par voie administrative, constatée par un reçu à signer par l'intéressé, sinon par voie d'huissier conformément à l'art. 68 du Code de procédure civile. Les frais de cet exploit qui seront à charge de l'intéressé, seront recouverts par l'administration de l'enregistrement.

La déclaration de recouvrement est assujettie à un droit d'enregistrement de 200 fr. au moins jusqu'à 40.000 fr. au maximum. Ce droit est fixé pour chaque cas par décision du Ministre de la Justice. Toutefois ce droit est réduit à 20 fr. en cas d'indigence dûment constatée de l'intéressé. La déclaration n'est pas recevable tant que le droit n'est pas acquitté.

Sauf en cas d'indigence visé ci-dessus, toute demande en recouvrement de la nationalité luxembourgeoise doit être accompagnée d'une quittance délivrée par le receveur de l'enregistrement et constatant le versement entre ses mains d'une somme de 100 fr., à valoir sur le droit d'enregistrement qui deviendra exigible en cas d'octroi de l'autorisation. Cette somme n'est restituable en aucun cas.

La déclaration de recouvrement ne sortira ses effets que trois jours francs après sa publication au *Mémorial*. Mention de cette publication devra être faite en marge de l'acte de recouvrement.

2) Les dispositions qui précèdent ne sont pas applicables à la femme qui a perdu la qualité de Luxembourgeoise en vertu de l'article 25 nos 2 et 3. Pourtant cette femme peut, si elle est Luxembourgeoise d'origine, recouvrer la nationalité luxembourgeoise par simple déclaration:

a) Si le mariage se trouve dissous;

b) Lorsque son mari d'origine étrangère est devenu Luxembourgeois par naturalisation.

La recevabilité de cette déclaration est soumise à la condition que l'intéressée ait eu sa résidence habituelle dans le Grand-Duché durant l'année antérieure à la déclaration.

La déclaration est soumise à l'agrément du Ministre de la justice à accorder sur avis motivés du conseil communal de la dernière résidence, du Procureur général d'Etat et du Conseil d'Etat. L'avis du conseil communal sera pris en séance secrète.

La déclaration est assujettie à un droit d'enregistrement de 200 fr. au moins jusqu'à 40.000 fr. au maximum. Ce droit est fixé pour chaque cas par décision du Ministre de la Justice. Il est toutefois réduit à 20 fr. en cas d'indigence dûment constatée de l'intéressée.

Sauf en cas d'indigence visé ci-dessus, toute déclaration de recouvrement doit être accompagnée d'une quittance délivrée par le receveur de l'enregistrement et constatant le versement entre ses mains de 50 fr. à valoir sur le droit d'enregistrement qui deviendra exigible en cas d'agrément de la déclaration par le Ministre de la Justice. Ce versement qui est réduit à 20 fr. en cas d'indigence de l'intéressée, n'est restituable en aucun cas.

La décision d'agrément du Ministre de la Justice doit être enregistrée, sous peine de nullité de la déclaration, dans un délai de trois mois à compter de sa notification. Cette notification sera faite par voie administrative constatée par un reçu à signer par l'intéressée, sinon par voie d'huissier conformément à l'article 68 du Code de procédure civile. Les frais de cet exploit qui seront à charge de l'intéressée, seront recouverts par l'administration de l'enregistrement.

La déclaration de recouvrement ne sortira ses effets que trois jours francs après sa publication au *Mémorial*.

Mention de cette publication resp. du refus d'agrément devra être faite en marge de la déclaration de recouvrement.

3) L'enfant qui a perdu la qualité de Luxembourgeois par application de l'article 25, n° 4, peut la recouvrer entre l'âge de 18 et de 23 ans accomplis par une déclaration d'option, sous condition d'avoir eu sa résidence habituelle dans le Grand-Duché durant une année antérieure à la déclaration. Après l'âge de 23 ans il peut invoquer le bénéfice du n° 1 du présent article.

Les dispositions des articles 7 et 9 sont applicables aux cas prévus au présent article.

V. DE LA DÉCHÉANCE DE LA QUALITÉ DE LUXEMBOURGEOIS

Article 27. Le Luxembourgeois qui ne tient pas sa nationalité d'un auteur luxembourgeois au jour de sa naissance, peut être déclaré déchu de cette qualité, sur la poursuite du Ministère public:

- a) S'il a obtenu la nationalité luxembourgeoise par de fausses affirmations, par fraude ou par dissimulation de faits importants;
- b) S'il manque gravement à ses devoirs de citoyen luxembourgeois;
- c) S'il exerce des droits ou remplit des devoirs nationaux étrangers;
- d) S'il a encouru dans le pays ou à l'étranger, soit comme auteur, soit comme complice, une condamnation à une peine criminelle ou une condamnation sans sursis d'emprisonnement pour assassinat, meurtre, vol, recel, escroquerie, abus de confiance, concussion, faux, usage de faux, faux témoignage, subornation de témoins ou d'experts, attentat à la pudeur, viol, prostitution ou corruption de la jeunesse, contravention aux lois et arrêtés sur les maisons de débauche, tenue de maisons de jeux de hasard, association formée dans le but d'attenter aux personnes ou aux propriétés, avortement, exposition ou délaissement d'enfant, enlèvement de mineurs, banqueroute, contravention aux dispositions légales sur la sécurité extérieure et intérieure du pays, ou pour tentative d'une de ces infractions.

Les dispositions du présent article sub *b*, *c*, et *d* s'appliquent à la femme luxembourgeoise d'origine, mariée à un étranger et ayant conservé sa nationalité luxembourgeoise par application de l'art. 25.

Article 28. L'action en déchéance se poursuit devant le tribunal civil d'arrondissement du domicile du défendeur ou à défaut de domicile connu, de sa dernière résidence; à défaut de domicile ou de résidence connus

dans le Grand-Duché le tribunal civil de l'arrondissement de Luxembourg est compétent.

L'appel est porté devant la Cour supérieure de Justice.

La procédure devant ces juridictions fera l'objet d'un règlement d'administration publique.

Article 29. Lorsque le jugement ou l'arrêt prononçant la déchéance de nationalité est devenu définitif, son dispositif est transcrit dans l'un des registres indiqués à l'art. 35 par l'officier de l'état civil du domicile ou de la résidence du défendeur ou, à défaut de résidence dans le pays, par l'officier de l'état civil qui a reçu l'acte d'option ou de naturalisation.

Mention en est faite également en marge de l'acte d'option ou de naturalisation du défendeur, de son acte de naissance et de son acte de mariage.

Il est publié par extrait au *Mémorial* avec mention de la transcription.

La déchéance a effet du jour de la transcription.

Article 30. La femme et les enfants du Luxembourgeois déchu peuvent décliner la nationalité luxembourgeoise dans le délai de trois mois à partir du jour de la transcription de l'arrêt prononçant la déchéance.

A l'égard des enfants mineurs ce délai est prorogé jusqu'à l'expiration des trois mois qui suivent leur majorité; toutefois dès l'âge de 18 ans ils sont admis à décliner la nationalité luxembourgeoise dans les conditions déterminées par l'art. 35 de la présente loi.

Les renonciations de nationalité sont faites dans les formes prescrites par l'art. 35.

Article 31. La personne déclarée déchue de la qualité de Luxembourgeois ainsi que celle qui a renoncé à cette qualité par application de l'article qui précède, ne peut plus recouvrer la nationalité luxembourgeoise.

VI. DES EFFETS DES ACTES DE NATURALISATION

Article 32. L'acquisition de la nationalité luxembourgeoise par naturalisation ou option, confère à l'étranger tous les droits civils et politiques attachés à la qualité de Luxembourgeois.

Article 33. L'acquisition, la perte, le recouvrement ou la déchéance de la qualité de Luxembourgeois, de quelque cause qu'ils procèdent, ne produisent d'effet que pour l'avenir.

VII. DE LA CAPACITÉ DES ENFANTS MINEURS

Article 34. Les enfants mineurs sont habiles à faire dès l'âge de 18 ans la déclaration prévue aux art. 19, 26 et 30 avec l'assistance des personnes dont le consentement leur est nécessaire pour la validité du mariage d'après leur statut personnel.

Le consentement est donné, soit dans l'acte même de la déclaration, soit par un acte séparé reçu par l'officier de l'état civil. Les personnes résidant à l'étranger peuvent faire connaître leur volonté par une procuration spéciale et authentique. L'acte séparé doit être annexé à l'acte de déclaration.

VIII. DE LA COMPÉTENCE DES OFFICIERS DE L'ÉTAT CIVIL

Des formalités

Article 35. Les déclarations prévues par les dispositions qui précèdent sont faites devant l'officier de l'état civil du lieu de résidence au Grand-

Duché; elles sont inscrites, soit dans un registre spécial tenu en double, soit dans le registre des actes de naissance. L'officier de l'état civil instrumente sans l'assistance de témoin. Ces déclarations sont mentionnées en marge de l'acte de naissance et de l'acte de mariage, mais seulement au vu des publications afférentes au *Mémorial*.

Article 36. Les registres prévus par l'article qui précède sont soumis aux dispositions des articles 40 à 45 et 50 à 54 du Code civil.

Aucun extrait de ces registres ne doit être délivré sans les mentions marginales qui s'y trouvent inscrites.

Ces extraits sont soumis aux mêmes formalités de timbre et aux mêmes droits de recherche et d'expédition que les actes de naissance.

IX. DISPOSITIONS TRANSITOIRES

Article 37. Les étrangers que l'ancienne législation avait admis à acquérir la nationalité luxembourgeoise par option ou par naturalisation, sur la foi d'une justification qu'ils n'avaient pas fait usage de la faculté de conserver leur nationalité d'origine, peuvent être déclarés déchus de la nationalité luxembourgeoise, s'il est établi qu'ils ont néanmoins fait usage de cette faculté.

Les articles 27 à 31 incl. sont applicables.

Article 38. Peuvent encore acquérir la qualité de Luxembourgeois, si, à la date de la promulgation de la présente loi, ils ont présenté leur déclaration d'option et s'ils remplissent les conditions de recevabilité de l'option inscrite à l'article 22 ci-dessus:

a) Sur avis conforme du Conseil d'Etat et du conseil communal de la résidence, les étrangers qui ont épousé une Luxembourgeoise de naissance, dont le mariage a au moins cinq années de date, s'ils résident dans le pays depuis au moins 15 années;

b) L'enfant né au Grand-Duché d'un étranger;

c) L'enfant né à l'étranger de parents dont l'un avait la qualité de Luxembourgeois.

Pendant les trois mois qui suivront la mise en vigueur de la présente loi, les personnes qui, sous l'empire de l'ancienne législation, ont été empêchées de faire leur déclaration d'option dans le délai légal, pourront être relevées de la déchéance par décision du tribunal d'arrondissement du lieu de leur domicile, si elles remplissent les conditions prescrites aux articles 20 et 22.

Un délai de trois mois à partir de la promulgation de la présente loi est accordé à la femme luxembourgeoise d'origine aux fins de faire la déclaration conservatoire de nationalité luxembourgeoise si elle remplit les conditions inscrites à l'article 25, 2) et 3).

Article 39. Tous ceux qui au moment de la mise en vigueur de la présente loi n'auront pas acquitté le droit d'enregistrement auquel a été assujettie leur déclaration d'option ou de recouvrement de la nationalité luxembourgeoise ou qui n'auront pas fait usage de l'autorisation leur accordée en vertu de l'article 10 de la loi du 23 avril 1934 pour opter pour la nationalité luxembourgeoise resp. en vertu de l'art. 25 alinéa 1^{er} de cette même loi pour recouvrer la qualité de Luxembourgeois, doivent, sous peine de déchéance, accomplir cette formalité dans un délai de trois mois à partir de la mise en vigueur de la présente loi.

Article 40. Les dispositions inscrites à la section V et visant la déchéance de la qualité de Luxembourgeois, s'appliquent également à tous les Luxem-

bourgeois ne tenant pas leur nationalité d'un auteur luxembourgeois au jour de leur naissance et qui ont acquis la nationalité luxembourgeoise avant la promulgation de la présente loi.

X. TEXTES DE LOIS ABROGÉS

Article 41. Sont abrogées la loi du 23 avril 1934 sur l'indigénat ainsi que toutes les autres dispositions contraires à la présente loi.

52. Mexico

(a) ARTICLE 30 OF THE CONSTITUTION OF 5 FEBRUARY 1917 AS AMENDED BY DECREE OF 18 JANUARY 1934.¹

Article 30. Mexican nationality is acquired by birth or naturalization.

(A) The following persons are Mexican nationals by birth:

(I) Persons born within the territorial limits of the Republic, irrespective of the nationality of their parents;

(II) Persons born in foreign countries of Mexican parents; of a Mexican father and alien mother; of a Mexican mother and unknown father; and

(III) Persons who were born on board Mexican war or merchant vessels or aircraft.

(B) The following persons are Mexican nationals by naturalization:

(I) Aliens who obtain naturalization papers from the Ministry of Foreign Affairs; and

(II) Alien women who marry Mexican nationals and live or establish domicile within the territorial limits of the Republic.

(b) NATIONALITY AND NATURALIZATION ACT OF 5 JANUARY 1934 AS AMENDED BY DECREES OF 18 SEPTEMBER 1939, 30 DECEMBER 1940 AND 28 DECEMBER 1949.¹

CHAPTER I: MEXICANS AND ALIENS

Article 1. The following persons are Mexican nationals by birth:

(I) Persons born within the territorial limits of the Republic, irrespective of the nationality of their parents;

(II) Persons born in foreign countries of Mexican parents; of a Mexican father and alien mother; of a Mexican mother and unknown father; and

(III) Persons who were born on board Mexican war or merchant vessels or aircraft.

Article 2. The following persons are Mexican nationals by naturalization:

I. Any alien who obtains a certificate of naturalization from the Ministry of Foreign Affairs in accordance with this Act.

II. An alien woman who contracts marriage with a Mexican national and who has or establishes her domicile within the national territory. After she has submitted an application embodying the disclaimers and renunciations and the pledge referred to in articles 17 and 18 of this Act, the Ministry of Foreign Affairs shall in each case issue the corresponding declaration. An alien woman who acquires Mexican nationality

¹ Translation by the Secretariat of the United Nations.

in this way shall retain this nationality even after the dissolution of the marriage.

Article 3. Mexican nationality is lost by any person who:

(I) Voluntarily acquires a foreign nationality, it being understood that the act is not considered voluntary if the said nationality was acquired by law, by the simple fact of residence, or as a prerequisite to obtaining work or to retaining a post acquired previously, the decision to be left to the discretion of the Ministry of Foreign Affairs;

(II) Accepts or employs titles of nobility which imply allegiance to a foreign State;

(III) Being a Mexican national by naturalization, resides continuously for five years in his country of origin;

(IV) Being a Mexican national by naturalization, represents himself as an alien in any public instrument, or obtains and uses a foreign passport.

Loss of Mexican nationality only affects the person who has lost it.

Article 4. A Mexican woman who marries an alien does not lose her nationality by reason of such marriage.

Article 5. Corporate bodies which are constituted in accordance with the laws of the Republic and maintain their legal domicile in its territory possess Mexican nationality.

Article 6. The term "alien" means any person who does not possess Mexican nationality under the terms of the present Act.

CHAPTER II. ORDINARY NATURALIZATION

Article 7. An alien who complies with the requirements of the present Act may acquire Mexican nationality.

Article 8. An alien who wishes to become a naturalized Mexican shall submit, in duplicate, to the Ministry of Foreign Affairs a petition declaring his desire to acquire Mexican nationality and his willingness to renounce his foreign nationality. With this petition he shall submit the following documents, or communicate them not later than six months thereafter:

(a) A certificate issued by the local authorities stating the duration of the petitioner's continuous and uninterrupted residence in the country, such residence in no case to be less than two years prior to the petition;

(b) A certificate issued by the Migration Authorities stating that the petitioner entered the country legally;

(c) A medical certificate of good health;

(d) A document proving that the petitioner is at least eighteen years of age;

(e) Four photographs, two full-face and two profile;

(f) A statement, signed by the petitioner, specifying his last regular place of residence abroad before he entered the country.

The document referred to in (a) may be replaced by other evidence satisfactory to the Ministry of Foreign Affairs.

After the foregoing requirements have been complied with, the Ministry of Foreign Affairs shall confirm that the petition has been submitted and shall return the duplicate thereof to the petitioner, with the date of submission noted thereon, and shall retain the original in its files. If the petitioner does not comply with all the formalities required by the foregoing paragraphs within six months from the date of its submission of the relevant petition, the latter shall be deemed not to have been submitted.

Article 9. Three years after the submission of the petition referred to in article 8, if the period of residence prior to the petition was less than five years, and provided that the petitioner has not interrupted the said residence in the country, he may apply to the Federal Government, through the district judge competent for his place of residence, for the grant of a certificate of naturalization. Should he fail to apply to the Ministry of Foreign Affairs within the eight years next thereafter following, the said petition shall cease to have effect, and in order to obtain naturalization the petitioner shall be required to recommence the process. If the petitioner, when submitting his petition for naturalization, proved in accordance with the next preceding article that he has resided in the country for five years or more, he may apply to the district judge one year after making the petition referred to in the said article with a view to a petition for the grant of a certificate of naturalization.

Article 10. Absence from the country, where such absence does not exceed six months during the respective periods of three years and one year or, if longer, where it was by permission of the Ministry of Foreign Affairs, shall not interrupt the residence required by the last preceding article.

Article 11. Together with the application referred to in article 9, the petitioner shall submit a statement containing the following particulars:

- (a) Full name;
- (b) Civil status;
- (c) Place of residence;
- (d) Profession, trade or occupation;
- (e) Place and date of birth;
- (f) Names and nationality of parents;
- (g) If married, the full name of the spouse;
- (h) Place of residence of spouse;
- (i) Nationality of spouse;
- (j) Full names, place and date of birth of children, if any;
- (k) Place of residence of children.

He must also submit a further health certificate signed by a physician authorized by the Department of Health.

Article 12. The petitioner shall produce to the district judge evidence of the following facts:

- I. That he has resided in the Republic for not less than five years, or six years, as the case may be, and that he has not interrupted such relations;
- II. That his conduct has been good during the period of his residence;
- III. That he has in Mexico a profession, industry, occupation or private income sufficient for his livelihood;
- IV. That he can speak Spanish;
- V. That his income tax is paid up to date, or that he is exempt from such tax.

The petitioner shall enclose with his initial written application the duplicate of the petition referred to in article 8, or a certified copy thereof issued by the Ministry of Foreign Affairs.

Article 13. A district judge who receives an application for naturalization shall immediately advise the Ministry of Foreign Affairs, to which he shall submit a single copy of the application and of all the documents presented, and shall see that copies of the application and of the statement referred

to in article 11 are posted for a period of 30 days in the court rooms of his district.

Article 14. As soon as it receives notice from the district judge that naturalization proceedings have been initiated, the Ministry of Foreign Affairs shall cause an extract of the application and of the information referred to in article 11 to be published three times, at the petitioner's expense, in the *Diario Oficial* and in another periodical of wide circulation.

Article 15. The district judge shall, in the presence of representatives of the public prosecutor and the Ministry of Foreign Affairs, receive the evidence submitted on the points referred to in article 12. He shall also receive any evidence offered by the public prosecutor's office.

Article 16. After hearing the representative of the public prosecutor, the judge shall analyse the evidence presented, making such comments as may be necessary, and shall in each case transmit the original file to the Ministry of Foreign Affairs.

Article 17. Through the intermediary of the judge, the petitioner shall submit to the Ministry of Foreign Affairs a petition in which he applies for the grant of a certificate of naturalization and in which he shall expressly disclaim his original nationality and all subjection, obedience and allegiance to any foreign government, more particularly to the government of which he has hitherto been a subject; renounce any protection extraneous to the laws and authorities of Mexico and any rights granted to aliens by treaties or by international law; and pledge allegiance, obedience and submission to the laws and authorities of the Republic. These disclaimers and renunciations and this pledge shall be confirmed in the presence of the judge in the case of ordinary naturalization.

Where it appears that the alien, when making the disclaimers and renunciations and giving the pledge referred to in this article, did so with mental reservations, fraudulently, or without the real, definite and permanent intention to remain bound by them, he shall be liable to all the penalties which are now or hereafter will become applicable under this Act or any other enactment.

Article 18. If the alien applying for naturalization holds any title of nobility conferred by any foreign Government, he must expressly renounce the right to possess or use it.

Article 19. Upon receipt of the file, the Ministry of Foreign Affairs shall, if it sees fit, issue naturalization papers to the applicant.

CHAPTER III. PRIVILEGED NATURALIZATION

Article 20. A married woman whose husband acquires Mexican nationality after the conclusion of the marriage shall have the right likewise to obtain Mexican nationality, provided that she maintains or establishes her domicile in the Republic and applies expressly to the Ministry of Foreign Affairs, making the disclaimers referred to in articles 17 and 18 of the present Act. The Ministry of Foreign Affairs shall issue the necessary declaration.

Article 21. The following persons may be naturalized by the special procedure described in this chapter:

I. Aliens who establish within the national territory industries, businesses or enterprises which are useful to the country or which produce outstanding social benefits;

II. Aliens having legitimate children born in Mexico;

III. An alien any of whose ascendants in the direct line within the first or second degree of consanguinity is a Mexican national by birth;

IV. An alien whose wife is a Mexican national by birth;

V. Settlers who establish themselves in the country, in accordance with the laws governing settlement;

VI. Mexican nationals by naturalization who lose their Mexican nationality owing to residence in their country of origin;

VII. Aliens of Latin American or Spanish origin who establish residence in the Republic.

Article 22. The aliens referred to in paragraph I of the preceding article may apply directly to the Minister of Foreign Affairs for naturalization papers, provided that they can prove, by whatever means the Ministry may prescribe, that the provision in question applies to them and that they are domiciled in the country.

Article 23. The aliens referred to in article 21 paragraph II may apply to the Ministry of Foreign Affairs direct for naturalization papers, provided that they can prove that they have legitimate children born in the national territory, that they are domiciled in Mexico, and that they have resided in the country without interruption for at least two years immediately prior to the application; except that in the case of legitimated children, the two-year residence period must have begun after the date of legitimation.

Article 24. A person within the terms of article 21, paragraph III, may obtain naturalization on satisfying the Ministry of Foreign Affairs that:

(a) One of his ascendants in the direct line within the first or second degree of consanguinity is a Mexican by birth;

(b) He has established residence in the national territory;

(c) He can speak Spanish.

Article 25. An alien married to a Mexican woman may become naturalized by submitting evidence direct to the Ministry of Foreign Affairs to show:

(a) That he is married to a Mexican woman;

(b) That the marriage is still in effect; and

(c) That since his marriage he has resided in the country without interruption for at least two years prior to his application.

Article 26. Settlers who establish themselves in the country may obtain naturalization by applying direct to the Ministry of Foreign Affairs and producing to that Ministry evidence of their status as settlers and of their residence, as settlers in national territory, for not less than two years immediately preceding their application for naturalization.

Article 27. A person who became an alien in the circumstances referred to in article 21, paragraph VI, may obtain naturalization by submitting evidence to show that he is domiciled in the Republic and that his residence in his country of origin was involuntary. In such cases the decision rests with the Ministry of Foreign Affairs.

Article 28. A person within the terms of article 21, paragraph VII, may obtain naturalization by applying direct to the Ministry of Foreign Affairs and satisfying the said Ministry that:

(a) He is a national of a Latin American country or of Spanish or Latin American origin;

(b) He has established residence in the national territory and is domiciled therein.

Article 29. An alien who applies for naturalization by one of the privileged procedures described in this chapter shall submit to the Ministry of Foreign Affairs the statement referred to in article 11 and make the disclaimers and renunciations mentioned in articles 17 and 18, as applicable.

When all the requirements stipulated in the preceding articles have been fulfilled, according to the circumstances, the Ministry of Foreign Affairs shall, if it sees fit, grant the certificate of naturalization.

. . .

CHAPTER V. PENAL PROVISIONS

Article 36. Any person who attempts, in violation of the terms of this Act, to obtain naturalization papers without being entitled thereto, or who presents false information, testimony or documents, shall be liable to imprisonment for two to five years and a fine of 100 to 500 pesos. If such a person actually obtains naturalization papers, the penalty shall be doubled.

Article 37. If any person whatsoever falsifies or alters naturalization papers he shall be liable to imprisonment for two to ten years and a fine of 200 to 1,000 pesos.

Article 38. Any person who makes use of naturalization papers issued to another as though they were his own, or who makes use of naturalization papers which have been falsified or altered, shall be liable to the penalty mentioned in the preceding article.

Article 39. Any individual or public official who issues a certificate attesting to false facts, to be used in an application for naturalization, shall be liable to imprisonment for two to five years and a fine of 100 to 500 pesos.

Article 40. Witnesses who make false declarations in connexion with the naturalization procedure shall be liable to imprisonment for two to five years and a fine of 100 to 500 pesos.

Article 41. Any person who aids or abets another in obtaining naturalization papers in violation of the terms of this Act shall be liable to imprisonment for two to five years and a fine of 100 to 500 pesos.

CHAPTER VI. GENERAL PROVISIONS

Article 42. Mexican citizenship acquired by naturalization shall take effect on the day following the issue of naturalization papers, except in the case referred to in article 20 of the present Act.

Article 43. Children under the paternal authority of an alien who acquires Mexican nationality shall, if they reside in the national territory, be regarded as naturalized by virtue of a declaration of the Ministry of Foreign Affairs, without prejudice to their right to opt for their nationality of origin within one year after attaining their majority.

Adoption does not entail any change of nationality for the adopted child.

Article 44. Persons of Mexican birth who lose or have lost their nationality can recover it with the same status, provided that they reside and are domiciled in the national territory, and that they notify the Ministry of Foreign Affairs of their desire to recover the said nationality. In the event of the recovery of Mexican nationality by either of the parents, minor children shall follow the nationality of the father if he has parental authority over them, and that of the mother if she has exclusive parental authority.

Article 45. An applicant for naturalization may not be represented by another person in naturalization proceedings unless he gives the latter special powers containing renunciations and declarations which, under the terms of articles 17 and 18, he must make in person; but in no case can such powers excuse the alien from compliance with the requirement of residence in Mexico.

Article 46. A certificate of naturalization shall not be granted to any person who has been sentenced to imprisonment by Mexican courts for a wilful offence or to any person who has been sentenced by foreign courts to imprisonment for a wilful offence punishable under ordinary law and regarded as an offence by Mexican law.

Article 47. Naturalization obtained in violation of the present Act shall be null and void.

Article 48. If it is discovered that naturalization papers have been issued by the Ministry of Foreign Affairs without the applicant's having fulfilled all the requirements of the law, or have been issued to a person who is not eligible for naturalization, the Ministry of Foreign Affairs shall, after notifying the possessor of the papers, issue a statement that the said papers are null and void, without prejudice to the application to the guilty parties of the penalties prescribed in the relevant chapter of this Act.

Article 49. For the purposes of this Act, the renting or leasing of property shall be regarded as alienation of property, if the period of time covered by the lease exceeds ten years.

Article 50. The federal law alone can modify or abridge the civil rights enjoyed by aliens; hence, this Act, and the relevant provisions of the Civil Code and of the Code of Civil Procedure of the Federal District, have a federal character and shall be obligatory throughout the Union.

Article 51. In any case where any alien seeks to exercise a right based only on his status as such, the authorities may require him to furnish full proof of his nationality, which shall be submitted to the Ministry of Foreign Affairs.

Article 52. A person to whom the legislation of one or more foreign States attributes two or more nationalities other than Mexican nationality shall, for all purposes in the Republic, be deemed to have one nationality only, which shall be that of the country in which he maintains his principal habitual residence; or if he is a resident of none of the countries of which he is a national, he shall be considered as having the nationality of the country with which, in the circumstances, he appears to have the closest ties.

Article 53. A person who possesses Mexican nationality according to Mexican law and to whom at the same time some other State attributes a foreign nationality may disclaim Mexican nationality by a declaration addressed to the Ministry of Foreign Affairs either directly or through a Mexican diplomatic or consular representative, provided that he makes the declaration in writing and fully satisfies the following conditions, that is to say that:

- (a) He has attained the age of majority;
- (b) Some foreign State regards him as its national;
- (c) He is domiciled abroad;
- (d) If he owns immovable property in Mexican territory, he makes the disclaimer required by article 27, paragraph 1, of the Constitution.

The option referred to in this article of disclaiming Mexican nationality shall not be exercisable at a time when Mexico is at war.

Article 54. Mexican nationality may also be renounced by the children, born in the territory of the Republic, of *consuls de carrière* and other foreign officials who do not enjoy diplomatic immunity, and who are in the public service of their Governments, if such children make an application to that effect, upon attaining their majority, to the Ministry of Foreign Affairs, and provided that, in accordance with the national law of their parents, they retain the parents' nationality.

Article 55. An infant found in Mexican territory is presumed to have been born in Mexico; this presumption is rebuttable.

Article 56. For all purposes of nationality, the Ministry of Foreign Affairs shall be empowered to require the production of such additional evidence as it may deem desirable in cases in which the birth certificates produced by petitioners were not prepared within the time-limits specified by the relevant legislation.

Article 57. For the purposes of the issue of certificates of Mexican nationality, applicants shall be bound according to the circumstances of their case, to make to the Ministry of Foreign Affairs the disclaimers and renunciations and to give the pledge referred to in articles 17 and 18 of this Act.

Article 58. The Executive is authorized to make regulations for the purpose of giving effect to this Act.

53. Monaco

(a) ORDONNANCE SUR LA NATIONALITÉ DU 8 JUILLET 1877.

Article 1. L'article 9 du Code civil est modifié par l'addition du paragraphe suivant:

“Est sujet du Prince tout individu né dans la Principauté d'un étranger qui lui-même y est né, à moins que, dans l'année qui suivra l'époque de sa majorité telle qu'elle est fixée par le Code civil, il ne réclame la qualité d'étranger, par une déclaration faite devant l'autorité municipale; ses enfants seront nécessairement sujets du Prince”.

Article 2. Tous individus qui, après leur majorité, ont leur domicile dans la Principauté depuis dix années sont admis à solliciter la qualité de sujets du Prince et pourront l'obtenir par ordonnance souveraine.

Toutefois la naturalisation sera accordée sans condition à toute personne que le Prince jugera digne de cette faveur.

Article 3. Le bénéfice de l'article 2 de l'ordonnance du 1^{er} avril 1822 qui accorde la qualité de sujet du Prince à tout individu qui, après sa majorité, a son domicile dans la Principauté depuis dix ans, pourra être réclaté par lui pendant un an à partir d'aujourd'hui en déclarant devant l'autorité municipale son intention de fixer définitivement son domicile dans la Principauté.

Article 4. L'article 2 de l'ordonnance du 1^{er} avril 1822 est abrogé.

Article 5. Notre Secrétaire d'Etat, Notre avocat général et Notre gouverneur général sont chargés, chacun en ce qui le concerne, de l'exécution de la présente ordonnance.

(b) ORDONNANCE SUR LA NATIONALITÉ DU 26 JUIN 1900.

Article 1. Les articles 8, 9, 10, 17, 18, 19, 20 et 21 du Code civil sont abrogés et remplacés par les dispositions suivantes:

“*Article 8.* Sont sujets monégasques:

“1) Tout individu né, dans la Principauté ou à l'étranger, d'un sujet monégasque;

“2) Tout individu né dans la Principauté de parents inconnus ou dont la nationalité est inconnue.

“L'enfant naturel dont la filiation est établie pendant sa minorité, par reconnaissance ou par jugement, suit la nationalité de celui de ses parents à l'égard duquel elle a été d'abord constatée. Si elle résulte à l'égard du père et de la mère d'actes ou jugements concomitants, l'enfant suit la nationalité du père.”

“*Article 9.* La qualité de sujet monégasque s'acquiert par la naturalisation.

“La naturalisation est concédée par ordonnance souveraine après enquête sur la moralité et la situation de l'étranger.

“Sont admis à demander la naturalisation:

“1) L'étranger qui justifie d'une résidence continue de dix années dans la Principauté après l'âge de vingt-et-un ans accomplis;

“2) L'étranger qui a épousé une Monégasque, après trois années de résidence dans les conditions susdites;

“3) L'étranger qui a obtenu du Prince l'autorisation d'établir son domicile dans la Principauté, conformément à l'article 13, après une année de domicile à dater de la promulgation de l'ordonnance d'autorisation.

Peuvent en outre être naturalisés, sans condition de stage:

“1) Les étrangers que le Prince juge dignes de cette faveur à raison des services par eux rendus à la Principauté;

“2) L'étranger né dans la Principauté de parents étrangers, après l'âge de vingt et un ans accomplis;

“3) La femme mariée à un étranger qui sollicite la naturalisation ou l'a déjà obtenue;

“4) Les enfants majeurs de cet étranger, pourvu qu'ils résident dans la Principauté.

“Les enfants mineurs d'un père ou d'une mère survivante qui obtiennent la naturalisation, deviennent sujets monégasques, à moins que dans l'année qui suivra leur majorité, telle qu'elle est réglée par le présent Code, ils ne déclinent cette qualité par une déclaration faite devant l'officier de l'état civil qui devra l'enregistrer sur le champ.”

“*Article 10.* (Abrogé par l'ordonnance du 20 mai 1909). — Tout individu né dans la Principauté ou à l'étranger, de parents dont l'un a perdu la qualité de Monégasque, pourra réclamer cette qualité, à toute époque après l'âge de vingt et un ans accomplis, par une déclaration faite en la forme prescrite par l'article précédent, pourvu qu'il réside dans la Principauté.”

“*Article 17.* Perdent la qualité de sujet monégasque:

“1) Celui qui se fait naturaliser à l'étranger ou qui acquiert, sur sa demande, la nationalité étrangère par l'effet de la loi;

“2) Celui qui décline la nationalité monégasque dans les cas prévus au dernier alinéa des articles 9 et 18;

“3) Celui qui, ayant accepté des fonctions publiques conférées par un gouvernement étranger, les conserve nonobstant l'injonction du gouvernement monégasque de les résigner dans un délai déterminé;

“4) Celui qui, sans autorisation du gouvernement, prend du service militaire à l'étranger.”

“*Article 18.* Le sujet monégasque qui aura perdu cette qualité pourra la recouvrer, pourvu qu'il réside dans la Principauté, en obtenant sa réintégration par ordonnance souveraine.

“La qualité de Monégasque pourra être accordée, par la même ordonnance, à la femme et aux enfants majeurs, s'ils en font la demande.

“Les enfants mineurs du père ou de la mère réintégrés deviendront Monégasques, à moins que, dans l'année qui suivra leur majorité, ils ne déclinent cette qualité par une déclaration devant l'officier de l'état civil, comme il est dit à l'article 9.”

“*Article 19.* La femme monégasque qui épousera un étranger prendra la nationalité de son mari, à moins que son mariage n'ait pas pour effet de la lui conférer, auquel cas elle restera Monégasque.”

“*Article 20.* Si la femme monégasque mariée à un étranger devient veuve, elle pourra recouvrer la qualité de Monégasque aux conditions indiquées par le paragraphe premier de l'article 18.

“Les autres dispositions du même article seront applicables aux enfants majeurs et mineurs nés du mariage dissous.”

“*Article 21.* Les individus qui acquerront ou recouvreront la qualité de sujets monégasques dans les cas prévus par les articles 9, 10, 18, 19 et 20, ne pourront s'en prévaloir que pour les droits ouverts à leur profit depuis cette époque.”

Disposition transitoire

Les individus visés par le premier paragraphe de l'article 8 ci-dessus abrogé, qui n'auront pas encore acquis la qualité de sujet monégasque, conformément à cet article, lors de la promulgation de la présente Ordonnance, ne pourront obtenir cette qualité que par la naturalisation, après l'âge de vingt et un ans accomplis, comme il est dit à l'article 9.

(c) ORDONNANCE SUR LA NATIONALITÉ DU 20 MAI 1909.

“*Article 1.* L'article 10 du Code civil, modifié par Notre ordonnance du 26 juin 1900, est abrogé.

“*Article 2. (Abrogé par l'ordonnance du 13 avril 1911).* L'article 9 du même code est modifié ainsi qu'il suit:

“La qualité de sujet monégasque s'acquiert par la naturalisation.

“La naturalisation est concédée par ordonnance souveraine, après enquête sur la moralité et la situation de l'étranger.

“Sont admis à demander la naturalisation:

“1) L'étranger qui justifie d'une résidence continue de dix années dans la Principauté après l'âge de vingt et un ans accomplis;

“2) L'étranger qui a épousé une Monégasque:

“Celui qui est né dans la Principauté de parents étrangers dont l'un est né également;

“Celui qui est né dans la Principauté ou à l'étranger de parents dont l'un a perdu la qualité de Monégasque, sauf le cas prévu au deuxième

paragraphe de l'article 19, après trois années de résidence dans les conditions déterminées par le paragraphe précédent;

"3) L'étranger qui a obtenu du Prince l'autorisation d'établir son domicile dans la Principauté, conformément à l'article 13, après une année de domicile à dater de la promulgation de l'ordonnance d'autorisation.

"Peuvent, en outre, être naturalisés sans condition de stage:

"1) Les étrangers que le Prince juge dignes de cette faveur à raison des services par eux rendus à la Principauté;

"2) La femme mariée à un étranger qui sollicite la naturalisation ou l'a déjà obtenue;

"3) Les enfants majeurs de cet étranger, pourvu qu'ils résident dans la Principauté.

"Les enfants mineurs d'un père ou d'une mère survivante qui obtiennent la naturalisation, deviennent sujets monégasques, à moins que dans l'année qui suivra leur majorité, telle qu'elle est réglée par le présent Code, ils ne déclinent cette qualité par une déclaration faite devant l'officier de l'état civil qui devra l'enregistrer sur-le-champ."

Article 3. (Abrogé par l'ordonnance du 10 juillet 1914). La disposition ci-après est ajoutée à l'article 19 dudit Code:

"Néanmoins, ses enfants pourront réclamer la qualité de Monégasque à toute époque après l'âge de vingt et un ans accomplis, par une déclaration faite en la forme prescrite par l'article 9, pourvu qu'ils résident dans la Principauté."

Article 4. La qualité de sujet monégasque acquise par la naturalisation postérieurement à la promulgation de la présente ordonnance, pourra être retirée par ordonnance souveraine à tout individu qui se livrera, soit dans la Principauté, soit au dehors à des agissements de nature à troubler gravement l'ordre public ou à compromettre la sûreté, soit intérieure, soit extérieure de l'Etat.

Article 5. Le sujet monégasque qui aura perdu cette qualité par application de l'article précédent, ne pourra obtenir sa réintégration, par une nouvelle ordonnance souveraine, que trois années après l'ordonnance de retrait.

Dispositions transitoires

Article 6. Les individus visés par l'article 10 du Code civil, ci-dessus abrogé, qui n'auront pas encore acquis la qualité de sujet monégasque, conformément à cet article, lors de la promulgation de la présente ordonnance, ne pourront obtenir cette qualité que par la naturalisation, sauf le cas prévu au deuxième paragraphe de l'article 19.

(d) ORDONNANCE SUR LA NATIONALITÉ DU 13 AVRIL 1911.

Article 1. Les articles 8, 9, 10, 17, 18 et 20 du Code civil sont abrogés et remplacés par les dispositions suivantes:

"*Article 8.* Sont Monégasques:

"1) Tout individu, né, dans la Principauté ou à l'étranger, d'un père monégasque.

"L'enfant naturel dont la filiation est établie pendant sa minorité, par reconnaissance ou par jugement, suit la nationalité de celui de ses parents à l'égard duquel elle a été d'abord constatée. Si elle résulte,

à l'égard du père et de la mère, d'actes ou de jugements concomitants, l'enfant suit la nationalité du père.

"2) Tout individu né dans la Principauté de parents inconnus ou dont la nationalité est inconnue."

"Article 9. La qualité de Monégasque s'acquiert par la naturalisation.

"La naturalisation est accordée par ordonnance souveraine, après enquête sur la moralité et la situation du postulant et justification qu'elle lui ferait perdre sa nationalité antérieure et l'exonérerait définitivement des obligations du service militaire à l'étranger.

"Sont admis à demander la naturalisation:

"1) L'étranger qui justifie d'une résidence de dix années dans la Principauté, après qu'il a atteint l'âge de vingt et un ans accomplis;

"2) L'étranger qui a obtenu du Prince l'autorisation d'établir son domicile dans la Principauté, conformément à l'article 13 du Code civil, après trois ans de domicile à dater de la promulgation de l'ordonnance d'autorisation."

"Article 10. Peuvent, en outre, être naturalisés sans condition de stage:

"1) L'étranger que le Prince juge digne de cette faveur;

"2) La femme mariée à un étranger, dont le mari sollicite la naturalisation ou l'a déjà obtenue;

"3) Les enfants majeurs de cet étranger, pourvu qu'ils résident dans la Principauté.

"Les enfants mineurs d'un père ou d'une mère survivante qui obtiennent la naturalisation, deviennent sujets monégasques, à moins que dans l'année qui suivra leur majorité telle qu'elle est réglée par le présent Code, ils ne déclinent cette qualité par une déclaration faite devant l'officier de l'état civil, qui devra l'enregistrer sur le champ."

"Article 17. Perdent la qualité de sujet monégasque:

"1) Celui qui se fait naturaliser à l'étranger ou qui acquiert, sur sa demande, la nationalité étrangère par l'effet de la loi;

"2) Celui qui décline la nationalité monégasque dans les cas prévus au dernier alinéa des articles 10 et 18;

"3) Celui qui, ayant accepté des fonctions publiques conférées par un gouvernement étranger, les conserve nonobstant l'injonction du gouvernement monégasque de les résigner dans un délai déterminé;

"4) Celui qui, sans autorisation du gouvernement, prend du service militaire à l'étranger."

"Article 18. Le sujet monégasque qui aura perdu cette qualité pourra la recouvrer, pourvu qu'il réside dans la Principauté, en obtenant sa réintégration par ordonnance souveraine.

"La qualité de Monégasque pourra être accordée par la même ordonnance, à la femme et aux enfants majeurs, s'ils en font la demande.

"Les enfants mineurs du père ou de la mère réintégrés deviendront Monégasques, à moins que, dans l'année qui suivra leur majorité, ils ne déclinent cette qualité par une déclaration devant l'officier de l'état civil, comme il est dit à l'article 10."

"Article 20. Si la femme monégasque mariée à un étranger devient veuve ou est divorcée, elle pourra recouvrer la qualité de Monégasque aux conditions indiquées par le paragraphe premier de l'article 18.

"Les autres dispositions du même article seront applicables aux enfants majeurs et mineurs nés du mariage dissous."

Article 2. L'article 2 de l'ordonnance du 20 mai 1909 sur la naturalisation est abrogé.

(e) LOI N° 415 DU 7 JUIN 1945 CONCERNANT LA NATIONALITÉ DE LA FEMME MARIÉE.

Article 1. L'article 19 du Code civil est ainsi modifié:

“La femme monégasque qui épouse un étranger conserve la nationalité monégasque à moins qu'elle ne déclare expressément vouloir acquérir, en conformité des dispositions de la loi nationale du mari, la nationalité de ce dernier.

“Cette déclaration devra être faite, à peine de nullité, au moment de la célébration du mariage et sur l'interpellation de l'officier d'état civil; elle sera mentionnée dans l'acte de mariage.

“Toutefois, la déclaration restera sans effet si la femme justifie ultérieurement qu'elle n'a pas pu obtenir la nationalité de son mari; mention de cette justification sera faite en marge de l'acte de mariage.

“Si le mariage est célébré à l'étranger, la déclaration ci-dessus devra être faite, à peine de nullité, avant la célébration du mariage, devant un représentant diplomatique ou consulaire de la Principauté.”

Article 2. L'article 20 du Code civil est ainsi modifié:

“La femme d'origine monégasque qui a perdu sa nationalité par l'effet du mariage pourra recouvrer la qualité monégasque aux conditions indiquées par le paragraphe premier de l'article 18.

“Les autres dispositions du même article seront applicables aux enfants majeurs ou mineurs nés du mariage”.

(f) LOI DU 18 NOVEMBRE 1952, N° 572 *.

*Article premier*¹. L'article 18 du Code Civil est abrogé et remplacé par les dispositions suivantes:

« *Article 18.* Le sujet monégasque qui aura perdu cette qualité pourra la recouvrer, en obtenant sa réintégration par ordonnance souveraine.

« La qualité de Monégasque pourra être accordée, par la même ordonnance, à la femme et aux enfants majeurs, s'ils en font la demande. »

Article 2. Tout individu né dans la Principauté d'un auteur direct né monégasque, même si ce dernier a perdu cette nationalité, pourra, dans l'année qui suivra l'époque de sa majorité, acquérir la nationalité monégasque par une déclaration faite devant l'Officier de l'Etat Civil, à la condition qu'il réside dans la Principauté et justifie qu'il y a eu sa résidence habituelle pendant sa minorité.

Article 3. Tout individu né dans la Principauté dont l'un des auteurs directs et l'un des grands-parents de la même branche y sont eux-mêmes

¹ Sont ainsi abrogés:

a) La condition de résidence dans la Principauté qui figurait dans l'ancien premier alinéa;

b) Le 3^e alinéa de l'article 18 qui était ainsi conçu:

“Les enfants mineurs du père ou de la mère réintégrés deviendront Monégasques, à moins que, dans l'année qui suivra leur majorité, ils ne déclinent cette qualité par une déclaration devant l'Officier de l'Etat Civil, comme il est dit à l'article 10.”

* Informations constitutionnelles et parlementaires, 15 janvier 1953; 3^e Série, n° 13, p. 8.

nés pourra, dans l'année qui suivra l'époque de sa majorité, acquérir la nationalité monégasque par une déclaration faite devant l'Officier de l'Etat Civil, à la condition qu'il réside dans la Principauté et justifie qu'il y a eu sa résidence habituelle pendant sa minorité.

Article 4. Les délais d'option courront à dater du jour de la promulgation de la présente loi pour les individus qui, à ce jour, auront atteint ou dépassé l'âge de 21 ans.

54. Nepal

CITIZENSHIP ACT OF 1952.¹

1. (a) This Act shall be known as the Nepalese Citizenship Act, 2009 V.S.

(b) This Act shall be in force throughout the territories of the Kingdom of Nepal.

(c) This Act shall come into force immediately.

2. Every person who resides in Nepal, and fulfils any one of the following conditions, shall be deemed to be a citizen of Nepal.

(a) A person who is born within the territories of the Kingdom of Nepal;

(b) A person one of whose parents was born in Nepal and who, with his family, intends to make Nepal his permanent home, and submits a written declaration to that effect.

3. An alien woman, contracting marriage with a Nepalese citizen, according to the laws and customs prevailing in the Kingdom of Nepal, shall be deemed to be a citizen of Nepal.

4. A person belonging to one of the following categories, who fulfils all the formalities mentioned in this Act, can acquire Nepalese citizenship.

(a) Children born of Nepalese parents in Nepal, or born to Nepalese parents living in foreign countries who have not acquired the citizenship of the said countries.

(b) A woman who is born of Nepalese parents, and is married to a foreigner, shall recover Nepalese citizenship in case of her husband's death or of dissolution of marriage by divorce or desertion by the husband or legal separation from him.

(c) Persons and their descendants who have resided in foreign countries and have acquired a foreign citizenship can, upon their return to and continuous residence in Nepal for one year, recover Nepalese citizenship.

(d) Persons who have been residents of Nepal for a period of at least five years.

5. The following oath shall be administered to those eligible for Nepalese citizenship before they obtain their naturalization papers:

"I swear that I shall acknowledge the sovereignty of the Government of Nepal and abide by its laws and customs and regulations, and shall not act in any manner against the State of Nepal."

6. Persons who have acquired Nepalese citizenship shall be eligible to exercise all rights and enjoy all privileges of a Nepalese citizen from the day of receipt of their citizenship papers.

¹ English text received from the Department of Foreign Affairs of Nepal.

7. Any person who acquired citizenship rights under subsection (d) of article 4 of this Act under false statements and deceptions shall forfeit the right of citizenship and shall further be liable to a fine not exceeding 1,000 rupees. In such a case the citizenship shall be considered to be void from the day of its acquisition.

8. Any Nepalese national who acquires foreign citizenship cannot at the same time continue to retain Nepalese citizenship.

9. No person who acquired Nepalese citizenship by naturalization shall be eligible to hold the responsible posts of Prime Minister and Commander-in-Chief until ten years have passed since his acquisition of Nepalese citizenship.

10. As is provided in the Nepal-Tibet Treaty of 1855, sons of Nepalese fathers and Tibetan mothers shall be deemed to be Nepalese citizens whereas daughters of the same parents shall be deemed to be Tibetan.

11. The Government shall be authorized to issue rules and regulations regarding applications, the grant or the withholding of the grant of the rights of citizenship, as well as for the procedure to be followed in these matters.

55. Netherlands¹

(a) ACT OF THE 12TH OF DECEMBER 1892, A.O.D. No. 268, RELATIVE TO NETHERLANDERSHIP AND RESIDENTSHIP AS AMENDED BY THE ACT OF THE 8TH OF JULY 1907 (A.O.D. No. 177), 10TH OF FEBRUARY 1910 (A.O.D. No. 56), 15TH OF JULY 1910 (A.O.D. No. 216), 31ST OF DECEMBER 1920 (A.O.D. No. 955), 29TH OF NOVEMBER 1935 (A.O.D. No. 685), 21ST OF DECEMBER 1936 (A.O.D. Nos. 209 AND 913), 15TH OF DECEMBER 1938 (A.O.D. No. 204), 10TH OF JULY 1947 (A.O.D. No. H 232) AND 6TH OF AUGUST 1949 (A.O.D. No. J 359).

[Translation]

Article 1. The following are Netherlanders by birth:

(a) The lawful or legitimated child, or the natural child acknowledged by the father, if at the time of the birth the father possesses the status of a Netherlander;

(b) The lawful child of a Netherlander who died within three hundred days before the birth of the child;

(c) The illegitimate child that was not acknowledged and whose mother possessed the status of a Netherlander at the time of its birth;²

(d) The illegitimate child born in the Realm that was not acknowledged, unless it appears that, being an alien, it belongs to another country.²

Article 2. The following are also Netherlanders:

(a) The child of a resident of the Realm—either father or mother, according of the distinctions made in article 1—who himself or herself was born of a mother living in the Realm, unless it should appear that the child is an alien belonging to another country;

¹ English texts received from the Ministry for Foreign Affairs of the Netherlands.

² Amended by the Act of the 10th of July 1947 (A.O.D. No. H 232).

(b) The child left as a foundling or abandoned within the Realm, so long as its descent is not apparent;¹

(c) The lawful or legitimated child born in the Realm or the natural child born there that has been acknowledged by the father, if the mother at the time of the birth possesses Netherlands nationality, and the father is either without nationality or of unknown nationality, in the latter case so long as the father's nationality does not become known.²

Article 3. Netherlandership is acquired through naturalization by the entering into force of the Act by which it is granted.

For each naturalization a sum of at least two hundred and not exceeding one thousand guilders shall be due to the Treasury in proportion to the assessment in the national income tax, or in the income tax of Indonesia, Surinam and the Netherlands West Indies, for the last fiscal year elapsed when the petition is filed, in such a way that, when the taxable income amounts to three thousand guilders or less, the amount of two hundred guilders shall be due, whereas for each full amount of two thousand guilders of the taxable income in excess of three thousand guilders the amount shall be increased by one hundred guilders, on the understanding that the amount due shall not exceed one thousand guilders.

With respect to a person who has lost Netherlandership the fee shall be put at a fixed amount of two hundred guilders.

Together with the petition for naturalization the petitioner shall produce evidence to the effect:

- (1) That he is of age under Netherlands law;
- (2) That he has lost Netherlandership or that for the last five years he has resided or has had his principal place of abode in the Realm, Indonesia, Surinam or the Netherlands West Indies, or that he was born in the Realm from parents without nationality or of unknown nationality;
- (3) That he has deposited the amount due for naturalization with a receiver of registration dues.

The receiver of registration dues shall be authorized to demand the production of evidence showing the amount of the taxable income mentioned above.

If the petitioner belongs to another country, he may be required to produce evidence to the effect that the legislation of that country does not constitute any obstacle to his naturalization in the Netherlands.

Should the naturalization not be granted, seventy-five percent of the sum deposited shall be returned to the petitioner.³

Article 3bis. The sum mentioned in the preceding article shall not be due for the naturalization of a person who has lost Netherlandership by virtue of article 7, clause 5. It shall in that event be sufficient for the petitioner, when filing the petition for naturalization, to submit evidence to the effect that he did possess the status of a Netherlander.

The provision of the first section shall not apply to a person who by virtue thereof has already once been naturalized without paying a fee, nor to the person who after losing Netherlandership has taken any action

¹ Amended by the Act of the 10th of July 1947 (A.O.D. No. H 232).

² Added by the Act of the 21st of December 1936 (A.O.D. No. 209).

³ This article was again laid down by the Act of the 31st of December 1920, A.O.D. No. 955 and amended by the Acts of the 21st of December 1936, A.O.D. Nos. 209 and 913 and the 15th of December 1938, A.O.D. No. 204.

by which he would have lost Netherlandership, had he been a Netherlander.¹

Article 4. Naturalization may also be granted for reasons of state. In this case article 3 shall not apply.

In each case the Act by which this naturalization is granted shall state the conditions attached thereto.

Article 5. During marriage the wife shall share the status of her husband, except that the wife of a Netherlander who is naturalized in another country and a Netherlands woman who marries an alien shall possess the status of a Netherlander independently, when they neither can acquire a foreign nationality, in the former case by the naturalization of the husband, in the latter case by contracting the marriage.

During marriage the woman who under the first section of this article possesses the status of a Netherlander independently shall share the status of her husband from the time when both possess the same nationality.

A petition for naturalization cannot be filed by a married woman.

Naturalization granted to the husband shall extend by right to the wife.

After dissolution of the marriage article 8 or article 9 shall apply.²

Article 6. The lawful or legitimated child of a father who was naturalized as a Netherlander, born previous to the naturalization of the latter, as also the natural child acknowledged by a father naturalized as a Netherlander, born previous to the naturalization of the latter, shall be deemed to be included in the naturalization. On attaining majority within the meaning of Netherlands law the child loses the status of a Netherlander provided that before the lapse of one year thereafter, the child shall have given notice of its desire not to be included in the naturalization any longer, either to the mayor of its last residence in the Realm, or to the Governor (General) for the district comprising its last place of residence in Indonesia, Surinam or the Netherlands West Indies, or to the diplomatic representative or a Netherlands consular officer in the country in which the child resides.

The same shall apply to the lawful or legitimated child, if the mother, having become a widow, was naturalized, and to the illegitimate child that was not acknowledged and that was born before the naturalization of the mother.³

Article 7. Netherlandership is lost:

(1) By naturalization in another country or, in the case of a minor, by the acquisition of a foreign nationality through naturalization of the father or the mother in another country, according to the distinctions made in article 1;

(2) By a pronouncement of divestiture to be made by Us at the request of a person who is of age, be it a man or an unmarried woman, and who possesses a foreign nationality in addition to the status of a Nether-

¹ This article was added to the Act of the 8th of July 1907, A.O.D. No. 177.

² This article was amended by the Act of the 21st of December 1936, A.O.D. No. 209.

³ This article was amended by the Acts of the 21st of December 1936, A.O.D. No. 913, 10th of July 1947, A.O.D. No. H 232 and 6th of August 1949, A.O.D. No. J 359.

See Terms Act Netherlandership.

lander, having obtained both these nationalities without having stated the desire to possess them, and having his or her usual residence and principal place of abode abroad.

(3) By the acquisition of a foreign nationality through the will of the acquirer;

(4) By entering into foreign military or State service without Our permission;

(5) With respect to Netherlands subjects born outside the Realm, Indonesia, Surinam or the Netherlands West Indies, by a residence of ten consecutive years outside the territory of the Realm, Indonesia, Surinam or the Netherlands West Indies, except in the service of the State, unless the person so residing shall, before the expiration of that term, give notice to the mayor of his last place of residence in the Realm, or to the authority designated by the Governor (General) for the district comprising his last residence in Indonesia, Surinam or the Netherlands West Indies, or to the Netherlands diplomatic representative or a Netherlands consular officer in the country in which he resides, that he desires to remain a Netherlander.

A fresh term of ten years begins to run from the day on which the notice is received.

With regard to minors, the term of ten years begins to run from the day of their coming of age under Netherlands law.¹

Article 8. The woman who has lost the status of a Netherlander through her marriage or in consequence thereof, shall regain it by the dissolution of the marriage, provided that within one year thereafter she shall give notice of her desire to regain it, either to the mayor of her place of residence in the Realm or to the authority designated by the Governor (General) for the district comprising her last residence in Indonesia, Surinam or the Netherlands West Indies, or to the Netherlands diplomatic representative or a Netherlands consular officer in the country in which she resides.²

Article 9. The woman who through her marriage or in consequence thereof has acquired the status of a Netherlander loses this through the dissolution of the marriage, provided that within one year thereafter she gives notice of her desire not to retain it any longer, either to the mayor of her place of residence in the Realm or to the authority designated by the Governor (General) for the district comprising her last residence in Indonesia, Surinam or the Netherlands West Indies, or to the Netherlands diplomatic representative or a Netherlands consular officer in the country in which she resides.³

Article 10. The lawful, legitimated, or acknowledged natural child of a Netherlander, born before the latter was naturalized in another country,

¹ This article was amended by the Acts of the 16th of February 1910, A.O.D. No. 56, 15th of July 1910, A.O.D. No. 216 and 21st of December 1936, A.O.D. Nos. 209 and 913.

See Terms Act Netherlandership.

² This article was amended by the Act of the 21st of December 1936, A.O.D. No. 913.

See Terms Act Netherlandership.

³ This article was amended by the Acts of the 21st of December 1936, A.O.D. No. 913, and 6th of August 1949, A.O.D. No. J 359.

See Terms Act Netherlandership.

in consequence whereof the child also lost the status of a Netherlander, shall regain that status on coming of age under Netherlands law provided that within one year thereafter it gives notice of its desire to regain that status, either to the mayor of its place of residence in the Realm or to the authority designated by the Governor (General) for the district comprising its last residence in Indonesia, Surinam or the Netherlands West Indies or to the Netherlands diplomatic representative or a Netherlands consular officer in the country in which it resides.

The same shall apply to the lawful or legitimated child, if the mother, having become a widow, was naturalized in another country, and to the illegitimate child that was not acknowledged and whose mother was naturalized in another country.¹

Article 11. Once a year the Minister of Justice shall cause all notices given abroad in pursuance of this Act to be published in the State Gazette.

Article 12. All persons not possessing the status of a Netherlander or who are not Netherlands subjects on other grounds shall be deemed to be aliens.

Article 13. Persons having their abode within the Realm and having resided during the last eighteen months in the Realm, Indonesia, Surinam or the Netherlands West Indies shall be deemed to be residents of the Realm.

Article 14. Residency of the Realm shall cease by taking up residence outside the Realm.

Article 15. A person who is a minor under Netherlands law, and whose father or guardian is a resident of the Realm shall likewise be deemed to be one.

On coming of age, he shall retain the status of a resident of the Realm, if he takes up residence in the Realm.

Article 16. The definitions of residency appearing in separate Acts shall be valid only in so far as they apply to the subjects dealt with in those acts.

Transitional Article. With the exception of those persons who in Indonesia, by virtue of the Act of the 2nd of September 1854, A.O.D. No. 129, are deemed to be autochthonous persons and persons assimilated thereto, all those who at the time when the present Act comes into force possess the status of Netherlanders, shall be Netherlanders within the meaning of the present Act, until they lose Netherlandship under the provisions of this Act. With respect to those who at the time referred to reside outside the Realm and its colonies or possessions in other parts of the World, the term of ten years referred to in article 7, clause 5, shall begin to run from that time.

A person born in the Realm from parents not residing there who at the time when this Act comes into force, has not attained the age of 24 years, shall acquire the status of a Netherlander by giving notice of his intention to continue residing in the Realm to the mayor of his place of residence within one year after that time, or, if he is still a minor under Netherlands law, within one year after he has come of age.

¹ This article was amended by the Acts of the 21st of December 1936, A.O.D. No. 913, 10th of July 1947, A.O.D. No. H 232 and 6th of August 1949, A.O.D. No. 359.

See Terms Act Netherlandship.

The assimilation to Netherlanders of aliens who at the time when this Act comes into force shall have conformed to article 8 of the Civil Code, is maintained with respect to the application of Civil Law so long as they retain their residence within the Realm.

FINAL ARTICLE. Save for the provisions of the preceding Transitional Clause, articles 5 to 12 forming the second title of the first book of the Civil Code, as well as the Acts of the 28th of July 1850, A.O.D. No. 44, of the 3rd of May 1851, A.O.D. No. 46, and of the 21st of December 1850, A.O.D. No. 75, shall be repealed.

In Acts in which mention is made of Netherlanders, either pursuant to the provisions of the Civil Code or to those of the Act implementing article 7 of the Constitution (Acts of the 28th of July 1850, A.O.D. No. 44, and of the 3rd of May 1851, A.O.D. No. 46) the words "Netherlanders pursuant to the provisions of the Act relative to Netherlandership and residentship", shall be read in lieu thereof, except in article 22 of the Act of the 6th of April 1875, A.O.D. No. 66, in which the words "pursuant to the provisions of the Civil Code" shall be substituted by the words "pursuant to the provisions of the Act relative to Netherlandership and Residentship as well as those born in the Netherlands colonies or possessions in other parts of the world from parents residing there."

This Act shall come into force on the 1st of July, 1893.

TRANSITIONAL PROVISION OF THE AMENDING ACT OF THE 15th OF JULY 1910,
A.O.D. NO. 216

Persons born in the Realm or its Colonies or possessions in other parts of the world who have lost Netherlandership in virtue of the provision of Article 7, clause 5 of the Act of the 12th of December 1892 (A.O.D. No. 268), as it read unamended, regain their Netherlandership on the date of the coming into force of this Act unless at that time they belong to another country.

The preceding paragraph is not applicable to married women.

The reacquisition of Netherlandership referred to in the first paragraph of this transitional provision has the same consequences for the person concerned and for his wife and children as naturalization granted in virtue of article 3 of the aforesaid Act of the 12th of December 1892 (A.O.D. No. 268).

The Act of the 15th of July 1910, A.O.D. No. 216 came into force the 16th of August 1910.

(b) ACT OF THE 10TH OF FEBRUARY 1910, A.O.D. NO. 55, RELATIVE
TO THE NETHERLANDS NATIONALITY OF PERSONS WHO ARE NOT
NETHERLANDERS (AS AMENDED).

Article 1. Of those who are not Netherlanders under the Act relative to Netherlandership and Residentship are Netherlands subjects:

1. Those who were born in Indonesia, Surinam or the Netherlands West Indies of parents residing there, or, if the father is not known, of a mother residing there, except children either of professional consuls of foreign powers or of officials of foreign powers entrusted by their government with an official task, if such children possess a foreign nationality by birth.

2. Those born in Indonesia, Surinam and the Netherlands West Indies
 - (a) Whose parents are not known;
 - (b) Whose parents are not established there and are without nationality;
 - (c) Whose parents are not established there and are of unknown nationality—so long as their nationality remains unknown;
 - (d) Whose father, although not established there, is a subject under this article;
 - (e) Whose mother, although not established there, is a subject under this article, when

1. The father is without nationality;

2. The father is unknown or of unknown nationality—so long as the father or his nationality remains unknown;

A child left as a foundling in Indonesia, Surinam or the Netherlands West Indies is considered to have been born in the territory in which it was found, until the contrary is proved.

3. The wife of a person who is a subject under section 1 or section 2. The woman who, by her marriage or as a consequence thereof, lost her nationality and acquired Netherlands nationality, shall, after the dissolution of the marriage, lose Netherlands nationality, if, at her request, she regains her former nationality.

4. The unmarried child of a person who is a subject under this article, if that child was born outside Indonesia, Surinam or the Netherlands West Indies, so long as it has not attained the age of eighteen years.

5. The child born outside Indonesia, Surinam or the Netherlands West Indies from parents who are subjects under this article, when after its marriage or after attaining the age of eighteen years it is established in the Kingdom or establishes itself there, as well as its spouse and its unmarried children who have not attained the age of eighteen years, if they also establish themselves in the Kingdom.

Article 2. Netherlands nationality as provided for by article 1 is lost:

1. By naturalization of a man or an unmarried woman in a foreign country.

This loss extends

- (a) To the woman married to the person naturalized unless she neither does nor can acquire a foreign nationality through the naturalization of her husband;

- (b) To the unmarried children who have not attained the age of eighteen years, if they acquire a foreign nationality in a foreign country through the naturalization of the father, or—if he is unknown or deceased—through that of the mother.

2. By marrying a man who does not come under article 1, section 1, 2 or 5, unless the wife, upon concluding the marriage with an alien, neither does nor can acquire his foreign nationality.

3. By entering into foreign military or state service without permission of the King or in Indonesia, Surinam or the Netherlands West Indies without the permission of him who in name of the King administers general government there.

4. In respect of persons (not belonging to the autochthonous population of Indonesia) who are in a foreign country, by omitting to report to a Netherlands consular officer in that country within three months after

arrival, and in the event of a continued stay by omitting to report within the first three months of each calendar year.

5. When the wife who has retained Netherlands nationality in the cases referred to in section 1 or 2 of this article, yet acquires the foreign nationality of her husband.

6. By a pronouncement of divestiture to be made either by Us or by Our Governor (General) according as the person concerned is born outside Indonesia, Surinam or the Netherlands West Indies or in one of these Parts of the Kingdom—at the request of the man or the unmarried woman who is of age and who possesses a foreign nationality in addition to Netherlands nationality, having obtained both these nationalities without having stated his desire to possess them and having had his usual residence and principal abode abroad for the last five years.

(x) A report made in pursuance to section 4 by a husband or father on behalf of his wife or children, or by a widow on behalf of her children, shall be considered as their own report.

(xx) The woman who, by her marriage or as a consequence thereof, lost Netherlands nationality shall regain it by the dissolution of her marriage, provided that within one year thereafter she gives notice of her desire to regain that nationality to the mayor of her place of residence in the Realm, or to the officer designated by Our Governor (General) for the district comprising her residence in Indonesia, Surinam or the Netherlands West Indies or to the diplomatic or a consular officer in the country in which she resides.

(xxx) He who under the provisions of section 4 has lost Netherlands nationality and whose position has not since become such as defined in section 1, 2 or 3, shall regain that nationality by establishing himself in the Kingdom.

Article 3. This act shall also be binding upon Indonesia, Surinam and the Netherlands West Indies.

(c) STATUTORY ORDER OF 22 MAY 1943, A.O.D. No. D 16.

Article 1. Except through Our explicit pronouncement neither the status of a Netherlander nor that of a Netherlands subject shall be lost by the acquisition after the 9th of May 1940 of the nationality of a State with which, at the time of the acquisition, The Netherlands did not entertain diplomatic relations, unless such relations were established between the 9th of May 1940 and the time when this Order enters into force.

A pronouncement referred to in the preceding section shall be announced in the State Gazette.

Article 2. This Order shall also be binding for Indonesia, Surinam and the Netherlands West Indies and shall enter into force the day following the day of its promulgation.

(d) ROYAL DECREE OF 4 OCTOBER 1944, A.O.D. No. E 127.

Article 1. Neither the status of a Netherlander nor that of a Netherlands subject shall be lost by entering the military or State service of an allied power after the 9th of May 1940, even if We or the proper authority in

the Overseas Parts of the Kingdom had not yet given permission to do so before this Decree enters into force.

Article 2. For the application of article 1 an allied power is deemed to be any non-enemy power, any non-enemy administration recognized by Us, and any organized armed force not subject to the authority of an enemy power, which wages war or engages in hostilities against an enemy power.

Article 3. In cases not provided for by article 1 We reserve the authority to give permission to enter the military or State service of a foreign country to Netherlanders and other Netherlands subjects who have done so after the 9th of May 1940, even if no petition for this purpose has been addressed to Us.

With respect to Netherlands subjects born in one of the Overseas Parts of the Kingdom who do not possess the status of a Netherlander, like authority is vested in the person who in Our name administers general government in the respective Overseas Part.

Article 4. The provisions of the preceding articles leave intact the duty imposed or to be imposed on Netherlanders and other Netherlands subjects either by Law or by Us or, in the Overseas Part of the Kingdom, by the proper authorities, to perform military or civilian service, including service on behalf of shipping.

Article 5. This Decree shall be binding for the entire Kingdom and shall enter into force on the day following the day of its promulgation, save that in Surinam and the Netherlands West Indies it shall enter into force on the day following the day of its promulgation in the respective Part of the Kingdom.

Came into force in Surinam the 31st of Dec. 1944.

Came into force in Curaçao the 6th of Jan. 1945.

(e) DECREE OF 12 OCTOBER 1944 CONTAINING REGULATIONS FOR PROVISIONALLY REGARDING AS NETHERLANDERS FOREIGNERS WITHOUT NATIONALITY WHO ARE IN NETHERLANDS MILITARY SERVICE OR WHO BELONG TO THE SAILING PERSONNEL OF THE NETHERLANDS MERCANTILE FLEET (A.O.D. No. E 128).

Article 1. 1. At the request for naturalization of a person who is in Netherlands military service and who does not possess any foreign nationality We may determine that he shall be regarded as a Netherlander until the time when, after the end of the present emergency, and the States General shall again be assembled, a decision shall be given regarding the grant of naturalization.

2. Until the said time Our declaration referred to in the preceding paragraph has the same effect as if the applicant had been granted naturalization.

Article 2. The provision of article 3, paragraph four, 2nd and 3rd clauses of the Act of the 12th of December 1892 (A.O.D. No. 268) as this Act has since been amended shall not be applicable with respect to a request of the nature referred to in Article 1.

Article 3. The provisions of the preceding articles are also applicable in respect of a request for naturalization addressed to Us by a person

working as a member of the crew on board a sea-going vessel entitled to fly the Netherlands flag.

Article 4. This Decree comes into force with effect from the day following that of its publication in A.O.D.

(f) ROYAL DECREE NO. II, RELATIVE TO THE EFFECT OF MARRIAGES WITH ENEMY NATIONALS, OF THE 17TH OF NOVEMBER 1945, A.O.D. No. F 278.

Section 1. General Dispositions

Article 1. For the application of this decree the terms mentioned below shall be interpreted as follows:

1. Enemy state: Germany;
2. Enemy territory: the German Reich as at 31st of December 1937;
3. Enemy nationals: persons who are nationals of an enemy state or have been such nationals at any time after the 9th of May 1940;
4. Aliens: persons who are aliens under article 12 of the Act relative to Netherlandship and Residency;
5. Commission: the Commission referred to in article 4;
6. Our Minister: the Minister responsible for carrying out this decree.

Section 2. Of Marriages

Article 2. 1. A woman who is an enemy national and who between the 10th of May 1940 and the day on which this decree enters into force was married to a Netherlander shall lose her Netherlandship on the day on which this decree enters into force.

2. A woman who is an enemy national and who contracts a marriage with a Netherlander does not acquire Netherlandship through that marriage.

Article 3. 1. A woman who between the 10th of May 1940 and the day on which this decree enters into force was married in enemy territory to a Netherlander and who on the day on which the marriage was contracted was a non-enemy alien shall lose Netherlandship on the day on which this decree enters into force.

2. The same applies to the woman married to a Netherlander, if on the day on which the marriage was contracted she was a non-enemy alien and if she was married, either in territory occupied or annexed by the enemy—not being the territory of the Realm—or in territory of a state that had joined an enemy state, between the 10th of May 1940 and the date of the liberation of that territory.

3. A woman, non-enemy alien, who in enemy territory contracts a marriage with a Netherlander, does not acquire Netherlandship through that marriage.

4. Married women referred to in section 1, section 2 and section 3, may independently file a petition for naturalization in accordance with provisions to be made by law.

*Section 3. Of the Commission for marriages with
women of enemy or other alien nationality*

Article 4

Article 5

Section 4. Final Provisions

Article 6

Article 7

- (g) ACT OF THE 6TH OF AUGUST 1949, CONTAINING FURTHER PROVISIONS RELATING TO THE TERMS LAID DOWN IN THE ACT RELATING TO NETHERLANDERSHIP AND RESIDENTSHIP (TERMS ACT NETHERLANDERSHIP) A.O.D. NO. J 359.

Article 1. The terms expired after the 31st of August 1938, laid down in articles 6, 7, paragraph one clause 5, 8, 9 and 10 of the Act relating to Netherlandership and residentship, shall be extended up to January 1st 1953. The extension is retroactive up to the end of the day of expiration.

Article 2. Notices referred to in articles 6, 7, paragraph one clause 5, 8, 9 and 10 of the Act relating to Netherlandership and residentship, given to foreign ambassadors or consuls or to offices for the furtherance of Netherlands interests, who after the 10th of May 1940 took charge of these interests in enemy territory or in territory occupied by the enemy, or to representatives or officials of Netherlands military missions with allied occupation authorities, shall be deemed to have been given to a Netherlands ambassador or consular officer authorised to receive such notices.

Article 3. With effect from the 1st of July 1893

1. In article 6 of the Act relating to Netherlandership and residentship the words "and retains the status of a Netherlander until attaining majority within the meaning of Netherlands law" shall be substituted by "on the attainment of majority within the meaning of Netherlands law, loses the status of a Netherlander, provided it".

2. In article 9 of the aforesaid Act the part of the sentence reading "retains this after the dissolution of the marriage unless" shall be substituted by "loses it through the dissolution of the marriage, provided".

3. In article 10 of the aforesaid Act the part of the sentence reading "provided it has become of age within the meaning of Netherlands law", shall be substituted by "on the attainment of majority within the meaning of Netherlands law, provided it".

Article 4. This Act becomes operative on the day following its promulgation, and may be cited as "Terms Act Netherlandership".

- (h) ACT OF 29 DECEMBER 1950 REPEALING ROYAL DECREE NO. II RELATIVE TO THE EFFECT OF MARRIAGES WITH ENEMY NATIONALS (A.O.D. NO. F 278).

Article 1. Royal Decree No. II relative to the effect of Marriages with Enemy Nationals has been repealed.

Article 2. A woman of foreign nationality who was married to a Netherlander after 10 May, 1940, but who does not possess Netherlandership

as a result of the Decree referred to in Article 1, shall be deemed to have acquired Netherlandship on the day of the marriage.

Article 3. 1. The provisions of the previous Article do not apply to a woman who possesses German nationality or would have possessed German nationality if she had not been married to a Netherlander.

2. A woman as referred to in the previous paragraph shall acquire Netherlandship by means of a relevant notification with retroactive effect from the day of the marriage:

(a) If for a period of one year immediately preceding the notification she has had her principal place of residence in the Kingdom, or

(b) If the marriage continues to exist and was concluded at least a year ago.

3. The woman should address the notification to an authority which under the Act of 12th December 1892 (A.O.D. No. 268) relative to Netherlandship and Residency is entitled to receive notifications in connection with Netherlandship. We reserve the right to make regulations in this respect, as well as to determine the date on which the power granted in the second paragraph of this Article terminates.

Article 4. The provisions of Article 2 and of the opening lines and subparagraph 2a. of paragraph 2 of Article 3 shall not apply to the woman who after the dissolution of her marriage to a Netherlander which was concluded after 10 May, 1940, has acquired another nationality either by her own will or through marriage.

Article 5. This Act shall come into force on the day after its promulgation.

(i) ACT OF 21ST DECEMBER 1951, A.O.D. No. 593, CONTAINING FURTHER RULES CONCERNING NATIONALITY AND RESIDENCY.

As We have taken into consideration that it is desirable to lay down rules concerning nationality in connection with the agreement between the Kingdom of The Netherlands and the Republic of the United States of Indonesia concerning the assignment of citizens, and in order to extend Netherlandship to the whole of the national population of Surinam and of the Netherlands Antilles;

Article 1. All persons who in virtue of the agreement concerning the assignment of citizens between the Kingdom of The Netherlands and the Republic of the United States of Indonesia possess or shall possess Netherlands nationality, are or shall be Netherlanders within the meaning of the act of 12th December 1892, A.O.D. No. 268, relative to Netherlandship and Residency.

Article 2. The act of 12th December 1892, A.O.D. No. 268, relative to Netherlandship and Residency, as amended by the act of 6th August 1949, A.O.D. No. J 359, is amended as follows:

I

Article 1 is amended as follows:

1. Under *d* the word "Realm" is replaced by "Kingdom".

2. Under *d* the words "that being an alien it belongs to another country" are replaced by "that it possesses the nationality of another State".

3. A second paragraph is added, reading as follows: In the foregoing paragraph "Kingdom" does not include New Guinea.

II

Article 2 is amended as follows:

1. Under *a* the words "a resident of the Realm" are replaced by "a resident of The Netherlands, of Surinam or of the Netherlands Antilles".
2. Under *a* the words "that the child is an alien belonging to another country" are replaced by "that the child possesses the nationality of another State".
3. Under *a*, *b* and *c* instead of "Realm" should be read "Kingdom".
4. A second paragraph is added reading as follows: "In the foregoing paragraph 'Kingdom' does not include New Guinea."

III

Article 3 is amended as follows:

1. In the second paragraph the words "national income tax, or in the ncome tax of the Netherlands East Indies, Surinam or Curaçao"¹ are replaced by "income tax of one of the parts of the Kingdom".
2. In the fourth paragraph, under 2, the words "Realm, the Netherlands East Indies, Surinam or Curaçao, or that he was born in the Realm"² are replaced by "Kingdom, or that he was born in the Kingdom".
3. In the fourth paragraph, under 3, the words "registration dues" are replaced by "taxes".
4. In the fifth paragraph the words "registration dues" are replaced by "taxes".
5. In the sixth paragraph the words "The Netherlands" are replaced by "the Kingdom".

IV

A transitory provision is added to article 3 reading as follows:

Transitory provision

When dealing with petitions for naturalization pending at the moment of transfer of sovereignty in pursuance of the Act relative to the transfer of sovereignty of Indonesia, or presented within two years after the moment referred to above, instead of the words "has had his principal place of abode in the Kingdom" in article 3, the fourth paragraph, under 2, should be read, "has had his principal place of abode in the Kingdom or in the Indonesian Republic."

V

In the first paragraph of article 5 the word "alien" is replaced by "non-Netherlander" and the words "a foreign" by "another".

¹ In the Consular Manual 1951, Volume 2, Chapter 34-a, ANN. A this text reads: "national income tax, or in the income tax of Indonesia, Surinam and the Netherlands West Indies".

² In the Consular Manual, 1951, Volume 2, Chapter 34-a, ANN. A this text reads: "Realm, Indonesia, Surinam or the Netherlands West Indies, or that he was born in the Realm".

VI

After "provided that before the lapse of one year thereafter" the first paragraph of article 6 should be read as follows: "the child gives notice of its desire not to be included in the naturalization any longer, to the authority designated in virtue of article 12a".

VII

Article 7 is amended as follows:

1. In the first paragraph, under (1), the words "a foreign" are replaced by "another".

2. In the first paragraph, under (2), the words "a foreign" are replaced by "another", and the word "abroad" is replaced by "outside the Kingdom".

3. In the first paragraph, under (3), the words "a foreign" are replaced by "another".

4. The first paragraph, under (5), should be read as follows: "with respect to Netherlanders born outside the Kingdom and outside the Indonesian Republic by a residence of ten consecutive years outside the Kingdom and outside the Indonesian Republic, unless the absent person was in the service of the Kingdom, and unless¹ the absent person, before this period of ten years expires, gives notice to the authority designated in virtue of article 12a that he desires to remain a Netherlander".

VIII

After "to regain it", article 8 should be read: "to the authority designated in virtue of article 12a".

IX

After "not to retain it any longer", article 9 should be read: "to the authority designated in virtue of article 12a".

X

After "to regain that status", the first paragraph of article 10 should be read: "to the authority designated in virtue of article 12a".

XI

In article 11 "abroad" should be omitted.

XII

After article 12 a new article is inserted, reading:

Article 12a. The notices to be given in virtue of this act, may be directed:
In The Netherlands to the burgomasters,
In Surinam to the officials designated by Our Governor,
In the Netherlands Antilles to the officials designated by Our Governor,

¹In the Consular Manual 1951, Volume 2, Chapter 34-a, ANN. A these words read: "unless the person so residing".

In New Guinea to the officials designated by the functionary charged with the public administration,

In the Republic of the United States of Indonesia to Our High Commissioner or to Our Commissioners,

Abroad to the Netherlands diplomatic representatives and consular officers.

XIII

Article 13 should be read:

Persons residing in The Netherlands and having resided in the Kingdom or in the Indonesian Republic during the preceding eighteen months, are residents of The Netherlands.

XIV

Article 14 should be read:

Residency of The Netherlands shall cease by taking up residence outside The Netherlands.

XV

Article 15 should be read:

A person who is a minor under Netherlands law and whose father or guardian is a resident of The Netherlands, shall be one likewise.

On coming of age he shall retain the status of a resident of The Netherlands if he takes up residence in The Netherlands.

Article 3. The applicability of the Act of 10th February 1910, A.O.D. No. 55, relative to the regulation of the Netherlands nationality of not-Netherlanders, as amended by the Act of 21st December 1936, A.O.D. No. 912, shall be restricted to the inhabitants of New Guinea.

Article 4. The text of the Act of 12th December 1892, A.O.D. No. 268, relative to Netherlandship and Residency, as amended by the present act, is made known by Us with due observance of the official spelling of the Netherlands language.

Article 5. The present Act which may be referred to as "Act relative to further regulations regarding nationality and residency 1951" shall come into force as from the day of promulgation with retroactive effect as from the time of transfer of sovereignty in pursuance of the Act transfer of sovereignty of Indonesia.

(j) ACT OF 15TH MAY 1953 AMENDING ARTICLE 2 OF THE ACT RELATIVE TO NETHERLANDSHIP AND RESIDENCY.

Article 1. Article 2 of the Act of 12th December 1892 (A.O.D. No. 268) relative to Netherlandship and Residency, as amended, shall read as follows:

"*Article 2.* The following are also Netherlanders:

"(a) The child of a father or mother, according to the distinctions made in Article 1, who at the time of its birth was living in the Netherlands, Surinam or the Netherlands Antilles and who himself or herself was born of a mother living in the Kingdom;

"(b) The child left as a foundling or abandoned within the Kingdom so long as its descent is not apparent;

“(c) The legitimate or legitimized child born in the Kingdom or the illegitimate child born there that has been acknowledged by the father, if at the time of its birth the mother possesses Netherlands nationality and the father is either without nationality or of unknown nationality, in the latter case so long as the father’s nationality remains unknown.

“In the preceding paragraph ‘Kingdom’ does not include New Guinea.”

Article II. This Act shall come into force on the day following its promulgation.

(k) ACT OF 30 JULY, 1953, CONTAINING PROVISIONS TERMINATING
‘STATELESSNESS.

Article I. 1. At their request persons who are of age and who are stateless through the operation of the provision contained in sub-paragraph 4 of Article 7 of the Act relative to Netherlandership and Residentship, insofar as this provision refers to military or State service of an enemy country, may be granted Netherlandership by the Minister of Justice, provided they have had their principal place of residence in the Kingdom for an uninterrupted period of two years immediately preceding the application.

2. The wife of a person who has thus re-acquired Netherlands nationality also acquires the status of a Netherlander. The same applies to their minor children who, but for the operation of the provision referred to under 1, would have been Netherlanders.

3. For each acquisition of Netherlandership a fee is due to the Treasury of at least twenty-five guilders and not exceeding one thousand guilders, in proportion to the assessment for income tax in any part of the Realm for the last fiscal year elapsed when the application is filed, it being understood that the following fees are due:

An amount of twenty-five guilders if the taxable income is less than one thousand guilders;

An amount of fifty guilders if the taxable income is one thousand guilders but less than two thousand guilders;

An amount of seventy-five guilders if the taxable income is two thousand guilders but less than three thousand guilders;

An amount of one hundred guilders if the taxable income is three thousand guilders but less than four thousand guilders;

An amount of two hundred guilders if the taxable income is four thousand guilders but less than five thousand guilders;

while for every full amount of two thousand guilders of the taxable income in excess of three thousand guilders the amount of two hundred guilders will be increased by one hundred guilders, it being understood that the fee due shall not exceed an amount of one thousand guilders.

4. The application to be filed by the applicant must be accompanied by the following documents:

(a) The applicant’s birth certificate;

(b) A certificate proving that he has had his principal place of residence in the Realm for an uninterrupted period of two years immediately preceding the application;

(c) A certificate proving that he has deposited with the collector of direct taxes the amount due in respect of his being granted Netherlandership or a declaration issued by the inspector of taxes to the effect that the applicant

has not had a taxable income for the last fiscal year elapsed when the application is filed.

5. Article 3, paragraphs 5 and 7, of the Act relative to Netherlandership and Residentship shall similarly apply.

6. As a rule Netherlandership can be granted only if:

(a) During a period of two years immediately preceding the application the applicant was neither detained in custody pursuant to a final judgment by virtue of the "Besluit Buitengewoon Strafrecht" (Special Criminal Law Decree, A.O.D. D 61) nor interned as provided in the "Tribunaal-besluit" (Tribunal Decree);

(b) It appears that the applicant has been of good conduct during the period referred to under (a).

7. When deciding on the application for granting Netherlandership the seriousness of the actions having led to the punishment or internment of the applicant by virtue of the "Besluit Buitengewoon Strafrecht" (A.O.D. D 61) or of the "Tribunaal besluit" shall, if necessary, be taken into account.

8. Through the medium of the Minister of Justice each decision granting Netherlandership shall be published in the State Gazette.

9. We reserve the right to make regulations by general administrative order necessary for the implementation of this Article.

Article II. The second paragraph of Article 5 of the Act relative to Netherlandership and Residentship shall read as follows:

"During marriage the woman who possesses the status of a Netherlander independently shall share the status of her husband from the time when both possess the same nationality."

Article III. (This Article contains a number of provisions relative to the exclusion, either temporary or permanent, from the electoral franchise.)

Article IV. (This Article sets forth the conditions to be fulfilled by a person who has re-acquired Netherlands nationality after he had become stateless as a result of his entering the military or State service of an enemy country, before he may be restored to the electoral franchise.)

Article V. This Act shall come into force on the day following its promulgation.

56. New Zealand

(a) BRITISH NATIONALITY AND NEW ZEALAND CITIZENSHIP ACT,
NO. 15 OF 6 SEPTEMBER 1948.

1. (1) This Act may be cited as the British Nationality and New Zealand Citizenship Act, 1948.

(2) This Act shall come into force on the first day of January, nineteen hundred and forty-nine.

2. (1) In this Act, unless the context otherwise requires,

"Alien" means a person who is not a British subject, a British protected person, or an Irish citizen;

"Australia" includes the territories of Papua and the territory of Norfolk Island;

"British protected person" means a New Zealand protected person; and includes any person who under any enactment for the time being in force in any country mentioned in subsection three of section three of this Act is a British protected person or a protected person of that country;

“Crown service under the New Zealand Government” means the service of the Crown under the New Zealand Government or under the Government of any New Zealand mandated territory or New Zealand trust territory, whether that service is in any part of His Majesty’s dominions or elsewhere;

“Foreign country” means a country other than the following—New Zealand, a country mentioned in subsection three of section three of this Act, Ireland, a protectorate, a protected State, a mandated territory, and a trust territory;

“Ireland” means the country formerly known as the Irish Free State, and known in the Irish language as Eire; and “Irish citizen” has a corresponding meaning;

“Mandated territory” means a territory administered by the Government of any part of His Majesty’s dominions in accordance with a mandate from the League of Nations;

“Minister” means the Minister of Internal Affairs;

“Naturalized person” means a person who has (whether before or after the commencement of this Act) become a British subject or an Irish citizen by virtue of a certificate of naturalization or letters of naturalization granted to him or in which his name was included; and includes a person naturalized in New Zealand, as hereinafter defined;

“New Zealand” includes the Cook Islands and the Tokelau Islands;

“New Zealand consulate” means the office of a New Zealand overseas representative where a register of births is kept; or, where there is no such office, means a United Kingdom consulate within the meaning of the British Nationality Act, 1948, of the Parliament of the United Kingdom;

“New Zealand mandated territory” and “New Zealand trust territory” mean respectively a mandated territory and a trust territory administered by the Government of New Zealand;

“New Zealand overseas representative” means an overseas representative within the meaning of the External Affairs Act, 1943;

“New Zealand protected person” means a person who is a member of a class of persons declared by the Governor-General, by Order in Council made in relation to any New Zealand trust territory or New Zealand mandated territory, to be for the purposes of this Act New Zealand protected persons by virtue of their connexion with that territory;

“Person naturalized in New Zealand” means:

(a) In relation to a person naturalized after the commencement of this Act, a person to whom a certificate of naturalization has been granted under this Act;

(b) In relation to a person naturalized before the commencement of this Act:

(i) A person to whom a certificate of naturalization or letters of naturalization were granted in New Zealand; or

(ii) A person whose name was included in a certificate of naturalization granted in New Zealand to his father or mother; or

(iii) A person who by virtue of any enactment in force as part of the law of New Zealand at any time before the commencement of this Act was deemed to be a naturalized British subject by reason of his residence with his father or mother;

“Prescribed” means prescribed by regulations made under this Act;

“Protected State” means a State or territory which is declared by His Majesty by Order in Council to be a protected State for the purposes of the British Nationality Act, 1948; and includes any State or territory

to which the provisions of that Act are applied by His Majesty by Order in Council as if it were a protected State;

“Protectorate” means a State or territory which is declared by His Majesty by Order in Council to be a protectorate for the purposes of the British Nationality Act, 1948;

“Trust territory” means a territory administered by the Government of any part of His Majesty’s dominions under the trusteeship system of the United Nations.

(2) Subject to the provisions of section twenty-six of this Act, any reference in this Act to a child shall be construed as a reference to a legitimate child; and the expression “father” shall be construed accordingly.

(3) References in this Act to any country mentioned in subsection three of section three of this Act shall include references to the dependencies of that country.

(4) Any reference in this Act to India, being a reference to a state of affairs existing before the fifteenth day of August, nineteen hundred and forty-seven, shall be construed as a reference to British India as defined by section three hundred and eleven of the Government of India Act, 1935.

(5) For the purposes of this Act, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(6) For the purposes of this Act, a person required by any Act to obtain a permit to enter New Zealand shall not be deemed to be or to have been at any time ordinarily resident in New Zealand if he is not or was not at that time in possession of a permit to enter New Zealand under that Act (not being a temporary permit).

(7) For the purposes of this Act, any person who, by the law in force immediately before the commencement of this Act, enjoyed the privileges of naturalization within New Zealand only shall be deemed to have become immediately before the commencement of this Act a British subject and a person naturalized in New Zealand.

(8) A person shall for the purposes of this Act be of full age if he has attained the age of twenty-one years, and of full capacity if he is not of unsound mind.

(9) For the purposes of this Act a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

(10) Any reference in this Act to any other Act shall, unless the context otherwise requires, be construed as a reference to that Act as amended by or under any other enactment.

PART 1. BRITISH NATIONALITY

3. (1) Every person who under this Act is a New Zealand citizen or who under any enactment for the time being in force in any country mentioned in subsection three of this section is a citizen of that country shall, by virtue of that citizenship, have the status of a British subject.

(2) Any person having the status aforesaid may be known either as a British subject or as a Commonwealth citizen; and accordingly in this Act and in any other enactment or instrument whatsoever, whether passed or made before or after the commencement of this Act, the expression

“British subject” and the expression “Commonwealth citizen” shall have the same meaning.

(3) The following are the countries hereinbefore referred to—that is to say, the United Kingdom and Colonies, Canada, Australia, the Union of South Africa, Newfoundland, India, Pakistan, Southern Rhodesia, and Ceylon.

4. If by any enactment for the time being in force in any country mentioned in subsection three of section three of this Act provision is made for enabling Irish citizens to claim to remain British subjects, any person who by virtue of that enactment is a British subject shall be deemed also to be a British subject by virtue of this section.

5. (1) A British subject or Irish citizen who is not a New Zealand citizen shall not be guilty of an offence against the laws of New Zealand or of any part of New Zealand or of any New Zealand trust territory by reason of anything done or omitted in any country mentioned in subsection three of section three of this Act or in Ireland or in any foreign country unless:

(a) The act or omission would be an offence if he were an alien; and

(b) In the case of an act or omission in any country mentioned in subsection three of section three of this Act or in Ireland, it would be an offence if the country in which the act is done or the omission made were a foreign country:

Provided that nothing in this subsection shall apply to the contravention of any provision of the Shipping and Seamen Act, 1908.

(2) Subject to the provisions of this section, any law in force in New Zealand or Western Samoa at the date of the commencement of this Act, whether by virtue of a rule of law or of an Act of Parliament or any other enactment or instrument whatsoever, and any law which by virtue of any Act of Parliament passed before that date comes into force in New Zealand or Western Samoa on or after that date, shall, until provision to the contrary is made by the authority having power to alter that law, continue to have effect in relation to Irish citizens who are not British subjects in like manner as it has effect in relation to British subjects.

PART II. NEW ZEALAND CITIZENSHIP

Citizenship by Birth or Descent

6. Subject to the provisions of this section, every person born in New Zealand after the commencement of this Act shall be a New Zealand citizen by birth:

Provided that a person shall not be a New Zealand citizen by virtue of this section if at the time of his birth:

(a) His father possessed such immunity from suit and legal process as is accorded in New Zealand to an envoy of a foreign sovereign Power accredited to His Majesty, and was not a New Zealand citizen; or

(b) His father was an enemy alien and the birth occurred in a place then under occupation by the enemy.

7. (1) Subject to the provisions of this section, a person born after the commencement of this Act shall be a New Zealand citizen by descent if his father was a New Zealand citizen at the time of his birth:

Provided that if the father of such a person was a New Zealand citizen by descent only, that person shall not be a New Zealand citizen by virtue of this section unless:

(a) That person or his father was born in a protectorate, protected State, mandated territory, or trust territory, or any place in a foreign country where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty then had jurisdiction over British subjects; or

(b) That person's birth having occurred in a place in a foreign country other than a place such as is mentioned in the last preceding paragraph, the birth is registered at a New Zealand consulate within one year of its occurrence, or, with the permission of the Minister, later; or

(c) That person's father was, at the time of his birth, in Crown service under the New Zealand Government.

(2) If the Minister so directs, a birth shall be deemed for the purposes of this section to have been registered with his permission, notwithstanding that his permission was not obtained before the registration.

Citizenship by Registration

8. (1) Subject to the provisions of subsection three of this section, a citizen of any country mentioned in subsection three of section three of this Act or an Irish citizen, being a person of full age and capacity, shall be entitled, on making application therefor to the Minister in the prescribed manner, to be registered as a New Zealand citizen if he satisfies the Minister either:

(a) That he is ordinarily resident in New Zealand and has been so resident throughout the period of twelve months, or such shorter period as the Minister may in the special circumstances of any particular case accept, immediately preceding the date of his application; or

(b) That he is in Crown service under the New Zealand Government.

(2) Subject to the provisions of subsection three of this section, a woman who is a citizen of any country mentioned in subsection three of section three of this Act or an Irish citizen or a British protected person and who has been married to a New Zealand citizen shall be entitled, on making application as aforesaid, to be registered as a New Zealand citizen, whether or not she is of full age and capacity.

(3) A person who has renounced, or has been deprived of, New Zealand citizenship under this Act shall not be entitled to be registered as a New Zealand citizen under the foregoing provisions of this section, but may be so registered with the approval of the Minister.

(4) The Minister may, in such special circumstances as he thinks fit, cause to be registered as a New Zealand citizen any British subject or Irish citizen of full age and capacity who makes application therefor in the prescribed manner and satisfies the Minister that he has associations by way of descent, residence, or otherwise with New Zealand.

9. (1) The Minister may cause to be registered as a New Zealand citizen:

(a) An alien woman who has been married to a New Zealand citizen or to a person who would but for his death have become a New Zealand citizen by virtue of any of the provisions of section sixteen of this Act;

(b) The minor child of a New Zealand citizen, upon application made in the prescribed manner by the woman or, as the case may be, by a parent or guardian of the child.

(2) The Minister may, in such special circumstances as he thinks fit, cause any minor to be registered as a New Zealand citizen.

(3) The Minister may in such cases as he thinks fit require any person to take an oath of allegiance in the form specified in the First Schedule to this Act before being registered as a New Zealand citizen under this section.

10. (1) The Minister may from time to time, by writing under his hand, authorize a New Zealand overseas representative in any country to exercise in that country any of the Minister's functions under the last two preceding sections.

(2) In the exercise of any such functions any New Zealand overseas representative shall act in accordance with all directions, general or special, given to him by the Minister.

(3) Any authority or directions under this section may be given to a specified person or to the holder for the time being of a specified office.

11. A person registered under any of the last three preceding sections shall be a New Zealand citizen by registration as from the date on which he is registered.

Citizenship by Naturalization

12. (1) The Minister may grant a certificate of naturalization to any alien of full age and capacity who makes application therefor in the prescribed manner and satisfies the Minister:

(a) That, after attaining the age of twenty years, he has given notice in the prescribed manner, not less than one year nor more than five years before the date of his application, of his intention to apply for naturalization as a New Zealand citizen;

(b) That he has either resided in New Zealand or been in Crown service under the New Zealand Government, or partly the one and partly the other, throughout the period of twelve months immediately preceding the date of his application;

(c) That during the seven years immediately preceding the said period of twelve months he has either resided in New Zealand or Western Samoa or any other New Zealand trust territory or been in Crown service under the New Zealand Government, or partly the one and partly the other, for periods amounting in the aggregate to not less than four years;

(d) That he is of good character;

(e) That he has sufficient knowledge of the English language;

(f) That he has sufficient knowledge of the responsibilities and privileges of New Zealand citizenship; and

(g) That he intends in the event of a certificate being granted to him:

(i) To reside in New Zealand or in Western Samoa or any other New Zealand trust territory; or

(ii) To enter into or continue in Crown service under the New Zealand Government, or service under an international organization of which the New Zealand Government is a member, or service in the employment of a society, company, or body of persons established in New Zealand or established in Western Samoa or any other New Zealand trust territory.

(2) The Minister, if in the special circumstances of any particular case he thinks fit, may:

(a) Allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned, for the purposes

of paragraph (b) of subsection one of this section, as if it had immediately preceded that date;

(b) Allow residence in any country mentioned in subsection three of section three of this Act or in Ireland or in any mandated territory, or trust territory, or residence in Burma before the fourth day of January, nineteen hundred and forty-eight, to be reckoned for the purposes of paragraph (c) of subsection one of this section;

(c) Allow service under the Government of any country mentioned in subsection three of section three of this Act, or of any state, province, or territory thereof, or service before the fourth day of January, nineteen hundred and forty-eight, under the Government of Burma, to be reckoned for the purposes of the said paragraph (c) as if it had been Crown service under the New Zealand Government;

(d) Allow service as a member of any of His Majesty's Forces, or service as a member of any of the Armed Forces of any of His Majesty's Allies, or any service (whether military or official or otherwise) in aid of His Majesty or any of his Allies during the Second World War, to be reckoned for the purposes of the said paragraph (c) as if it had been Crown service under the New Zealand Government;

(e) Allow periods of residence or service earlier than eight years before the date of the application to be reckoned in computing the aggregate mentioned in the said paragraph (c).

(3) The Minister, if in the special circumstances of any particular case he thinks fit, may grant a certificate of naturalization to any alien of full age and capacity who makes application therefor in the prescribed manner and satisfies the Minister that he possesses the qualifications prescribed by paragraphs (b) to (g) of subsection one of this section.

13. (1) The Minister may grant a certificate of naturalization to any British protected person of full age and capacity who makes application therefor in the prescribed manner and satisfies the Minister:

(a) That either:

(i) He is ordinarily resident in New Zealand and has been so resident throughout the period of twelve months immediately preceding the date of his application; or

(ii) That he is in Crown service under the New Zealand Government; and

(b) That he possesses the qualifications prescribed by paragraphs (d) to (g) of subsection one of the last preceding section.

(2) The Minister, if in the special circumstances of any particular case he thinks fit, may grant a certificate of naturalization to any British protected person of full age and capacity who makes application therefor in the prescribed manner and satisfies the Minister that he possesses the qualifications prescribed by paragraphs (d) to (g) of subsection one of the last preceding section.

14. (1) No certificate of naturalization granted to any person shall have effect until he has taken an oath of allegiance in the form specified in the First Schedule to this Act.

(2) The person to whom a certificate of naturalization is granted under this Act shall, on taking the oath of allegiance as aforesaid, be a New Zealand citizen by naturalization as from the date on which the certificate is granted.

Citizenship by Incorporation of Territory

15. If any territory becomes a part of New Zealand, the Governor-General may, by Order in Council, specify the persons who shall be New Zealand citizens by reason of their connection with that territory; and those persons shall be New Zealand citizens as from a date to be specified in the Order.

Transitional Provisions

16. (1) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a New Zealand citizen if he possesses any of the following qualifications, that is to say:

(a) That he was born within the territories comprised at the commencement of this Act in New Zealand and would have been a New Zealand citizen if section six of this Act had been in force at the time of his birth;

(b) That he is a person naturalized in New Zealand;

(c) That he is ordinarily resident in New Zealand, and has been so resident throughout the period of twelve months immediately preceding the commencement of this Act.

(2) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a New Zealand citizen if at the time of his birth his father was a British subject and possessed either of the qualifications specified in paragraphs (a) and (b) of the last preceding subsection.

(3) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a New Zealand citizen if he was born in Western Samoa.

(4) A woman who was a British subject immediately before the date of the commencement of this Act and has before that date been married to a person who becomes, or would but for his death have become, a New Zealand citizen by virtue of any of the foregoing provisions of this section shall on that date herself become a New Zealand citizen.

(5) A male person who becomes a New Zealand citizen by virtue only of subsection two of this section shall for the purposes of the proviso to subsection one of section seven of this Act be a New Zealand citizen by descent only.

17. (1) Where any person whose British nationality depended upon his birth having been registered at a consulate of His Majesty has, under any enactment in force at any time before the commencement of this Act, ceased to be a British subject by reason of his failure to make a declaration of retention of British nationality after becoming of full age, that person shall, if he would but for that failure have been a British subject immediately before the commencement of this Act, be deemed for the purposes of this Act then to have been a British subject.

(2) A woman shall be treated for the purposes of this section as if she would have been a British subject but for her failure to make a declaration of retention of British nationality, notwithstanding that after she ceased to be a British subject she married an alien.

18. (1) If any person who ceased to be a British subject under the provisions of subsection one of section twelve of the British Nationality and Status of Aliens Act, 1914 (as set out in the Second Schedule to the British Nationality and Status of Aliens (in New Zealand) Act, 1928),

by reason that he was a minor child of a person ceasing to be a British subject, makes a declaration within one year after the commencement of this Act or after his becoming of full age, whichever is the later, or within such longer period as the Minister may allow, of his intention to become a New Zealand citizen, and if at the date of the declaration he would, but for the provisions of the said subsection one, be a New Zealand citizen, the Minister shall cause the declaration to be registered; and thereupon that person shall become a New Zealand citizen.

(2) A woman shall be treated for the purposes of this section as if she would have been a New Zealand citizen but for the provisions of subsection one of section twelve of the British Nationality and Status of Aliens Act, 1914, notwithstanding that after she ceased to be a British subject she married an alien.

19. Notwithstanding the repeal by this Act of the provisions of the British Nationality and Status of Aliens Act, 1943, as set out in the Second Schedule to the British Nationality and Status of Aliens (in New Zealand) Amendment Act, 1943, the birth of a person born before the date of the commencement of this Act may be registered after that date at a consulate of His Majesty as defined in the first-mentioned Act; and if the birth is registered in the circumstances specified in subsection two of section one of that Act, that person shall be deemed for the purposes of this Act to have been a British subject immediately before the commencement of this Act.

20. (1) Any application for a certificate of naturalization, or for the inclusion of the name of a child in a certificate of naturalization, made before the commencement of this Act may be treated as if it were an application for a certificate of naturalization or for registration as a New Zealand citizen under this Act if the Minister is satisfied that the person to whom the application relates is qualified therefor.

(2) Where a certificate of naturalization has been granted before, and the applicant takes the oath of allegiance after, the commencement of this Act the certificate shall be deemed for the purposes of this Act to have taken effect immediately before the commencement of this Act.

Renunciation and Deprivation of Citizenship

21. (1) If any New Zealand citizen of full age and capacity who is also a citizen of any country mentioned in subsection three of section three of this Act or an Irish citizen makes a declaration in the prescribed manner of his renunciation of New Zealand citizenship the Minister shall cause the declaration to be registered; and, upon the registration, that person shall cease to be a New Zealand citizen:

Provided that the Minister may withhold registration of any such declaration if it is made by a person who is ordinarily resident in New Zealand or in Western Samoa or any other New Zealand trust territory.

(2) If any New Zealand citizen of full age and capacity who is also a national of a foreign country makes a declaration in the prescribed manner of his renunciation of New Zealand citizenship, the Minister shall cause the declaration to be registered; and, upon the registration, that person shall cease to be a New Zealand citizen:

Provided that the Minister may withhold registration of any such declaration if it is made during any war in which New Zealand may be engaged.

(3) For the purposes of this section, any woman who has been married shall be deemed to be of full age.

22. (1) The Minister may by order deprive any person of his New Zealand citizenship if the Minister is satisfied that that person has at any time, while a New Zealand citizen and of full age and capacity:

(a) Acquired the nationality or citizenship of a foreign country by any voluntary and formal act other than marriage; or

(b) Voluntarily exercised any of the privileges or performed any of the duties of a foreign nationality or citizenship possessed by him; — and that it is not conducive to the public good that he should continue to be a New Zealand citizen.

(2) Upon an order being made under this section in respect of any person, he shall cease to be a New Zealand citizen.

23. (1) A New Zealand citizen who is such by registration or is a naturalized person shall cease to be a New Zealand citizen if he is deprived of that citizenship by an order of the Minister made under this or the next succeeding section.

(2) Subject to the provisions of this section, the Minister may by order deprive any such citizen of his New Zealand citizenship if he is satisfied that the registration or certificate of naturalization was obtained by means of fraud, false representation, or the concealment of any material fact.

(3) Subject to the provisions of this section, the Minister may by order deprive any New Zealand citizen who is a naturalized person of his New Zealand citizenship if he is satisfied that that citizen:

(a) Has shown himself by act or speech to be disloyal or disaffected towards His Majesty; or

(b) Has, during any war in which New Zealand was engaged, unlawfully traded or communicated with an enemy, or been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or

(c) Has within five years after becoming naturalized been sentenced in any country to imprisonment for a term of not less than twelve months.

(4) Subject to the provisions of this section, the Minister may by order deprive any person naturalized in New Zealand of his New Zealand citizenship if he is satisfied that that person has been ordinarily resident in foreign countries for a continuous period of six years.

(5) The Minister shall not deprive a person of citizenship under this section unless he is satisfied that it is not conducive to the public good that that person should continue to be a New Zealand citizen.

(6) Before making an order under this section the Minister shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and, if the order is proposed to be made on any of the grounds specified in subsections two and three of this section, of his right, upon making application therefor in the prescribed manner, to have his case referred for inquiry under this section.

(7) If the order is proposed to be made on any of the grounds specified in subsections two and three of this section and that person so applies in the prescribed manner, the Minister shall, and in any other case the Minister may, refer the case for inquiry and report either, in accordance with rules of Court, to the Supreme Court of New Zealand or, in the prescribed manner, to a committee of inquiry constituted for the purpose by the Minister or in such other manner as may be prescribed.

24. (1) Where a naturalized person who was a citizen of any country mentioned in subsection three of section three of this Act or an Irish citizen has been deprived of that citizenship on a ground which, in the opinion of the Minister, is substantially similar to any of the grounds specified in subsections two, three, and four of the last preceding section, then, if that person is a New Zealand citizen, the Minister may, by an order made under this section, deprive him of that citizenship, if the Minister is satisfied that it is not conducive to the public good that that person should continue to be a New Zealand citizen.

(2) Before making an order under this section the Minister shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and may refer the case for inquiry and report in the manner provided by the last preceding section.

25. Where any person ceases to be a New Zealand citizen or a British subject he shall not thereby be discharged from any obligation, duty, or liability in respect of any act or thing done or omitted before he ceased to be a New Zealand citizen or a British subject.

PART III. SUPPLEMENTAL

26. (1) A person born out of wedlock and legitimated by the subsequent marriage of his parents shall, as from the date of the marriage or of the commencement of this Act, whichever is the later, be treated, for the purpose of determining whether he is a New Zealand citizen, or was a British subject immediately before the commencement of this Act, as if he had been born legitimate.

(2) A person shall be deemed for the purposes of this section to have been legitimated by the subsequent marriage of his parents if by the law of the place in which his father was domiciled at the time of the marriage the marriage operated immediately or subsequently to legitimate him, and not otherwise.

27. Any references in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as referring to the status or description of the father at the time of the father's death; and where that death occurred before, and the birth occurs after, the commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

28. The Minister may in such cases as he thinks fit certify that a person with respect to whose New Zealand citizenship a doubt exists, whether on a question of fact or of law, is a New Zealand citizen; and a certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation, or concealment of any material fact, be conclusive evidence that that person was a New Zealand citizen on the date thereof, but without prejudice to any evidence that he was a New Zealand citizen at an earlier date.

29. The Minister or the New Zealand overseas representative, as the case may be, shall not be required to assign any reason for the grant or refusal of any application under this Act the decision on which is at his

discretion; and the decision of the Minister or overseas representative on any such application shall not be subject to appeal or review in any Court.

30. (1) Every document purporting to be a notice, certificate, or declaration, or an entry in a register, or a subscription of an oath of allegiance given, granted, or made under this Act, the British Nationality and Status of Aliens (in New Zealand) Act, 1928, the British Nationality and Status of Aliens (in New Zealand) Act, 1923, or any Act repealed by the last-mentioned Act, shall be received in evidence, and shall, unless the contrary is proved, be deemed to have been given, granted, or made by or on behalf of the person by or on whose behalf it purports to have been given, granted, or made.

(2) *Prima facie* evidence of any such document as aforesaid may be given by production of a document purporting to be certified as a true copy thereof by such person and in such manner as may be prescribed.

(3) Any entry in a register made under this Act or any other Act referred to in subsection one of this section shall be received as evidence of the matters stated in the entry.

(4) For the purposes of this Act, a certificate given by or on behalf of the Minister that a person was at any time in Crown service under the New Zealand Government shall be conclusive evidence of that fact.

31. The Governor-General may from time to time, by Order in Council, make regulations generally for carrying into effect the purposes of this Act, and in particular—

(a) For prescribing anything which under this Act is to be prescribed:

(b) For the registration of anything required or authorized under this Act to be registered:

(c) For the administration and taking of oaths of allegiance under this Act, for prescribing the time within which oaths of allegiance shall be taken, and for the registration of oaths of allegiance:

(d) For the giving of any notice required or authorized to be given to any person under this Act:

(e) For the cancellation of the registration of, and the cancellation and amendment of certificates of naturalization relating to, persons deprived of citizenship under this Act, and for requiring such certificates to be delivered up for those purposes:

(f) For the registration by officers in the service of the New Zealand Government of the births and deaths of persons of any class or description born or dying in a protected State or foreign country:

(g) For enabling the births and deaths of New Zealand citizens and British protected persons born and dying in any country in which the New Zealand Government has for the time being no overseas representatives to be registered by persons serving in the diplomatic, consular, or other foreign service of any country which, by arrangement with the New Zealand Government, has undertaken to represent that Government's interests in that country, or by a person authorized in that behalf by the Governor-General:

(h) For the keeping of records, registers, and indexes for the purposes of this Act and for enabling persons to inspect and make copies of the same:

(i) For the imposition and recovery of fees in respect of any application made to the Minister under this Act or in respect of any registration, or the making of any declaration, or the grant of any certificate, or the taking of any oath of allegiance, authorized to be made, granted, or taken by

or under this Act, and in respect of supplying a certified or other copy of any notice, certificate, order, declaration, or entry, given, granted, or made, or of the subscription of any oath taken, as aforesaid, and in respect of permitting inspections of any records, registers, and indexes kept under this Act, and in respect of any other matter arising under this Act; and for the application of any such fees:

(j) For the practice and procedure to be followed in connection with references under this Act to a committee of inquiry; and in particular for conferring on any such committee any powers, rights, and privileges of a Commission under the Commissions of Inquiry Act, 1908, and for applying all or any of the provisions of that Act accordingly:

(k) For the application of the Births and Deaths Registration Act, 1924, with such adaptations and modifications as may be necessary, and in addition to or in substitution for the provisions of section thirty of this Act, to births and deaths registered in accordance with the regulations, or registered at a consulate of His Majesty in accordance with regulations made under the British Nationality and Status of Aliens Acts, 1914 to 1943, or in accordance with instructions of the Secretary of State of the United Kingdom, or in accordance with the instructions of the Minister.

32. (1) Any person who, for the purpose of procuring anything to be done or not to be done under this Act, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds.

(2) Any person who fails to comply with any requirement imposed on him by regulations made under this Act with respect to the delivering up of certificates of naturalization shall be liable on summary conviction to a fine not exceeding fifty pounds.

33. (1) Subject to the provisions of this section, this Act shall be in force in the following territories —

- (a) The Cook Islands:
- (b) The Tokelau Islands:
- (c) Western Samoa:
- (d) Every other New Zealand trust territory.

(2) In the application of this Act to any of the territories mentioned in subsection one of this section—

(a) References to the Minister shall be deemed to be references to the Governor-General acting on the recommendation of the Minister of Island Territories:

(b) References to the Supreme Court of New Zealand shall be deemed to be references to such Court or person as may be prescribed:

(c) References to the English language shall be deemed to be references to the English language or any other officially recognized language in current use in that territory.

(3) In the application of paragraph (a) of subsection one of section eight, paragraph (b) of subsection one of section twelve, and paragraph (a) of subsection one of section thirteen of this Act to any of the said territories that is not included within the definition of the term "New Zealand" in this Act, references to residence or ordinary residence in New Zealand shall be deemed to be references to residence or ordinary residence in that territory.

(4) This Act is hereby declared to be a reserved enactment for the purposes of section nine of the Samoa Amendment Act, 1947.

34. (1) The enactments specified in the Second Schedule to this Act are hereby repealed.

(2) The provisions of the Acts of Parliament of the United Kingdom cited together as the British Nationality and Status of Aliens Acts, 1914 to 1943, that immediately before the commencement of this Act were in force in New Zealand by reason of their having been adopted or declared to be part of the law of New Zealand by any of the enactments repealed by the last preceding subsection (except sections seventeen and eighteen of the British Nationality and Status of Aliens Act, 1914) shall at the commencement of this Act cease to have effect in New Zealand.

(3) All acts of authority that originated under any of the enactments hereby repealed, and are subsisting or in force at the commencement of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(4) All matters and proceedings commenced under any of the said enactments, and pending or in progress at the commencement of this Act, may be continued and completed under this Act.

35. The enactments specified in the Third Schedule to this Act are hereby amended in the manner indicated in that Schedule.

36. (1) If by any enactment for the time being in force in any country mentioned in subsection three of section three of this Act provision is made for enabling persons to remain or to become British subjects without citizenship, any person who by virtue of that enactment is a British subject without citizenship shall be deemed also to be a British subject without citizenship by virtue of this section.

(2) The law relating to British nationality in force in New Zealand immediately before the commencement of this Act shall apply to a person while he remains a British subject without citizenship as if this Act had not been passed.

(3) So long as a person remains a British subject without citizenship he shall be treated for the purposes of any application made by him for registration as a New Zealand citizen under this Act as if he were a citizen of one of the countries mentioned in subsection three of section three of this Act.

FIRST SCHEDULE

OATH OF ALLEGIANCE

I, A.B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George the Sixth, his heirs and successors, according to law.

SECOND SCHEDULE

ENACTMENTS REPEALED

1928, No. 58: The British Nationality and Status of Aliens (in New Zealand) Act, 1928 (except section 13). (Reprint of Statutes, Vol. I, p. 159).
1943, No. 13: The British Nationality and Status of Aliens (in New Zealand) Amendment Act, 1943.

1946, No. 20: The British Nationality and Status of Aliens (in New Zealand) Amendment Act, 1946.

(b) ACT NO. 18 OF 4 SEPTEMBER 1950. AN ACT TO AMEND THE INFANTS ACT, 1908.

. . .

“21. (2) (e)

“The order of adoption shall not affect the nationality or citizenship of the adopted child.”

. . .

57. Nicaragua

CONSTITUTION ¹ OF 1 NOVEMBER 1950.

TITLE I. NATIONALITY

. . .

Article 17. Nicaraguan nationality is acquired by birth or by naturalization.

Article 18. The following persons are Nicaraguan nationals by birth:

(1) Any person born in the territory of Nicaragua, except the children of aliens in the service of their Governments;

(2) A person born abroad of a Nicaraguan father or mother, if according to the law of the place of birth that person possesses Nicaraguan nationality, or, being authorized by the said law to opt, opts for Nicaraguan nationality while abroad or on taking up residence in Nicaragua. That person shall be a Nicaraguan national even if the Constitution or any legislative provision requires birth in the national territory;

(3) Children found in Nicaragua whose parents are unknown;

(4) A person whose country of origin is one of the other Republics of Central America, if he resides in Nicaragua, and by a declaration made before the competent authorities expresses the wish to be a Nicaraguan national, provided that the country of origin grants reciprocal treatment to Nicaragua.

Article 19. The following persons are Nicaraguan nationals by naturalization:

(1) A person who is a national by birth of Spain or one of the countries of America and who, after renouncing his nationality, has resided in Nicaragua for more than two years. Departures from the terms of this clause shall be permissible by reciprocal arrangement.

(2) An alien who is married to a Nicaraguan woman and who, after five years' residence in the country, obtains a naturalization certificate, provided that he has first renounced his nationality; in the case of an alien not married to a Nicaraguan woman ten years' residence shall be required, subject likewise to renunciation of his nationality.

(3) An alien woman married to a Nicaraguan national, provided that she resides in Nicaragua and expresses the wish to acquire Nicaraguan nationality;

(4) An immigrant who is a member of a selected group admitted into Nicaragua by the Government for agricultural or industrial purposes,

¹ Translation by the Secretariat of the United Nations.

provided that he has been resident in Nicaragua for at least one year. Regulations governing the application of this provision shall be enacted by statute.

Article 20. Neither marriage nor the dissolution of marriage shall affect the nationality of the spouses or that of their children.

Article 21. Nicaraguan nationality is lost:

(1) By voluntary naturalization in a foreign country other than a Central American country. A Nicaraguan national who loses his nationality by virtue of this provision recovers it if at any time he should return to Nicaragua;

(2) By cancellation of the certificate of naturalization;

(3) In the case of a Nicaraguan national by naturalization, by voluntary absence for more than five consecutive years, unless he can produce evidence of his continuous connection with the country.

If any person who acquired Nicaraguan nationality by naturalization advocates political doctrines which are incompatible with the ideal of the Fatherland, or affect its national sovereignty, or tend to destroy the Republican system of Government, he shall lose Nicaraguan nationality and shall not be able to recover it.

Article 22. All matters relating to naturalization and the mode of acquiring, losing or recovering Nicaraguan nationality shall be regulated by statute.

58. Norway

NATIONALITY ACT NO. 3 OF 8 DECEMBER 1950.¹

CHAPTER I. ACQUISITION OF NATIONALITY

Article 1. A person is a Norwegian national by birth if he was born:

1. In wedlock and his father was at the time a Norwegian national;

2. In wedlock in Norway to a Norwegian mother, if the father was not at the time a national of any State or if that person did not acquire at birth the nationality of the father;

3. Out of wedlock to a woman who is a Norwegian national.

A foundling child found in Norway shall, in the absence of proof to the contrary, be deemed to be a Norwegian national.

Article 2. A child born out of wedlock to a Norwegian father and an alien mother shall, if under the age of eighteen years and unmarried, acquire Norwegian nationality on the marriage of his parents to one another.

Article 3. An alien who was born in Norway and who has resided in Norway continuously may acquire Norwegian nationality by submitting to the county governor, after attaining the age of twenty-one but before attaining the age of twenty-three years, a written declaration to the effect that he wishes to become a Norwegian national. If he is not a national of any country or can prove that he will lose his foreign nationality on acquiring Norwegian nationality he may make the aforesaid declaration upon attaining the age of eighteen years.

If Norway is at war, no enemy national or stateless person lately an enemy national may acquire Norwegian nationality under this article.

Article 4. A person who acquired Norwegian nationality at birth and who, after residing continuously in Norway until the age of eighteen years,

¹ Translation by the Secretariat of the United Nations.

lost his nationality may, if he has resided in Norway during the two years immediately preceding the declaration, recover Norwegian nationality by submitting to the county governor a written declaration to the effect that he wishes to become a Norwegian national. If he is a national of another country, he may not submit such a declaration unless he proves that he will lose his foreign nationality upon acquiring Norwegian nationality.

Article 5. The unmarried children of a person who acquires Norwegian nationality under article 3 or 4 shall also thereby acquire Norwegian nationality, provided that they were born in wedlock, reside in Norway and are under the age of eighteen years. This provision shall not apply, however, to children in the custody of their mother after the marriage has been declared void or annulled or the spouses have been divorced or separated by a judicial decision or administrative decree.

If a woman acquires Norwegian nationality as aforesaid, the provisions of the first paragraph hereof shall apply as appropriate to a child born to her:

1. Out of wedlock, unless the father is an alien and has custody of the child;
2. In wedlock if she is widowed;
3. In wedlock who is in her custody, if the marriage has been declared void or annulled or the spouses have been divorced or separated by a judicial decision or administrative decree.

Article 6. His Majesty, or any person authorized by His Majesty thereto, may deliver a certificate of Norwegian naturalization to an alien who applies for naturalization if the alien:

1. Is not under the age of eighteen years;
2. Has resided in Norway for the seven years immediately preceding the application;
3. Is of good repute; and
4. Is able to support himself and his dependants.

An applicant who has previously been a Norwegian national, or is married to and living with a Norwegian national, or in other special circumstances, may be naturalized even if he does not fulfil these conditions. The conditions stipulated in item 2 hereof may be waived also in other cases if the applicant is a Finnish, Icelandic or Swedish national.

If the application is granted, the applicant shall be notified in writing that a certificate of naturalization will be issued to him provided that he takes within one year an oath of allegiance to the Constitution. He shall take this oath before a judge of a district or town court or before a Norwegian authority abroad.

If the applicant is under the age of eighteen years or of unsound mind, no oath shall be required.

If under the law of the applicant's country he cannot cease to be a national of that country except by release, it shall also be a condition that he shall within one year prove that he has been so released.

If the applicant has unmarried children under the age of eighteen years, the authority issuing the certificate of naturalization shall decide whether the certificate shall apply also to such children.

CHAPTER II. LOSS OF NATIONALITY

Article 7. A person shall cease to be a Norwegian national if he:

1. Acquires a foreign nationality by application or express consent;

2. Acquires a foreign nationality by entering the public service of another country;

3. Being unmarried and under the age of eighteen years, acquires a foreign nationality because one of his parents has acquired it in the manner described in item 1 or item 2 hereof while having custody of him alone or jointly with the other parent and that other parent is not a Norwegian national;

4. Being unmarried and under the age of eighteen years, acquires a foreign nationality by the marriage of his parents with one another; provided that if he resides in Norway he shall not cease to be a Norwegian national unless he goes abroad before he attains the age of eighteen years and acquires a foreign nationality.

Article 8. A Norwegian national who was born abroad and has never resided in Norway, nor sojourned in Norway in such a manner as to indicate association with Norway, shall cease to be a Norwegian national on attaining the age of twenty-two years. If, however, he applies for naturalization before attaining the said age, His Majesty or the person appointed by His Majesty may grant him a certificate thereof.

If a person ceases to be a Norwegian national by virtue of this article, his children who acquired Norwegian nationality through him shall likewise cease to be Norwegian nationals.

Article 9. A person who is or wishes to become a national of another country may on application be released from Norwegian nationality by His Majesty or by a person authorized by His Majesty to grant the release. If the applicant is not already a national of another country, it shall be a condition of his release that he shall acquire foreign nationality within a certain time.

CHAPTER III. SPECIAL PROVISIONS RELATING TO AGREEMENTS WITH OTHER STATES

Article 10. His Majesty may enter into agreements with Denmark, Finland, Iceland and Sweden for the purpose of giving effect to one or more of the provisions in paragraphs A, B and C below. The term "other contracting State" in this article means any State with which such an agreement has been concluded.

A. For the purposes of article 1, item 1, and article 3, birth in another contracting State shall be equivalent to birth in Norway.

For the purposes of articles 3 and 4, residence until the age of twelve years in another contracting State shall be equivalent to residence in Norway.

B. A national of another contracting State who:

1. Has not acquired the nationality of that State by certificate of naturalization;

2. Has attained the age of twenty-one but has not yet attained the age of sixty years;

3. Has been domiciled in Norway for the ten years immediately preceding the declaration; and

4. Has not during that time been sentenced to imprisonment or detention under article 39 or 39 (a) of the Penal Code, shall acquire Norwegian nationality on submitting to the county governor a written declaration to the effect that he wishes to become a Norwegian national. The provisions of article 5 shall apply as appropriate.

C. If a person has ceased to be a Norwegian national and has subsequently become a national of another contracting State, he shall be granted Norwegian nationality if he settles in Norway and thereafter submits to the county governor a written declaration to the effect that he wishes to become a Norwegian national. The provisions of article 5 shall apply as appropriate.

CHAPTER IV. SUPPLEMENTARY PROVISIONS

Article 11. If a minor to whom the provisions of article 1, first paragraph, item 2, apply is under the age of eighteen years at the entry into force of this Act, that minor shall thereupon acquire Norwegian nationality if he is not and has not been a national of any other country.

Article 12. A person who attains the age of twenty-two years within one year after the entry into force of this Act may submit an application under article 3 before attaining the age of twenty-four years.

Article 13. A woman who ceased to be a Norwegian national under the Act of 21 April 1888 or the Act of 8 August 1924 by marriage to a person who was at that time or later became a national of another country, may recover Norwegian nationality provided that she would not have ceased to be a Norwegian national if this Act had been in force, and that within five years after the entry into force of this Act she submits to the authority thereto appointed by His Majesty a written declaration to the effect that she wishes to become a Norwegian national. If she ceased to be a Norwegian national through marriage to a national of an enemy State during the period 9 April 1940 to 31 December 1948, this provision shall not apply unless she is resident in Norway when this Act enters into force or settles here before the expiry of the said period of five years.

Article 14. A person who ceased to be a Norwegian national under article 6 (b) of the Act of 21 April 1888 by leaving Norway permanently but would not have ceased to be a Norwegian national under article 8 of this Act shall recover Norwegian nationality if he submits to the authority thereto appointed by His Majesty a written declaration to the effect that he wishes to become a Norwegian national. A person who has acquired a foreign nationality may not submit such a declaration.

The provisions of article 5 shall apply as appropriate except that the children shall not be required to reside in this country.

Article 15. A woman who is married or who has been married, and who attains the age of twenty-two years in the three years next after this Act enters into force, shall not cease to be a Norwegian national under article 8 until the expiry of the said period of three years.

Article 16. An application made under article 6, 8 or 9 by a person who is under the age of eighteen years or unable by reason of unsoundness of mind to enter into a legally binding contract, shall be submitted on his behalf by his guardian; but all other applicants must submit their application in person.

A guardian may not submit a declaration under article 3 (cf. article 12), article 4, article 10B or C, article 13 or article 14.

Article 17. His Majesty or the person authorized by His Majesty may make such regulations as may be necessary for giving effect to this Act.

Article 18. This Act shall enter into force on 1 January 1951. In case of conflict between a provision of this Act and a provision of any treaty, the provision of the treaty shall prevail.

This Act shall apply to Spitzbergen and Jan Mayer, but articles 3 and 4 shall apply only for such time as His Majesty may determine.

The Norwegian Nationality Act of 8 August 1924 and the Act of 13 December 1946 to amend the Norwegian Nationality Act shall be repealed upon the entry into force of this Act.

59. Pakistan

(a) NATURALIZATION ACT NO. VII OF 26 FEBRUARY 1926.

An Act to consolidate and amend the law relating to the naturalization in [Pakistan] of aliens resident therein.

1. (1) This Act may be called the Naturalization Act, 1926.

[(2) It extends to the whole of Pakistan.]

(3) It shall come into force on such date as the [Central Government] may by notification in the [official Gazette] appoint.

2. In this Act, unless there is anything repugnant in the subject or context—

(a) “British subject” means a British subject as defined in section 27 of the British Nationality and Status of Aliens Act, 1914;

(b) “certificate of naturalization” means a certificate of naturalization granted under this Act; and

[(c) “minor” means, notwithstanding anything in the Majority Act, 1875, any person who has not completed his age of twenty-one years.]

3. (1) [The Central Government] may grant a certificate of naturalization to any person who makes an application in this behalf and satisfies [the Central Government]:

(a) That he is not a minor;

(b) That he is neither a British subject nor [a subject of any Acceding State or a native of the tribal areas or] a subject of any state in Europe or America or of any State of which [a] [Pakistan] British subject is prevented by or under any law from becoming a subject by naturalization;

[(c) That he has, during a period of not less than five years immediately preceding the date of the publication, either resided in a territory which on or after the fifteenth day of August 1947 has become a territory of Pakistan, or been in the service of the Crown therein;]

(d) That he is of good character;

(e) That he has an adequate knowledge of a language which has been declared by [the Central Government], by notification in the [official Gazette], to be [one of the principal vernaculars of Pakistan]; and

(f) That he intends, if the application is granted, to reside in [Pakistan] or to enter or continue in the service of the Crown [in Pakistan]:

Provided that nothing in clause (c) or clause (f) shall apply in the case of a woman who was a British subject previously to her marriage to a person not a British subject and whose husband has died or whose marriage has been dissolved.

(2) Nothing in this section shall be deemed to prevent the grant of a certificate of naturalization to any person to whom a certificate of naturalization has been issued under the Indian Naturalization Act, 1852.

4. (1) Every application for a certificate of naturalization shall be in writing and shall state, to the best of the knowledge and belief of the applicant—

- (a) His age;
- (b) His place of birth;
- (c) His place of residence;
- (d) His profession, trade, or occupation;
- (e) Full particulars regarding his qualifications in respect of the matters referred to in clauses (a) to (f) of subsection (1) of section 3;
- (f) Whether he has at any time previously applied for the grant of a certificate of naturalization under the British Nationality and Status of Aliens Act, 1914, or the Indian Naturalization Act, 1852, or this Act [or the British Nationality Act, 1948];
- (g) Whether any such application has been rejected;
- (h) Whether any such certificate has been granted to him; and
- (i) Whether any such certificate granted to him has been revoked [or whether he has been deprived of his citizenship under [the Pakistan Citizenship Act, 1951] or the British Nationality Act, 1948].

(2) Every such application shall be signed by the applicant and shall be accompanied by an affidavit sworn by him verifying that the statements contained therein are true to the best of his knowledge and belief.

(3) [The Central Government] shall satisfy itself as to the truth of the statements contained in the application, and for this purpose may cause to be made such further inquiry, if any, and may require such further evidence, if any, either by affidavit or otherwise as it thinks necessary.

5. (1) If [the Central Government] is satisfied that the applicant is qualified under section 3 for the grant of a certificate of naturalization and is otherwise a fit person for the grant of such certificate, it may grant a certificate reciting the qualifications of the applicant for such grant and conferring upon him all the rights, privileges and capacities of naturalization under this Act, except such rights, privileges or capacities, if any, as may specifically be withheld by the certificate.

(2) Any such certificate may, if the applicant so requests, include the name of any minor child of the applicant, not being by birth a British subject, who was born before the date of the certificate and is for the time being resident in [Pakistan] and under the control of the applicant; and shall grant to any child so included all the rights, privileges and capacities of naturalization under this Act, except such rights, privileges or capacities, if any, as may specifically be withheld by the certificate.

(3) The grant of a certificate of naturalization shall be in the absolute discretion of [the Central Government], and no appeal shall lie from any refusal to grant any such certificate or to include in any such grant any particular right, privilege or capacity.

6. Every person to whom a certificate of naturalization has been granted shall, within thirty days from the date of the grant thereof, take and subscribe the following oath, namely:

“I, A. B., of do hereby swear (or affirm) that I will be faithful and bear true allegiance to [the Constitution of Pakistan]:

Provided that [the Central Government] may extend the time allowed under this section in any case in which it is satisfied that failure to take and subscribe the oath within that time was due to sufficient cause.

7. (1) No certificate of naturalization shall have effect until the person to whom it is granted has taken and subscribed the oath prescribed by section 6, but upon the taking and subscribing of such oath such person, and any child of any such person who has been included in the certificate under subsection (2) of section 5, shall, when in [Pakistan] be deemed to be British subjects and be entitled to all the rights, privileges and capacities of a British subject born within [Pakistan], except such rights, privileges or capacities, if any, as may have been withheld from them respectively by the certificate, and shall within [Pakistan] be subject to all the obligations, duties and liabilities of a British subject; [and the wife of any such person to whom a certificate of naturalization is granted after the commencement of the Indian Naturalization (Amendment) Act, 1935, shall, if not already a British subject, in like manner be so deemed and be so entitled and so subject, if within one year, or such longer period as [the Central Government] may in special circumstances allow, from the date of the taking and subscribing of such oath by her husband, she makes to [the Central Government] a declaration that she desires to be deemed to be a British subject].

(2) When the person to whom a certificate of naturalization has been granted has taken and subscribed the oath prescribed by section 6, any wife thereafter married by, and any child thereafter born to, such person shall, if she or he is not a British subject and if such person aforesaid at the date of the marriage or birth, as the case may be, retains any rights, privileges or capacities of a British subject under this Act, be entitled to the same rights, privileges and capacities, and be subject to the same obligations, duties and liabilities, to which such person aforesaid was at that date entitled and subject.

8. (1) [Where the Central Government is satisfied that a certificate of naturalization granted under this Act, or the Indian Naturalization Act, 1852] was obtained by false representation or fraud or by concealment of material circumstances, or that the person to whom the certificate has been granted has shown himself by act or speech to be disaffected or disloyal to [Pakistan] [the Central Government] shall, by order in writing, revoke the certificate.

(2) Without prejudice to the foregoing provisions, [the Central Government] shall, by order in writing, revoke such a certificate of naturalization as aforesaid in any case in which it is satisfied that the person to whom the certificate was granted:

(a) Has, during any war in which [Pakistan] is engaged unlawfully traded or communicated with the enemy, or with a subject of an enemy state, or been engaged in, or associated with, any business which is to his knowledge carried on in such a manner as to assist the enemy in such war; or

(b) Has, within five years of the date of the grant of the certificate, been sentenced by any Court in His Majesty's dominions to transportation or to penal servitude, or to imprisonment for a term of not less than twelve months, or to pay a fine of not less than one thousand rupees; or

(c) Was not of good character at the date of the grant of the certificate; or

(d) Has since the date of the grant of the certificate been, for a period of not less than seven years, ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm or company carrying on business, or of an institution established, in His

Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or

(*e*) remains, according to the law of a state at war with [Pakistan], a subject of that state; and that the continuance of the certificate is not conducive to the public good.

* * * * *

(4) [The Central Government] may, if it thinks fit, before making an order under this section, refer the case for such inquiry as is hereinafter specified, and, in any case to which subsection (1) or clause (*a*), clause (*c*) or clause (*e*) of subsection (2) applies, [the Central Government] shall, by notice given to, or sent by post to the last known address of, the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and, if the holder so claims in accordance with the notice, [the Central Government] shall refer the case for inquiry accordingly.

(5) An inquiry under this section shall be held by such person or persons and in such manner as [the Central Government] may direct in each case.

(6) Where a certificate is revoked under this section, the revocation shall have effect from such date as may be directed by [the Central Government], and thereupon the certificate shall be given up and cancelled; and any person who, without reasonable cause the burden of proving which shall lie upon him, fails to give up his certificate within one month from the aforesaid date, shall be punishable with fine, which may extend to one thousand rupees.

(7) For the purposes of this section, any person who has acquired any of the rights, privileges or capacities of naturalization under subsection (2) of section 5 or subsection (2) of section 7 by reason of the grant to his parent of a certificate of naturalization may, after he has attained majority, be deemed to be a person to whom a certificate of naturalization has been granted.

9. (1) Where a certificate is revoked under section 8, the former holder thereof shall cease to be deemed to be a British subject.

(2) On such revocation, [the Central Government] may, by order in writing, direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be deemed to be British subjects; but where no such direction is made, the status of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation:

[Provided that no such order shall be made in the case of a wife unless by reason of the acquisition by her husband of a new nationality she has also acquired that nationality:]

Provided [further] that, in the case of a wife who was at birth a British subject, no such order as aforesaid shall be made, unless [the Central Government] is satisfied that, if she had held a certificate of naturalization in her own right, the certificate could properly have been revoked under section 8, and the provisions of that section as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

10. (1) A declaration of alienage in such manner as may be prescribed by rules made under this Act may be made—

(a) Within one year of his attaining majority, by any child who has acquired any of the rights, privileges or capacities of naturalization under subsection (2) of section 5, or subsection (2) of section 7; or

(b) Within six months from the date of the revocation of a certificate under section 8, or of the death of, or of the dissolution of her marriage with, the holder of any such certificate as is therein referred to, by the wife of the person whose certificate has been revoked, or who has died, or whose marriage to her has been dissolved, as the case may be.

(2) Where a declaration of alienage has been made in the manner aforesaid, the person making the same, and the wife of any such person, and any children of any such person who are minors and are not by birth British subjects, shall cease to be deemed to be British subjects:

[Provided that the wife of any such person shall not cease to be deemed to be a British subject under this subsection, unless by reason of the acquisition by her husband of a new nationality she has also acquired that nationality.]

11. Every person making an inquiry under the orders of [the Central Government] under subsection (3) of section 4, and every person appointed to hold an inquiry under subsection (5) of section 8, shall be deemed to be a public servant within the meaning of the [Pakistan] Penal Code, and shall for the purposes of such inquiry have the same powers as are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters:

(i) Enforcing the attendance of any person and examining him on oath;
 (ii) Compelling the production of documents and material objects;
 and

(iii) Issuing commissions for the examination of witnesses;
 and every such inquiry shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the [Pakistan] Penal Code.

12. (1) All oaths and affidavits for the purposes of this Act shall be sworn before a Magistrate or such other person as may be appointed in this behalf by [the Central Government].

(2) The Magistrate or other person by whom an oath of allegiance is administered under section 6 shall grant to the person making the same a certificate in writing of his having taken and subscribed such oath and of the date of his taking and subscribing the same, and shall forward to [the Central Government] the oath so taken and subscribed, together with a copy of such certificate.

13. (1) [The Central Government] may, * * * * ; by notification in the [official Gazette], make rules to give effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:

(a) The form or forms in which certificates of naturalization shall be granted, and the manner in which they shall be recorded;

(b) The manner in which declarations of alienage shall be made and recorded;

(c) The recording of oaths of allegiance; and

(d) The fees which may be imposed for the issue of any certificate, whether of naturalization or otherwise, granted under this Act.

14. Nothing contained in this Act shall be deemed to entitle to any of the rights, privileges or capacities of a British subject the child of any person who is himself so entitled by reason only of the inclusion of his name in a certificate of naturalization under subsection (2) of section 5 or of the grant of a certificate of naturalization to his parent.

[14A. The provisions of this Act shall, after the separation of Burma and Aden from India, continue to apply, as respects [Pakistan] to certificates granted under this Act, or the Indian Naturalization Act, 1852, before the said separation by the Local Governments of Burma and Aden and any such certificates may after the said separation be revoked as respects [Pakistan] accordingly.]

[14B. The provisions of this Act shall, on or after the fifteenth day of August 1947, continue to apply, as respects * * * * * Pakistan, to certificates granted under this Act or under the Indian Naturalization Act, 1852, before that day by the Local Government or Provincial Government of any Province which or any part of which was included in the Dominion of India on that day, and any such certificates may after that day be revoked as respects * * * * * Pakistan accordingly.]

15. [*Repeals.*] *Rep. by the Repealing Act, 1927 (XII of 1927), s. 2 and Schedule.*

THE SCHEDULE.—[*Enactments Repealed.*] *Rep. by the Repealing Act, 1927 (XII of 1927), s. 2 and Sch.*

(b) PAKISTAN CITIZENSHIP ACT, NO. II, OF 13 APRIL 1951.¹

An Act to provide for Pakistan citizenship

1. (1) This Act may be called the Pakistan Citizenship Act, 1951.

(2) It shall come into force at once.

2. In this Act:

“alien” means a person who is not a citizen of Pakistan or a Commonwealth citizen;

“Indo-Pakistan sub-continent” means India as defined in the Government of India Act, 1935, as originally enacted;

“minor” means, notwithstanding anything in the Majority Act, 1875, any person who has not completed the age of twenty-one years;

“prescribed” means prescribed by rules made under this Act; and

“Commonwealth citizen” means a person described as such in the British Nationality Act, 1948.

3. At the commencement of this Act every person shall be deemed to be a citizen of Pakistan:

(a) Who or any of whose parents or grandparents was born in the territory now included in Pakistan and who after the fourteenth day of August, 1947, has not been permanently resident in any country outside Pakistan; or

(b) Who or any of whose parents or grandparents was born in the territories included in India on the thirty-first day of March, 1937, and has or had his domicile within the meaning of Part II of the Succession

¹ Gazette of Pakistan, No S. 1033 of 13 April 1951.

Act, 1925, as in force at the commencement of this Act, in Pakistan or in the territories now included in Pakistan; or

(c) Who is a person naturalised as a British subject in Pakistan; and who, if before the date of the commencement of this Act he has acquired the citizenship of any foreign State, has before that date renounced the same by depositing a declaration in writing to that effect with an authority appointed or empowered to receive it:

Provided that if any person, being at the commencement of this Act ordinarily resident in a country outside Pakistan makes to the prescribed authority a declaration in the prescribed form within one year of the commencement of this Act:

(a) That he is not a national or citizen of that or any other country outside Pakistan, and

(b) That on the faith of that declaration, and by reason of his own birth, or that of any of his parents or grandparents, he claims to be a citizen of Pakistan,

he may, if the authority is satisfied that he is not a national or citizen of such country as aforesaid and that he or any of his parents or grandparents was born in the territory now included in Pakistan, be granted a certificate in the prescribed form by the authority and shall thereupon be deemed under this section to be a citizen of Pakistan.

4. Every person born in Pakistan after the commencement of this Act shall be a citizen of Pakistan by birth:

Provided that a person shall not be such a citizen by virtue of this section if at the time of his birth:

(a) His father possesses such immunity from suit and legal process as is accorded to an envoy of an external sovereign power accredited in Pakistan and is not a citizen of Pakistan; or

(b) His father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

5. Subject to the provisions of section 3 a person born after the commencement of this Act shall be a citizen of Pakistan by descent if his father is a citizen of Pakistan at the time of his birth:

Provided that if the father of such person is a citizen of Pakistan by descent only, that person shall not be a citizen of Pakistan by virtue of this section unless:

(a) That person's birth having occurred in a country outside Pakistan the birth is registered at a Pakistan Consulate or Mission in that country, or where there is no Pakistan Consulate or Mission in that country at a Pakistan Consulate or Mission in the country nearest to that country; or

(b) That person's father is, at the time of the birth, in the service of any Government in Pakistan.

6. (1) The Central Government may, upon his obtaining a certificate of domicile under this Act, register as a citizen of Pakistan by migration any person who before the commencement of this Act migrated to the territories now included in Pakistan from any territory in the Indo-Pakistan sub-continent outside those territories, with the intention of residing permanently in those territories:

Provided that the Central Government may, by general or special order, exempt any person or class of persons from obtaining a certificate of domicile required under this sub-section.

(2) Registration granted under the preceding sub-section shall include, besides the person himself, his wife, if any, unless his marriage with her has been dissolved, and any minor child of his dependent whether wholly or partially upon him.

7. Notwithstanding anything in sections 3, 4 and 6, a person who has after the first day of March, 1947, migrated from the territories now included in Pakistan to the territories now included in India shall not be a citizen of Pakistan under the provisions of these sections:

Provided that nothing in this section shall apply to a person who, after having so migrated to the territories now included in India has returned to the territories now included in Pakistan under a permit for resettlement or permanent return issued by or under the authority of any law for the time being in force.

8. The Central Government may, upon application made to it in this behalf, register as a citizen of Pakistan any person who, or whose father or whose father's father, was born in the Indo-Pakistan sub-continent and who is ordinarily resident in a country outside Pakistan at the commencement of this Act, if he has, unless exempted by the Central Government in this behalf, obtained a certificate of domicile:

Provided that a certificate of domicile shall not be required in the case of any such person who is out of Pakistan under the protection of a Pakistan passport, or in the case of any such person whose father or whose father's father is at the commencement of this Act residing in Pakistan or becomes, before the aforesaid application is made, a citizen of Pakistan.

9. The Central Government may, upon an application made to it in that behalf by any person who has been granted a certificate of naturalisation under the Naturalisation Act, 1926, register that person as a citizen of Pakistan by naturalisation:

Provided that the Central Government may register any person as a citizen of Pakistan without his having obtained a certificate of naturalisation as aforesaid.

10. (1) Any woman who by reason of her marriage to a Commonwealth citizen before the first day of January, 1949, has acquired the status of a Commonwealth citizen shall, if her husband becomes a citizen of Pakistan, be a citizen of Pakistan.

(2) Subject to the provisions of subsection (1) and subsection (4) a woman who has been married to a citizen of Pakistan or to a person who but for his death would have been a citizen of Pakistan under section 3, 4 or 5 shall be entitled, on making application therefor to the Central Government in the prescribed manner, and, if she is an alien, on obtaining a certificate of domicile and taking the oath of allegiance in the form set out in the Schedule to this Act, to be registered as a citizen of Pakistan whether or not she has completed twenty-one years of her age and is of full capacity.

(3) Subject as aforesaid, a woman who has been married to a person who, but for his death, could have been a citizen of Pakistan under the provisions of subsection (1) of section 6 (whether he migrated as provided in that subsection or is deemed under the proviso to section 7 to have so migrated) shall be entitled as provided in subsection (2) subject further, if she is an alien, to her obtaining the certificate and taking the oath therein mentioned.

(4) A person who has ceased to be a citizen of Pakistan under section 14 or who has been deprived of citizenship of Pakistan under this Act shall not be entitled to be registered as a citizen thereof under this section but may be so registered with the previous consent of the Central Government.

11. (1) The Central Government may, upon application to it in this behalf made in the prescribed manner by a parent or guardian of a minor child of a citizen of Pakistan, register the child as a citizen of Pakistan.

(2) The Central Government may, in such circumstances as it thinks fit, register any minor as a citizen of Pakistan.

12. Any person registered as a citizen of Pakistan shall be such a citizen from the date of his registration.

13. If any territory becomes a part of Pakistan the Governor-General may, by order, specify the persons who shall be citizens of Pakistan by reason of their connection with that territory; and those persons shall be citizens of Pakistan from such date and upon such conditions, if any, as may be specified in the order.

14. (1) Subject to the provisions of this section if any person is a citizen of Pakistan under the provisions of this Act, and is at the same time a citizen or national of any other country, he shall, unless within one year of the commencement of this Act or within six months of attaining twenty-one years of his age, whichever is later, he makes a declaration according to the laws of that other country renouncing his status as citizen or national thereof, cease to be a citizen of Pakistan.

(2) Nothing in this section shall apply to any person who is a subject of an acceding State so far as concerns his being a subject of that State.

15. Every person becoming a citizen of Pakistan under this Act shall have the status of a Commonwealth citizen.

16. (1) A citizen of Pakistan shall cease to be a citizen of Pakistan if he is deprived of that citizenship by an order under the next following sub-sections.

(2) Subject to the provisions of this section the Central Government may by order deprive any such citizen of his citizenship if it is satisfied that he obtained his certificate of domicile or certificate of naturalisation by means of fraud, false representation or the concealment of any material fact, or if his certificate of naturalisation is revoked.

(3) Subject to the provisions of this section the Central Government may by order deprive any person who is a citizen of Pakistan by naturalisation of his citizenship of Pakistan if it is satisfied that that citizen:

(a) Has shown himself by any act or speech to be disloyal or disaffected to the Constitution of Pakistan; or

(b) Has, during a war in which Pakistan is or has been engaged, unlawfully traded or communicated with the enemy or engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist the enemy in that war; or

(c) Has within five years of being naturalised been sentenced in any country to imprisonment for a term of not less than twelve months.

(4) The Central Government may on an application being made or on its own motion by order deprive any citizen of Pakistan of his citizenship if it is satisfied that he has been ordinarily resident in a country outside Pakistan for a continuous period of seven years and during that period has neither:

(i) Been at any time in the service of any Government in Pakistan or of an international organisation of which Pakistan has, at any time during that period been a member; nor

(ii) Registered annually in the prescribed manner at a Pakistan Consulate or Mission or in a country where there is no Pakistan Consulate or Mission at a Pakistan Consulate or Mission in a country nearest to the country of his residence his intention to retain Pakistan citizenship.

(5) The Central Government shall not make an order depriving a person of citizenship under this section unless it is satisfied that it is in the public interest that that person should not continue to be a citizen of Pakistan.

(6) Before making an order under this section the Central Government shall give the person against whom it is proposed to make the order notice in writing informing him of the grounds on which it is proposed to make the order and calling upon him to show cause why it should not be made.

(7) If it is proposed to make the order on any of the grounds specified in subsections (2) and (3) of this section and the person against whom it is proposed to make the order applies in the prescribed manner for an inquiry, the Central Government shall, and in any other case may, refer the case to a committee of inquiry consisting of a chairman, being a person possessing judicial experience, appointed by the Central Government and of such other members appointed by the Central Government as it thinks proper.

17. The Central Government may upon an application being made to it in the prescribed manner containing the prescribed particulars grant a certificate of domicile to any person in respect of whom it is satisfied that he has ordinarily resided in Pakistan for a period of not less than one year immediately before the making of the application, and has acquired a domicile therein.

18. The Central Government may, by order notified in the official Gazette, direct that any power conferred upon it or duty imposed on it by this Act shall, in such circumstances, and under such conditions, if any, as may be specified in the direction, be exercised or discharged by such authority or officer as may be specified.

19. (1) Where a person with respect to whose citizenship a doubt exists, whether on a question of law or fact, makes application in that behalf to the Central Government, the Central Government may grant him a certificate that at the date of the certificate he is a citizen of Pakistan.

(2) The certificate, unless it is proved to have been obtained by fraud, false representation or concealment of any material fact, shall be conclusive evidence of the fact recorded in it.

20. The Central Government may upon such terms and conditions as it may by general or special order specify register a citizen of a Commonwealth country as a citizen of Pakistan.

21. Any person who in order to obtain or prevent the doing of anything under the Act makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, shall be deemed to have committed an offence punishable under section 177 of the Pakistan Penal Code.

22. (1) For the purposes of this Act a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government

of any country shall be deemed to have been born in the place in which the ship or aircraft was registered or as the case may be in that country.

(2) Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father be construed as a reference to the status or description of the father at the time of the father's death; and where that death occurred before, and the birth occurs after the commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

23. (1) The Central Government may frame rules for carrying into effect the provisions of this Act.

(2) No rule framed under this Act shall have effect unless published in the official Gazette.

SCHEDULE

(FORM OF OATH OR AFFIRMATION)

(Section 10)

"I (name) of (address) do hereby swear (or affirm) that I will be faithful and bear true allegiance to the Constitution of Pakistan".

(c) NATURALIZATION (AMENDMENT) ACT, 1952.

1. *Short title.*

This Act may be called the *Naturalization (Amendment) Act, 1952*.

2. *Amendment of section 2, Act VII of 1926.*

In section 2 of the Naturalization Act, 1926, hereinafter referred to as the said Act, clause (a) shall be omitted.

3. *Amendment of section 3, Act VII of 1926.*

In section 3 of the said Act, in subsection (1):

(a) For clause (b) the following shall be substituted, namely:

"(b) That he is neither a citizen of Pakistan nor a subject of any state of which a citizen of Pakistan is prevented by or under any law from becoming a subject by naturalization";

(b) In the proviso, for the words "British subject" the words "citizen of Pakistan" shall be substituted at both places.

4. *Amendment of section 4, Act VII of 1926*

In section 4 of the said Act, in subsection (1):

(a) In clause (f) the words and figures "or the British Nationality Act, 1948," shall be omitted;

(b) In clause (i) the words "or the British Nationality Act, 1948," shall be omitted.

5. *Amendment of section 5, Act VII of 1926.*

In section 5 of the said Act, in subsection (2) for the words "a British subject" the words "a citizen of Pakistan" shall be substituted.

6. *Substitution of new section 7, Act VII of 1926.*

For section 7 of the said Act, the following shall be substituted, namely:

“7. (1) No certificate of naturalization shall have effect until the person to whom it is granted has taken and subscribed the oath prescribed by section 6, but upon the taking and subscribing of such oath such person, and any child of any such person who has been included in the certificate under subsection (2) of section 5, shall be deemed to be citizens of Pakistan and be entitled to all the rights, privileges and capacities of a citizen of Pakistan born within Pakistan, except such rights, privileges or capacities, if any, as may have been withheld from them respectively by the certificate, and shall within Pakistan be subject to all the obligations, duties and liabilities of a citizen of Pakistan; and the wife of any such person to whom a certificate of naturalization is granted after the commencement of the Indian Naturalization (Amendment) Act, 1935, shall, if not already a citizen of Pakistan, in like manner be so deemed and be so entitled and so subject, if within one year, or such longer period as the Central Government may in special circumstances allow, from the date of the taking and subscribing of such oath by her husband, she makes to the Central Government a declaration that she desires to be deemed to be a citizen of Pakistan, and if she is an alien as defined in the Pakistan Citizenship Act, 1951, obtains a certificate of domicile under that Act, and takes and subscribes the oath, prescribed by section 6 of this Act.

“(2) When the person to whom a certificate of naturalization has been granted has taken and subscribed the oath prescribed by section 6, any wife thereafter married by, and any child thereafter born to, such person shall, if she or he is not a citizen of Pakistan and if such person aforesaid at the date of the marriage or birth, as the case may be, retains any rights, privileges or capacities of a citizen of Pakistan under this Act, be entitled, subject, in the case of a wife, to her making to the Central Government a declaration as provided in subsection (1) and, if necessary, upon obtaining the certificate of domicile and making and subscribing the oath as further provided in that subsection, to the same rights, privileges and capacities, and be subject to the same obligations, duties and liabilities, to which such person aforesaid was at that date entitled and subject”.

7. *Amendment of section 8, Act VII of 1926.*

In section 8 of the said Act, in subsection (2), for clause (d) the following shall be substituted, namely:

“(d) Has since the grant of the certificate been, for a period of not less than seven years, ordinarily resident out of Pakistan otherwise than as a representative of a citizen of Pakistan, or of a Pakistan firm or company or a Pakistan institution, or in the service of a Government in Pakistan or in the armed forces of Pakistan, and has not maintained substantial connection with Pakistan”.

8. *Amendment of section 9, Act VII of 1926.*

In section 9 of the said Act:

(a) In subsection (1) for the words “British subject” the words “citizen of Pakistan” shall be substituted;

(b) In subsection (2) for the words “British subjects” the words “citizens of Pakistan” shall be substituted;

(c) In the second proviso to subsection (2) for the words "was at birth a British subject" the words "was, or, if the Pakistan Citizenship Act, 1951, had been in force at the date of her birth, would have been, by birth a citizen of Pakistan" shall be substituted.

9. *Amendment of section 10, Act VII of 1926.*

In section 10 of the said Act:

(a) In subsection (2) for the words "British subject" the words "citizen of Pakistan" shall be substituted;

(b) In the proviso to subsection (2) for the words "British subject" the words "citizen of Pakistan" shall be substituted.

10. *Amendment of section 14, Act VII of 1926.*

In section 14 of the said Act, for the words "British subject" the words "citizen of Pakistan" shall be substituted.

11. *Addition of new section 14C, Act VII of 1926.*

After section 14B of the said Act, the following new section shall be added, namely:

"14C. Any certificate granted under the Indian Naturalization Act, 1852, or under this Act before the commencement of the Naturalization (Amendment) Act, 1952, and standing unrevoked as respects Pakistan at the commencement of the last-named Act, shall be deemed to be a certificate of naturalization under this Act as amended by the Naturalization (Amendment) Act, 1952".

(d) **PAKISTAN CITIZENSHIP (AMENDMENT) ACT, NO. V, OF 8 APRIL 1952.**

1. (1) This Act may be called the Pakistan Citizenship (Amendment) Act, 1952.

(2) It shall come into force at once.

2. In section 2 of the Pakistan Citizenship Act, 1951, hereinafter referred to as the said Act, the word "and" at the end of the clause containing the definition of the term "prescribed" shall be omitted and for the clause containing the definition of the term "Commonwealth citizen" the following two clauses shall be substituted, namely:

"'Commonwealth citizen' means a person who has the status of a Commonwealth citizen under the British Nationality Act, 1948;

"'British protected person' means a person who has the status of a British protected person for the purposes of the British Nationality Act, 1948."

3. In section 3 of the said Act:

(a) In clause (b), for the words "and has" the following shall be substituted, namely:

"and who, except in the case of a person who was in the service of Pakistan or of any Government or Administration in Pakistan at the commencement of this Act, has";

(b) After clause (c) the following conjunction and new clause shall be inserted, namely:

"or (d) who before the commencement of this Act migrated to the territories now included in Pakistan from any territory in the Indo-

Pakistan sub-continent outside those territories with the intention of residing permanently in those territories"; and
 (c) The proviso shall be omitted.

4. In clause (a) of the proviso to section 5 of the said Act, after the words "no Pakistan Consulate or Mission in that country" the words "at the prescribed Consulate or Mission or" shall be inserted.

5. In subsection (1) of section 6 of the said Act, for the words "before the commencement of this Act migrated" the words "after the commencement of this Act and before the first day of January 1952 has migrated" shall be substituted.

6. In subsection (1) of section 10 of the said Act, for the words "Commonwealth citizen" the words "British subject" shall be substituted at both places.

7. In section 14 of the said Act:

(a) In subsection (1), the words and commas "within one year of the commencement of this Act or within six months of attaining twenty-one years of his age, whichever is later," shall be omitted;

(b) After subsection (1), the following new subsection shall be inserted, namely:

"(1A) Nothing in subsection (1) applies to a person who has not attained twenty-one years of his age.";

(c) In subsection (2), for the words "this section" the words, brackets and figure "subsection (1)" shall be substituted.

8. In section 16 of the said Act:

(a) In subsection (2), after the words "certificate of naturalisation" the words and figures "under the Naturalisation Act, 1926" shall be inserted; and

(b) In subsection (4):

(i) After the words "seven years" the words "beginning not earlier than the commencement of this Act"; and

(ii) After the words "no Pakistan Consulate or Mission" the words "at the prescribed Consulate or Mission or" shall be inserted.

9. In section 20 of the said Act, for the words "citizen of a Commonwealth country" the words "Commonwealth citizen or a British protected person" shall be substituted.

60. Panama

(a) CONSTITUTION OF 1 MARCH 1946.¹

TITLE II. NATIONALITY AND ALIENS

Article 8. A person may be a Panamanian national by birth in accordance with the provisions of this Constitution, or may become a Panamanian national by naturalization.

Article 9. A person is a Panamanian national by birth if:

(a) His father or his mother is a Panamanian national and he was born in the territory of the Republic; or

¹ Translation by the Secretariat of the United Nations.

(b) He was born in the national territory to an alien father and an alien mother and, after attaining full age, declares in writing to the Executive that he opts for Panamanian nationality and positively and irrevocably renounces his parents' nationality and produces evidence of his material and moral incorporation in the national life; or

(c) He was born to unknown parents in national territory not subject to limitations of jurisdiction; or

(d) Having been born outside the territory of the Republic to parents of whom one is a Panamanian national, he is domiciled in Panama; provided that he may not exercise any right conferred by this Constitution or by statute exclusively on Panamanian nationals by birth unless he has been domiciled within the Republic during the two immediately preceding years; or

(e) He acquired that status under the Constitution of 1904 or the Amending Instrument of 1928.

Article 10. A person is a Panamanian national by naturalization if:

(a) He has resided as an alien for five consecutive years in the territory of the Republic and after attaining full age has declared his desire to become a Panamanian national by naturalization and has expressly renounced his original or any other nationality and proved that he knows the Spanish language and the elements of the geography, history and political structure of Panama;

(b) He has resided as an alien for three consecutive years in the territory of the Republic and has children born in Panama to a Panamanian father or mother or has a Panamanian spouse, and has made the declaration and proved that he has the knowledge required by the preceding paragraph;

(c) Being by birth a national of Spain or of an independent American nation, he fulfils the conditions required for the naturalization of a Panamanian national in his State of origin.

Article 11. A person naturalized on the entry into force of this Constitution shall retain nationality for the succeeding five years but shall lose it if thereafter he does not prove that he knows the Spanish language and the elements of the geography, history and political structure of Panama.

A Panamanian national by naturalization or a person born in Spain or in an independent American nation shall be exempt from this requirement if before the entry into force of this Constitution he has performed some official duty in the Republic, or has been in accordance with statute a candidate for popular election to a public office.

Article 12. It is the duty of the State to endeavour methodically and constantly by all suitable means to incorporate into the intellectual, moral and political life of the nation all groups of persons born in the Republic but not recognizing allegiance towards it; and also to provide means by which persons intending to become Panamanian nationals by naturalization may be assisted to acquire a national sentiment.

Article 13. Colombian nationals who took part in the independence movement shall be Panamanian nationals by operation of the Constitution and shall need no naturalization certificate.

Article 14. An alien who wishes to acquire Panamanian nationality may apply to the Executive, which shall issue to him a provisional certificate valid for one year. If on the expiry of that period he confirms his application

and no fact affording ground for rejecting the same has come to the notice of the Executive, a permanent certificate shall be issued to him.

Any application for a naturalization certificate may be rejected in the interests of morals, security or public health, or on the ground of physical or mental disability.

The rights of persons who obtain provisional certificates shall be laid down by statute.

The application for nationality of a person who, because he belongs to a certain State or region, is debarred for economic or social reasons from entering the Republic shall be rejected.

Article 15. Panamanian nationality once acquired may be lost only by express or tacit renunciation.

Express renunciation shall take the form of a written declaration made by the national to the Executive to the effect that he wishes to relinquish Panamanian nationality.

Tacit renunciation is made if the national:

- (1) Acquires the nationality of a foreign country, or
- (2) Accepts employment from another Government without the permission of the Executive, though this provision shall not apply to employment on work in which the Republic has a common interest with another nation, or
- (3) Enters the service of an enemy State.

Nationality may be recovered only through reinstatement by the National Assembly.

Article 16. Panamanian nationals and aliens alike shall, while in the territory of the Republic, live in accordance with the Constitution and the statutes and respect and obey the authorities.

Article 17. A Panamanian national by naturalization shall not be compelled to take up arms against the country in which he was born.

Article 18. The capacity and recognition of, and in general all other matters affecting, companies and other bodies corporate shall be governed by Panamanian statute.

(b) ACT NO. 8 OF 11 FEBRUARY 1941¹ CONCERNING THE NATURALIZATION OF ALIENS AND THE RECOGNITION OF PANAMANIAN NATIONALITY BY BIRTH.

Article 1. The President of the Republic shall issue a certificate of Panamanian naturalization to an alien who comes within the terms of article 14 of the National Constitution² and who, not being a member of a race

¹ Translation by the Secretariat of the United Nations.

² Articles 13, 14 and 15 of the Constitution of 2 January 1941 read as follows:

“Article 13 (transitional). The President of the Republic may grant the status of Panamanian national by birth to a child born within the jurisdiction of the Republic of a father or mother who is a member of a race falling within the prohibited entry schedule, provided that he can prove that he belonged to a home established within the jurisdiction of the Republic during the whole of his minority or during that part of it which has elapsed and that his language of use is Spanish. This provision shall also apply where one of the parents falls within the prohibited entry schedule and the other is not a Panamanian by birth. The President of the Republic may exercise this

whose immigration is prohibited by the Constitution or by statute, applies for naturalization according to the procedure laid down in this Act; nevertheless, the President may refuse a certificate for reasons of public health, morality or security.

Article 2. An alien who wishes to obtain a naturalization certificate shall apply to the President of the Republic in writing through the Ministry of Foreign Affairs, and shall state in his application the following particulars:

(a) His free and spontaneous desire to acquire Panamanian nationality by naturalization;

(b) His place of birth and the State of which he is reputed a citizen or subject;

(c) His age;

(d) His length of residence in the Republic;

(e) Whether he is single or married, and if married the name, nationality and place of residence of his wife and the names of all children born within the jurisdiction of the Republic; copies of the corresponding registration certificates, or the appropriate documents according to the law of his country of origin, should be attached.

Article 3. The original nationality of an alien who applies for a naturalization certificate shall be certified by a birth certificate or certificate of baptism or the passport with which he entered the country, or any other authentic document issued by the competent authorities of his country of origin.

Article 4. The period of residence referred to in article 14¹ of the Constitution must be continuous and shall be attested by the evidence of five

prerogative only if the person concerned submits his application within a period of three months from the date on which the present constitutional amendment comes into force.

“Article 14. The following persons may be Panamanian by naturalization provided that they do not fall within the category of prohibited immigrants:

“(1) Foreigners, single or married, who have resided within the jurisdiction of the Republic for more than 5 years; foreigners, married, who have resided for more than 3 years within the jurisdiction of the Republic and have had children born of their marriage within the Republic of Panama; and foreigners married to a Panamanian man or woman, provided that they have resided within the jurisdiction of the Republic for more than 2 years.

“(2) Immigrants who establish themselves in the country and devote themselves to the work of agriculture, stock-raising, breeding of birds and other similar or derivative industries and declare their desire to acquire Panamanian nationality.

“(3) Foreigners who took part in the independence movement of 1903.

“*Additional Clause.* The law shall regulate the details.

“Article 15. Persons covered by the preceding article shall be required to apply for a certificate of naturalization to the President of the Republic, who may refuse the same for reasons of public health, morality or security.

“He may also refuse a certificate of naturalization to persons belonging to States whose constitutions or laws allow the retention of the nationality of origin even after acquisition of the nationality of another State.”

Article 275 of the Constitution of 1 March 1946 reads as follows:

“All laws contrary to this Constitution are repealed.

“All laws, legislative decrees, decrees, regulations, orders and any other provisions in force at the date of promulgation of this Constitution shall continue to be in force unless they are contrary to this Constitution or the laws which may later be enacted.”

¹ See footnote to article 1 *supra*.

credible witnesses given before a circuit judge, and by a residence card or personal identity card. Such evidence shall be valid only if the witness states how the facts came to his knowledge. The judge receiving the aforesaid evidence may reject any evidence which in his opinion is not credible, and shall also certify the good character of each witness.

Article 5. On receiving an application, the Minister of Foreign Affairs shall examine it to see whether it is complete and complies with the provisions of this Act, and may order any enquiry he may see fit to verify the facts stated.

Article 6. If the application complies fully with the provisions of this Act, the President of the Republic shall grant a provisional naturalization certificate which shall be valid for one year, and on its expiry shall grant a permanent certificate if the application has been confirmed in writing and if no sufficient reason for rejecting it has come or been brought to his notice during the year.

Article 7. The alien shall confirm the application within four months after the expiry of the provisional certificate, failing which his claim to a permanent naturalization certificate shall lapse.

Article 8. An alien who obtains a provisional naturalization certificate may hold a public post conferring no authority or jurisdiction, and may obtain a Panamanian passport for a period not exceeding the period of validity of the certificate, and may be admitted as a Panamanian national to an enterprise, industry or commercial firm and shall enjoy all other rights, except political rights, granted to Panamanian nationals by the Constitution and statutes.

Article 9. Permits granted under Act No. 5 of 1934 shall be treated for the purposes of this Act as provisional certificates and their holders shall enjoy the rights mentioned in the preceding article.

Article 10. An alien who has signed the permit referred to in Act No. 5 of 1934 may, on waiving the term required by the permit for the issue of a permanent certificate, obtain a provisional naturalization certificate on application to the President of the Republic through the Ministry of Foreign Affairs.

Article 11. An immigrant within the meaning of Article 14¹ of the Constitution shall not be required to produce any evidence other than evidence showing:

- (a) His nationality of origin;
- (b) The date on which he entered the country;
- (c) That he has settled in the country and is engaged in farming, stock-breeding or other similar or related industries, all of which facts shall require proof by a certificate from the Head of the Section of Agriculture or of Agricultural Industries of the Ministry of Agriculture and Trade.

Article 12. An alien who took part in the independence movement of 1903 and who before or after the promulgation of the Constitution of 1904 expressed in any form the wish to acquire Panamanian nationality, may apply for a naturalization certificate to the President of the Republic through the Ministry of Foreign Affairs. If such an application is accompanied by evidence of the facts set forth above, the President shall issue a naturalization certificate.

¹ See footnote to article I *supra*.

Article 13. A person to whom article 13¹ (transitional) of the Constitution applies and who desires to obtain recognition as a Panamanian national by birth in accordance therewith shall attach to his application;

(a) His certificate of birth or, if he was born before the establishment of the Civil Register, his certificate of baptism;

(b) Three statements made by credible witnesses before a circuit judge, attesting that he belonged throughout his minority, or such part of it as has elapsed, to a family established within the jurisdiction of the Republic, and that his usual language is Spanish.

Paragraph 1. An application may be made on behalf of a minor by his father or, if he has no father, by his mother or, if he has neither, by his guardian. A single application shall be made in respect of all children or wards under age.

Paragraph 2. A joint application may also be made by brothers and sisters of the whole blood who are of full age.

Paragraph 3. If the person left the country before 2 January 1941, an application for recognition may be made on his behalf by an agent appointed for that purpose.

Article 14. The permanent naturalization certificate shall be sent by the Minister of Foreign Affairs to the governor of the province in which the applicant resides, in order that the governor may require the applicant to take an oath affirming that:

(a) As a Panamanian national by naturalization he will obey, fulfil and uphold the Constitution and statutes of the Republic;

(b) He renounces all civil and political allegiance to the country of his birth or to any other country of which he is reputed a citizen or subject;

(c) He also renounces all rights and privileges which may derive from such allegiance or dependency.

Article 15. After the procedure referred to in the preceding article has been completed, the governor shall deliver the certificate to the applicant and advise him that he should register his name in the Civil Register, failing which the certificate will not be valid.

Article 16. The original text of the oath shall be sent to the Ministry of Foreign Affairs, and one copy shall be filed in the governor's office.

Article 17. A register of naturalized persons shall be kept at the Ministry of Foreign Affairs, and each entry shall give the following particulars:

(a) The registration number;

(b) The number and date of the naturalization certificate;

(c) The name and age of the naturalized person, his place of birth, the State of which he was reputed a citizen or subject, and his length of residence in Panama;

(d) His marital status, and, if married, the name and nationality of his wife, and the names of all children born within the jurisdiction of the Republic;

(e) The proceedings in which the oath referred to in article 14 was taken.

Paragraph—Each entry in the register shall be signed by the Secretary of the Ministry of Foreign Affairs.

Article 18. The register referred to in the preceding article shall include only the names of aliens who obtain permanent naturalization certificates.

¹ See footnote to article 1 *supra*.

Article 19. Copies of all naturalization certificates, both provisional and permanent, shall be deposited at the Ministry of Foreign Affairs. Copies of permanent certificates shall be certified by the Secretary of the Ministry.

Article 20. A naturalization certificate and the copy intended for the files of the Ministry of Foreign Affairs shall each have a photograph of the naturalized person attached to it by permanent fasteners.

Article 21. For the purposes of article 15 (2) of the Constitution the Ministry of Foreign Affairs shall take the necessary steps to obtain accurate information concerning States the constitution or legislation of which permits retention of their nationality by a person acquiring the nationality of another State.

Article 22. If a Panamanian woman marries an alien she shall retain Panamanian nationality unless she renounces it. In the latter case, if the marriage is dissolved, she shall on production of proper evidence recover Panamanian nationality on making an application through the Ministry of Foreign Affairs.

Article 23. All permanent naturalization certificates shall bear one or more stamps to the amount of 25 balboas (B/25.00), which shall be cancelled by the Secretary of the Ministry of Foreign Affairs.

Article 24. No registration fee shall be payable in respect of an order made by the Executive in pursuance of article 13 of this Act.

Article 25. Chapters III and IV of Title II, Book I of the Administration Code (2), and Acts No. 26 of 1930 and No. 5 of 1934, (3) and (4) are hereby repealed.

Article 26. This Act shall enter into force upon its promulgation.

61. Paraguay

CONSTITUTION OF 10 JULY 1940.¹

NATIONALITY AND CITIZENSHIP

Article 38. A person is a Paraguayan national if:

- (1) He was born in Paraguayan territory; or
- (2) He was born abroad of Paraguayan parents one of whom was in the service of the Republic; or
- (3) He was born abroad and one of his parents was at the time a Paraguayan national, on condition that he is domiciled and has been for ten consecutive years resident in Paraguay.

A person who is a Paraguayan national and a citizen is under a duty to perform military service and to take up arms in defence of the country and of this Constitution.

Article 39. All citizens have the duty of suffrage on attaining the age of eighteen years, subject to the disqualifications as provided for in the following article.

Article 40. Suffrage of a citizen is suspended:

- (1) For physical or mental incapacity of a nature such as to prevent free and considered action;

¹ Translation by the Secretariat of the United Nations.

(2) For privates, corporals or sergeants of troops in the infantry, national guard or police, as the case may be;

(3) For persons who are under indictment for an offence punishable by imprisonment.

Article 41. A person shall cease to be a Paraguayan citizen if:

(1) He commits fraudulent bankruptcy;

(2) He accepts subsidies and pensions from or uses decorations granted by a foreign Government without the permission of the Executive;

(3) He makes directly, or participates in, any attempt against the independence and security of the Republic; or

(4) He is naturalized in a foreign country.

A person who ceases to be a citizen for any of the causes mentioned, with the exception of that expressed in clause (4), may be reinstated in his citizenship by the Chamber of Representatives.

Article 42. An alien may obtain a certificate of naturalization from a court of the Republic on proving that he has resided in Paraguay for five consecutive years, or that he possesses immovable and other property, or that he practises a science, art or industry. A certificate of naturalization shall be revoked if the person in question is absent from the country for two consecutive years. A person may, after holding a naturalization certificate for two years, hold any public office except that of President of the Republic, Minister, Councillor of State, representative, member of the Supreme Court of Justice, or Commander in Chief of the Army or Navy.

Article 43. The Chamber of Representatives, on the motion of the Executive, may grant honorary citizenship to an alien who has rendered outstanding services to the Republic.

62. Peru

(a) CONSTITUTION OF 29 MARCH 1933¹ (AS AMENDED
26 SEPTEMBER 1940).

TITLE I. THE STATE, TERRITORY AND NATIONALITY

Article 4. A person is a Peruvian national if he was born in the territory of the Republic or, irrespective of his birthplace, if his father or his mother is a Peruvian national and he is domiciled in the Republic or registered in the civil register or in the appropriate consulate. A minor who resides in the national territory and whose parents are unknown shall be presumed to have been born in Peru.

Article 5. An alien of full age may be naturalized if he has been domiciled in the Republic for more than two consecutive years and renounces his previous nationality. Naturalization shall be granted in accordance with statute, and shall affect only the person to whom it is granted.

A person born in Spanish territory who obtains Peruvian naturalization according to the statutory procedure and requirements and to the provisions of any treaty that may be concluded subject to reciprocity with the Spanish Republic shall not lose his nationality of origin.

¹ Translation by the Secretariat of the United Nations.

Article 6. An alien woman who marries a Peruvian national shall acquire her husband's nationality. A Peruvian woman who marries an alien shall retain Peruvian nationality unless she expressly renounces it.

Article 7. A person shall cease to be a Peruvian national if he:

- (1) Enters the armed forces of a foreign Power without the permission of the Congress, or accepts an appointment in the service of another State;
- (2) Acquires a foreign nationality otherwise than in a case subject to reciprocity governed by article 5, second paragraph.

(b) NATURALIZATION ACT NO. 9148 OF 13 JUNE 1940. ¹

Article 1. The Executive, through the Ministry of Foreign Affairs, shall grant naturalization to an alien who fulfils the conditions stipulated in article 5 of the Political Constitution of the Republic.

Article 2. Naturalization shall be granted only to an alien who can read and write Spanish, is engaged in an employment, industry or profession, is of good repute and behaviour, and has not been declared to be under a disability. The Government may reject an application for naturalization without stating a reason, if in its opinion the public interest requires that the application should be rejected.

Article 3. Naturalization shall confer the same rights and duties as nationality by birth, subject to the limitations and exceptions laid down in special enactments.

Article 4. Naturalization shall take effect from the date of issue of the naturalization certificate; nevertheless, a naturalized person shall not qualify as a Peruvian national for the benefits of the legislation relating to social provision for salaried and wage-earning employees or of the legislation relating to education until after he has been resident in Peru for four years.

Article 5. The Ministry of Foreign Affairs shall, through the diplomatic channel, notify each naturalization to the State of origin of the naturalized person.

Article 6. A person who adopts Peruvian nationality may not renounce the same, or register at foreign legations or consulates, so long as he continues to reside in the Republic.

Article 7. If a naturalized person makes use of his previous nationality, his naturalization shall be revoked.

(c) SUPREME DECREE OF 23 JANUARY 1942 CONCERNING THE RECOVERY OF PERUVIAN NATIONALITY. ¹

Article 1. If a person has ceased to be a Peruvian national by virtue of the aforesaid Constitutional Article and Supreme Resolution and wishes to recover Peruvian nationality, he shall apply to the Ministry of Foreign Affairs through the Department of Naturalization, Aliens and Immigration, which shall collect and transmit to the head of the Law Office of the Ministry for his information such reports and facts as it deems necessary

¹ Translation by the Secretariat of the United Nations.

to establish the reasons for which the applicant lost Peruvian nationality and wishes to recover the same.

Article 2. On completion of the procedure prescribed by article 1 of this Decree, the appropriate Supreme Resolution shall be issued. If the applicant recovers Peruvian nationality, his position under Act No. 1569 shall be notified.

(d) SUPREME DECREE OF 11 JULY 1942 CONCERNING PERSONS BORN IN PERU OF ALIEN PARENTAGE AND REGISTERED AT THEIR PARENTS' NATIONAL CONSULATES.¹

Article 1. A person who was born in Peru may not acquire a foreign nationality so long as he remains in the territory of the Republic.

Article 2. The registration of a person who was born in Peru with a foreign embassy, legation or consulate shall not, except as provided in a treaty or convention, be evidence of nationality in Peru.

Article 3. A Peruvian national who was naturalized abroad and subsequently acquires domicile in Peru, may recover Peruvian nationality by submitting to the appropriate naturalization procedure and paying the prescribed fee.

Article 4. A person who was born in Peru and is registered with his parents' national embassy, legation or consulate; the alien wife of a Peruvian national; the Peruvian wife of an alien; and in general any person possessing the status of a Peruvian national may apply for a certificate attesting his status. The application shall be supported by the relevant documents and necessary particulars and shall be granted or rejected by Ministerial Resolution, which shall if favourable order the issue of a certificate of nationality, to be signed by the Minister and stamped as prescribed by the Decree of 22 January 1942.

63. The Philippines

(a) CONSTITUTION OF 8 FEBRUARY 1935 AS AMENDED.

ARTICLE IV. CITIZENSHIP

Section 1. The following are citizens of the Philippines:

(1) Those who are citizens of the Philippine Islands at the time of the adoption of this Constitution.

(2) Those born in the Philippine Islands of foreign parents who, before the adoption of this Constitution, had been elected to public office in the Philippine Islands.

(3) Those whose fathers are citizens of the Philippines.

(4) Those whose mothers are citizens of the Philippines and, upon reaching the age of majority, elect Philippine citizenship.

(5) Those who are naturalized in accordance with law.

Section 2. Philippine citizenship may be lost or reacquired in the manner provided by law.

¹ Translation by the Secretariat of the United Nations.

(b) COMMONWEALTH ACT NO. 63 OF 21 OCTOBER 1936 AS AMENDED BY REP. ACT NO. 106 CONCERNING THE LOSS AND REACQUISITION OF CITIZENSHIP.

Section 1. How citizenship may be lost.—A Filipino citizen may lose his citizenship in any of the following ways and/or events:

(1) By naturalization in foreign country;
 (2) By express renunciation of citizenship;
 (3) By subscribing to an oath of allegiance to support the constitution or laws of a foreign country upon attaining twenty-one years of age or more: *Provided, however,* That a Filipino may not divest himself of Philippine citizenship in any manner while the Republic of the Philippines is at war with any country;

(4) By rendering service to, or accepting commission in, the armed forces of a foreign country: *Provided,* That the rendering of service to, or the acceptance of such commission in, the armed forces of a foreign country, and the taking of an oath of allegiance incident thereto, with the consent of the Republic of the Philippines, shall not divest a Filipino of his Philippine citizenship if either of the following circumstances is present:

(a) The Republic of the Philippines has a defensive and/or offensive pact of alliance with the said foreign country; or

(b) The said foreign country maintains armed forces on Philippine territory with the consent of the Republic of the Philippines: *Provided,* That the Filipino citizen concerned, at the time of rendering said service, or acceptance of said commission, and taking the oath of allegiance incident thereto, states that he does so only in connection with his service to said foreign country: *And provided finally,* That any Filipino citizen who is rendering service to, or is commissioned in, the armed forces of a foreign country under any of the circumstances mentioned in paragraph (a) or (b), shall not be permitted to participate nor vote in any election of the Republic of the Philippines during the period of his service to, or commission in, the armed forces of said foreign country. Upon his discharge from the service of the said foreign country, he shall be automatically entitled to the full enjoyment of his civil and political rights as a Filipino citizen;

(5) By cancellation of the certificates of naturalization;

(6) By having been declared, by competent authority, a deserter of the Philippine armed forces in time of war, unless subsequently, a plenary pardon or amnesty has been granted; and

(7) In the case of a woman, upon her marriage to a foreigner if, by virtue of the laws in force in her husband's country, she acquires his nationality.

[*Section 2.* (Of Amendatory law.) This Act shall take effect upon its approval, but the benefits thereunder shall accrue to persons who, prior thereto, have lost Philippine citizenship under the provisions of Commonwealth Act Numbered Sixty-three but come within the proviso of paragraph (4) of section one of said Act as herein amended.

Approved, June 2, 1947.]

Section 2. How citizenship may be reacquired.—Citizenship may be reacquired:

(1) By naturalization: *Provided,* That the applicant possesses none of the disqualifications prescribed in section two of Act Numbered Twenty-nine hundred and twenty-seven (now Sec. 4, C. Act No. 473);

(2) By repatriation of deserters of the Army, Navy or Air Corps: *Provided*, That a woman who lost her citizenship by reason of her marriage to an alien may be repatriated in accordance with the provisions of this Act after the termination of the marital status; and

(3) By direct act of the National Assembly.

Section 3. Procedure incident to reacquisition of Philippine citizenship.—The procedure prescribed for naturalization under Act Numbered Twenty-nine hundred and twenty-seven, as amended (see C. Act No. 473), shall apply to the reacquisition of Philippine citizenship by naturalization provided for in the next preceding section: *Provided*, That the qualifications and special qualifications prescribed in sections three and four of said Act shall not be required: And *provided further*,

(1) That the applicant be at least twenty-one years of age and shall have resided in the Philippines at least six months before he applies for naturalization;

(2) That he shall have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines, in his relations with the constituted government as well as with the community in which he is living; and

(3) That he subscribes to an oath declaring his intention to renounce absolutely and perpetually all faith and allegiance to the foreign authority, state or sovereignty of which he was a citizen or subject.

Section 4. Repatriation shall be effected by merely taking the necessary oath of allegiance to the Commonwealth of the Philippines and registration in the proper civil registry.

Section 5. The Secretary of Justice shall issue the necessary regulations for the proper enforcement of this Act. Naturalization blanks and other blanks required for carrying out the provisions of this Act shall be prepared and furnished by the Solicitor-General, subject to the approval of the Secretary of Justice.

Section 6. This Act shall take effect upon its approval.

(c) THE REVISED NATURALIZATION LAW (COMMONWEALTH ACT NO. 473, OF 17 JUNE 1939).

Section 1. Title of Act.—This Act shall be known and may be cited as the "Revised Naturalization Law".

Section 2. Qualifications.—Subject to section four of this Act, any person having the following qualifications may become a citizen of the Philippines by naturalization:

First. He must be not less than twenty-one years of age on the day of the hearing of the petition;

Second. He must have resided in the Philippines for a continuous period of not less than ten years;

Third. He must be of good moral character and believe in the principles underlying the Philippine Constitution, and must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living;

Fourth. He must own real estate in the Philippines worth not less than five thousand pesos, Philippine currency, or must have some known lucrative trade, profession, or lawful occupation;

Fifth. He must be able to speak and write English or Spanish and any one of the principal Philippine languages; and

Sixth. He must have enrolled his minor children of school age, in any of the public schools or private schools recognized by the Office of Private Education of the Philippines, where Philippine history, government and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him prior to the hearing of his petition for naturalization as Philippine citizen.

Section 3. Special qualifications.—The ten years of continuous residence required under the second condition of the last preceding section shall be understood as reduced to five years for any petitioner having any of the following qualifications:

1. Having honorably held office under the Government of the Philippines or under that of any of the provinces, cities, municipalities, or political subdivisions thereof;

2. Having established a new industry or introduced a useful invention in the Philippines;

3. Being married to a Filipino woman;

4. Having been engaged as a teacher in the Philippines in a public or recognized private school not established for the exclusive instruction of children of persons of a particular nationality or race, in any of the branches of education or industry for a period of not less than two years.

5. Having been born in the Philippines.

Section 4. Who are disqualified.—The following can not be naturalized as Philippine citizens:

(a) Persons opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized governments;

(b) Persons defending or teaching the necessity or propriety of violence, personal assault, or assassination for the success and predominance of their ideas;

(c) Polygamists or believers in the practice of polygamy;

(d) Persons convicted of crimes involving moral turpitude;

(e) Persons suffering from mental alienation or incurable contagious diseases;

(f) Persons who, during the period of their residence in the Philippines, have not mingled socially with the Filipinos, or who have not evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos;

(g) Citizens or subjects of nations with whom the United States and the Philippines are at war, during the period of such war;

(h) Citizens or subjects of a foreign country other than the United States, whose laws do not grant Filipinos the right to become naturalized citizens or subjects thereof.

Section 5. Declaration of intention.—One year prior to the filing of his petition for admission to Philippine citizenship, the applicant for Philippine citizenship shall file with the Bureau of Justice a declaration under oath that it is his bona fide intention to become a citizen of the Philippines. Such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel or aircraft, if any, in which he came to the Philippines, and the place of residence in the Philippines at the

time of making the declaration. No declaration shall be valid until lawful entry for permanent residence has been established and a certificate showing the date, place, and manner of his arrival has been issued. The declarant must also state that he has enrolled his minor children, if any, in any of the public schools or private schools recognized by the Office of Private Education of the Philippines, where Philippine history, government, and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him prior to the hearing of his petition for naturalization as Philippine citizen. Each declarant must furnish two photographs of himself.

Section 6. Persons exempt from requirement to make a declaration of intention.—Persons born in the Philippines and who have received their primary and secondary education in public schools or those recognized by the Government and not limited to any race or nationality, and those who have resided continuously in the Philippines for a period of thirty years or more before filing their application, may be naturalized without having to make a declaration of intention upon complying with the other requirements of this Act. To such requirements shall be added that which establishes that the applicant has given primary and secondary education to all his children in the public schools or in private schools recognized by the Government and not limited to any race or nationality. The same shall be understood applicable with respect to the widow and minor children of an alien who has declared his intention to become a citizen of the Philippines, and dies before he is actually naturalized. (As amended by Commonwealth Act No. 535.)

Section 7. Petition for citizenship.—Any person desiring to acquire Philippine citizenship shall file with the competent court, a petition in triplicate, accompanied by two photographs of the petitioner, setting forth his name and surname; his present and former places of residence; his occupation; the place and date of his birth; whether single or married and if the father of children, the name, age, birthplace and residence of the wife and of each of the children; the approximate date of his or her arrival in the Philippines, the name of the port of debarkation, and, if he remembers it, the name of the ship on which he came; a declaration that he has the qualifications required by this Act, specifying the same, and that he is not disqualified for naturalization under the provisions of this Act; that he has complied with the requirements of section five of this Act; and that he will reside continuously in the Philippines from the date of the filing of the petition up to the time of his admission to Philippine citizenship. The petition must be signed by the applicant in his own handwriting and be supported by the affidavit of at least two credible persons, stating that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for the period of time required by this Act and a person of good repute and morally irreproachable, and that said petitioner has in their opinion all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified under the provisions of this Act. The petition shall also set forth the names and post office addresses of such witnesses as the petitioner may desire to introduce at the hearing of the case. The certificate of arrival, and the declaration of intention must be made part of the petition.

Section 8. Competent court.—The Court of First Instance of the province in which the petitioner has resided at least one year immediately preceding

the filing of the petition shall have exclusive original jurisdiction to hear the petition.

Section 9. Notification and appearance.—Immediately upon the filing of a petition, it shall be the duty of the clerk of the court to publish the same at the petitioner's expense, once a week for three consecutive weeks, in the Official Gazette, and in one of the newspapers of general circulation in the province where the petitioner resides, and to have copies of said petition and a general notice of the hearing posted in a public and conspicuous place in his office or in the building where said office is located, setting forth in such notice the name, birthplace, and residence of the petitioner, the date and place of his arrival in the Philippines, the names of the witnesses whom the petitioner proposes to introduce in support of his petition, and the date of the hearing of the petition, which hearing shall not be held within ninety days from the date of the last publication of the Notice. The clerk shall, as soon as possible, forward copies of the petition, the sentence, the naturalization certificate, and other pertinent data to the Department of the Interior, the Bureau of Justice, the Provincial Inspector of the Philippine Constabulary of the province and the justice of the peace of the municipality wherein the petitioner resides.

Section 10. Hearing of the petition.—No petition shall be heard within the thirty days preceding any election. The hearing shall be public, and the Solicitor-General, either himself or through his delegate or the provincial fiscal concerned, shall appear on behalf of the Commonwealth of the Philippines at all the proceedings and at the hearing. If, after the hearing, the court believes, in view of the evidence taken, that the petitioner has all the qualifications required by, and none of the disqualifications specified in, this Act and has complied with all requisites herein established, it shall order the proper naturalization certificate to be issued and the registration of the said naturalization certificate in the proper civil registry as required in section ten of Act Numbered Three thousand seven hundred and fifty-three.

Section 11. Appeal.—The final sentence may, at the instance of either of the parties, be appealed to the Supreme Court.

Section 12. Issuance of the Certificate of Naturalization.—If, after the lapse of thirty days from the date on which the parties were notified of the decision of the court, no appeal has been filed, or if, upon appeal, the decision of the court has been confirmed by the Supreme Court, and the said decision has become final, the clerk of the court which heard the petition shall issue to the petitioner a naturalization certificate which shall, among other things, state the following: The file number of the petition, the number of the naturalization certificate, the signature of the person naturalized affixed in the presence of the clerk of the court, the personal circumstances of the person naturalized, the dates on which his declaration of intention and petition were filed, the date of the decision granting the petition, and the name of the judge who rendered the decision. A photograph of the petitioner with the dry seal affixed thereto of the court which granted the petition must be affixed to the certificate.

Before the naturalization certificate is issued, the petitioner shall, in open court, take the following oath:

“I, solemnly swear that I renounce absolutely and forever all allegiance and fidelity to any foreign prince,

potentate, state or sovereignty, and particularly to the of which at this time I am a subject or citizen; that I will support and defend the Constitution of the Philippines and that I will obey the laws, legal orders and decrees promulgated by the duly constituted authorities of the Commonwealth of the Philippines; and I hereby declare that I recognize and accept the supreme authority of the United States of America in the Philippines and will maintain true faith and allegiance thereto; and that I impose this obligation upon myself voluntarily without mental reservation or purpose of evasion.

“So help me God.”

The renunciation of foreign citizenship shall not require the consent of the state allegiance to which is renounced. (As amended by House Bill No. 712 R., approved in the last session of Congress.)

Section 13. Record books.—The clerk of the court shall keep two books; one in which the petition and declarations of intention shall be recorded in chronological order, noting all proceedings thereof from the filing of the petition to the final issuance of the naturalization certificate; and another, which shall be a record of naturalization certificates each page of which shall have a duplicate which shall be duly attested by the clerk of the court and delivered to the petitioner.

Section 14. Fees.—The clerk of the Court of First Instance shall charge as fees for recording a petition for naturalization and for the proceedings in connection therewith, including the issuance of the certificate, the sum of thirty pesos.

The Clerk of the Supreme Court shall collect for each appeal and for the services rendered by him in connection therewith the sum of twenty-four pesos.

Section 15. Effect of the naturalization on wife and children.—Any woman who is now or may hereafter be married to a citizen of the Philippines, and who might herself be lawfully naturalized shall be deemed a citizen of the Philippines.

Minor children of persons naturalized under this law who have been born in the Philippines shall be considered citizens thereof.

A foreign-born minor child, if dwelling in the Philippines at the time of the naturalization of the parent, shall automatically become a Philippine citizen, and a foreign-born minor child, who is not in the Philippines at the time the parent is naturalized, shall be deemed a Philippine citizen only during his minority, unless he begins to reside permanently in the Philippines when still a minor, in which case, he will continue to be a Philippine citizen even after becoming of age.

A child born outside of the Philippines after the naturalization of his parent, shall be considered a Philippine citizen, unless within one year after reaching the age of majority, he fails to register himself as a Philippine citizen at the American Consulate of the country where he resides, and to take the necessary oath of allegiance.

Section 16. Right of widow and children of petitioners who have died.—In case a petitioner should die before the final decision has been rendered, his widow and minor children may continue the proceedings. The decision rendered in the case shall, so far as the widow and minor children are concerned, produce the same legal effect as if it had been rendered during the life of the petitioner.

Section 17. Renunciation of title or orders of nobility.—In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been granted any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court in which his application is made, and his renunciation shall be recorded in the court, unless with the express consent of the National Assembly.

Section 18. Cancellation of naturalization certificate issued.—Upon motion made in the proper proceedings by the Solicitor-General or his representative, or by the proper provincial fiscal, the competent judge may cancel the naturalization certificate issued and its registration in the Civil Registry:

(a) If it is shown that said naturalization certificate was obtained fraudulently or illegally;

(b) If the person naturalized shall, within the five years next following the issuance of said naturalization certificate, return to his native country or to some foreign country and establish his permanent residence there: *Provided*, That the fact of the person naturalized remaining for more than one year in his native country or the country of his former nationality, or two years in any other foreign country, shall be considered as prima facie evidence of his intention of taking up his permanent residence in the same;

(c) If the petition was made on an invalid declaration of intention;

(d) If it is shown that the minor children of the person naturalized failed to graduate from a public or private high school recognized by the Office of Private Education of the Philippines, where Philippine history, government and civics are taught as part of the school curriculum, through the fault of their parents either by neglecting to support them or by transferring them to another school or schools. A certified copy of the decree cancelling the naturalization certificate shall be forwarded by the clerk of the Court to the Department of the Interior and the Bureau of Justice;

(e) If it is shown that the naturalized citizen has allowed himself to be used as a dummy in violation of the Constitutional or legal provision requiring Philippine citizenship as a requisite for the exercise, use or enjoyment of a right, franchise or privilege.

Section 19. Penalties for violation of this Act.—Any person who shall fraudulently make, falsify, forge, alter, or cause or aid any person to do the same, or who shall purposely aid and assist in falsely making, forging, falsifying, changing or altering a naturalization certificate for the purpose of making use thereof, or in order that the same may be used by another person or persons, and any person who shall purposely aid and assist another in obtaining a naturalization certificate in violation of the provisions of this Act, shall be punished by a fine of not more than five thousand pesos or by imprisonment for not more than five years, or both, and in the case that the person convicted is a naturalized citizen his certificate of naturalization and the registration of the same in the proper civil registry shall be ordered cancelled.

Section 20. Prescription.—No person shall be prosecuted, charged, or punished for an offense implying a violation of the provisions of this Act, unless the information or complaint is filed within five years from the detection or discovery of the commission of said offense.

Section 21. Regulation and blanks.—The Secretary of Justice shall issue the necessary regulations for the proper enforcement of this Act. Naturalization certificate blanks and other blanks required for carrying out the provisions of this Act shall be prepared and furnished by the Solicitor General, subject to the approval of the Secretary of Justice.

Section 22. Repealing clause.—Act Numbered Twenty-nine hundred and twenty-seven as amended by Act Numbered Thirty-four hundred and forty-eight, entitled “The Naturalization Law”, is repealed: *Provided*, That nothing in this Act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing or matter, civil or criminal, done or existing before the taking effect of this Act, but as to all such prosecutions, suits, actions, proceedings, acts, things or matters, the laws, or parts of laws repealed or amended by this Act are contained in force and effect.

Section 23. Date when this Act shall take effect.—This Act shall take effect on its approval.

(d) REPUBLIC ACT NO. 530 OF 16 JUNE 1950 MAKING ADDITIONAL PROVISIONS FOR NATURALIZATION.

Section 1. The provisions of existing laws notwithstanding, no petition for Philippine citizenship shall be heard by the Courts until after six months from the publication of the application required by law, nor shall any decision granting the application become executory until after two years from its promulgation and after the court, on proper hearing, with the attendance of the Solicitor General or his representative, is satisfied, and so finds, that during the intervening time the applicant has (1) not left the Philippines, (2) has dedicated himself continuously to a lawful calling or profession, (3) has not been convicted of any offense or violation of Government promulgated rules, (4) or committed any act prejudicial to the interest of the nation or contrary to any Government announced policies.

Section 2. After the finding mentioned in section one, the order of the court granting citizenship shall be registered and the oath provided by existing laws shall be taken by the applicant, whereupon, and not before, he will be entitled to all the privileges of a Filipino citizen.

Section 3. Such parts of Act Numbered Four hundred seventy-three as are inconsistent with the provisions of the present Act are hereby repealed.

Section 4. This Act shall take effect upon its approval, and shall apply to cases pending in court and to those where the applicant has not yet taken the oath of citizenship;

Provided, however, that in pending cases where the requisite publication under the old law has already been complied with, the publication herein required shall not apply.

64. Poland

(a) NATIONALITY ACT ¹ OF 8 JANUARY 1951.

CHAPTER I. POLISH NATIONALS

Article 1. A Polish national cannot be at the same time a national of another State.

¹ Translation by the Secretariat of the United Nations.

Article 2. From the date of the entry into force of this Act Polish nationals shall be persons who:

1. Possess Polish nationality under existing law;
2. Have entered the People's Republic of Poland as repatriated persons;
3. Have obtained confirmation of their Polish ethnic origin under the Act of 28 April 1946 concerning the Polish nationality of persons of Polish ethnic origin domiciled in the recovered territories (*Dziennik Ustaw*, No. 15, item 106), or under the Decree of 22 October 1947 concerning the Polish State nationality of persons of Polish ethnic origin resident in the territory of the former Free City of Danzig (*Dziennik Ustaw*, No. 65, item 378), or under the relevant legislative provisions previously in force.

Article 3. The competent authorities may recognize as Polish nationals persons who do not fulfil the conditions laid down in the preceding article but have been domiciled in Poland since 9 May 1945, or since before that date, unless they came to Poland as aliens bound by a definite allegiance and have been treated as aliens.

Article 4. A person shall not be a Polish national if, although he had Polish nationality on 31 August 1939, he resides permanently abroad and:

1. As a result of changes in the frontier of the Polish State has acquired the nationality of another State in accordance with an international convention; or
2. Is of Russian, Byelorussian, Ukrainian, Lithuanian, Latvian, or Esthonian ethnic origin; or
3. Is of German ethnic origin, unless his spouse has Polish nationality and is domiciled in Poland.

Article 5. 1. A marriage contracted by a Polish national with a person who does not possess Polish nationality shall not affect the nationality of the spouses.

2. A change in the nationality of one of the spouses shall not affect the nationality of the other spouse.

CHAPTER II. ACQUISITION OF POLISH NATIONALITY

Article 6. A child acquires Polish nationality if:

1. His father and mother are Polish nationals; or
2. One of his parents is a Polish national and the other is unknown or of unknown or indeterminate nationality.

Article 7. A child born or found in Poland acquires Polish nationality if his parents are both unknown or their nationality is unknown or indeterminate.

Article 8. 1. A child born in Poland to parents of whom one is a Polish national and the other a national of another State acquires Polish nationality unless his father and mother, by joint declaration made before a competent authority within one month from his birth, choose for him the nationality of the foreign State of which the other spouse is a national and the law of that State permits acquisition of its nationality in that manner.

2. If the parents are unable to agree, either of them may within one month from the child's birth apply to the court to settle the dispute.

3. A child who has acquired a foreign nationality in the manner described in paragraphs 1 and 2 above may at the end of his thirteenth year opt for Polish nationality by a declaration made before the competent authority.

Article 9. The provisions of the preceding article shall also apply to children born abroad to parents of whom one is a Polish national and the other a national of another State if the law of that State applies the same rules as that article to the nationality of children born in Poland to parents not possessing the same nationality.

Article 10. 1. Polish nationality may be granted to an alien on his application.

2. The grant of Polish nationality may be made subject to the production of evidence of release from a foreign nationality.

3. Persons who enter Poland as repatriated persons in the manner prescribed by the competent authorities acquire Polish nationality by operation of law.

CHAPTER III. LOSS OF POLISH NATIONALITY

Article 11. 1. A Polish national may not acquire foreign nationality until he has obtained the permission of the Polish authorities to change his nationality.

2. Permission granted to parents to change nationality shall extend to children under their parental authority.

3. Permission to change nationality granted to one parent shall extend to the children under his parental authority if the other parent is not a Polish national or, being a Polish national, consents before the competent authority to the change of the children's nationality. If the other parent objects to a change in the children's nationality or if there is substantial impediment to agreement between the parents, the question shall be decided by a court.

4. The permission shall not extend to children over the age of thirteen years without their consent.

5. A person who acquires a foreign nationality under the provisions of paragraphs 1 to 4 shall lose Polish nationality.

Article 12. 1. A Polish national who is resident abroad may be deprived of Polish nationality if he has:

- (a) Failed in his duty of loyalty to the Polish State;
- (b) Acted against the vital interests of the People's Poland;
- (c) Left the territory of the Polish State unlawfully after 9 May 1945;
- (d) Refused to return to Poland at the summons of the competent authority;
- (e) Evaded compulsory military service; or
- (f) Been sentenced abroad for an ordinary offence or is a recidivist.

2. If a person is deprived of Polish nationality by virtue of the foregoing provisions, his children, if under the age of thirteen years and resident abroad, shall likewise lose Polish nationality.

CHAPTER IV. PROCEDURE

Article 13. 1. Every grant and every deprivation of Polish nationality shall form the subject of an order made by the Council of State.

2. An order of the Council of State to deprive a person of Polish nationality shall be made on a motion by the President of the Council of Ministers.

3. Every order to deprive a person of Polish nationality shall be published in the *Monitor Polski*.

Article 14. The Council of Ministers shall designate by decree the authority competent in all matters concerning nationality which do not fall within the competence of the Council of State.

CHAPTER V. TRANSITIONAL AND FINAL PROVISIONS

Article 15. 1. Orders made before 1 September 1939 under the Act of 31 March 1938 concerning loss of Polish nationality (*Dziennik Ustaw*, No. 22, item 191) shall be unenforceable against persons domiciled in Poland at the entry into force of this Act.

2. The Council of State may reinstate in Polish nationality a person who is domiciled abroad if that person was deprived of the said nationality by an order as referred to in the preceding paragraph and was not reinstated before the entry into force of this Act.

Article 16. The provisions of this Act shall also apply to the nationality of children born or found in Poland before the date of the entry into force of this Act.

Article 17. 1. This Act supersedes existing legislative provisions relating to nationality.

2. The following enactments are hereby expressly repealed:

(i) The Polish Nationality Act of 20 January 1920 (*Dz. U.R.P.* No. 7, item 44), as subsequently amended;

(ii) The Act of 26 September 1922 governing the right of nationals of the former Austrian Empire or the former Kingdom of Hungary to opt for Polish nationality, and the right of former nationals of those States possessing Polish nationality to opt for another nationality (*Dz. U.R.P.* No. 88, item 791);

(iii) The Act of 31 March 1938 concerning loss of Polish nationality (*Dz. U.R.P.* No. 22, item 191);

(iv) The Act of 28 April 1946 concerning the Polish nationality of persons of Polish ethnic origin domiciled in the recovered territories (*Dz. U.R.P.* No. 15, item 106);

(v) Decree of 22 October 1947 concerning the Polish State nationality of persons of Polish ethnic origin resident in the territory of the former Free City of Danzig (*Dz. U.R.P.* No. 65, item 378);

(vi) Articles 110 and 111 of the Conscription Act of 4 February 1950 (*Dz. U.R.P.* No. 6, item 46).

(b) DECREE OF THE COUNCIL OF MINISTERS OF 15 JANUARY 1951 CONCERNING JURISDICTION OF AUTHORITIES IN MATTERS OF CITIZENSHIP.¹

Pursuant to article 14 of the Polish Nationality Act of 8 January 1951, it is hereby decreed as follows:

Article 1. Except for matters placed within the exclusive jurisdiction of the Council of State by article 10 (1) and (2), article 11 (1), article 12 and article 15 (2) of the aforesaid Law, jurisdiction in matters of nationality shall be exercised by authorities as follows:

(1) In matters concerning recognition as a Polish national (article 3 of the Act): by the Provincial People's Council, or the City People's Council of Warsaw or Lodz.

¹ Translation by the Secretariat of the United Nations.

(2) On all other matters: by the District People's Council, or the Municipal People's Council in a town classed as a municipal district, or a borough people's council in Warsaw or Lodz.

Article 2. (1) The territorial jurisdiction of a people's council shall be determined in accordance with the following factors in the order given:

- (a) The domicile of the person concerned,
- (b) His place of residence,
- (c) His last-known domicile or place of residence.

(2) Where none of the aforesaid factors applies, the Warsaw City People's Council (article 1 (1)) or the Warsaw Central Borough People's Council (article 1 (2)) shall have jurisdiction.

Article 3. The President of the Council of Ministers shall give effect to this Decree.

Article 4. This Decree shall enter into force on the date of its publication.

65. Portugal

STATUTORY PROVISIONS GOVERNING PORTUGUESE NATIONALITY. ¹

I. ACQUISITION OF NATIONALITY

Article 18 of the Civil Code. The following persons are Portuguese nationals:

(1) A person born in Portuguese territory of a Portuguese father or, if born out of wedlock, of a Portuguese mother;

(2) A person born in Portuguese territory of an alien father (provided that the father is not in the service of his own country), unless that person, if he has reached the age of majority or is *sui juris*, makes a declaration in his own name, or, if a minor, makes a declaration through his lawful representative, to the effect that he does not wish to be a Portuguese national;

(3) A person born abroad of a Portuguese father (even though the father was banished from Portuguese territory) or, if born out of wedlock, of a Portuguese mother, if that person establishes his domicile in Portuguese territory or, having attained the age of majority or being *sui juris*, makes a declaration in his own name (or, being a minor, through his lawful representative) to the effect that he wishes to be a Portuguese national;

(4) A person born in Portuguese territory of unknown parents, or of parents whose nationality is not known;

(5) A person born in foreign territory of a Portuguese father whose residence in the said territory is attributable to service on behalf of Portugal;

(6) An alien woman who marries a Portuguese national;

(7) Naturalized aliens.

1. The declaration required under paragraph (2) above shall be made before the municipal authority of the place of residence; the declaration required under paragraph (3) above shall be made before the competent Portuguese consular representative or before the competent foreign authority.

¹ Translation by the Secretariat of the United Nations.

2. If during the minority of a person a declaration under paragraph (2) above was made on his behalf by his lawful representative, that person may, on attaining the age of majority or on becoming *sui juris*, make a fresh declaration before the municipal authority of his place of residence to revoke the earlier declaration.

3. If a Portuguese national should also be regarded as a national of a foreign country, he may not, while resident in that foreign country, plead his status as a Portuguese national.

Article 142 of the Consular Regulations. "The registration of a notification of birth in the Consular Register, if entered in the presence of the parents of the new-born child, shall take the place of the declaration of nationality referred to in article 18 (3) of the Civil Code."

Article 19 of the Civil Code. The Government may grant a certificate of naturalization to an alien who makes an application therefor to the municipal authority of his place of residence and who fulfils the following conditions, that is to say:

(1) That he has attained, or is deemed to have attained, the age of majority, both under Portuguese law and under the law of his own country;

(2) That he can earn his livelihood through work or possesses other means of subsistence;

(3) That he has resided in Portuguese territory for not less than three years;

(4) That he is not subject to any criminal liability;

(5) That he has complied with the military service requirements in his own country.

1. The submission of the application referred to in this article does not of itself have any legal effect.

2. The condition stipulated in paragraph (3) above shall not be indispensable in the case of a person descended from Portuguese ancestors who establishes his domicile in Portugal, and the said condition may also be waived in the case of an alien who is married to a Portuguese woman and in the case of an alien who has rendered, or is likely to render, some distinguished service to Portugal which would justify the waiver.

3. The evidence registered to show that an alien who is applying for naturalization as a Portuguese national satisfies the conditions stipulated in paragraph (4) above shall take the form of a certificate from his country and of a certified extract from his police record in Portugal.

4. In addition to the aforesaid documents only such documents may be required as are prescribed by treaty or convention between Portugal and the country of which the applicant is a national.

5. The documents shall not be subject to the provisions of the Stamp Act, and the Government may waive the production of the documents and instead accept particulars furnished by the competent Government departments, authorities or officials.

2. LOSS AND RECOVERY OF PORTUGUESE NATIONALITY

Article 22 of the Civil Code. The following persons shall lose Portuguese nationality:

(1) A Portuguese national who acquires the nationality of a foreign country by naturalization. He may, however, recover Portuguese nationality if he returns to Portuguese territory with the intention of establishing his domicile therein and in addition makes a declaration to that effect

before the municipal authorities of the place where he intends to establish his domicile;

(2) A Portuguese national who without the permission of the Government accepts a public office, favour, pension or decoration from any foreign Government. He may, however, recover his former rights by a special dispensation of the Government;

(3) A Portuguese national who is banished by a court order, for so long as the said order remains in effect;

(4) A Portuguese woman who marries an alien, unless under the law of her husband's country the marriage does not confer his nationality on her. However, if the marriage is dissolved, she may recover Portuguese nationality by complying with the stipulations of paragraph (1) above.

1. If a Portuguese national whose wife is also a Portuguese national acquires a foreign nationality by naturalization, the wife shall not *ipso facto* lose Portuguese nationality unless she makes a declaration to the effect that she desires to follow the nationality of her husband.

2. Similarly, where a Portuguese national acquires a foreign nationality by naturalization, then, even if his wife is of foreign origin, the minor children born before his naturalization shall not *ipso facto* lose Portuguese nationality unless they themselves, after attaining the age of majority or becoming *sui juris*, make a declaration to the effect that they desire to follow the nationality of their father.

Article 3 of the Legislative Decree No. 32,832 of 7 June 1943. "A Portuguese national who has been convicted of a treasonable offence under Book II, Title II, Chapter I of the Penal Code ¹ or under article 2 ² of this Decree may be deprived of Portuguese nationality by a decision of the Council of Ministers."

3. PROVISIONS RELATING TO THE REGISTRATION OF NATIONALITY

Act No. 2,049 of 6 August 1951

Article 106. The Directorate-General of Registers and Notarial Instruments shall administer the Central Record Office which shall include: (1) the Central Register of Nationality

Article 113. The function of the Central Register of Nationality shall be to record the acquisition, loss and recovery of Portuguese nationality in all cases where the validity of such acquisition, loss or recovery in Portuguese territory depends on registration.

¹ Concerning offences against the external security of the State.

² The said article 2 provides:

Art. 2. If a person in Portugal commits any unlawful act calculated to profit a foreign State or its agents, in the knowledge that his act is prejudicial to the public authority of Portugal, then that person shall be liable to the penalty provided by article 55 (5).

1. The same penalty shall be applicable to a person who in Portuguese territory commits any unlawful act with a view to delivering any person, whether a Portuguese National or an alien, to a foreign State, or to its agents or to any public or private body in that foreign State, and employs force or fraudulent means to accomplish his purpose, the foregoing provision to be without prejudice to any more severe penalties to which the offender may be liable.

2. The provisions of article 150 (1) shall be applicable to the cases covered by this article and by paragraph 1 above.

Article 114. Pursuant to the terms of the preceding article registration of the following shall be obligatory:

- (1) The naturalization of aliens;
- (2) Options of nationality exercisable under article 18 (2), article 18, paragraph 2, and article 22, paragraphs 1 and 2, of the Civil Code;
- (3) Declarations of establishment of domicile required for the purpose of the recovery of Portuguese nationality under article 22 (1) and (4) of the Civil Code.

Article 115. Declarations made before Portuguese consular representatives under article 18 (3) and under article 18, paragraph 1, second part, of the Civil Code, as well as the registrations of notifications of births referred to in article 142 of the Portuguese Consular Regulations, shall be transcribed without formality in the Central Register of Nationality.

Declarations made before foreign authorities shall be transcribed, or simply repeated before the Central Register, on the application of the persons concerned.

1. In addition particulars relating to the following events shall also be transcribed without formality or on the application of the persons concerned:

- (1) The acquisition of Portuguese nationality by an alien woman who marries a Portuguese national;
- (2) The loss of Portuguese nationality by a Portuguese woman who marries an alien;
- (3) The loss of Portuguese nationality by a person who acquires a foreign nationality by naturalization;
- (4) The loss of Portuguese nationality and its recovery by virtue of article 22 (2) of the Civil Code;

2. Portuguese consular representatives shall send to the Ministry of Foreign Affairs, for transmission to the Ministry of Justice, the documents and information needed for giving effect to the provisions of this article.

3. The registrars of births, marriages and deaths shall communicate to the Central Record Office particulars of marriages registered or transcribed by them in pursuance of paragraph 1 (1) and (2) above.

4. In case of doubt concerning the nationality of the applicant, Portuguese consular representatives shall only carry out the registration under article 96 of the Portuguese Consular Regulations after previous consultation with the Central Record Office, always provided, however, that the registration does not as a general rule constitute a title to nationality.

Article 116. The declarations concerning option of nationality referred to in article 18 (2) and article 18, paragraph 2, of the Civil Code and declarations concerning establishment of domicile for the purposes of the recovery of Portuguese nationality under article 22 (1) and (4) of the Civil Code shall be made in writing before the registrar of the district in which the interested party is domiciled.

Sole paragraph. The registrar who receives any such declaration as aforesaid shall transmit the document within three days to the Central Record Office in order that the appropriate entry may be made.

Article 117. Except in cases of naturalization it shall be within the competence of the Ministry of Justice to decide questions relating to the legality of the acquisition, loss or recovery of Portuguese nationality or to make rulings in cases of doubt.

Sole paragraph. By virtue of the general law there shall be a right of appeal from the Minister's decisions to the Supreme Administrative Tribunal.

Article 118. For the purpose of the investigations of questions of fact in matters relating to the acquisition, loss and recovery of Portuguese nationality, a legal department dealing with disputed matters relating to nationality shall be attached to the Central Record Office.

Sole paragraph. The parties concerned or their legal representatives shall always be present in any contentious proceeding relating to nationality.

Article 120. Where a person makes a declaration under article 18, paragraph 2, of the Civil Code to revoke an earlier declaration and if at the time of the revocation two years have elapsed since that person attained his majority, then, in these circumstances the acquisition of Portuguese nationality shall not be registered except with the authorization of the Minister of Justice.

The authorization may be refused if it is discovered that the said person after attaining his majority made an express declaration to the effect that he wished to follow the nationality of his parents, or of his own free will did anything that constitutes evidence of political allegiance to a foreign Government.

4. CODIFIED RULES RELATING TO THE REGISTER OF BIRTHS, MARRIAGES AND DEATHS

(Decree No. 22,018 of 22 December 1932)

Article 373. Where a document submitted for registration is evidence of the acquisition, recovery or loss of Portuguese nationality it shall be obligatory to produce the birth certificate of the interested party, and, if he is married, the marriage certificate, as well as the birth certificates of his wife and children if the relevant particulars are not contained in the record of the particular registry office.

Sole paragraph. If the registration concerns a widow the death certificate of the husband shall be attached.

Article 374. In addition to the replies to the general questions the following particulars shall be given:

- (1) The former place of domicile of the applicant;
- (2) The surnames and first names, nationality, domicile and occupation or profession of his parents;
- (3) If he is married, the name and nationality of his wife;
- (4) The names, nationality, residence and occupation or profession of her parents;
- (5) The names, age, nationality, residence and occupation or profession of the minor children who are not *sui juris*.

Article 375. It shall be a condition of the validity of a certificate of naturalization that it was registered within six months after the date of the grant in the registry office of the locality where the person concerned elects to establish his domicile.

66. Romania

DECREE NO. 33 OF 24 JANUARY 1952 CONCERNING CITIZENSHIP OF THE ROMANIAN PEOPLE'S REPUBLIC.¹

Article 1. The following persons are citizens of the Romanian People's Republic:

(a) A person who has legally acquired and has not lost Romanian citizenship;

(b) A person who has not complied with the formalities required by previous legislation to prove his status as a Romanian citizen under the said legislation or who cannot prove that he has complied with the said formalities, provided:

—That he is domiciled in the territory of the Romanian People's Republic on the date of publication of this Decree;

—That he has no other citizenship;

—That he has not acquired the citizenship of another State since 26 September 1920.

(c) A person who has been or who may be repatriated to the Romanian People's Republic.

Article 2. A person is a citizen of the Romanian People's Republic by birth if both his parents are citizens of the Romanian People's Republic.

If at the date of that person's birth only one of the parents is a citizen of the Romanian People's Republic, that person's citizenship shall be determined as follows:

(a) If both parents are resident in the territory of the Romanian People's Republic on the date of the birth or if one parent is so resident, that person is a citizen of the Romanian People's Republic;

(b) If both parents are resident outside the territory of the Romanian People's Republic on the date of the birth, that person's citizenship shall be determined by agreement between the parents.

Article 3. A citizen of a foreign country and a stateless person, without distinction of sex, national origin, race, religion or degree of education, may, on application, be granted citizenship of the Romanian People's Republic by the Presidium of the Grand National Assembly.

Article 4. Citizenship of the Romanian People's Republic can neither be acquired nor lost by marriage or adoption.

Article 5. In the case of a change of citizenship as a result of which both parents acquire or renounce citizenship of the Romanian People's Republic, the change shall apply to the citizenship of their children under the age of fourteen years. Any change in the citizenship of children over the age of fourteen and under the age of eighteen shall require their consent.

In other cases, no change in the citizenship of children under the age of eighteen may take place except in accordance with the general provisions of this Decree.

Article 6. Citizenship of the Romanian People's Republic may not be renounced except with the approval of the Presidium of the Grand National Assembly.

¹ Translation by the Secretariat of the United Nations. Bulletin official of the Romanian People's Republic No. 5 of 24 January 1952.

Article 7. Citizenship of the Romanian People's Republic may be withdrawn by decree of the Presidium of the Grand National Assembly.

Article 8. A person resident in the territory of the Romanian People's Republic who is not a citizen of the Romanian People's Republic as defined in this Decree and who is not a citizen of another State is a stateless person.

Article 9. The rules to be observed in the application of this Decree shall be enacted with the approval of the Council of Ministers.

Article 10. The legislative provisions and decrees relating to citizenship of the Romanian People's Republic at present in force are hereby repealed.

67. San Marino

(a) MEMORANDUM¹ CONCERNING CITIZENSHIP BY THE SECRETARY OF STATE FOR FOREIGN AFFAIRS, DATED 9 NOVEMBER 1953.

"There is no specific law governing the acquisition and loss of San Marino citizenship, which continue to be governed by Roman customary law, based on these two principles:

"(a) The child of a citizen is a citizen (irrespective of the place of birth) (*Filius civitatem ex qua pater eius naturalem originem ducit, non domicilium*', Act 6, paragraph 1, Digest, *ad Municip.*);

"(b) Citizenship is ordinarily lost only by express renunciation.

"It is provided in *Leges Statutae*, Book II, chapter 73 and Book V, chapter 40, in confirmation of those principles, that an alien may in no case acquire citizenship by domicile—even if permanent—but only by statute (naturalization), with the approval in each particular case of the Grand General Council.

"Aliens resident or domiciled in San Marino have been granted provisional citizenship, subject to the fulfilment of certain conditions, under the following statutes:

"(a) Transitional Act² of 12 September 1907 concerning the grant of citizenship to aliens;

"(b) Transitional Decree of 7 March 1914 concerning the grant of citizenship to aliens;

"(c) Transitional Citizenship Act of 15 May 1945."

(b) TRANSITIONAL ACT¹ OF 12 SEPTEMBER 1907 CONCERNING THE GRANT OF CITIZENSHIP TO ALIENS AS AMENDED BY THE DECREE OF 30 APRIL 1908.

Article 1. San Marino naturalization shall be granted to an alien who has been resident in San Marino territory for more than twenty years and who submits an application accompanied by the following documents:

(a) A birth certificate showing that he is over the age of twenty-one years;

(b) An affidavit made by at least four persons before the Registrar of Births, Marriages and Deaths attesting that he is continuously and permanently resident in the Republic;

¹ Translation by the Secretariat of the United Nations.

² Amended by Decree of 30 April 1908.

- (c) Evidence that he has not been convicted of a criminal offence;
- (d) A certificate of good moral conduct issued by the competent political inspector;
- (e) (Repealed by Decree of 30 April 1908).

Article 2. An application made under Article 1 shall, together with the aforesaid documents, be submitted to the Registrar of Births, Marriages and Deaths; the Registrar, in consultation with the Penal Chancellor, shall state whether the documents are in order and whether the application may be transmitted to the Grand General Council. The application shall be deemed to have been approved by the Grand General Council if not opposed by any councillor; in the event of an objection, it shall be referred back for further information.

Article 3. The grant of naturalization to an alien shall extend to his wife and children; nevertheless, the children may opt for their citizenship of origin by making a declaration before the Registrar of Births, Marriages and Deaths within six months after attaining the age of twenty-one years.

Article 4. A person to whom citizenship is granted shall take the oath of allegiance to the Republic before the Secretary of State for Internal Affairs, as prescribed by law.

Article 5. A person who on the date of publication of this Decree is qualified by its provisions to obtain naturalization but does not apply therefor within one year of that date shall thereupon cease to be entitled to the benefit of this Decree.

Article 6. The present statutory provisions shall continue to apply to all persons who cannot or who do not wish to exercise their rights under this Decree; and it is hereby declared that no alien may hereafter take up permanent and recognized domicile in the Republic without the permission of the Grand General Council, and that after election of domicile has been notified to the Registry and approved, an alien applying for naturalization shall be required to have resided continuously in the Republic for the period of six years prescribed by the Statute.

Article 7. This Decree shall enter into force on the date of its publication in the customary places.

(c) TRANSITIONAL DECREE OF 7 MARCH 1914¹ CONCERNING THE GRANT OF CITIZENSHIP TO ALIENS.

Article 1. As a transitional measure and subject to the production of satisfactory evidence of the absence of a criminal conviction and evidence of good conduct, citizenship is hereby granted to persons within any of the following categories:

- (a) A person born within the territory of the Republic who has remained domiciled and resident therein without substantial interruption;
- (b) A person who in September 1907 had twenty years of uninterrupted residence, and who has not applied for citizenship by reason of his ignorance of the law or fortuitous absence;
- (c) A person who fulfils the conditions prescribed by the preceding paragraph and has brothers of San Marino citizenship and has not availed himself of the Act of September 1907.

¹ Translation by the Secretariat of the United Nations.

Article 2. Applications may be submitted or regularized in accordance with the preceding article within a period of fifteen days from the date of this Decree.

Article 3. The Council shall continue to have discretionary power to decide on all applications other than those aforesaid.

(d) TRANSITIONAL CITIZENSHIP ACT NO. 25 OF 15 MAY 1945.¹

Article 1. San Marino citizenship is hereby restored to all persons who, having formerly been reputed to be citizens, have subsequently been treated as aliens.

Article 2. A person to whom the foregoing article applies shall be required to submit to the Secretary of the Interior an application drawn up on paper embossed with a five-lire stamp and accompanied by the following documents:

(a) A birth certificate;

(b) A certificate of the Civil Registry stating that the applicant is entitled to apply under article 1.

Article 3. A person who on the date of publication of this Act is qualified by Article 1 to apply for restoration of citizenship but does not apply therefor within one year of that date shall thereupon cease to be entitled to the benefit of this Act.

Article 4. San Marino citizenship shall also be granted provisionally to any person who on the date of this Act is *either*:

(a) A person who has lived continuously in San Marino for more than forty years; *or*

(b) A person who was born and is domiciled and resident in the Republic of San Marino, and whose father was domiciled in the Republic continuously for more than forty years by reason of employment, occupation or work.

If the father is deceased he must be proved to have immigrated into San Marino more than forty years before the date hereof.

Article 5. A person to whom the foregoing article applies shall be required to submit an application not later than three months from the date of publication of this Act and to produce a birth certificate, a certificate of good conduct, evidence of a satisfactory police record, an affidavit of identity made by at least four witnesses before the Civil Registrar proving that the applicant has lived in San Marino continuously for more than forty years, and, if evidence of such residence appears in the Register, a registry certificate thereof.

Article 6. Any application for citizenship made under articles 1 and 5 and the documents produced in support thereof shall be examined by the commission established by the resolution of the Grand General Council dated 14 April 1945 and, if found by the commission to comply with the Act, shall be referred to the Grand General Council, which shall take note thereof and grant citizenship to the applicant.

In doubtful cases the application shall be put to the vote.

Article 7. Naturalization shall extend to a wife and to minor children; nevertheless, any such child may opt for his original citizenship by making

¹ Translation by the Secretariat of the United Nations.

a declaration before the Civil Registrar within six months after attaining the age of twenty-one years.

Article 8. Children of full age of persons in the class to which article 1 applies shall on taking an oath be deemed to be nationals of San Marino.

Article 9. A person to whom citizenship is granted under article 1 or under articles 4 and 8 shall be required to take the prescribed oath of allegiance within three months from the date of the grant.

In any case citizenship shall be deemed for all legal purposes to be acquired only on the date on which the oath is taken.

Article 10. All other cases not provided for herein shall be decided by vote of the Grand General Council after due consideration and consultation with the commission hereinbefore referred to.

68. Saudi Arabia

NATIONALITY ORDINANCE OF 5 DECEMBER 1938.¹

High Royal Decree No. 7/1/47 of the 13th Shawal, 1357 A.H.² has been issued³ sanctioning the following Ordinance:

Article 1. This Ordinance may be cited as the Saudi Arabian Nationality Ordinance, No. 3.

Article 2. This Ordinance supersedes the Ordinance of 22.3.1345 A.H.⁴ entitled the Hidjazi Nationality Ordinance and the Ordinance of 25.9.1349⁵ entitled the Hidjazi-Nadji Nationality Ordinance.

Article 3. All actions and acts heretofore done according to the preceding two Ordinances from the dates of their publication up to the coming into force of this Ordinance shall be lawful, valid and unrevocable.

Article 4. For the purposes of this Ordinance the following expressions shall have the meanings respectively assigned to them, that is to say:

(a) "Saudi National" means a person owing allegiance to His Majesty the King in accordance with the terms of this Ordinance.

(b) "Qaser" means a minor, lunatic or imbecile.

¹ The explanatory note attached to the English text of the Ordinance received from the Saudi Arabian Delegation to the United Nations reads as follows:

"(1) Though Article 8 of the Nationality Ordinance gives every foreigner the right to petition Government for naturalization, actually a non-Moslem has never been naturalized, because if he becomes a Saudi Arabian he will have the right to travel anywhere in the country including the Holy Towns of Mecca and Medina, which non-Moslems are not allowed to visit.

"(2) The three years residence requirement for acquiring nationality (Article 8 (a)) has been reduced by Royal Decree No. 3/1/2/5058 of 31.12.1949 to six months in respect of the Palestine Refugees. This privilege has also been extended to Palestinians holding Jordanian passports. (Royal Instructions issued on 21.3.53.)

"(3) As there is no English word equivalent to the Arabic word "Qaser" used in the Definition Article to denote a person incapable of managing his affairs because of his not arriving at full age or because of mental deficiency, the Arabic word, which covers the three terms "minor, lunatic and imbecile" has been used. ... The word has not been used elsewhere in the Ordinance."

² Anno hegirac.

³ Corresponding to 5 December 1938 A.D.

⁴ 1926 A.D.

⁵ 1931 A.D.

(c) "The age of majority" is the completion of the eighteenth lunar year.

(d) "Naturalized Saudi" means a person who acquires the Saudi Arabian Nationality in accordance with the respective provisions of this Ordinance.

(e) "Foreigner" means a person who is not a Saudi national.

Article 5. Every Ottoman subject who was residing in the Kingdom of Saudi Arabia before the Great War or who was residing therein on 22.3.1345 A.H.¹ and had no documents proving his being a national of a foreign state shall be a Saudi national.

Article 6. Every person born inside or outside the Kingdom of Saudi Arabia of Saudi parents or of a Saudi father shall be a Saudi national.

Article 7. Every person born in the territory of the Kingdom of Saudi Arabia or its territorial waters or on board its ships or airplanes shall be a Saudi national; provided that those born to foreign parents shall have the right to opt for their parents' original nationality within one year following the date of obtaining the age of majority. Their right to opt shall lapse if they fail to notify the Government within the prescribed period.

Article 8. Every foreigner who has attained the age of majority may submit a petition to be naturalized as a Saudi Arabian provided he possesses the following qualifications:

(a) He, immediately preceding the date of filing petition, has resided continuously for three years,

(b) He has some means of subsistence,

(c) He is of good moral character,

(d) He has not been convicted of a crime or sentenced to at least one year's imprisonment,

(e) He declares his intention to reside permanently in the Kingdom of Saudi Arabia,

(f) That naturalization shall not be granted unless a high authorization has been obtained; and

(g) He must attach to his petition the permanent residence permit, the Saudi Arabian identity card and the official documents in his possession,

Provided that naturalization shall in all cases be within the discretion and subject to the approval of the Government, whether the above qualifications are possessed or not.

Article 9. The Saudi Arabian nationality may be granted by means of a Royal Decree to every petitioner who is expected to do some good service to the Kingdom of Saudi Arabia.

Article 10. No Saudi national shall be allowed to acquire any other nationality except with the express permission of the Royal Government of Saudi Arabia. A foreign nationality acquired by a Saudi national without permission shall be void and in such a case the Government may deprive him of residence in the territory of the Kingdom of Saudi Arabia or prevent him from returning to it.

Article 11. The nationality of any Saudi national who accepts service in the armed forces of any foreign government without previous permission of the Government may be revoked by Royal Decree; provided that before issuing the Royal Decree such Saudi national shall have three months' notice warning him of the consequences of his action. A Saudi national

¹ 1926 A.D., the date of publication of the first Nationality Ordinance.

whose nationality has been revoked may be prevented from returning to the country or residing therein.

*Article 12. (a)*¹ A foreign woman who is married to a Saudi Arabian national acquires the Saudi nationality if she does not insist on her original nationality for a period of one year following the date of contracting marriage. She may retain her husband's nationality after he divorces her or after he dies during the existence of the marital relation, though she has no child of his, provided the laws of her country so permit. If she has Saudi children of his she does in no way lose her nationality.

(b) Subject to Rules 132 and 133 of the Sharia Courts Procedure Rules,² a Saudi Arabian woman does not lose her Saudi nationality by marrying a foreigner unless she is permitted to leave the Saudi Arabian Kingdom with her husband (in accordance with the respective Ordinance) and she makes a declaration of acquiring her husband's nationality; provided she may have the right to opt for her Saudi Arabian nationality if the contract of marriage has been terminated.

*(c)*³ A foreign woman who is married to a foreigner may acquire Saudi nationality if she submits a petition and fulfils the requirements of article 5 or article 8 of this Ordinance and provided her husband approves her petition.

Article 13. The minor children of a Saudi national who acquires another nationality, if residing outside the territory of the Kingdom of Saudi Arabia, may on attaining the age of majority, opt unconditionally for the Saudi Arabian nationality and they shall thereupon acquire the full rights of the Saudis without exception.

Article 14. Every person who has completed the period for continuous residence which is required for acquiring the Saudi Arabian nationality and then leaves the Kingdom of Saudi Arabia before acquiring the nationality and absents himself for a continuous period exceeding twelve months shall lose his right and the previous period shall be disallowed. If he wishes to become naturalized as a Saudi national he must renew his residence.

Article 15. Saudi Arabian nationality may be revoked in respect of a person naturalized within five years following the date of such naturalization in the following cases:

(a) If he made fraudulent, misrepresentative or false statements in his petition for Saudi Arabian nationality,

(b) If he is convicted of crime and sentenced by a judicial court to at least three years imprisonment, or

(c) If he commits some act against the public safety of the Kingdom of Saudi Arabia or if he has become an undesirable person because of his immoral conduct.

Article 16. Every provision of this Ordinance applicable to a Saudi national shall equally apply to a naturalized Saudi.

Article 17. Approval of naturalization of persons shall be an exclusive right of the Viceroy.

Article 18. Petitions for naturalization made within the Kingdom shall be made to the governors who in turn shall submit them to the Viceroy's Office.

¹ As amended.

² Prohibiting a foreigner taking his Saudi wife outside Saudi Arabia against her will.

³ Added.

Article 19. Declarations and petitions concerning naturalization made outside the Kingdom shall be made to the diplomatic representatives who in turn shall submit them to the authority concerned.

Article 20. Naturalization fees, the form of certificate of naturalization and all relating matters shall be in accordance with special regulations.

69. Union of South Africa

SOUTH AFRICAN CITIZENSHIP ACT, NO. 44 OF 29 JUNE 1949.

PART I. DEFINITIONS

1. (1) In this Act, unless the context otherwise indicates:
- (i) "alien" means a person who is not a South African citizen, a citizen of a Commonwealth country or a citizen of the Republic of Ireland; (xi)
 - (ii) "Commonwealth country" means a country other than the Union which is a member of the Commonwealth and includes Southern Rhodesia; (iv)
 - (iii) "father", in relation to an illegitimate child, includes the mother of that child; (vii)
 - (iv) "Minister" means the Minister of the Interior; (iii)
 - (v) "minor" or "minor child" means a person who has not attained the age of twenty-one years; (ii)
 - (vi) "prescribed" means prescribed by regulations made under this Act; (ix)
 - (vii) "prior law" means the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926 (Act No. 18 of 1926), or any law repealed by that Act; (x)
 - (viii) "responsible parent", in relation to a child, means the father of that child or, if the custody of that child has been awarded to the mother by the order of a competent court, or the father is dead, or the child is illegitimate and resides with the mother, the mother of that child; (viii)
 - (ix) "the United Kingdom and Colonies" includes the Channel Islands and the Isle of Man; (i)
 - (x) "Union" includes any part of South Africa now included in the Union and (except in sections *two* and *five*) also the territory of South-West Africa; (v)
 - (xi) "Union national" means a person who, immediately prior to the date of commencement of this Act, was a Union national in terms of the Union Nationality and Flags Act, 1927 (Act No. 40 of 1927), or the Nationalization and Amnesty Act, 1932 (Act No. 14 of 1932), and "Union nationality" has a corresponding meaning. (vi)
- (2) For the purposes of this Act:
- (a) A person born aboard a registered ship or aircraft shall be deemed to have been born at the place where the ship or aircraft is registered, and a person born aboard an unregistered ship or aircraft belonging to the Government of any country shall be deemed to have been born in that country;
 - (b) The United Kingdom and Colonies shall be deemed to constitute one country.

PART II. SOUTH AFRICAN CITIZENSHIP

Citizenship by Birth

2. (1) Every person born in the Union prior to the date of commencement of this Act who was or is, in terms of subsection (3) of this section or section *thirteen*, deemed to have been, a Union national immediately prior to that date, shall be a South African citizen.

(2) Every person born in South-West Africa on or after the date of commencement of the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926 (Act No. 18 of 1926), but prior to the date of commencement of this Act and who was, immediately prior to the date of commencement of this Act, domiciled in the Union or South-West Africa, shall be a South African citizen.

(3) Any person born in the Union prior to the date of commencement of this Act who would, but for the provisions of section *one* of the Naturalization and Status of Aliens Amendment Act, 1942 (Act No. 35 of 1942), have been a Union national immediately prior to the date of commencement of this Act, shall, for the purposes of subsection (1), be deemed to have been a Union national on that date.

3. (1) Every person born in the Union on or after the date of commencement of this Act who is not a prohibited immigrant under any law relating to immigration shall, subject to the provisions of subsection (2), be a South African citizen.

(2) No person shall be a South African citizen by virtue of subsection (1) if, at the time of his birth:

(a) His father enjoyed diplomatic immunity in the Union and was not a South African citizen; or

(b) His father was an enemy alien and the birth occurred at a place under occupation by the enemy and his mother was not a South African citizen; or

(c) His father was an enemy alien without the right of permanent residence in the Union and was interned or detained in custody in the Union and his mother was not a South African citizen; or

(d) His father was a prohibited immigrant under the law then in force in the Union.

4. (1) Every person who is a South African citizen by virtue of the provisions of section *two* or *three* shall, subject to the provisions of subsection (2) of this section, be a South African citizen by birth.

(2) No person who:

(a) After having ceased to be a Union national, has at any time prior to the date of commencement of this Act, again acquired Union nationality in consequence of naturalization as a British subject; or

(b) After having ceased to be a South African citizen, at any time again acquires South African citizenship by registration or naturalization in the Union, shall be a South African citizen by birth.

Citizenship by Descent

5. (1) A person born outside the Union prior to the date of commencement of this Act, other than a person referred to in subsection (2) of section *two*, shall be a South African citizen if his father was at the time

of his birth a British subject under the law then in force in the Union, and he fulfils any one of the following conditions, that is to say, if either:

- (a) His father was born in the Union; or
- (b) His father was, at the time of the birth, a person to whom a naturalization certificate had been granted in the Union; or
- (c) His father had acquired British nationality by reason of the annexation of the territories of the South African Republic and the Republic of the Orange Free State; or
- (d) His father was, at the time of the birth, in the service of the Government of the Union; or
- (e) His father was, at the time of the birth, domiciled in the Union or South-West Africa.

(2) A person who, immediately prior to the date of commencement of this Act, was a Union national by virtue of the provisions of paragraph (d) of section *one* of the Union Nationality and Flags Act, 1927 (Act No. 40 of 1927), but whose father was not, at the time of such person's birth, a British subject under the law then in force in the Union, shall be a South African citizen if he would have been such a citizen by virtue of the provisions of subsection (1) of this section if his father had, at the time of the birth, been a British subject under the law then in force in the Union.

(3) A person other than a person referred to in subsection (1) or (2), who immediately prior to the date of commencement of this Act, was a Union national by virtue of the provisions of paragraph (d) of section *one* of the Union Nationality and Flags Act, 1927, and who:

- (a) Had at any time prior to the date of commencement of this Act, been lawfully admitted to the Union or South-West Africa for permanent residence therein; or
- (b) Is the holder of a valid South African passport; or
- (c) Is the minor child of a person referred to in paragraph (b), shall be a South African citizen.

(4) No person who, immediately prior to the date of commencement of this Act, was neither a Union national nor a British subject under the law then in force in the Union, shall be a South African citizen by virtue of the provisions of this section.

(5) No person who, immediately prior to the date of commencement of this Act, was a British subject by naturalization under the law then in force in the Union shall, unless he is a South African citizen by virtue of the provisions of subsection (2) or (3), be a South African citizen by virtue of the provisions of this section.

6. (1) A person born outside the Union on or after the date of commencement of this Act shall, subject to the provisions of subsection (2), be a South African citizen if—

- (a) His father was, at the time of such person's birth, a South African citizen and he fulfils any one of the following conditions, that is to say, if either:
 - (i) His father was a South African citizen by birth, registration or naturalization; or
 - (ii) His father was a South African citizen by descent and was born in South-West Africa; or
 - (iii) His father was, at the time of the birth, in the service of the Government of the Union; or

(iv) His father was, at the time of the birth, ordinarily resident in the Union; and

(b) His birth is, within one year thereof or such longer period as the Minister may in the special circumstances of the case approve, registered at a Union consulate or such other place as may be prescribed.

(2) Notwithstanding the provisions of subsection (1), no person who, after the date of commencement of this Act, is born in any Commonwealth country and whose father is not in the service of the Government of the Union or of a person or association of persons resident or established in the Union, or not ordinarily resident in the Union shall, if under the law of that country he becomes a citizen of that country at birth, be a South African citizen.

7. (1) Every person who is a South African citizen by virtue of the provisions of section *five* or *six* shall, subject to the provisions of subsection (2), be a South African citizen by descent.

(2) No person who, after having ceased to be a South African citizen, at any time again acquires South African citizenship by registration or naturalization in the Union, shall be a South African citizen by descent.

Citizenship by Registration

8. (1) The Minister may, upon application in the prescribed form, grant a certificate of registration as a South African citizen to any person who is a citizen of any Commonwealth country or of the Republic of Ireland, provided he satisfies the Minister that:

(a) He is not a minor; and

(b) He has been lawfully admitted to the Union for permanent residence therein; and

(c) He is ordinarily resident in the Union and that he has been so resident for a continuous period of not less than one year immediately preceding the date of his application and that he has, in addition, been resident in the Union for a further period of not less than four years during the six years immediately preceding the date of his application; and

(d) He is of good character; and

(e) He intends to continue to reside in the Union or to enter or continue in the service of the Government of the Union, or of an international organization of which the Government of the Union is a member, or of a person or association of persons resident or established in the Union; and

(f) He is able to read and write either of the official languages of the Union to the satisfaction of the Minister or, if he has been ordinarily resident in the Union for a period of not less than twenty years, he is able to read and speak either of the official languages of the Union to the satisfaction of the Minister; and

(g) He has an adequate knowledge of the responsibilities and privileges of South African citizenship.

(2) Any period during which an applicant for registration has been employed outside the Union in the service of the Government of the Union (otherwise than as a person engaged locally) or on a ship or aircraft registered in and operating from the Union, and any period during which a woman who is an applicant for registration has been resident outside the Union with her husband while the latter was so employed, shall, for the purposes of subsection (1), be regarded as a period of residence in the Union.

(3) No period during which an applicant for registration is confined in any prison, gaol, reformatory or other place of detention established by or under any law, or in any internment camp, prisoner-of-war camp or mental institution in the Union or during which his residence in the Union is under any law in force in the Union either conditional or temporary shall, for the purposes of subsection (1), be regarded as a period of residence in the Union.

(4) The Minister may, notwithstanding the provisions of subsection (1), upon application in the prescribed form by the responsible parent or the guardian of a minor child whose father is a South African citizen by birth, descent or registration, or a citizen of a Commonwealth country, grant to that minor child, if he is not already a South African citizen, a certificate of registration as a South African citizen if the Minister is satisfied that the child concerned has been lawfully admitted to the Union for permanent residence therein.

(5) The Minister may, notwithstanding the provisions of subsection (1), upon application in the prescribed form, grant a certificate of registration as a South African citizen to a married woman who is not an alien and who satisfies the Minister that:

(a) She is the wife of a South African citizen; and

(b) She has been lawfully admitted to the Union for permanent residence therein; and

(c) She has resided with her husband in the Union for a period of not less than two years.

(6) The Minister may, in such cases as he thinks fit, grant an application for a certificate of registration notwithstanding the fact that the applicant, if he had previously been a South African citizen or a Union national, had not been resident in the Union for the additional period of not less than four years during the six years immediately preceding the date of his application as required by paragraph (c) of subsection (1).

(7) The Minister may waive the requirements of paragraph (f) of subsection (1) in relation to an applicant who satisfies the Minister that he had previously been a South African citizen or a Union national.

(8) If a person to whom a certificate of registration has been granted under this section is not a citizen of a Commonwealth country and has attained the age of fourteen years, no certificate of registration shall be issued to him until he has, within a period of three months from the date of notification of the grant of the certificate, taken the oath of allegiance set forth in the First Schedule before one of such persons as may be prescribed.

(9) The Minister may require any person who has applied for a certificate of registration to appear personally before him or a person designated by him.

(10) The grant of a certificate of registration shall be in the absolute discretion of the Minister and he may, without assigning any reason, grant or refuse a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

9. (1) A person to whom a certificate of registration has been granted under section *eight* shall, from the date of the issue of the certificate, be a South African citizen by registration.

(2) A person, other than a person referred to in section *four* or *seven*, who, immediately prior to the date of commencement of this Act, was

a British subject by reason of the annexation of the territories of the South African Republic and the Republic of the Orange Free State or became a Union national by virtue of the provisions of the Nationalization and Amnesty Act, 1932 (Act No. 14 of 1932), shall be a South African citizen and shall for the purposes of this Act be deemed to be a South African citizen by registration.

(3) A person, other than a person referred to in subsection (2) of section *eleven*, who, immediately prior to the date of commencement of this Act, was a Union national by virtue of domicile in the Union, shall be a South African citizen and shall for the purposes of this Act be deemed to be a South African citizen by registration.

Citizenship by Naturalization

10. (1) The Minister may, upon application in the prescribed form and subject to the provisions of section *twenty-nine*, grant a certificate of naturalization as a South African citizen to any alien who satisfies the Minister that:

- (a) He is not a minor; and
- (b) He has filed in the office of the Minister, not less than one year and not more than six years before the date of his application, a written declaration of his intention to apply for a certificate of naturalization; and
- (c) He has been lawfully admitted to the Union for permanent residence therein; and
- (d) He is ordinarily resident in the Union and that he has been so resident for a continuous period of not less than one year immediately preceding the date of his application, and that he has, in addition, been resident in the Union for a further period of not less than five years during the seven years immediately preceding the date of his application; and
- (e) He is of good character; and
- (f) He intends to continue to reside in the Union or to enter or continue in the service of the Government of the Union or of an international organization of which the Government of the Union is a member, or of a person or association of persons resident or established in the Union; and
- (g) He is able to read and write either of the official languages of the Union to the satisfaction of the Minister or, if he has been ordinarily resident in the Union for a period of not less than twenty years he is able to read and speak either of the official languages of the Union to the satisfaction of the Minister; and
- (h) He has an adequate knowledge of the responsibilities and privileges of South African citizenship.

(2) Any period during which an applicant for naturalization has been employed outside the Union in the service of the Government of the Union (otherwise than as a person engaged locally) or on a ship or aircraft registered in and operating from the Union, and any period during which a woman who is an applicant for naturalization has been resident outside the Union with her husband while the latter was so employed, shall, for the purposes of subsection (1), be regarded as a period of residence in the Union.

(3) No period during which an applicant for naturalization is confined in any prison, gaol, reformatory or other place of detention established by or under any law or in any internment camp, prisoner-of-war camp or mental institution in the Union or during which his residence in the Union is under any law in force in the Union, either conditional or temporary

shall, for the purposes of subsection (1), be regarded as a period of residence in the Union.

(4) The Minister may, notwithstanding the provisions of subsection (1), upon application in the prescribed form by the responsible parent or the guardian of a minor child who is permanently and lawfully resident in the Union, grant to that minor child a certificate of naturalization as a South African citizen.

(5) Where an application for naturalization under the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926 (Act No. 18 of 1926), was made to the Minister before the date of commencement of this Act but was not disposed of before that date and the person to whom the application relates satisfies the Minister that he has, at the date of the application, complied with the requirements of sections *two* and *nineteen* of the first-mentioned Act, the Minister may notwithstanding the provisions of subsection (1) of this section, grant to the person concerned, or to his wife or minor child covered by the application, a certificate of naturalization as a South African citizen.

(6) The Minister may, notwithstanding the provisions of subsection (1), upon application in the prescribed form, grant a certificate of naturalization as a South African citizen to a married woman who is an alien and who satisfies the Minister that:

(a) She is the wife of a South African citizen; and

(b) She has been lawfully admitted to the Union for permanent residence therein; and

(c) She has resided with her husband in the Union for a period of not less than three years.

(7) Where an application for a certificate of naturalization is made within two years after the date of commencement of this Act, the Minister may grant the application notwithstanding the fact that the requirements of paragraph (b) of subsection (1) have not been complied with.

(8) The Minister may, in such cases as he thinks fit, grant an application for a certificate of naturalization notwithstanding the fact that the applicant, if he had previously been a South African citizen or a Union national, has not been resident in the Union for the additional period of not less than five years during the seven years immediately preceding the date of his application as required by paragraph (d) of subsection (1).

(9) The Minister may waive the requirements of paragraph (g) of subsection (1) in relation to an applicant who satisfies the Minister that he had previously been a South African citizen or a Union national.

(10) The requirements of paragraph (g) of subsection (1) shall not apply in relation to an applicant who is a person to whom the provisions of subsection (1) of section *one* of the Naturalization and Status of Aliens Amendment Act, 1942 (Act No. 35 of 1942), applied.

(11) A certificate of naturalization shall not be issued to any person over the age of fourteen years until that person has, within a period of three months from the date of notification of the grant of the certificate, taken the oath of allegiance set forth in the First Schedule before one of such persons as may be prescribed.

(12) The Minister may require any person who has applied for a certificate of naturalization to appear personally before him or a person designated by him.

(13) If the Minister has refused an application for a certificate of naturalization by or on behalf of any person, the Minister shall not, until the

expiration of a period of at least one year from the date upon which the person concerned was advised of the Minister's decision, reconsider that application or consider another application for a certificate of naturalization by or on behalf of that person.

(14) The grant of a certificate of naturalization shall, subject to the provisions of sub-section (13), be in the absolute discretion of the Minister and he may, without assigning any reason, grant or refuse a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

11. (1) A person to whom a certificate of naturalization has been granted under section *ten* shall, with effect from the date of the issue of the certificate, be a South African citizen by naturalization.

(2) A person who, immediately prior to the date of commencement of this Act, was a British subject by virtue of his naturalization in the Union, shall be a South African citizen and shall for the purposes of this Act be deemed to be a South African citizen by naturalization.

PART III.

Married Women

12. A married woman shall, subject to the provisions of this Act, be capable of acquiring and losing South African citizenship in all respects as if she were an unmarried person, and no woman shall acquire or lose South African citizenship by reason merely of a marriage contracted by her.

13. A woman who was a Union national or a British subject whilst she was unmarried and who, in consequence of her marriage to any person prior to the date of commencement of this Act, ceased at the time of the marriage or during the subsistence thereof, to be a Union national or, as the case may be, a British subject and who would, but for such marriage, still have been a Union national or, as the case may be, a British subject immediately prior to the date of commencement of this Act, shall, for the purposes of this Act, be deemed to have been a Union national or, as the case may be, a British subject immediately prior to the said date.

14. (1) A woman who:

(a) In consequence of her marriage to a person who was a British subject by virtue of his naturalization in the Union or a Union national, was immediately prior to the date of commencement of this Act, a British subject or, as the case may be, a Union national; or

(b) Is in terms of section *thirteen* deemed to have been, immediately prior to the date of commencement of this Act, a British subject or a Union national; and

(c) Is not by virtue of the provisions of section *two* or *five* a South African citizen by birth or descent,

shall be a South African citizen under this section and shall for the purposes of this Act be deemed to be a South African citizen by registration: Provided that if she originally acquired Union or British nationality in consequence of or by naturalization, or if, as the case may be, her husband was a British subject by virtue of his naturalization in the Union, she shall for the purposes of this Act be deemed to be a South African citizen by naturalization.

(2) The provisions of subsection (1) shall not apply to a woman who has not, at any time prior to the date of commencement of this Act, been lawfully admitted to the Union for permanent residence therein.

PART IV.

Loss of Citizenship

15. A South African citizen who whilst outside the Union, and not being a minor, by some voluntary and formal act, other than marriage, acquires the citizenship or nationality of a country other than the Union, shall thereupon cease to be a South African citizen.

16. (1) A South African citizen who acquires the citizenship or nationality of any country other than the Union whilst a minor or in consequence of marriage, may at any time after attaining the age of twenty-one years or, as the case may be, during the subsistence of the marriage or thereafter, make a declaration in the prescribed form renouncing his South African citizenship.

(2) A person who became a South African citizen by reason of the issue of a certificate of registration or naturalization granted to him while he was a minor may, at any time within a period of twelve months after attaining the age of twenty-one years, make a declaration in the prescribed form renouncing his South African citizenship.

(3) A person who is a South African citizen by virtue of the provisions of subsection (2) of section *two* or subsection (3) of section *nine* may, at any time within a period of twelve months after the date of commencement of this Act, make a declaration in the prescribed form renouncing his South African citizenship.

(4) Whenever the wife of any person who has ceased to be a South African citizen under the provisions of this Part acquires, under the law of a country other than the Union, the citizenship or nationality of her husband, she may, at any time after acquiring that citizenship or nationality, make a declaration in the prescribed form renouncing her South African citizenship.

(5) The Minister shall upon receipt by him cause to be registered in the manner prescribed every declaration made under this section and thereupon the person who made the declaration shall cease to be a South African citizen.

17. (1) A South African citizen by registration or naturalization shall cease to be a South African citizen if he resides outside the Union for a continuous period of at least seven years exclusive of any period during which:

(a) He so resides in the service of the Government of the Union; or

(b) He so resides as the representative or employee of a person or association of persons resident or established in the Union, or in the service of an international organization of which the Government of the Union is a member; or

(c) In the case of a wife or minor child of a person referred to in paragraph (a) or (b), such wife or child so resides with such person; or

(d) In the case of the wife or minor child of a person who is a South African citizen by birth or descent, such wife or child so resides with such person; or

(e) He has at least once in every year registered in the prescribed manner at a Union consulate or such other place as may be prescribed, his intention to retain his South African citizenship.

(2) Whenever a person ceases under subsection (1) to be a South African citizen, his minor children who are South African citizens by registration

or naturalization shall also cease to be South African citizens if the other parent of such children is not, or does not remain, a South African citizen.

(3) A child who has ceased to be a South African citizen under subsection (2) and who is resident in the Union or has returned to the Union for permanent residence therein, may within one year after attaining the age of twenty-one years, make a declaration in the prescribed form that he wishes to resume South African citizenship, and upon registration of the declaration in the prescribed manner, shall resume his former South African citizenship.

(4) The provisions of this section shall not apply in relation to a person who is a South African citizen by virtue of the provisions of subsection (2) or (3) of section *nine*, other than a person who acquired Union nationality in consequence of naturalization as a British subject.

18. A person who is a South African citizen under subsection (3) of section *five* (other than a person referred to in paragraph (a) of that subsection) shall cease to be a South African citizen:

(a) In the case of the holder of a valid South African passport, upon the expiration of the period of validity of his passport unless he has, before the expiration of the period of validity of his passport, lawfully entered the Union for permanent residence therein; and

(b) In the case of the minor child of the holder of a valid South African passport, upon the expiration of the period of validity of the relevant passport or upon the expiration of a period of one year after he has attained the age of twenty-one years, whichever is the earlier, unless he has, before the expiration of the period of validity of the relevant passport or, as the case may be, before he has attained the age of twenty-one years, lawfully entered the Union for permanent residence therein.

19. (1) A South African citizen by registration or naturalization shall cease to be a South African citizen if deprived thereof by an order made under this section or under section *twenty*.

(2) The Minister may by order deprive any South African citizen by registration or naturalization of his South African citizenship if he is satisfied that the certificate of registration or naturalization was obtained by means of fraud, false representation or the concealment of a material fact.

(3) Subject to the provisions of this section, the Minister may by order deprive any South African citizen, by registration or naturalization, of his South African citizenship if he is satisfied that such citizen:

(a) If outside the Union, has shown himself by act or speech to be disloyal or disaffected towards His Majesty; or

(b) If in the Union, has been convicted of high treason, *crimen lasae majestatis*, sedition or public violence; or

(c) Has, during any war in which the Union is or has been engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business which was to his knowledge carried on in such a manner as to assist an enemy in that war; or

(d) Has, within five years of the date of the grant of the certificate of registration or naturalization, been sentenced in any country to a period of imprisonment of not less than twelve months or to a fine of not less than one hundred pounds or the equivalent thereof: Provided that a sentence as aforesaid imposed by a court of any enemy country in time of war for an offence of a political character shall not be a ground for deprivation.

(4) Before making an order under this section or under section *twenty*, the Minister may, if he thinks fit, refer the matter to an enquiry as hereinafter provided, and if the order is proposed to be made on any of the grounds specified in subsection (2) or paragraph (a) or (c) of subsection (3), the Minister shall give the person in respect of whom the order is proposed to be made, notice in writing addressed to his last known place of residence, informing him of the grounds on which the order is proposed to be made and giving him an opportunity of claiming that the matter be referred to an enquiry, and if the person concerned so claims within a period of six months of the date of the notice, the Minister shall refer the matter to an enquiry as hereinafter provided.

(5) Any person in respect of whom an order is proposed to be made shall, if he is in the Union, be entitled to appear personally or by counsel or attorney on his behalf, or, if he is outside the Union, by counsel or attorney on his behalf, at any enquiry, held under subsection (4).

(6) An enquiry under subsection (4) shall be held by a committee of not more than three persons including the chairman, constituted for the purpose by the Minister, presided over by a person, appointed by the Minister, who is or has been a judge of the Supreme Court of South Africa or of the High Court of South-West Africa: Provided that any such enquiry may, if the Minister thinks fit, be held by any provincial division of the Supreme Court of South Africa or by the High Court of South-West Africa.

(7) The provisions of the Commissions Act, 1947 (Act No. 8 of 1947), except section *one* thereof, shall apply with reference to any committee constituted under subsection (6) of this section: Provided that any reference in the said Act to the secretary of a commission shall in its application with reference to a committee constituted under subsection (6) of this section, be deemed to be a reference to the chairman of such a committee.

(8) Whenever the Minister deprives a person of his South African citizenship under this section or section *twenty*, that person shall cease to be a South African citizen with effect from such date as the Minister may direct and thereupon the certificate of registration or naturalization or any other certificate issued under this Act in relation to the status of the person concerned, shall be surrendered to the Minister and cancelled, and any person who refuses or fails on demand to surrender any such certificate which he has in his possession, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

(9) The provisions of this section shall not apply in relation to a person who is a South African citizen by virtue of the provisions of subsection (2) or (3) of section *nine*, other than a person who acquired Union nationality in consequence of naturalization as a British subject.

(10) A member of a committee constituted under subsection (6) may be paid such remuneration for his services as the Minister may, in consultation with the Minister of Finance, determine.

20. Whenever a person who was a citizen by naturalization of any Commonwealth country or of the Republic of Ireland has been deprived of such citizenship on grounds which, in the opinion of the Minister, are substantially similar to the grounds specified in subsection (2) or (3) of section *nineteen*, then, if that person is a South African citizen, the Minister may by order made under this section deprive him of his South African citizenship if the Minister is satisfied that it is not conducive to the public good that that person should continue to be a South African citizen.

21. (1) Whenever a person ceases to be a South African citizen under the provisions of section *nineteen*, he shall be regarded as having the citizenship or nationality which he had before he became a South African citizen.

(2) Whenever a person ceases to be a South African citizen under the provisions of section *twenty*, he shall be regarded as having the nationality which he had before he became a citizen by naturalization in the Commonwealth country concerned or in the Republic of Ireland.

22. Whenever a person ceases to be a South African citizen he shall not thereby be discharged from any obligation, duty or liability in respect of any act done before he ceased to be a South African citizen.

PART V.

Miscellaneous

23. (1) A person who, immediately prior to the date of commencement of this Act:

(a) Was a British subject under the law then in force in the Union; and

(b) Is not a South African citizen under this Act; and

(c) Is not a citizen of one or other Commonwealth country, shall, until he becomes a South African citizen, a citizen of one or other Commonwealth country or a citizen of the Republic of Ireland or of any other country, be deemed, for the purposes of this Act, to be a citizen of a Commonwealth country, and if he was under the said law a natural-born British subject, he shall be so deemed to be such a citizen by virtue of birth or descent.

(2) A person who, on or after the date of commencement of this Act, is born outside the Union and becomes a British subject under the law in force in any Commonwealth country but does not become a citizen of that country under the law then in force therein or a South African citizen under this Act, shall, until he becomes a South African citizen, a citizen of one or other Commonwealth country or a citizen of the Republic of Ireland or of any other country, be deemed, for the purposes of this Act, to be a citizen of a Commonwealth country, and if he is under such law a natural-born British subject, he shall be so deemed to be such a citizen by virtue of birth or descent.

24. Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death, and where the death occurred prior to, and the birth occurred after, the date of commencement of this Act, the status or description which would have been applicable to the father if he had died after that date shall be deemed to be the status or description applicable to him at the time of his death.

25. (1) The Minister may in such cases as he thinks fit, grant to any person with respect to whose South African citizenship a doubt exists, a certificate that he is a South African citizen.

(2) Before granting any certificate under subsection (1), the Minister may require the person concerned to comply with such provisions of this Act as the Minister may direct.

(3) The Minister may in any certificate under subsection (1) describe the person to whom it relates as a South African citizen by birth, descent, registration or naturalization, as he deems fit.

(4) A certificate granted under this section shall, unless it is proved that it was obtained by means of fraud, false representation or the concealment of some material fact, be conclusive evidence that the person to whom it relates was a South African citizen by birth, descent, registration or naturalization, as the case may be, at the date of the issue of the certificate, but shall not be deemed to imply any admission that the person to whom it is granted was not previously a South African citizen.

26. The Minister may, on the application of any person, and on payment of the prescribed fee, cause to be issued to such person a certified copy of any certificate issued under section *twenty-five* or of any certificate of registration or naturalization issued under this Act or a prior law.

27. (1) The Minister shall on the application of any person, and on payment of the prescribed fee, cause to be issued to that person a certificate in respect of the status of any person who, to his satisfaction is, or was, a South African citizen.

(2) A certificate under subsection (1) shall indicate whether the person in respect of whom it is issued, is or was at the date or for the period mentioned therein, a South African citizen by birth, descent, registration or naturalization, without prejudice to any evidence that he was at any other date or during any other period a South African citizen as mentioned therein.

28. The Minister may call for the production of such evidence of citizenship as he deems fit before authorizing the issue of any copy or any certificate in terms of section *twenty-six* or *twenty-seven*.

29. (1) Subject to the provisions of this section, every applicant for a certificate of naturalization under section *ten* shall:

(a) In the declaration of intention to apply for a certificate of naturalization filed in terms of paragraph (b) of subsection (1) of that section, set forth his full name, birthplace, date of birth, occupation, residential address and such other particulars as may be prescribed or as the Minister may from time to time require; and

(b) Not less than one month and not more than six months before he makes application for naturalization to the Minister, cause to be published in the *Gazette* in both the official languages and in one Afrikaans and one English newspaper circulating in the district in which he ordinarily resides, a notice in the prescribed form of his intention to apply under this Act for a certificate of naturalization; and

(c) Produce in support of his application proof that he has caused to be so published such notices together with a certificate signed by a magistrate or justice of the peace stating whether or not, from enquiries made by the person signing the certificate, the applicant is of good character and possesses the qualifications necessary under this Act for naturalization as a South African citizen.

(2) The Minister may waive any or all of the requirements mentioned in subsection (1) of this section in respect of an application made by or on behalf of a minor child under subsection (4) of section *ten*.

(3) The provisions of subsection (1) of this section shall not apply to an applicant who is a person to whom the provisions of subsection (1) of section *one* of the Naturalization and Status of Aliens Amendment Act, 1942 (Act No. 35 of 1942), applied.

(4) Any person may, on payment of the prescribed fee, inspect any document produced under subsection (1).

30. (1) Any person may make representations to the Minister with regard to any person who has applied or advertised his intention to apply for a certificate of registration or naturalization.

(2) The representations shall be made in the form of an affidavit.

(3) The contents of any affidavit filed with the Minister in pursuance of this section shall not be disclosed to any person other than for the purpose of criminal proceedings for any false statement made in the affidavit.

31. Any affidavit made under this Act or a prior law may be proved in any legal proceedings by the mere production of the original affidavit or of any copy thereof certified, as may be prescribed to be a true copy and the production of the affidavit or copy shall be *prima facie* evidence of the person therein named as deponent having made the affidavit at the date therein mentioned.

32. A certificate of registration or naturalization issued under this Act or a prior law may be proved in any legal proceedings by the mere production of the original certificate or of any copy thereof certified in the manner prescribed to be a true copy.

33. Entries in any register made in pursuance of this Act or a prior law may be proved by such copies to be certified in such manner as may be directed by the Minister, and the copies of such entries shall be evidence of any matters, by this Act or by any law hereby repealed or by any regulation of the Minister, authorized to be inserted in the register.

34. Any person who makes for any of the purposes of this Act, any false representation or any statement which is false in a material particular, knowing the same to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of perjury.

35. (1) Whenever the Minister is satisfied that any error has occurred in any certificate issued under this Act, or any change has occurred in respect of the particulars recorded therein, he may rectify the error or alter the particulars by amending the certificate.

(2) Any certificate amended in pursuance of the provisions of subsection (1) shall as from the date of the amendment thereof, have effect as so amended.

(3) The Minister may call upon any person to produce to him any certificate which requires to be amended in terms of subsection (1) and any person who refuses or fails on demand so to produce such a certificate which he has in his possession, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds.

36. Whenever a question arises under this Act as to whether or not a person was ordinarily resident in the Union the question may be determined by the Minister and his decision thereon shall be final.

37. The Minister may establish such facilities as to him may appear necessary or desirable to enable applicants for certificates of registration or naturalization under this Act to receive instruction in the responsibilities and privileges of South African citizenship.

38. As from the date of commencement of this Act, any reference in any law to a Union national or to Union nationality shall be deemed to be a reference to a South African citizen or to South African citizenship, as the case may be, and any reference to a British subject shall be deemed to be a reference to a South African citizen, a citizen of a Commonwealth

country or a citizen of the Republic of Ireland, and any reference to natural-born British subjects shall be deemed to be a reference to persons who by virtue of birth or descent are South African citizens or citizens of any Commonwealth country or of the Republic of Ireland, or who have at any time been such citizens and are not aliens.

39. The Minister shall:

(a) Cause to be kept a register of all certificates of registration and naturalization issued under this Act;

(b) Cause to be cancelled all certificates of registration or naturalization of persons who have ceased to be South African citizens, all copies of such certificates which are surrendered, and all entries in the register in respect of such persons, and shall cause to be published in the *Gazette* lists of all such certificates of persons deprived of their citizenship under section *nineteen* or *twenty*;

(c) Permit any person at all reasonable times on payment of the prescribed fee to inspect the register and to make copies of any entry therein;

(d) In the month of January of every year, cause to be published in the *Gazette* a return of all persons to whom certificates of registration or naturalization have been granted during the preceding year, and in that return cause to be set forth, in respect of each person:

- (i) His full name;
- (ii) His place of birth;
- (iii) His citizenship or nationality immediately prior to the grant of the certificate of registration or naturalization;
- (iv) His occupation; and
- (v) The date of the issue of the certificate.

40. The Minister may make regulations not inconsistent with this Act with regard to:

(a) The form of an application for a certificate of registration or naturalization as a South African citizen;

(b) The form of any certificate of registration or naturalization as a South African citizen;

(c) The form and registration of any declaration of renunciation or resumption of South African citizenship;

(d) The persons before whom the oath of allegiance may be taken and the persons before whom declarations of renunciation or resumption of South African citizenship may be made;

(e) The fees to be paid in respect of any application or declaration made or certificate or copy thereof issued or amended under this Act or in respect of any inspection made under this Act;

(f) The registration of the births of persons included in any class or description of persons born elsewhere than in the Union; and generally, with regard to all matters which by this Act are required or permitted to be prescribed or which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved or that this Act may be effectively administered.

41. This Act shall apply in the Territory of South-West Africa and in the Prince Edward Islands.

42. The laws specified in the Second Schedule are hereby repealed or amended to the extent set out in the third column thereof.

43. This Act shall be called the South African Citizenship Act, 1949, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

FIRST SCHEDULE

OATH OF ALLEGIANCE

I, A.B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His Heirs and Successors according to law, and that I will faithfully observe the laws of the Union and fulfil my duties as a South African citizen.

SECOND SCHEDULE

LAWS REPEALED AND AMENDED

<i>No. and year of law</i>	<i>Title of law</i>	<i>Extent of repeal or amendment</i>
30 of 1924	South-West Africa Naturalization of Aliens Act, 1924	The whole
18 of 1926	British Nationality in the Union and Naturalization and Status of Aliens Act, 1926	The whole
10 of 1927	British Nationality in the Union and Naturalization and Status of Aliens Act, 1926, Amendment Act, 1927	The whole
40 of 1927	Union Nationality and Flags Act, 1927	In the long title the deletion of the words "To define Union Nationality, and"; The deletion of the whole of Chapter I; In Chapter III the deletion of the definitions of "alien", "British subject", and "Minister"; In the short title, the deletion of the words "Union Nationality and".
27 of 1928	Naturalization of Aliens (South-West Africa) Act, 1928	The whole
14 of 1932	Nationalization and Amnesty Act, 1932	The whole
35 of 1942	Naturalization and Status of Aliens Amendment Act, 1942	The whole
52 of 1946	Aliens Affairs Amendment Act, 1946	The whole
26 of 1949	Aliens Affairs Amendment Act, 1949	The whole

70. Southern Rhodesia

(a) SOUTHERN RHODESIAN CITIZENSHIP AND BRITISH NATIONALITY ACT No. 13 OF 1949.

PRELIMINARY

1. This Act may be cited as the Southern Rhodesian Citizenship and British Nationality Act, 1949, and shall come into operation on the first day of January, 1950.

2. (1) In this Act, unless inconsistent with the context:

“alien” means a person who is not a British subject, a British protected person or a citizen of Eire;

“Australia” includes Norfolk Island and the Territory of Papua;

“British protected person” means a person who is a member of a class of persons which His Majesty has declared by Order-in-Council made under the British Nationality Act, 1948, of the United Kingdom in relation to any protectorate, protected state, mandated territory or trust territory, to be British protected persons by virtue of their connexion with that protectorate, state or territory;

“certificate of naturalization” includes a certificate conferring the citizenship of a country to which section *three* of this Act applies upon an alien or British protected person;

“child” means a legitimate child and “father”, “ancestor” and “descended” shall be construed accordingly;

“consulate of His Majesty” means the office of a consular officer of His Majesty’s Government in the United Kingdom where a register of births is kept or, where there is no such office, such office as may be prescribed;

“foreign country” means a country other than the following:

- (a) Southern Rhodesia;
- (b) A country to which section *three* of this Act applies;
- (c) Eire;
- (d) A protectorate;
- (e) A protected state;
- (f) A mandated territory;
- (g) A trust territory;

“mandated territory” means a territory administered by the government of any part of His Majesty’s dominions in accordance with a mandate from the League of Nations;

“Minister” means the Minister of Internal Affairs or any other minister to whom the Governor may assign the administration of this Act;

“minor” means a person who has not attained the age of twenty-one years;

“naturalized person” means a person who has become a British subject or a citizen of Eire by virtue of a certificate of naturalization granted to him or in which his name was included;

“person naturalized in Southern Rhodesia” means:

(a) In relation to a person naturalized after the commencement of this Act, a person to whom a certificate of naturalization has been granted under this Act;

(b) In relation to a person naturalized before the commencement of this Act:

(i) A person to whom letters of naturalization were granted by the Administrator or Governor of Southern Rhodesia under the Southern Rhodesia Naturalization Order-in-Council, 1899;

(ii) A person who, by virtue of subsection (2) of section VIII of the Southern Rhodesia Naturalization Order-in-Council, 1899, or by virtue of section 10 of the Southern Rhodesia Naturalization Act [*Chapter 66*], is deemed to be naturalized.

(iii) A person to whom a certificate of naturalization was granted by the Governor under section 8 of the British Nationality and Status of Aliens Act, 1914, of the United Kingdom; or

(iv) A person who by virtue of subsection (2) of section 27 of the British Nationality and Status of Aliens Act, 1914, of the United Kingdom, is deemed to be a person to whom a certificate of naturalization was granted, if the certificate of naturalization in which his name was included was granted by the Governor;

“prescribed” means prescribed by regulations made under this Act;

“protected state” means any state or territory under the protection of His Majesty through his Government in the United Kingdom which has been declared by Order-in-Council made under the British Nationality Act, 1948, of the United Kingdom to be a protected state for the purposes of that Act, and includes the New Hebrides and Canton Island if by Order-in-Council the provisions of that Act have been applied to them as if they were protected states;

“protectorate” means any state or territory under the protection of His Majesty through his Government in the United Kingdom which has been declared by Order-in-Council made under the British Nationality Act, 1948, of the United Kingdom to be a protectorate for the purposes of that Act;

“registrar” means the Registrar of Citizenship appointed by the Minister for the purposes assigned to the registrar under this Act and such other purposes as may be prescribed by regulation;

“responsible parent”, in relation to a child, means the father of that child, or, where the father is dead or the mother has been given the custody of the child by order of a court or the child was born out of wedlock and resides with the mother, means the mother of that child;

“trust territory” means a territory administered by the government of any part of His Majesty’s dominions under the trusteeship system of the United Nations;

(2) References in this Act to any country to which section *three* of this Act applies shall include references to the dependencies of that country.

(3) For the purposes of this Act:

(a) A person born aboard a registered ship or aircraft shall be deemed to have been born in the place in which the ship or aircraft was registered, and a person born aboard an unregistered ship or aircraft of the government of any country shall be deemed to have been born in the country to the government of which such ship or aircraft belonged at the date of his birth;

(b) A person shall be of full age if he has attained the age of twenty-one years and of full capacity if he is not of unsound mind;

(c) A person shall be deemed not to have attained a specified age until the commencement of the relevant anniversary of the day of his birth;

(d) The United Kingdom and Colonies shall be deemed to constitute one country, shall include the Channel Islands and the Isle of Man and shall exclude Southern Rhodesia.

(4) In this Act the expression "citizenship law" in relation to any country to which section *three* of this Act applies means an enactment of the legislature of that country declared by proclamation of the Governor made at the request of the government of that country to be an enactment making provision for citizenship thereof; and a citizenship law shall be deemed, for the purposes of this Act, to have taken effect in a country on the date which the Governor at the request of the government of that country by proclamation declares to be the date on which it took effect.

(5) Any reference in this Act to any other Act shall, unless the context otherwise requires, be construed as a reference to that Act as amended by any subsequent enactment.

BRITISH NATIONALITY

3. (1) Every person who under this Act is a Southern Rhodesian citizen or who under any citizenship law for the time being in force in any country to which this section applies is a citizen of that country shall, by virtue of that citizenship, be a British subject.

(2) The following are the countries to which this section applies, that is to say, the United Kingdom and Colonies, Canada, Australia, New Zealand, the Union of South Africa, India, Pakistan and Ceylon.

(3) If the Governor is notified by the Secretary of State that a country mentioned in subsection (2) of this section has left the Commonwealth, he shall by proclamation in the *Gazette* amend the said subsection by deleting the name of that country from the said subsection.

4. (1) Any citizen of Eire who immediately before the commencement of this Act was also a British subject shall not by reason of anything contained in section *three* of this Act be deemed to have ceased to be a British subject if at any time he gives notice in writing to the registrar claiming to remain a British subject on all or any of the following grounds:

(a) That he is or has been in Crown service under His Majesty's Government in Southern Rhodesia;

(b) That he is the holder of a British passport issued by His Majesty's Government in Southern Rhodesia;

(c) That he has associations by way of descent, residence or otherwise with Southern Rhodesia.

(2) A claim under subsection (1) of this section may be made on behalf of a child who has not attained the age of sixteen years by any person who satisfies the registrar that he is the responsible parent or guardian of that child.

(3) If by any citizenship law for the time being in force in any country to which section *three* of this Act applies provision, corresponding to the foregoing provisions of this section, is made for enabling citizens of Eire to claim to remain British subjects, any person who by virtue of that citizenship law remains a British subject shall be deemed also to be a British subject by virtue of this section.

5. (1) A British subject or citizen of Eire who is not a Southern Rhodesian citizen, shall not be guilty of an offence against any law of Southern Rhodesia by reason of anything done or omitted to be done in any country to which section *three* of this Act applies or in Eire or in a foreign country unless:

(a) The act or omission would be an offence if he were an alien; and

(b) In the case of an act or omission in any country to which section *three* of this Act applies or in Eire it would be an offence if the country in which the act is done or the omission made were a foreign country:

Provided that nothing in this subsection shall apply to the contravention of any provision of the Merchant Shipping Acts, 1894 to 1948, of the United Kingdom.

(2) Subject to the provisions of subsection (1) of this section, any law in force in Southern Rhodesia at the date of commencement of this Act, whether by virtue of a rule of law or of an Act of Parliament of the United Kingdom or of a statute of Southern Rhodesia or of any other enactment or instrument whatsoever, and any law which, although passed or made before that date, comes into force in Southern Rhodesia on or after that date shall, until provision is made to the contrary by the authority having power to alter that law, continue to have effect in relation to citizens of Eire in like manner as it has effect in relation to British subjects.

CITIZENSHIP BY BIRTH

6. (1) Subject to the provisions of subsection (3) of this section, every person who was born before the commencement of this Act shall on the date of commencement of this Act become a Southern Rhodesian citizen by birth if he was born on or after the 12th day of September, 1890, within the territories which at the date of commencement of this Act are comprised in Southern Rhodesia.

(2) Subject to the provisions of subsection (3) of this section, every person born in Southern Rhodesia after the commencement of this Act shall be a Southern Rhodesian citizen by birth.

(3) A person shall not by virtue of this section be a Southern Rhodesian citizen if at the time of his birth:

(a) His father possessed such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to His Majesty, and was not a Southern Rhodesian citizen; or

(b) The place of his birth was under occupation by the enemy and his father was an enemy alien.

CITIZENSHIP BY DESCENT

7. (1) A person born outside Southern Rhodesia before the commencement of this Act who was a British subject immediately before the date of commencement of this Act shall on that date become a Southern Rhodesian citizen by descent if at the time of his birth his father was a British subject and possessed any of the following qualifications, that is to say:

(a) That he was born within the territories which at the date of commencement of this Act are comprised in Southern Rhodesia and he would

have become a Southern Rhodesian citizen if section *six* of this Act had been in force at the time of his birth;

(b) That he was a person naturalized in Southern Rhodesia;

(c) That he became a British subject by reason of the annexation to His Majesty's dominions, under the Southern Rhodesia (Annexation) Order-in-Council, 1923, of the territories now known as the Colony of Southern Rhodesia.

(2) A person born outside Southern Rhodesia after the commencement of this Act shall be a Southern Rhodesian citizen by descent if:

(a) His father was at the time of such person's birth a Southern Rhodesian citizen otherwise than by descent; and

(b) Such person's birth is registered in manner prescribed, either with the Minister or at such a consulate of His Majesty as may be prescribed, within one year of its occurrence or, with the permission of the Minister, later.

(3) If the Minister so directs, a birth shall be deemed for the purposes of subsection (2) of this section to have been registered with his permission notwithstanding that his permission was not obtained before the registration.

CITIZENSHIP BY NATURALIZATION

8. A person naturalized in Southern Rhodesia who immediately before the commencement of this Act was a British subject or was, by virtue of the Southern Rhodesia Naturalisation Act [*Chapter 66*], entitled to all the political and other rights, powers and privileges to which a natural-born British subject was entitled in the Colony, shall on the date of commencement of this Act become a Southern Rhodesian citizen by naturalization.

9. (1) Any alien or British protected person of full age and capacity who makes application therefor in accordance with the provisions of this Act and satisfies the High Court that he is a fit and proper person to be naturalized and that he possesses the required qualifications shall be entitled to naturalization as a Southern Rhodesian citizen.

(2) The required qualifications for naturalization of a British protected person are:

(a) That he has filed in the office of the registrar not less than one nor more than five years before the date of his application a written declaration in manner prescribed of his intention to become a Southern Rhodesian citizen:

Provided

That in the case of a British protected person who at the date of commencement of this Act has been resident in the Colony for a period of ten years or more such written declaration may be so filed not less than six months before the date of his application;

(b) That he has resided in Southern Rhodesia throughout the period of twelve months immediately preceding the date of his application;

(c) That during the seven years immediately preceding the said period of twelve months he has resided in Southern Rhodesia for periods amounting in the aggregate to not less than four years;

(d) That he is of good character;

(e) That he has become assimilated with the community of the Colony;

(f) That he has an adequate knowledge of the English language; and

(g) That he intends, if his application is granted, either to reside permanently in Southern Rhodesia or to enter or continue in Crown service under His Majesty's Government in Southern Rhodesia.

(3) The required qualifications for naturalization of an alien are the same as those set out in subsection (2) of this section, and, in addition, an alien applicant must have been lawfully admitted to Southern Rhodesia for permanent residence therein.

(4) Any period during which an applicant for naturalization has served outside Southern Rhodesia in the armed forces of Southern Rhodesia or has been employed outside Southern Rhodesia in Crown service under His Majesty's Government in Southern Rhodesia, otherwise than as a locally engaged person, shall be treated for the purposes of this section as equivalent to a period of residence in Southern Rhodesia.

(5) No period during which an applicant for naturalization was confined in or an inmate of any prison, gaol, reformatory or mental hospital or institution in Southern Rhodesia or in which he resided in Southern Rhodesia under terms of conditional or temporary residence permitted by any law shall be counted for the purposes of this section as a period of residence in Southern Rhodesia.

10. (1) An applicant for naturalization shall lodge with the registrar an application in manner prescribed and shall give notice of his application and of the date thereof by advertisement in a newspaper circulating in the district in which he resides; every such advertisement shall appear at least once in each of three successive weeks immediately following the date of his application.

(2) The date on which the registrar receives an application for naturalization shall be the date of that application for the purposes of this Act.

11. At any time within the three months immediately following the date of the application for naturalization any person objecting to the grant of naturalization to the applicant may lodge with the registrar in manner prescribed an opposition in which shall be stated the grounds of his objection.

12. On the expiry of the three months immediately following the date of an application the registrar shall transmit to the Registrar of the High Court the application, any opposition made thereto and such other papers, documents and reports as may be required by regulation or by rules of court made under this Act.

13. An applicant for naturalization shall produce to the High Court such evidence as the High Court may require that he is qualified and fit to be granted naturalization under this Act and shall personally appear before the High Court for examination unless it is established to the satisfaction of the High Court that he is prevented from so appearing by some good and sufficient cause.

14. When the High Court has decided on an application for naturalization the Registrar of the High Court shall transmit to the registrar a certified copy of that decision together with such other papers, documents and reports as may be required by regulation or by rule of court made under this Act.

15. If the High Court has decided that an application for naturalization shall be granted the registrar shall upon receipt of a certified copy of such decision issue a certificate of naturalization of the applicant and send

the certificate to the magistrate of the district in which the applicant resides. Upon the applicant taking an oath of allegiance in the form specified in the Schedule to this Act the magistrate shall deliver the certificate to the applicant after having endorsed thereon the date of the taking of such oath of allegiance. On that date the applicant shall become a Southern Rhodesian citizen by naturalization.

16. If the High Court has rejected an application for naturalization that applicant shall not make another application for naturalization under this Act until a period of two years from the date of such rejection has expired.

CITIZENSHIP BY INCORPORATION OF TERRITORY

17. (1) A person who was a British subject immediately before the date of commencement of this Act shall on that date become a Southern Rhodesian citizen if he became a British subject by reason of the annexation to His Majesty's dominions, under the Southern Rhodesia (Annexation) Order-in-Council, 1923, of the territories now known as the Colony of Southern Rhodesia, and does not on that date become a Southern Rhodesian citizen by virtue of any of the foregoing provisions of this Act.

(2) If at any time after the commencement of this Act any territory becomes a part of Southern Rhodesia, the Governor may by proclamation specify the persons who shall be Southern Rhodesian citizens by reason of their connexion with that territory; and those persons shall be Southern Rhodesian citizens as from a date to be specified in the proclamation.

(3) A person who is a Southern Rhodesian citizen by virtue of this section shall be a Southern Rhodesian citizen by incorporation of territory.

CITIZENSHIP BY REGISTRATION

18. A person who was a British subject immediately before the date of the commencement of this Act and does not on that date become a Southern Rhodesian citizen by virtue of any other provision of this Act shall on that date become a Southern Rhodesian citizen by registration if on that date his name is on the roll of voters for an electoral district of Southern Rhodesia.

19. (1) After the commencement of this Act any person of full age and capacity who is a citizen of a country to which section *three* of this Act applies or a citizen of Eire and who makes application therefor in the prescribed manner and satisfies the registrar that he possesses the required qualifications shall be entitled, subject to the provisions of section *twenty-one* of this Act, to be registered as a Southern Rhodesian citizen:

Provided that a person who has previously been a Southern Rhodesian citizen and has been deprived of, or renounced, that citizenship shall not be entitled to be registered as a Southern Rhodesian citizen, but may be so registered with the approval of the Minister.

(2) The required qualifications for the registration of an applicant are:

(a) That he is ordinarily resident in Southern Rhodesia and has been so resident throughout the period of two years immediately preceding his application:

Provided that if the applicant is a naturalized person such period of residence in Southern Rhodesia shall be three years;

(b) That he is of good character;

(c) That he has become assimilated with the community of the Colony;
 (d) That he has an adequate knowledge of the English language; and
 (e) That he intends if his application is granted either to reside permanently in Southern Rhodesia or to enter or continue in Crown service under His Majesty's Government in Southern Rhodesia.

(3) Any period during which an applicant for registration has served outside Southern Rhodesia in the armed forces of Southern Rhodesia or has been employed outside Southern Rhodesia in Crown service under His Majesty's Government in Southern Rhodesia, otherwise than as a locally engaged person, shall be treated for the purposes of this section as equivalent to a period of residence in Southern Rhodesia.

(4) No period during which an applicant for registration was confined in or an inmate of any prison, gaol, reformatory or mental hospital or institution in Southern Rhodesia or during which he resided in Southern Rhodesia under terms of conditional or temporary residence permitted by any law shall be counted for the purposes of this section as a period of residence in Southern Rhodesia.

(5) If on any application for registration under subsection (1) of this section the registrar is doubtful whether the applicant possesses the required qualifications for registration, he shall refer the application to the Minister for his decision.

(6) If the registrar refuses an application for registration under this section the unsuccessful applicant may appeal to the Minister, who may refuse or grant the application or refer it to the Registrar of the High Court in terms of section *twenty* of this Act.

20. (1) If on any application for registration referred to him by the registrar in terms of subsection (5) of section *nineteen* of this Act or on any appeal in terms of subsection (6) of section *nineteen* of this Act the Minister is doubtful whether the applicant possesses the required qualifications for registration, he may draw up a statement of the facts and shall sign it in attestation of its correctness and transmit it to the Registrar of the High Court to be laid before a judge in chambers.

(2) When a case is stated under this section the Minister and the applicant shall be entitled to be heard in person or by counsel in argument upon the question stated in the case.

(3) The judge before whom is laid any statement of case under this section may call for further information if he deems fit from the Minister, and shall give such decision on the case as appears to him right and proper. There shall be no appeal from a decision of a judge under this section and the Minister shall act upon the application in accordance with such decision.

21. On every application the decision of the registrar or of the Minister, as the case may be, shall be notified to the applicant by the registrar. If the application is granted, the applicant shall thereafter on taking an oath of allegiance in the form specified in the Schedule to this Act be registered and become a Southern Rhodesian citizen by registration as from the date of his taking such oath.

MARRIED WOMEN AND MINOR CHILDREN

22. A woman who:

(a) Was a British subject immediately before the date of commencement of this Act; and

(b) Was at that date the wife of a person who becomes, or the widow of a person who but for his death would have become, on that date a Southern Rhodesian citizen by virtue of any of the foregoing provisions of this Act; and

(c) Does not herself in her own right become a Southern Rhodesian citizen by virtue of any of the foregoing provisions of this Act; shall on the date of commencement of this Act herself become such a Southern Rhodesian citizen as her husband becomes or would but for his death have become.

23. Where at any time before the commencement of this Act a woman ceased to be a British subject by reason that:

(a) On her marriage to an alien she acquired the nationality of her husband; or

(b) Her husband, being a British subject, during the continuance of the marriage acquired a new nationality and, by reason of her husband acquiring that new nationality, she also acquired that nationality, she shall be deemed for the purposes of this Act to have been a British subject immediately before the date of commencement of this Act.

24. Subject to the provisions of this Act, a married woman shall be capable of acquiring and divesting herself and being deprived of Southern Rhodesian citizenship in all respects as if she were an unmarried woman or a widow, and after the commencement of this Act no woman shall acquire or lose such citizenship by reason of marriage only.

25. (1) Subject to the provisions of subsection (4) and (5) of this section, a woman who is a citizen of a country to which section *three* of this Act applies or a citizen of Eire and who is the wife of a Southern Rhodesian citizen shall be entitled on making application to the registrar in the prescribed manner to be registered as a Southern Rhodesian citizen, whether or not she is of full age.

(2) The registrar may cause to be registered as a Southern Rhodesian citizen:

(a) A woman, who is an alien or a British protected person and is the wife of a Southern Rhodesian citizen;

(b) A minor child of a Southern Rhodesian citizen; upon application made in the prescribed manner by the woman or, as the case may be, by the responsible parent or guardian of the child.

(3) The registrar may, in such special circumstances as he thinks fit, cause any minor to be registered as a Southern Rhodesian citizen.

(4) If the registrar refuses an application for registration under subsection (2) or (3) of this section the unsuccessful applicant may appeal to the Minister who may refuse or grant the application.

(5) A woman who has renounced or been deprived of Southern Rhodesian citizenship under this Act shall not be registered as a Southern Rhodesian citizen under this section except with the approval of the Minister.

(6) No woman of full age and capacity shall be registered as a Southern Rhodesian citizen under this section until she has taken an oath of allegiance in the form specified in the Schedule to this Act.

(7) A person registered as a citizen under this section shall be a Southern Rhodesian citizen by registration as from the date on which he is registered.

RENUNCIATION, DEPRIVATION AND LOSS OF CITIZENSHIP

26. (1) A Southern Rhodesian citizen of full age and capacity who is also a citizen of any country to which section *three* of this Act applies or of Eire may make a declaration of renunciation of his Southern Rhodesian citizenship:

Provided that a declaration made under this subsection by a person who is ordinarily resident in Southern Rhodesia shall not be registered except with the permission of the Minister.

(2) A Southern Rhodesian citizen of full age and capacity who is also a national of a foreign country may make a declaration of renunciation of his Southern Rhodesian citizenship:

Provided that a declaration under this subsection made during any war in which His Majesty may be engaged shall not be registered except with the permission of the Minister.

(3) A declaration under this section shall be of no effect unless it is made and registered in such manner as may be prescribed.

(4) Upon a declaration being made and registered under this section, the person by whom the declaration was made shall cease to be a Southern Rhodesian citizen.

(5) For the purposes of this section any woman who has been married shall be deemed to be of full age notwithstanding that she has not attained the age of twenty-one years.

27. (1) A Southern Rhodesian citizen who is a citizen by registration or a naturalized person shall cease to be a Southern Rhodesian citizen if he is deprived of his citizenship by an order made under this section or under section *twenty-eight* of this Act.

(2) Subject to the provisions of this section, the Governor may by order deprive of his citizenship any Southern Rhodesian citizen by registration or any person naturalized in Southern Rhodesia if the Governor is satisfied that his registration or naturalization was obtained by means of fraud, false representation or the concealment of any material fact.

(3) Subject to the provisions of this section, the Governor may by order deprive of his citizenship any Southern Rhodesian citizen who is a naturalized person if he is satisfied:

(a) That he has shown himself by act or speech to be disloyal or disaffected towards His Majesty; or

(b) That he has, during any war in which His Majesty was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated in business that was to his knowledge carried on in such manner as to assist an enemy in that war; or

(c) That he has within five years after becoming naturalized been sentenced in any country to imprisonment for a term of not less than twelve months.

(4) The Governor shall not deprive a person of his citizenship under this section unless he is satisfied that it is not conducive to the public good that that person should continue to be a Southern Rhodesian citizen.

(5) Before making an order under this section the Governor shall cause to be served on the person against whom an order is proposed to be made a notice in writing informing him of the ground on which it is proposed to be made and of his right, upon making application therefor in the prescribed manner, to have his case referred for enquiry.

(6) If the person against whom the order is proposed to be made applies in the prescribed manner for an enquiry, the Governor shall refer the case for enquiry and report, in accordance with rules of court, to the High Court.

28. (1) Where a naturalized person who was a citizen of any country to which section *three* of this Act applies or of Eire has under any provision of the law in force in the country of which he was such a citizen been deprived of that citizenship on grounds which, in the opinion of the Governor, are substantially similar to any of the grounds specified in section *twenty-seven* of this Act, then, if that person is also a Southern Rhodesian citizen, the Governor may by an order made under this section deprive him of his Southern Rhodesian citizenship, if he is satisfied that it is not conducive to the public good that he should continue to be a Southern Rhodesian citizen.

(2) To the making of any order under this section the provisions of subsections (5) and (6) of section *twenty-seven* of this Act shall apply.

29. (1) Subject to the provisions of this section, a Southern Rhodesian citizen of full age and capacity who is a citizen by registration or by naturalization shall lose his citizenship and cease to be a Southern Rhodesian citizen if, after he has become of full age and while he is of full capacity, he resides outside Southern Rhodesia for a continuous period of three years, exclusive of any period during which:

(a) He is in Crown service under His Majesty's Government in Southern Rhodesia and resides outside Southern Rhodesia for the purposes of such service; or

(b) He is the spouse of such a person as is mentioned in paragraph (a) hereof and resides outside Southern Rhodesia for the purpose of being with his spouse; or

(c) He is the spouse of a Southern Rhodesian citizen by birth, by descent or by incorporation of territory and resides outside Southern Rhodesia for the purpose of being with his spouse.

(2) The provisions of subsection (1) of this section shall not apply to any Southern Rhodesian citizen who has served in His Majesty's armed forces in time of war and has been honourably discharged therefrom nor shall the provisions of the said subsection apply to the wife of any such citizen.

(3) If a Southern Rhodesian citizen who is a citizen by registration or by naturalization and is residing outside Southern Rhodesia gives notice in the prescribed manner to the registrar that he wishes to retain his Southern Rhodesian citizenship, any period or periods, not exceeding three years in all, during which he has resided outside Southern Rhodesia before the date on which the registrar received such notice shall not be counted for the purpose of reckoning the continuous period of three years referred to in subsection (1) of this section.

SUPPLEMENTAL

30. Where any person whose British nationality depended upon his birth having been registered at a consulate of His Majesty has, under any enactment in force at any time before the commencement of this Act, ceased to be a British subject by reason of his failure to make a declaration of retention of British nationality after becoming of full age, that person shall, if he would but for that failure have been a British

subject immediately before the commencement of this Act, be deemed for the purposes of this Act then to have been a British subject.

31. (1) A person born out of wedlock and legitimated by the subsequent marriage of his parents shall, as from the date of the marriage or of the commencement of this Act, whichever is later, be treated, for the purpose of determining whether he is a Southern Rhodesian citizen or was a British subject immediately before the commencement of this Act, as if he had been born legitimate.

(2) A person shall be deemed for the purposes of this section to have been legitimated by the subsequent marriage of his parents if by the law of the place in which his father was domiciled at the time of the marriage the marriage operated immediately or subsequently to legitimate him, and not otherwise.

32. Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as referring to the status or description of the father at the time of the father's death; and where that death occurred before, and the birth occurs after, the commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

33. (1) A person who immediately before the commencement of this Act was a British subject and is at that date potentially a citizen of any country to which section *three* of this Act applies, but is not at that date a Southern Rhodesian citizen or a citizen of any country to which the aforementioned section applies or of Eire shall as from that date for the purposes of this Act remain a British subject without citizenship until he becomes a Southern Rhodesian citizen, a citizen of any country to which section *three* of this Act applies, a citizen of Eire or an alien.

(2) The law in force before the commencement of this Act relating to British nationality shall continue to apply to a person while he remains a British subject without citizenship as aforesaid as if this Act had not been passed:

Provided that:

(i) If that person is a male, nothing in this subsection shall confer British nationality on any woman whom he marries during the period during which he is a British subject without citizenship, or on any child born to him during that period;

(ii) He shall not, by becoming naturalized in a foreign state, be deemed to have ceased to be a British subject by virtue of section 13 of the British Nationality and Status of Aliens Act, 1914, of the United Kingdom; and

(iii) So long as a woman remains a British subject without citizenship as aforesaid she shall not on marriage to an alien cease to be a British subject.

(3) So long as a person remains a British subject without citizenship as aforesaid he shall be treated for the purpose of any application made by him for registration as a Southern Rhodesian citizen under this Act as if he were a citizen of one of the countries to which section *three* of this Act applies or of Eire.

(4) A person shall, in relation to any country to which section *three* of this Act applies in which a citizenship law has not taken effect at the

commencement of this Act, be deemed for the purposes of this section to be potentially a citizen of that country at that date if he, or his nearest ancestor in the male line who acquired British nationality otherwise than by reason of his parentage, acquired British nationality by any of the following means, that is to say:

(a) By birth within the territory comprised at the commencement of this Act in that country; or

(b) By virtue of a certificate of naturalization granted by the government of that country; or

(c) By virtue of the annexation of any territory included at the commencement of this Act in that country;

and a woman shall, in addition, be deemed for the purposes of this Act to be at the commencement of this Act potentially a citizen of any country to which section *three* of this Act applies if any person to whom she has been married is, or would but for his death have been, potentially a citizen thereof at that date.

34. The Minister may in such cases as he thinks fit grant a certificate of citizenship to a person with respect to whose citizenship of Southern Rhodesia a doubt exists; and a certificate issued under this section shall be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was a citizen at an earlier date.

35. (1) The Minister shall give to an applicant his reasons for the grant or refusal of any application under this Act the decision on which is at his discretion unless, in his opinion, it is contrary to the public interest to disclose his reasons.

(2) The decision of the Minister on any such application shall not be subject to appeal or review in any court.

36. (1) Every document purporting to be a notice, certificate, order or declaration, or an entry in a register, or a subscription of an oath of allegiance, given, granted or made under this Act, the British Nationality and Status of Aliens Acts, 1914 to 1943, of the United Kingdom or any Act repealed by those Acts, shall be received in evidence, and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) *Prima facie* evidence of any such document as aforesaid may be given by production of a document purporting to be certified as a true copy thereof by such person and in such manner as may be prescribed.

(3) Any entry in a register made under this Act, the British Nationality and Status of Aliens Acts, 1914 to 1943, or any Act repealed by those Acts, shall be received as evidence of the matters stated in the entry.

(4) For the purposes of this Act a certificate given by or on behalf of the Minister that a person was at any time in Crown service under His Majesty's Government in Southern Rhodesia shall be conclusive evidence of that fact.

37. (1) Any person who, for the purpose of procuring anything to be done or not to be done under this Act, knowingly or recklessly makes any statement which is false in a material particular, shall, without prejudice to any other proceedings that might be taken against him, be guilty of an offence and liable to a fine not exceeding one hundred pounds or to

imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

(2) If any person fails to comply with any requirements imposed on him by regulations made under this Act with respect to the delivering up of certificates of naturalization he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

38. The Governor may by regulations make provision generally for carrying into effect the purposes of this Act, and in particular:

(a) For prescribing anything which under this Act is to be prescribed;

(b) For determining the time within which anything required or authorized to be done under this Act shall be done;

(c) For the registration of anything required or authorised under this Act to be registered;

(d) For the administration and taking of an oath of allegiance under this Act and for the time within which such oath shall be taken;

(e) For the giving of any notice required or authorised to be served on any person under this Act;

(f) For the cancellation and amendment of certificates of naturalization and certificates of registration relating to persons deprived of citizenship under this Act, and for requiring such certificates to be delivered up for those purposes;

(g) For the registration by consular officers or other officers in the service of His Majesty's Government in the United Kingdom of the birth and death of any class or description of persons born or dying in a protected state or foreign country;

(h) For enabling the births and deaths of Southern Rhodesian citizens born or dying in any country in which His Majesty's Government in the United Kingdom has for the time being no diplomatic or consular representatives to be registered by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with His Majesty's Government in the United Kingdom, has undertaken to represent that Government's interest in that country, or by a person authorised in that behalf by the Governor;

(i) For defining the circumstances in which and the conditions subject to which copies of certificates issued under this Act may be obtained;

(j) For the imposition and recovery of fees in respect of any application made to the Minister or registrar under this Act or in respect of any registration, or the making of any declaration, or the grant of any certificate, or the taking of an oath of allegiance, authorized to be made, granted or taken by or under this Act, and in respect of supplying a certified or other copy of any declaration, certificate or oath made, granted or taken as aforesaid; and for the application of any such fees:

Provided that any regulation making provision for matters described in paragraph (g) and paragraph (h) of this subsection shall only be made after consultation with His Majesty's Government in the United Kingdom.

39. (1) The Chief Justice and other judges of the High Court may make rules for regulating matters to be dealt with by the High Court under this Act.

(2) The provisions of section 4 of the High Court Practice and Procedure Act [*Chapter 9*] shall apply to all rules made in terms of this subsection.

40. Subject to the provisions of subsection (2) of section *thirty-three* of this Act, the British Nationality and Status of Aliens Act, 1914 to 1943,

of the United Kingdom, so far as they have hitherto extended to Southern Rhodesia, shall from the date of commencement of this Act cease to be in force in Southern Rhodesia.

41. (1) Subject to the provisions of this section, in any Act of the Parliament of Southern Rhodesia and in any instrument made under any such Act, whether passed or made before or after the commencement of this Act, the expression "British subject" shall mean a person who is a British subject under the provisions of this Act, and the expressions "British protected person" and "alien" shall have the same meanings as they have for the purposes of this Act, unless provision is expressly made in such Act or instrument to the contrary or the context otherwise requires.

(2) For the purposes of the Deportation of Aliens Act [*Chapter 61*] the expression "alien" shall mean any person who is neither a British subject under the provisions of this Act nor a citizen of Eire.

(3) The Aliens Act, 1946, is hereby amended in section 2 thereof by the omission of the definition of alien and the substitution therefor of the following definition:

"'alien' means any person who is not a British subject, a British protected person or a citizen of Eire, but does not include a native."

42. The Southern Rhodesian Naturalization Act [*Chapter 66*] is hereby repealed with the exception of the long title and sections 1 and 2, and in the said section 1 the words "Status of Aliens" shall be substituted for the words "Southern Rhodesia Naturalization" and in the said long title the words "the local naturalization and" are repealed.

SCHEDULE (Sections 15, 21 and 25).

OATH OF ALLEGIANCE

I, A.B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George VI, his heirs and successors according to law, and that I will faithfully observe the laws of Southern Rhodesia and fulfil my duties as a Southern Rhodesian citizen.

(b) SOUTHERN RHODESIAN CITIZENSHIP AND BRITISH NATIONALITY (AMENDMENT) ACT, 1951.

1. This Act may be cited as the Southern Rhodesian Citizenship and British Nationality Amendment Act, 1951.

2. Section 2 of the Southern Rhodesian Citizenship and British Nationality Act, 1949 (hereinafter called the principal Act), which contains definitions, is hereby amended by the repeal of subsection (4).

3. Section 3 of the principal Act, which relates to British nationality by virtue of citizenship, is hereby amended in subsection (1) by the omission of the words "citizenship law" and by the substitution of the word "enactment" in place thereof.

4. Section 4 of the principal Act, which relates to the continuance of certain citizens of the Republic of Ireland as British subjects, is hereby amended in subsection (3) by the omission of the words "citizenship law" wherever they occur and by the substitution of the word "enactment" in place thereof.

5. Section 6 of the principal Act, which relates to persons born within the Colony, is hereby amended in subsection (3) as follows:

(a) By the addition at the end of paragraph (b) of the word "or";

(b) By the addition of the following paragraph:

"(c) His father was an enemy alien and his mother was interned in any place in the Colony set aside for the internment of enemy aliens."

6. Section 7 of the principal Act, which relates to persons born outside the Colony, is hereby amended by the addition of the following subsection to follow subsection (2):

"(2a) A person shall not by virtue of this section be a Southern Rhodesian citizen if he is the child of a polygamous marriage."

7. (1) Section 9 of the principal Act, which relates to the requisites for naturalization, is hereby amended as follows:

(a) By the repeal of subsection (1) and by the substitution of the following subsection in place thereof:

"(1) The Minister may grant a certificate of naturalization to any alien or British protected person of full age and capacity who makes application therefor in the prescribed manner and satisfies the Minister that he is a fit and proper person to be naturalized and that he possesses the required qualifications. Before considering any such application, the Minister shall obtain a report thereon from a committee appointed by him for the purpose of considering all such applications and consisting of such persons as may be prescribed."

(b) By the omission in paragraph (b) of subsection (2) of the words "resided in Southern Rhodesia throughout" and by the substitution of the words "been ordinarily resident in Southern Rhodesia during" in place thereof.

(2) Any application for naturalization made before the date of commencement of this Act but not granted at that date shall be treated as if it were an application made under section 9 of the principal Act as amended by this Act.

8. Section 10 of the principal Act, which relates to application for naturalization and advertisement thereof, is hereby repealed and the following section is substituted in place thereof:

"10. (1) No certificate of naturalization granted to any person shall have effect until he has taken an oath of allegiance in the form prescribed in the Schedule to this Act.

"(2) The person to whom a certificate of naturalization is granted under this Act shall, on taking the oath of allegiance as aforesaid, be a Southern Rhodesian citizen by naturalization as from the date of his taking such oath."

9. Sections 11, 12, 13, 14 and 15 of the principal Act are hereby repealed.

10. Section 16 of the principal Act, which relates to the renewal of a rejected application, is hereby amended by the omission of the words "High Court" and by the substitution of the word "Minister" in place thereof.

11. Section 19 of the principal Act, which relates to the requisites for registration after the commencement of the Act is hereby amended as follows:

(a) In subsection (1) by the omission of the word "registrar" and by the substitution of the word "Minister" in place thereof;

(b) In subsection (2) by the repeal of paragraph (a) and by the substitution of the following paragraph in place thereof:

"(a) That he is ordinarily resident in Southern Rhodesia and has been so resident throughout the period of three years immediately preceding his application:

"Provided that, if the applicant resided in Southern Rhodesia for a continuous period of at least five years or for periods which in the aggregate amounted to seven years before the date of commencement of this Act, the period of residence in Southern Rhodesia immediately preceding his application shall be one year."

(c) By the repeal of subsections (5) and (6) and by the substitution of the following subsection in place thereof:

"(5) If the Minister has rejected an application for registration under this section, the applicant shall not make another application for registration under this Act until a period of two years from the date of such rejection has expired."

12. Section 20 of the principal Act, which relates to stating a case for the decision of a judge, is hereby repealed.

13. Section 21 of the principal Act, which relates to the date on which registration is effectual, is hereby amended by the omission of the words "registrar or of the Minister, as the case may be," and by the substitution of the word "Minister" in place thereof.

14. Section 25 of the principal Act, which relates to the registration of wives of citizens and minor children, is hereby amended as follows:

(a) In subsection (1) by the omission of the word "registrar" and by the substitution of the word "Minister" in place thereof;

(b) In subsection (2) by the omission of the word "registrar" and by the substitution of the word "Minister" in place thereof;

(c) In subsection (3) by the omission of the word "registrar" and by the substitution of the word "Minister" in place thereof;

(d) By the repeal of subsection (4);

(e) In subsection (5) by the omission of the words "registered as a Southern Rhodesian citizen under this section except" and by the substitution of the words "entitled to be registered as a Southern Rhodesian citizen under this section, but may be so registered" in place thereof.

15. The principal Act is hereby amended by the addition of the following section after section 25:

"25A. The provisions of sections *twenty-two*, *twenty-three* and *twenty-five* of this Act shall not apply to any woman who was or is a party to a polygamous marriage, and the provisions of section *twenty-five* of this Act shall not apply to any child of a polygamous marriage."

16. Section 27 of the principal Act, which relates to deprivation of citizenship, is hereby amended as follows:

(a) In subsection (2) by the omission of the word "Governor" wherever it occurs and by the substitution of the word "Minister" in place thereof;

(b) In subsection (3) by the omission of the word "Governor" and by the substitution of the word "Minister" in place thereof;

(c) In subsection (4) by the omission of the word "Governor" and by the substitution of the word "Minister" in place thereof;

(d) In subsection (5) by the omission of the word "Governor" and by the substitution of the word "Minister" in place thereof;

(e) By the repeal of subsection (6) and by the substitution of the following subsection in place thereof:

"(6) Whenever it is proposed to make the order, the Minister shall, unless the person concerned objects, refer the case for enquiry and report to a commissioner appointed by him for the purpose, who shall be a judge, a retired judge, an advocate of not less than ten years standing, a magistrate or a retired magistrate. The practice and procedure to be followed in connection with references under this section to a commissioner shall be as prescribed."

17. The principal Act is hereby amended by the addition of the following section after section 28:

"28A. (1) Where a person is deprived of his Southern Rhodesian citizenship under section *twenty-seven* or *twenty-eight* of this Act, the Minister may by order direct that all or any of the children of whom that person is the responsible parent and who are not of full age shall cease to be Southern Rhodesian citizens, and thereupon they shall cease to be Southern Rhodesian citizens.

"(2) A person who has ceased to be a Southern Rhodesian citizen under subsection (1) of this section may, within one year after attaining the age of twenty-one years or in special circumstances within any such extended period as the Minister may allow, make application to the Minister to resume Southern Rhodesian citizenship. If the Minister grants the application, the applicant shall file a declaration that he wishes to resume Southern Rhodesian citizenship, and upon the registration of such declaration in the prescribed manner such person shall again become a Southern Rhodesian citizen."

18. Section 33 of the principal Act, which relates to British subjects whose citizenship has not been ascertained at the commencement of the Act, is hereby amended as follows:

(a) By the repeal of subsection (1) and by the substitution of the following subsection in place thereof:

"(1) If by any enactment for the time being in force in any country to which section *three* of this Act applies provision is made for enabling persons to remain or to become British subjects without citizenship, any person who by virtue of that enactment is a British subject without citizenship shall be deemed also to be a British subject without citizenship by virtue of this section."

(b) By the repeal of subsection (4).

19. Section 38 of the principal Act, which relates to regulations, is hereby amended by the addition of the following paragraph after paragraph (e):

"(ee) For prescribing the practice and procedure to be followed in connection with references under this Act to a commissioner for an enquiry, and in particular for conferring on any such commissioner any powers, rights and privileges of a commission under the Commissions of Inquiry Act, 1941, and for applying all or any of the provisions of that Act with or without modifications accordingly;"

20. Section 39 of the principal Act, which relates to rules of court, is hereby repealed.

21. Section 2 of the Aliens Act, 1946, which contains definitions, is hereby further amended in the definition of "alien" as substituted by section 41 of the principal Act by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.

22. The Schedule to the principal Act is hereby amended by the repeal of all the words appearing therein after the words "Oath of Allegiance" and by the substitution of the following words in place thereof:

"I, A.B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George VI, his heirs and successors according to law; that I will faithfully observe and defend the Constitution and laws of Southern Rhodesia and fulfil my duties as a Southern Rhodesian citizen; and that I will accept any obligations which may be imposed on me by the laws of Southern Rhodesia in respect of military service whether in times of peace or war and whether within Southern Rhodesia or beyond its borders."

23. The several provisions of the principal Act specified in the first column of the Schedule to this Act are hereby amended to the extent indicated in the second column of that Schedule.

SCHEDULE (Section 23)

<i>Provisions amended</i>	<i>Extent of amendment</i>
Section 2	<p>(a) In the definition of "alien" in subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof;</p> <p>(b) In paragraph (c) of the definition of "foreign country" in subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof;</p> <p>(c) In the definition of "naturalized person" in subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.</p>
Section 4	<p>(a) In subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof;</p> <p>(b) In subsection (3) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.</p>
Section 5	<p>(a) In subsection (1) by the omission of the word "Eire" wherever it occurs and by the substitution of the words "the Republic of Ireland" in place thereof;</p> <p>(b) In subsection (2) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.</p>
Section 19	In subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.
Section 25	In subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.

<i>Provisions amended</i>	<i>Extent of amendmen</i>
Section 26	In subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.
Section 28	In subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.
Section 33	In subsection (3) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.
Section 41	In subsection (2) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.

71. Spain

CIVIL CODE, ARTICLES 17 TO 28 ¹

(as amended by the Act of 9 December 1931).

PART I

Spaniards and aliens

Article 17. The following persons are Spanish nationals:

1. A person born in Spanish territory;
2. A person whose father or mother is a Spanish national, even if that person was born outside Spain;
3. An alien who has obtained naturalization papers;
4. A person who, although not in possession of such papers, has acquired the status of resident in any town in the Kingdom.

Article 18. While under parental authority, a minor follows the nationality of his parents.

The benefit of article 17, paragraph 1, shall not extend to a child born in Spanish territory of alien parents unless the latter makes a declaration in the manner and before the officials specified in article 19 to the effect that they opt ² on behalf of the child for Spanish nationality and renounce any other nationality.

Article 19. If a person was born in a Spanish possession of an alien parent, that person shall within one year after attaining his majority or becoming *sui juris*, make a declaration stating whether he wishes to claim the Spanish nationality granted to him by article 17.

If he is present in the Kingdom he shall make this declaration before the official in charge of the civil registry of the town in which he resides; if he is resident abroad he shall make the declaration before one of the

¹ Translation by the Secretariat of the United Nations.

² If a person is called up for military service by the Spanish authorities and voluntarily performs such service, this voluntary act shall be deemed to constitute an option for Spanish nationality in any case in which an option is necessary. (Royal Ordinance of 9 September 1887.)

consular or diplomatic agents of the Spanish Government, and a person in a country in which the Government has no agent, shall apply to the Minister of State in Spain.

Article 20. A person who is naturalized in a foreign country, or accepts employment in the service of another Government, or enters the armed service of a foreign Power without the King's permission, shall cease to be a Spanish national.¹

Article 21. If a person ceases to be a Spanish national by being naturalized in a foreign country, he may recover it, upon returning to the Kingdom, by making a declaration before the official in charge of the civil registry of the place of domicile which he elects, so that the appropriate entry may be made, and by renouncing the protection of the flag of that foreign country.

Article 22. A married woman follows the condition and nationality of her husband.

If a woman who is a Spanish national marries an alien she may, upon the dissolution of the marriage, recover Spanish nationality by complying with the requirements laid down in the preceding article.²

Article 23. If a person ceases to be a Spanish national by accepting employment in the service of another Government, or by entering the armed service of a foreign Power without the King's permission, that person cannot recover Spanish nationality until the disability has been removed by royal dispensation.³

Article 24. If a person who was born abroad of a Spanish father or mother ceases to be a Spanish national because his parents cease to be Spanish nationals, he may likewise recover Spanish nationality by satisfying the requirements laid down in article 19.

Article 25. An alien who has obtained naturalization papers or acquired the status of resident in any town in the Monarchy shall not be eligible for the benefits of Spanish nationality unless he first renounces his former nationality, takes an oath of allegiance to the constitution of the Monarchy, and registers as a Spanish national in the civil register.⁴

¹ Mere renunciation of Spanish nationality, without the acquisition of another nationality, is not sufficient cause, under Spanish law, for immediate loss of Spanish nationality and is not required to be recorded in the register. (*Royal Ordinance of 15 March 1900.*)

² An entry of recovery of Spanish nationality made in a consular register is void, since under articles 21 and 22 of the Civil Code an alien's widow, if potentially a Spanish national, must return to the Kingdom and make the appropriate declaration and produce the necessary documents before the official in charge of the civil registry of the place of domicile she elects. (*Royal Ordinance of 4 December 1914; cf. Royal Ordinance of 15 May 1920.*)

³ The Royal Decree of 27 June 1919 and the Royal Ordinance of 25 November 1919 laid down rules governing the grant of royal dispensations enabling Spanish nationals who had served in the French armed forces during the European War to recover their Spanish nationality.

Under a Decree of 11 February 1946, persons who had ceased to be Spanish nationals by virtue of this article because they served in the armed forces of the belligerent nations from 7 September 1939 to 7 May 1945, may recover Spanish nationality by complying with the formalities laid down in the Decree.

⁴ The Royal Decree of 20 December 1924, supplementing this article, provides that a person of Spanish origin who is protected as though he were

Article 26. If a Spanish national transfers his residence to a foreign country in which he is deemed to be a national solely by reason of his residence therein, he shall, if he wishes to retain his Spanish nationality, make a declaration to this effect before the Spanish diplomatic or consular agent, who shall register him in the register of Spanish residents, together with his spouse, if he is married, and children, if any.

Article 27. An alien shall possess in Spain the rights conferred on Spanish nationals by the civil laws, save as otherwise provided in article 2 of the Constitution of the State or in international treaties.

Article 28. A corporation, foundation or association recognized by law and domiciled in Spain possesses Spanish nationality if deemed to be a body corporate within the meaning of this Code.

An Association which is domiciled abroad shall be entitled in Spain to such treatment and rights as may be determined by treaties or special legislation.

72. Sweden

(a) CITIZENSHIP ACT NO. 382 OF 22 JUNE 1950.¹

Article 1. The following persons shall be deemed to be Swedish citizens by birth:

1. Any child born in wedlock whose father is a Swedish citizen;
2. Any child born in wedlock in Sweden, of whose parents only the mother is a Swedish citizen, provided that the father is not a citizen of any state or that the child does not acquire the father's citizenship by birth;
3. Any child born out of wedlock whose mother is a Swedish citizen.

Any foundling that has been come upon in Sweden shall be deemed to be a Swedish citizen until the contrary be discovered to be the case.

Article 2. When a Swedish man marries an alien woman and they have had a child previously to their marriage, such child shall become a Swedish citizen, provided that it be unmarried and has not yet attained the age of eighteen years.

Article 3. An alien who was born in Sweden and has been uninterruptedly domiciled there may at any time after completing his twenty-first year but before completing his twenty-third year, acquire Swedish citizenship by notification in writing to the provincial government of the province in which is situated the parish where he or she is registered, stating his or her desire to become a Swedish citizen. An alien who is not a citizen of any state or proves that he would lose his foreign citizenship by acquiring Swedish citizenship may make such notification upon attaining the age of eighteen years.

Should Sweden be at war, the provisions of the first paragraph of this article shall not apply to any citizen of an enemy state or to any person who has been a citizen of such a state but has lost such citizenship without acquiring the citizenship of another state.

a Spanish national by the Agents of Spain abroad may be naturalized, within the time limit and under the conditions stipulated, without having to return to Spain, the naturalization papers being registered in the diplomatic or consular registers.

¹ Translation made at the instance of the Royal Swedish Ministry for Foreign Affairs, Swedish Official Gazette (1950-382).

Article 4. A person who has acquired Swedish citizenship by birth, and has been uninterruptedly domiciled in Sweden up to the age of eighteen years, and has lost his or her Swedish citizenship may recover such citizenship after having resided in Sweden for two years by making notification in writing to the provincial government of the province in which is situated the parish where he or she is registered. A person who is a citizen of a foreign state shall, however, not recover his Swedish citizenship unless he proves that by so doing he would lose his foreign citizenship.

Article 5. If an alien man becomes a Swedish citizen in accordance with articles 3 or 4, such citizenship is acquired likewise by his unmarried children born in wedlock who are domiciled in Sweden and have not yet attained the age of eighteen years. The foregoing provision does not, however, apply to children who after the annulment of the marriage, or after divorce, or during judicial separation are in the custody of the mother.

The provisions of the first paragraph of this article regarding acquisition of citizenship along with the father on the part of children born in wedlock shall equally apply:

1. To the relations between children born out of wedlock and the mother, provided that the father is not an alien having the custody of the children;
2. To the relations between children born in wedlock and a mother who is a widow;
3. To the relations between children born in wedlock and a mother whose marriage has been otherwise dissolved, or who is living apart from her husband because of a judicial separation, provided that the children are in the custody of the mother.

Article 6. The King in Council may upon application confer Swedish citizenship upon (naturalize) an alien who:

1. Has attained the age of eighteen years;
2. Has been domiciled in Sweden during the last seven years;
3. Is of good character; and
4. Is able to support himself and his family.

Naturalization may be granted even though the conditions laid down in the first paragraph of this article are not fulfilled if it is found to be of advantage to Sweden that the applicant should be granted Swedish citizenship, or if the applicant has formerly possessed Swedish citizenship, or if the applicant is married to a Swedish citizen, or if, having regard to the applicant's circumstances, there should otherwise, be special reasons for his being granted Swedish citizenship.

If the applicant is a Danish, Finnish, Icelandic or Norwegian citizen the requirement stated in subparagraph 2 may be waived even if no other special reason should exist.

If an applicant who is a citizen of a foreign state should not lose such citizenship by reason of his naturalization without the consent of the government or other authority of the foreign state, it may be made a condition of the acquisition of Swedish citizenship that the applicant shall submit proof within a specified limit of time to the provincial government indicated by the King in Council that such consent has been granted. The provincial government shall decide whether sufficient evidence has been produced.

When an alien is being granted Swedish citizenship in accordance with this article, the King in Council shall decide whether the naturalization

shall also apply to the applicant's unmarried children under the age of eighteen years.

Article 7. Swedish citizenship shall be lost by:

1. Any person who acquires foreign citizenship, having applied for such citizenship or expressly consented to receive the same;

2. Any person who acquires foreign citizenship by entering the public service of another state;

3. An unmarried child under the age of eighteen years who becomes a foreign national by reason of the fact that foreign citizenship has been acquired by its parents in the manner indicated above in this article if the parents have joint custody of the child, or by one of the parents, if he or she either has sole custody or has custody together with the other parent and that parent is not a Swedish citizen;

4. An unmarried child under the age of eighteen years who becomes a foreign national by reason of the marriage of its parents; yet if such child is domiciled in Sweden, loss of Swedish citizenship shall only follow if the child leaves Sweden before attaining the age of eighteen years and at that time has retained its foreign citizenship.

Article 8. A Swedish citizen who was born outside Sweden and who has at no time been domiciled or lived there under circumstances indicating a connexion with Sweden shall lose his Swedish citizenship upon attaining the age of twenty-two years. Upon application previously made by such person the King in Council may, however, permit him to retain such citizenship.

Whenever any person loses his or her Swedish citizenship in accordance with the first paragraph of this article, such loss of citizenship shall also apply to any children who have acquired citizenship as a consequence of the said person's being a Swedish citizen.

Article 9. Upon application the King in Council may release from Swedish citizenship a person who is or desires to become a foreign national. If the applicant is not already a foreign national it shall be made a condition of release that he or she shall acquire citizenship in another state within a specified limit of time.

Article 10. Upon agreement with Denmark, Finland, Iceland or Norway, the King in Council may order the application of one or more of the provisions under (a)—(c) below. The expression "contracting state" in these provisions refers to any state or states with which Sweden has concluded an agreement as to the application of the provision in question.

(a) In applying article 1, paragraph 1, subparagraph 2, and article 3, birth in a contracting state shall be deemed equivalent to birth in Sweden.

As far as articles 3 and 4 are concerned, domicile up to the age of twelve years in a contracting state shall be deemed equivalent to domicile in Sweden.

(b) A citizen of a contracting state who has

1. Acquired citizenship otherwise than through naturalization;

2. Reached the age of twenty-one but not sixty years;

3. Been domiciled in Sweden for the last ten years; and

4. Has not been sentenced to imprisonment during that period,

may acquire Swedish citizenship by notification in writing to the provincial government of the province in which is situated the parish where he or she is registered. The provisions of article 5 shall apply to such acquisition of citizenship.

(c) Any person who has lost his or her Swedish citizenship and has thereafter continuously been a citizen of a contracting state may recover his or her Swedish citizenship by making application in writing to that effect, after having taken up residence in Sweden, to the provincial government of the province in which is situated the parish where he or she is registered. The provisions of article 5 shall apply to such acquisition of citizenship.

Article 11. When application is made in accordance with articles 3, 4 or 10, the provincial government shall decide whether or not Swedish citizenship has been acquired as a result of the application, and inform the applicant of their decision.

Any person who desires to obtain a declaration to the effect that he or she is a Swedish citizen may make application to the King in Council, who may issue such a declaration after consulting the Supreme Administrative Court; matters of the kind referred to in the first paragraph of this article may, however, not be reviewed in this connexion.

Article 12. Appeals against a decision of a provincial government in matters arising under the present Act shall be made to the King in Council in the manner prescribed for appeals against the decisions of administrative authorities and government offices.

Article 13. Any person who has attained the age of eighteen years may himself make an application or notification in accordance with the present Act notwithstanding the fact that he is in the custody of another person.

No notification can be made through a guardian or custodian.

Article 14. Further provisions regarding applications in accordance with article 6, and the examination of the evidence required for the consideration of such applications, as well as such other regulations as may be found requisite for the application of this Act, shall be issued by the King in Council.

TRANSITIONAL PROVISIONS

Article 15. This Act shall come into force on January 1, 1951.

By this Act the Act of May 23, 1924, (No. 130) concerning the Acquisition and Loss of Swedish Citizenship is repealed with the exception of the first paragraph of article 13; when a person becomes a Swedish citizen in accordance with the said provision, what is laid down in article 5 of the present Act for such cases as are therein referred to shall apply except insofar that the condition as to domicile in Sweden shall not apply.

Article 16. Any child born in wedlock in Sweden before January 1, 1951, of whose parents only the mother was a Swedish citizen at the time of its birth, acquires Swedish citizenship upon the entry into force of this Act, provided that it has not attained the age of eighteen years and that it is not and has never been a citizen of another state.

Article 17. A person who attains the age of twenty-two years during the year 1951 may make a notification as provided by article 3 until the end of the year 1952.

Article 18. A woman who under previous legislation has lost her Swedish citizenship as a consequence of having married an alien or because her husband has become a foreign national, but who under the provisions of the present Act would have remained a Swedish citizen, recovers Swedish citizenship by notifying her desire to do so in accordance with the further

provisions to be issued by the King in Council. Such notification may not be made later than December 31, 1955.

Article 19. A woman who is attaining the age of twenty-two years during any of the years 1951—1953, and who upon attaining this age is or has been married, shall not lose her Swedish citizenship until the end of the year 1953 under the conditions set out in Article 8.

Article 20. Any provision in any treaty between Sweden and a foreign state shall be observed even if it be in conflict with the provisions of the present Act, provided that the treaty is still valid at the time when the said Act shall come into force.

(b) ROYAL ORDER NO. 382 OF 22 DECEMBER 1950¹ RESPECTING THE APPLICATION TO DENMARK AND NORWAY OF ARTICLE 10 OF THE SWEDISH NATIONALITY ACT OF 22 JUNE 1950.

Article 1. The provisions of article 10, paragraphs (a)—(c), of the Swedish Nationality Act shall apply to Denmark and Norway.

Article 2. A declaration under article 10, paragraphs (b) or (c), of the Swedish Nationality Act shall be made on faith and honour and contain such particulars as are necessary to determine whether the conditions prescribed for acquiring Swedish nationality are fulfilled. A birth certificate shall be attached.

When a person makes a declaration under article 10, paragraph (b), of the aforesaid Act, the county administrative authority shall obtain an extract from the penal register.

The provisions of article 1, second paragraph, and articles 2 and 8 of the Order of 24 November 1950 respecting the application of the Swedish Nationality Act shall apply as appropriate to an application under this article.

This order shall enter into force on 1 January 1951.

73. Suisse

LOI FÉDÉRALE DU 29 SEPTEMBRE 1952 SUR L'ACQUISITION ET LA PERTE DE LA NATIONALITÉ SUISSE²

I. ACQUISITION ET PERTE PAR LE SEUL EFFET DE LA LOI

A. Acquisition par le seul effet de la loi

Article premier. Est Suisse dès sa naissance:

- a) L'enfant légitime dont le père est Suisse;
- b) L'enfant naturel dont la mère est Suisse.

Article 2. L'enfant naturel d'une mère étrangère acquiert, lorsque le père est Suisse, la nationalité suisse:

- a) Par le mariage de ses père et mère ou par un jugement de légitimation;
- b) Par un jugement déclaratif de paternité;
- c) Par la reconnaissance faite par le père ou le grand-père paternel, si l'enfant est encore mineur.

¹ Translation by the Secretariat of the United Nations.

² Recueil des lois fédérales No. 53 du 31 décembre 1952 (1115).

Sa femme, de même que ses enfants lorsqu'ils suivent sa condition, acquièrent avec lui la nationalité suisse.

Article 3. La femme étrangère acquiert la nationalité suisse par son mariage avec un Suisse.

Lorsque le mariage est déclaré nul, la femme qui l'a contracté de bonne foi conserve la nationalité suisse.

Les enfants issus du mariage déclaré nul restent Suisses, même si leurs père et mère n'étaient pas de bonne foi.

Article 4. Quiconque est Suisse en vertu des articles 1^{er}, 2 ou 3 a le droit de cité cantonal et communal de la personne dont il suit la condition.

Article 5. L'enfant légitime d'un père étranger et d'une mère suisse acquiert dès sa naissance le droit de cité cantonal et communal de sa mère, et par là même la nationalité suisse, lorsqu'il ne peut acquérir une autre nationalité dès sa naissance.

Il perd la nationalité suisse si, avant sa majorité, il a la nationalité étrangère de son père.

Il perd le droit de cité cantonal et communal acquis en vertu du 1^{er} alinéa et acquiert celui de son père lorsque celui-ci devient Suisse avant la majorité de son enfant.

Article 6. L'enfant de filiation inconnue, trouvé en Suisse, acquiert le droit de cité du canton dans lequel il a été exposé, et par là même la nationalité suisse.

Le canton détermine le droit de cité communal qu'acquiert l'enfant.

Lorsque la filiation est constatée, l'enfant perd les droits de cité ainsi acquis s'il est encore mineur et ne devient pas apatride.

Article 7. L'adoption n'entraîne ni l'acquisition, ni la perte de la nationalité suisse.

B. Perte par le seul effet de la loi

Article 8. L'enfant naturel, encore mineur, d'une mère suisse et d'un père étranger perd la nationalité suisse par le mariage de ses père et mère lorsqu'il acquiert de ce fait la nationalité de son père ou l'a déjà.

L'enfant naturel qui suit la condition d'une personne perdant la nationalité suisse en vertu du 1^{er} alinéa, perd avec elle cette nationalité s'il acquiert simultanément la nationalité étrangère de cette personne, ou l'a déjà.

Article 9. La femme suisse perd la nationalité suisse en épousant un étranger, si elle acquiert la nationalité de son mari par le mariage ou l'a déjà et ne déclare pas, lors de la publication ou de la célébration du mariage, vouloir conserver la nationalité suisse.

La déclaration doit être faite par écrit, en Suisse, à l'officier de l'état civil qui procède à la publication ou à la célébration du mariage; à l'étranger, à un représentant diplomatique ou consulaire suisse.

Article 10. L'enfant né à l'étranger d'un père suisse qui y est également né perd la nationalité suisse à vingt-deux ans révolus lorsqu'il a encore une autre nationalité, à moins que, jusqu'à cet âge, il n'ait été annoncé à une autorité suisse à l'étranger ou au pays, qu'il ne se soit annoncé lui-même ou qu'il n'ait déclaré par écrit vouloir conserver la nationalité suisse.

L'enfant qui, à sa naissance, a la nationalité suisse de sa mère est soumis à la même règle par analogie.

Est considérée notamment comme une annonce au sens du 1^{er} alinéa toute communication des parents, de la parenté ou de connaissances en vue d'inscrire l'enfant dans les registres de la commune d'origine, de l'immatriculer ou de lui faire délivrer des papiers de légitimation.

Celui qui, contre sa volonté, ne s'est pas annoncé ou n'a pas souscrit une déclaration, en temps utile, conformément au 1^{er} alinéa, peut le faire encore valablement dans le délai d'une année à partir du jour où l'empêchement a pris fin.

Article 11. Quiconque perd la nationalité suisse par le seul effet de la loi perd par là même le droit de cité cantonal et communal.

II. ACQUISITION ET PERTE PAR DÉCISION DE L'AUTORITÉ

A. *Acquisition par naturalisation ou réintégration*

a) Naturalisation ordinaire

Article 12. Dans la procédure ordinaire de naturalisation, la nationalité suisse s'acquiert par la naturalisation dans un canton et une commune. La naturalisation n'est valable que si une autorisation fédérale a été accordée.

Article 13. L'autorisation est accordée par le département fédéral de justice et police. Ce département peut déléguer ses pouvoirs à l'une de ses divisions.

L'autorisation est accordée pour un canton déterminé.

La durée de sa validité est de trois ans; elle peut être prolongée.

L'autorisation peut être modifiée quant aux membres de la famille qui y sont compris.

Le département fédéral de justice et police peut révoquer l'autorisation avant la naturalisation lorsqu'il apprend des faits qui, antérieurement connus, auraient motivé un refus.

Article 14. Avant l'octroi de l'autorisation, l'aptitude du requérant à la naturalisation doit être examinée.

L'enquête doit donner une image aussi complète que possible de la personnalité du requérant et des membres de sa famille.

Article 15. L'étranger ne peut demander l'autorisation que s'il a résidé en Suisse pendant douze ans, dont trois au cours des cinq années qui précèdent la requête.

Dans le calcul des douze ans de résidence, le temps que le requérant a passé en Suisse entre dix et vingt ans révolus compte double; il en est de même pour le temps qu'il a passé en Suisse alors qu'il vivait en communauté conjugale avec une femme suisse de naissance.

Pour les enfants adoptés par des citoyens suisses, ainsi que pour les enfants qui vivent avec leur mère d'origine étrangère et son époux suisse, le temps passé en Suisse avant l'âge de dix ans révolus compte également double.

Article 16. L'octroi par un canton ou une commune du droit de cité d'honneur à un étranger, sans l'autorisation fédérale, n'a pas les effets d'une naturalisation.

Article 17. Quiconque veut se faire naturaliser doit s'abstenir de toute démarche en vue de garder sa nationalité. La renonciation à la nationalité étrangère doit être exigée si elle peut raisonnablement être attendue du requérant.

b) Réintégration

Article 18. La réintégration est accordée par l'autorité fédérale; elle est gratuite. Elle peut avoir lieu lorsque les conditions prévues aux articles 19, 20, 21, 22 ou 23 sont remplies.

Le canton doit être entendu.

Article 19. La femme qui a perdu la nationalité suisse par le mariage ou par l'inclusion dans la libération de son mari peut être réintégrée:

a) Lorsque le mariage est dissous par le décès du mari, par une déclaration de nullité ou un divorce, ou que les époux sont séparés de corps pour une durée indéterminée ou séparés de fait depuis trois ans;

b) Lorsque, pour des raisons excusables, la femme n'a pas souscrit la déclaration prévue à l'article 9;

c) Lorsque la femme est apatride.

La demande doit être présentée, pour le cas de la lettre *a*, dans le délai de dix ans dès l'accomplissement de la condition, et pour le cas de la lettre *b*, dans le délai d'une année dès le jour où a cessé l'empêchement, mais au plus tard dans les dix ans depuis la célébration du mariage. Si un refus devait avoir des conséquences trop rigoureuses, une requête formulée avec retard peut aussi être prise en considération, même lorsqu'elle est présentée en vertu de la lettre *a*, et que le délai était déjà écoulé lors de l'entrée en vigueur de la présente loi.

Article 20. Lorsqu'une femme est réintégrée en vertu de l'article 19, 1^{er} alinéa, lettre *a*, ses enfants mineurs peuvent être compris dans sa réintégration avec l'assentiment de leur représentant légal, s'ils résident en Suisse.

Quand elle est réintégrée en vertu de l'article 19, 1^{er} alinéa, lettre *c*, ses enfants mineurs peuvent être compris dans sa réintégration avec l'assentiment de leur représentant légal, s'ils sont eux aussi apatrides. Par la suite, les dispositions de l'article 5, 2^e et 3^e alinéas, leur sont applicables.

Article 21. Peut être réintégré quiconque a omis, pour des raisons excusables, de s'annoncer ou de souscrire une déclaration comme l'exige l'article 10 et a perdu, de ce fait, la nationalité suisse par péremption. La requête doit être présentée dans les dix ans à compter de la péremption.

Article 22. Les enfants qui ont été libérés de la nationalité suisse avec le détenteur de la puissance paternelle peuvent être réintégrés, s'ils résident en Suisse. Ils doivent présenter leur requête dans les dix ans qui suivent leur retour en Suisse et avant d'avoir trente ans révolus.

Article 23. Quiconque a été contraint par des circonstances spéciales de demander sa libération de la nationalité suisse peut être réintégré, s'il réside en Suisse. La requête doit être présentée dans les dix ans qui suivent le retour en Suisse.

Article 24. Par la réintégration, le requérant acquiert le droit de cité cantonal et communal qu'il a eu en dernier lieu, et par là même la nationalité suisse.

Article 25. Le département fédéral de justice et police statue sur les requêtes. Il ne peut, toutefois, accorder la réintégration que si l'autorité cantonale y consent.

Lorsque l'autorité cantonale s'oppose à la réintégration, le Conseil fédéral peut l'accorder, sur proposition du département fédéral de justice et police ou sur recours (art. 51).

c) Naturalisation facilitée

Article 26. La naturalisation facilitée est accordée par l'autorité fédérale; elle est gratuite. Elle peut avoir lieu lorsque les conditions prévues aux articles 27, 28, 29 ou 30 sont remplies.

Le canton doit être entendu.

Article 27. Les enfants de mère suisse par naissance qui ont vécu en Suisse pendant dix ans au moins peuvent bénéficier de la naturalisation facilitée, lorsqu'ils résident en Suisse et en font la demande avant vingt-deux ans révolus.

Ils acquièrent le droit de cité cantonal et communal que la mère a ou avait en dernier lieu, et par là même la nationalité suisse.

Article 28. Les enfants mineurs dont la mère a conservé la nationalité suisse lors de son mariage avec un étranger ou lors de la libération de son mari peuvent bénéficier de la naturalisation facilitée:

a) Lorsqu'ils résident en Suisse et que le mariage des parents a été dissous par le décès du père, par une déclaration de nullité ou par un divorce, ou que les parents sont séparés de corps pour une durée indéterminée ou séparés de fait depuis trois ans;

b) Lorsqu'ils sont apatrides. Par la suite, les dispositions de l'article 5, 2e et 3e alinéas, leur sont applicables.

Ils acquièrent le droit de cité cantonal et communal de leur mère, et par là même la nationalité suisse.

Article 29. L'étranger qui, pendant cinq ans au moins, a vécu dans la conviction qu'il était Suisse et a été traité effectivement comme tel par une autorité cantonale et communale peut bénéficier de la naturalisation facilitée.

En règle générale, il acquiert par cette naturalisation le droit de cité du canton responsable de l'erreur; il acquiert simultanément le droit de cité communal que détermine ce canton.

S'il a déjà servi dans l'armée suisse, il n'est soumis à aucune condition de temps.

Article 30. Peut bénéficier de la naturalisation facilitée l'étranger résidant en Suisse qui, en vertu d'un traité, aurait pu acquérir la nationalité suisse par option et qui, pour des raisons excusables, a omis d'opter dans les délais et les formes voulus.

Il acquiert le droit de cité cantonal et communal qu'il aurait obtenu par l'option, et par là même la nationalité suisse.

Article 31. Le département fédéral de justice et police statue sur les requêtes. Il ne peut, toutefois, accorder la naturalisation facilitée que si l'autorité cantonale y consent.

Lorsque l'autorité cantonale s'oppose à la naturalisation facilitée, le Conseil fédéral peut l'accorder sur proposition du département fédéral de justice et police ou sur recours (art. 51).

d) Dispositions communes

Article 32. La femme mariée ne peut être naturalisée qu'avec son mari. Elle est comprise dans la naturalisation de son mari lorsqu'elle y consent par écrit.

Le 1er alinéa n'est pas applicable lorsque les époux sont séparés de corps pour une durée indéterminée ou séparés de fait depuis trois ans.

Article 33. Les enfants mineurs du requérant sont compris, en règle générale, dans sa naturalisation ou sa réintégration.

Article 34. La demande de naturalisation ou de réintégration de mineurs est faite par le représentant légal. S'ils sont sous tutelle, l'assentiment des autorités de tutelle n'est pas nécessaire.

Les mineurs de plus de seize ans doivent exprimer par écrit leur intention d'acquérir la nationalité suisse.

Article 35. Au sens de la loi, la majorité et la minorité sont celles du droit suisse (art. 14 du code civil).

Article 36. Au sens de la loi, la résidence est, pour l'étranger, la présence en Suisse conforme aux dispositions légales sur la police des étrangers.

La résidence n'est pas interrompue lorsque l'étranger fait un court séjour hors de Suisse avec l'intention d'y revenir.

En revanche, elle prend fin dès la sortie de Suisse lorsque l'étranger a déclaré son départ à la police ou a résidé en fait pendant plus de six mois hors de Suisse.

Article 37. Le requérant n'a pas le droit d'exiger la communication du dossier.

Les renseignements sur le requérant ou les membres de sa famille sont confidentiels, à moins que celui qui les a donnés ne renonce expressément à leur maintenir ce caractère. Le département fédéral de justice et police peut exceptionnellement déroger à cette règle lorsque la personne qui a donné les renseignements savait qu'ils étaient faux ou en a malicieusement exagéré l'importance. Le requérant doit avoir la possibilité de se prononcer, avant la décision de l'autorité fédérale, sur les faits relevés à sa charge; des renseignements ne doivent, toutefois, lui être donnés que dans la mesure où cela ne porte pas atteinte à la sécurité intérieure ou extérieure du pays.

Les décisions des autorités fédérales refusant une naturalisation ou une réintégration doivent être motivées.

Toute personne comprise dans la naturalisation ou la réintégration doit être mentionnée dans l'autorisation fédérale et l'acte de naturalisation ou de réintégration.

Article 38. Les autorités fédérales perçoivent pour leurs décisions un émoluments de chancellerie. Cet émoluments doit être remis en cas d'indigence.

Article 39. La Confédération prend à sa charge la moitié des dépenses d'assistance que l'étranger qui acquiert la nationalité suisse en vertu des articles 18 à 28 occasionne aux cantons et aux communes pendant les dix premières années qui suivent la naturalisation ou la réintégration.

Article 40. Toute personne naturalisée ou réintégrée en vertu des articles 18 à 30 jouit des mêmes droits que les autres ressortissants de la commune; elle n'a cependant aucun droit aux biens bourgeoisiaux ou corporatifs, sauf disposition contraire de la législation cantonale.

Article 41. Avec l'assentiment de l'autorité du canton d'origine, le département fédéral de justice et de police peut, dans les cinq ans, annuler la naturalisation ou la réintégration obtenue par des déclarations mensongères ou par la dissimulation de faits essentiels.

Dans les mêmes conditions, la naturalisation accordée conformément aux articles 12 à 17 peut être aussi annulée par l'autorité cantonale.

Sauf décision expresse, l'annulation fait également perdre la nationalité suisse aux membres de la famille qui l'ont acquise en vertu de la décision annulée.

B. Perte par décision de l'autorité

a) Libération

Article 42. Tout Suisse est, à sa demande, libéré de sa nationalité lorsqu'il ne réside pas en Suisse, qu'il est âgé d'au moins vingt ans et qu'il a une nationalité étrangère acquise ou assurée.

La libération est prononcée par l'autorité du canton d'origine.

Le droit de cité cantonal et communal, de même que la nationalité suisse, se perdent lors de la notification de l'acte de libération.

Article 43. La femme mariée ne peut être libérée de la nationalité suisse qu'avec son mari. Elle est comprise dans la libération de son mari, lorsqu'elle y consent par écrit.

Elle doit également remplir les conditions prévues par l'article 42, 1^{er} alinéa. Si l'une ou l'autre de ces conditions n'est pas remplie ou si la femme refuse le consentement prévu au 1^{er} alinéa, la libération du mari peut être différée ou refusée.

Le 1^{er} alinéa n'est pas applicable lorsque les époux sont séparés de corps pour une durée indéterminée ou séparés de fait depuis trois ans.

La femme suisse mariée à un étranger peut être libérée de la nationalité suisse dès le moment où elle a une nationalité étrangère acquise ou assurée.

Article 44. Les enfants mineurs sous puissance paternelle du requérant sont compris dans sa libération; les enfants de plus de seize ans ne le sont toutefois que s'ils y consentent par écrit.

Ils doivent également résider hors de Suisse et avoir une nationalité étrangère acquise ou assurée.

Article 45. Le canton d'origine établit un acte de libération mentionnant toutes les personnes libérées.

Le département fédéral de justice et police est chargé de faire notifier l'acte; notification faite, il en informe le canton.

Il diffère la notification tant qu'il ne peut escompter que la personne libérée obtiendra la nationalité étrangère promise.

Si le lieu de résidence de la personne libérée est inconnu, la libération peut être publiée dans la *Feuille fédérale*. Cette publication a les mêmes effets que la notification de l'acte.

Article 46. Les cantons peuvent percevoir un émolument de chancellerie pour l'examen d'une demande de libération.

La notification de l'acte de libération ne peut toutefois dépendre du paiement de l'émolument.

Les autorités fédérales ne perçoivent aucun émolument pour leur intervention dans la procédure de libération.

Article 47. Si le requérant est ressortissant de plusieurs cantons, l'autorité de chaque canton d'origine se prononce sur la libération.

Les actes de tous les cantons sont notifiés ensemble.

La notification d'un seul acte de libération fait perdre la nationalité suisse et tous les droits de cité cantonaux et communaux, même si, par erreur, un des cantons d'origine ne s'est pas prononcé.

b) Retrait

Article 48. Le département fédéral de justice et police peut, avec l'assentiment de l'autorité du canton d'origine, retirer la nationalité suisse et

le droit de cité cantonal et communal à un double national si sa conduite porte une atteinte grave aux intérêts ou au renom de la Suisse.

III. CONSTATATION DE DROIT

Article 49. En cas de doute sur la nationalité suisse d'une personne, l'autorité du canton dont le droit de cité est en cause statue d'office ou sur demande.

Le département fédéral de justice et police a également qualité pour présenter la demande.

IV. RECOURS

Article 50. Peuvent être l'objet de recours de droit administratif au Tribunal fédéral:

1. Les décisions du département fédéral de justice et police concernant:
 - a) L'annulation de la naturalisation ou de la réintégration selon l'article 41;
 - b) Le retrait de la nationalité suisse selon l'article 48.
2. Les décisions des autorités cantonales concernant:
 - a) L'annulation de la naturalisation selon l'article 41;
 - b) La libération de la nationalité suisse selon les articles 42 à 44;
 - c) La constatation de droit selon l'article 49.

Ces décisions doivent être communiquées immédiatement et sans frais au département fédéral de justice et police.

Article 51. Toutes les autres décisions du département fédéral de justice et police peuvent être déferées au Conseil fédéral.

Sous réserve du 3^e alinéa, les décisions du département fédéral de justice et police concernant l'autorisation de naturalisation sont toutefois sans recours. Si le département charge une de ses divisions de se prononcer sur l'octroi de cette autorisation, il statue, sur recours, en dernière instance.

Le gouvernement du canton pour lequel la naturalisation a été demandée peut déférer au Conseil fédéral les décisions du département fédéral de justice et police refusant l'autorisation de naturalisation.

Article 52. Ont qualité pour recourir selon les articles 50 et 51 les personnes touchées par la décision et en outre:

- a) Les autorités du canton et de la commune dont le droit de cité est en cause, contre les décisions du département fédéral de justice et police;
- b) L'autorité communale et le département fédéral de justice et police, contre les décisions des autorités cantonales.

Article 53. Dans la procédure du recours de droit administratif, les intéressés ont le droit de consulter leur dossier, à moins que cette consultation ne touche à la sécurité intérieure ou extérieure du pays.

V. DISPOSITIONS FINALES ET TRANSITOIRES

Article 54. Le Conseil fédéral est chargé de l'exécution de la présente loi.

Il est autorisé à établir des prescriptions concernant les papiers de légitimation des ressortissants suisses.

Article 55. Toutes les dispositions contraires à la présente loi sont abrogées, notamment:

La loi fédérale du 3 décembre 1850/24 juillet 1867 sur l'heimatlosat;

La loi fédérale du 25 juin 1903/26 juin 1920 sur la naturalisation des étrangers et la renonciation à la nationalité suisse.

Article 56. L'article 120 du code civil est complété par le chiffre 4 suivant:

« 4. Lorsque la femme n'entend pas fonder une communauté conjugale, mais veut éluder les règles sur la naturalisation. »

L'article 121 du code civil est rédigé comme il suit:

« L'action en nullité est intentée d'office par l'autorité cantonale compétente.

« Elle appartient aussi à tout autre intéressé, notamment à la commune d'origine ou de domicile. »

L'article 122, 1^{er} alinéa, du code civil est rédigé comme il suit:

« La nullité d'un mariage dissous, dans les cas prévus par l'article 120, chiffres 1 à 3, ne se poursuit pas d'office; tout intéressé peut néanmoins la faire déclarer. »

Article 57. La présente loi n'a pas d'effet rétroactif.

L'acquisition et la perte de la nationalité suisse par le seul effet de la loi sont régies par le droit en vigueur au moment où le fait déterminant s'est produit.

Lorsque les conditions d'application de l'article 10 sont remplies, les personnes qui ont plus de vingt-deux ans le jour de l'entrée en vigueur de la loi ou qui atteindront l'âge de vingt-deux ans dans l'année qui suit cette entrée en vigueur perdent la nationalité suisse si dans ce délai d'une année elles ne s'annoncent pas ou ne souscrivent pas une déclaration conformément au dit article.

Les dispositions de l'article 5, 2^e et 3^e alinéas, sont applicables également à l'enfant légitime d'un père étranger et d'une mère suisse qui, avant l'entrée en vigueur de la loi, a acquis la nationalité suisse parce qu'il aurait été autrement apatride.

Article 58. Les femmes suisses par naissance qui ont perdu la nationalité suisse par le mariage avec un étranger avant l'entrée en vigueur de la loi sont rétablies gratuitement dans cette nationalité, bien que le mariage subsiste, si elles en font la demande au département fédéral de justice et police dans un délai d'une année à partir de l'entrée en vigueur de la loi.

Les demandes émanant de femmes suisses par naissance qui, par leur conduite, ont porté une atteinte sensible aux intérêts ou au renom de la Suisse ou qui, d'une autre manière, sont manifestement indignes de cette faveur, doivent être rejetées.

Les décisions peuvent être l'objet d'un recours au Conseil fédéral.

Les articles 24, 28, 29 et 41 sont applicables par analogie.

Article 59. Le Conseil fédéral fixe la date de l'entrée en vigueur de la présente loi.

Le Conseil fédéral arrête:

La loi fédérale ci-dessus, publiée le 30 septembre 1952, sera insérée dans le Recueil des lois de la Confédération et entrera en vigueur le 1^{er} janvier 1953.

74. Syrie

DÉCRET LÉGISLATIF NO 21 DU 4 FÉVRIER 1953 ¹.

CHAPITRE I. DE LA NATIONALITÉ SYRIENNE

Article premier. Est considéré Syrien d'office:

- a) L'enfant né en Syrie ou à l'Étranger d'un père syrien.
- b) L'enfant né en Syrie de parents de nationalité inconnue.
- c) L'enfant né en Syrie qui n'a pu, à sa naissance, acquérir par filiation, une nationalité étrangère.
- d) Tout individu d'origine syrienne, qui, n'ayant pas acquis une autre nationalité, n'a pas opté pour la nationalité syrienne dans les délais fixés par les Traités et les Lois antérieurs.

e) Tout émigré jouissant de la nationalité syrienne au moment où il a quitté le sol de la Patrie, qui n'a pas d'une façon régulière et sur une demande expresse de sa part, abandonné cette nationalité, même s'il a acquis, par l'effet des lois en vigueur dans le pays où il réside, la nationalité de ce pays.

Article 2. L'enfant naturel est considéré Syrien si celui de ses parents qui le reconnaît le premier est lui-même Syrien.

Si la preuve de filiation résulte pour le père et la mère d'un même acte ou d'un même jugement judiciaire, l'enfant naturel prendra la nationalité du père, si lui-même est Syrien.

Article 3. 1) Est considéré Syrien, l'enfant né en Syrie de père et mère inconnus.

2) L'enfant trouvé sur le territoire syrien est présumé être né en Syrie, jusqu'à preuve du contraire.

3) Les dispositions prévues à l'article 2 du présent décret législatif sont applicables à l'enfant trouvé dans le cas où la preuve de sa filiation est établie par l'un de ses parents ou par tous les deux.

CHAPITRE II. DE L'ACQUISITION DE LA NATIONALITÉ

Article 4. 1) La nationalité syrienne peut être accordée à tout étranger remplissant les conditions suivantes:

- a) être majeur,
- b) avoir présenté une demande écrite,
- c) avoir fixé sa résidence effective en Syrie pendant cinq années consécutives au moins, précédant la présentation de la demande de naturalisation,
- d) être de bonne vie et mœurs, sain de corps et exempt de maladie suivant examen de laboratoire,
- e) établir la preuve qu'il est un spécialiste ou un praticien pouvant être utile à la Syrie et posséder de quoi le dispenser de l'aide d'autrui, tout en tenant compte de la concurrence des Syriens dans les professions qu'ils exercent en nombre,

f) parler, lire et écrire la langue arabe,

g) changer, si la demande lui en est faite, son nom étranger pour un nom arabe conformément à la règle prévue par la loi.

2) La majorité est considérée atteinte en ce qui concerne les questions de nationalité, lors de l'accomplissement de la dix-huitième année, d'après le calendrier chrétien.

¹ Texte français reçu du Ministère des affaires étrangères de la République Syrienne.

Article 5. 1) La nationalité syrienne est accordée par décret pris sur la proposition du Ministre de l'intérieur.

2) La nationalité ne peut être accordée qu'à titre individuel et ne peut être octroyée à un groupe ou à une collectivité que par une loi.

Article 6. 1) Le Ministre de l'intérieur peut, par décret pris sur approbation du Conseil des Ministres pour des motifs laissés à son appréciation et sur demande de l'intéressé, accorder la nationalité syrienne à une personne d'origine arabe sans se conformer aux conditions prévues par l'article 4.

2) Contrairement aux restrictions faisant l'objet de l'article 10 du présent décret législatif, la personne naturalisée de la façon indiquée ci-dessus jouit, à partir de la date de sa naturalisation de tous les droits civils, publics et politiques dans les limites prévues par les lois en vigueur.

Article 7. La nationalité syrienne peut être accordée par décret pris en Conseil des Ministres, à un étranger ayant rendu à la Syrie des services émérites, sans se conformer aux conditions de naturalisation prévues par l'article 4 du présent décret législatif.

Article 8. La nationalité syrienne peut être accordée sur leur demande, à l'épouse et aux enfants majeurs d'un étranger qui a acquis la nationalité syrienne sans que leur soit applicable la condition de résidence.

Sont Syriens d'office, les enfants mineurs de parents ayant acquis la nationalité syrienne. Ils peuvent toutefois, au cours de l'année qui suit leur majorité, demander l'abandon de cette nationalité pour en acquérir une autre.

Article 9. 1) La femme étrangère qui épouse un syrien acquiert la nationalité syrienne par décret pris sur sa demande et les conditions prévues par les alinéas c, f, et g du paragraphe 1^{er} de l'article 4 ne lui sont pas applicables.

2) Le paragraphe 1^{er} du présent article ne s'applique pas aux femmes étrangères arabes qui deviennent Syriennes par le fait de leur mariage avec des Syriens.

Article 10. 1) L'étranger qui a acquis la nationalité syrienne exerce ses droits civils depuis la date de sa naturalisation et ne peut exercer ses droits publics et politiques que dans les limites des dispositions des lois en vigueur après l'expiration d'un délai de cinq années de cette date.

2) A l'expiration du délai des cinq années susvisées, le naturalisé ne peut jouir des droits politiques qu'après la parution d'un décret lui reconnaissant ce droit.

Article 11. La personne qui demande la naturalisation prête devant le Juge de Paix de la région où il réside le serment suivant:

“Je jure par Dieu Tout-Puissant de respecter la constitution de la Syrie, de me soumettre à ses dispositions et d'être un fidèle citoyen. Dieu m'est témoin de ce que je dis.”

CHAPITRE III. PERTE DE LA NATIONALITÉ SYRIENNE ET RÉADMISSION DANS CETTE NATIONALITÉ

Article 12. 1) Le Syrien perd sa nationalité s'il a acquis une nationalité étrangère à condition d'avoir obtenu un décret l'autorisant à abandonner la nationalité syrienne, après avoir accompli toutes ses obligations et devoirs vis-à-vis de l'Etat.

2) L'épouse du Syrien auquel il est fait allusion au paragraphe 1^{er} du présent article, peut être autorisée sur sa demande, à abandonner la nationalité syrienne, si la loi de la nouvelle nationalité de son mari lui confère le droit d'acquérir d'office cette nationalité, sinon, elle conserve sa nationalité syrienne.

3) Les enfants mineurs acquièrent la nouvelle nationalité de leur père si la loi y relative leur confère cette nationalité. Toutefois, ils peuvent être réadmis, sur leur demande, au cours de l'année qui suit leur majorité, dans la nationalité syrienne, s'ils résident habituellement en Syrie ou s'ils ont déclaré par écrit, après leur retour en Syrie, qu'ils désirent y résider.

Article 13. 1) La femme syrienne qui épouse un étranger perd la nationalité syrienne si la loi de la nationalité de son mari lui accorde sa nationalité, sinon, elle demeure Syrienne.

2) La femme qui perd sa nationalité par le fait de son mariage avec un étranger, peut en cas de dissolution du mariage, reprendre sa nationalité syrienne, sur une demande de sa part, si elle réside habituellement sur le territoire syrien ou si elle a déclaré, après son retour en Syrie, qu'elle désire y résider.

3) Si la femme reprend sa nationalité syrienne après la dissolution de son mariage par suite du décès de son mari, les enfants mineurs acquièrent d'office la nationalité de leur mère.

4) Les dispositions du paragraphe 1^{er} du présent article ne sont applicables qu'en cas de réciprocité.

CHAPITRE IV. DE LA DÉCHÉANCE DE LA NATIONALITÉ

Article 14. Toute personne est déchue de la nationalité syrienne, en vertu d'un jugement judiciaire, s'il est établi qu'elle l'a acquise sur la base d'une fausse déclaration ou par voie de dol.

Article 15. Le tribunal compétent peut déclarer la déchéance de la nationalité syrienne de tout Syrien:

a) s'il a commis l'un des crimes prévus par les articles 263, 264, 265, 266, 271, 272, 285, 291, 296, 297, 298, et 299 du Code Pénal;

b) qui a accepté d'entrer au service d'une armée étrangère sans autorisation du Gouvernement Syrien;

c) qui a pris du service auprès d'une Puissance Etrangère dans n'importe quelle qualité, à l'intérieur ou à l'extérieur du Pays et qui n'obtempère pas à la demande du Gouvernement Syrien d'abandonner ce service dans un délai déterminé.

Article 16. Tout Syrien qui est déchu de sa nationalité pour l'un des motifs prévus aux articles 14 et 15 de la présente loi, est obligé de quitter le territoire syrien.

CHAPITRE V. DISPOSITIONS DIVERSES ET FINALES

Article 17. A l'exception des cas prévus expressément par le présent décret législatif, les enfants mineurs suivent la nationalité de leur père.

Article 18. Les tribunaux civils de 1^{ère} Instance sont compétents pour connaître des conflits de nationalité.

Article 19. Le présent décret législatif ne peut avoir aucun effet sur les situations acquises du fait des arrêtés antérieurs sur la nationalité.

Article 20. Le Ministre de l'intérieur établira des instructions qui détermineront les modalités d'application du présent décret législatif.

Article 21. Sont abrogés la loi N° 98 du 21 Mai 1951, l'arrêté N° 2825 du 20 août 1924 et l'arrêté N° 16/S du 19 Janvier 1925 ainsi que toutes les dispositions législatives antérieures relatives à la nationalité syrienne.

75. Thailand¹

(a) NATIONALITY ACT OF 31 JANUARY 1952 (B. E. 2495).

Section 1. This Act shall be called the "Nationality Act, B. E. 2495".

Section 2. This Act shall come into force on the next day after the date of its publication in the Government Gazette.

Section 3. The Nationality Act, B. E. 2456 and the Naturalization Act, R. S. 130 shall be repealed.

CHAPTER 1

General provisions

Section 4. In this Act:

"Minister" means the Minister responsible for the application of this Act;

"Competent official" means the person appointed by the Minister to administer the provisions of this Act;

"Thai" means a person who has Thai nationality;

"Alien" means a person who has not Thai nationality.

Section 5. In special cases the Minister may at his discretion allow a rebate or exemption in respect of the fees for applications for naturalization or certificates of naturalization.

Section 6. The Minister of Interior shall be responsible for the application of this Act, and shall have the power to issue Ministerial Regulations to fix the rates of fees for applications for naturalization not exceeding five thousand baht and for issuing certificates of naturalization or substitutes therefor not exceeding five hundred baht, and to make provision for other matters for the execution of this Act.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

CHAPTER 2

Acquisition of Thai nationality

*Section 7.*² The following persons acquire Thai nationality by birth:

(1) Persons born of Thai fathers, whether born in the Kingdom or elsewhere;

(2) Persons born of Thai mothers, whether in the Kingdom or elsewhere, whose lawful fathers are not known or have no nationality;

(3) Persons born of Thai mothers in the Kingdom.

¹ Texts based on the English translation received from the Ministry for Foreign Affairs of Thailand.

² As amended by Section 3 of the Nationality Act (No. 2) B. E. 2496.

Section 8. An alien woman who marries a Thai shall thereby acquire Thai nationality.

Section 9. Aliens who satisfy the following conditions may apply for Thai naturalization, namely:

(1) They must have attained the age of *sui juris* in accordance with Thai laws and the laws of their nationality;

(2) They must be of good behaviour and have a regular occupation;

(3) They must have been domiciled in the Thai Kingdom continuously for not less than ten years up to the day of filing the application for naturalization;

(4) They must have a knowledge of the Thai language as prescribed in the Ministerial Regulations.

Section 10. The provisions of Section 9 (3) shall not apply if the applicants for naturalization:

(1) Have rendered special services to Thailand;

(2) Are children of persons who are naturalized Thais or have reacquired Thai nationality and attained the age of *sui juris* at the time when the fathers were naturalized or reacquired Thai nationality;

(3) Are persons who have had Thai nationality.

Section 11. If a person is desirous of applying for naturalization as a Thai, he shall submit an application to the Minister according to the rules and in the manner prescribed in the Ministerial Regulations.

Naturalization and the refusal of naturalization shall be at the discretion of the Minister. If the Minister is of opinion that permission should be given, he shall submit the matter to the King for permission. If the King grants permission, the applicant shall make an affirmation of loyalty to Thailand.

The naturalization shall not be effective until publication thereof in the Government Gazette.

A naturalized Thai is entitled to apply for a certificate of naturalization.

Section 12. The effects of naturalization shall be personal.

CHAPTER 3

Loss of Thai nationality

Section 13. Thai women who marry aliens shall lose Thai nationality provided that according to the laws of the country of their husbands they may acquire the nationality of their husbands, and that they have declared their intention to the Marriage Registrar to lose Thai nationality.

Section 14. A person who was born in the Kingdom of an alien father and thus acquired Thai nationality shall be entitled to renounce Thai nationality in order to acquire the nationality of the father, provided that the law of the country of nationality of the father allows him to acquire such nationality, by submitting an application in writing to the official of a Thai Legation or Consulate abroad or the competent official within one year from the day on which he attained the age of 20 years.

If, after having considered the applications mentioned in the foregoing paragraph, the Minister is of opinion that there is good and sufficient cause, he shall issue an order allowing the renunciation of Thai nationality. The renunciation of Thai nationality shall not be effective until published in the Government Gazette.

Section 15. If a person has Thai nationality and also the nationality of another country according to the laws of that country he shall, if he desires to renounce Thai nationality, submit an application to the Minister according to the rules and in the manner prescribed in the Ministerial Regulations.

Permission to renounce Thai nationality and the refusal of such permission shall be at the discretion of the Minister.

The renunciation of Thai nationality shall not be effective until published in the Government Gazette.

The effects of renunciation shall be personal.

Section 16. The Court may upon an application made by the public prosecutor's office withdraw Thai nationality from a person who was born in the Kingdom of an alien father and has thus acquired Thai nationality, provided that he has lived in the country of which his father is a national continuously for over ten years from the age of *sui juris*, and that there is evidence to show that he still keeps the nationality of his father, or that he has committed an act endangering the safety of the State or contrary to the national interest or rights of Thailand, or that he has committed an act contrary to public well-being. The order of the Court shall be published in the Government Gazette.

Section 17. A Thai who has become a naturalized alien shall lose Thai nationality.

Section 18. A person who has acquired Thai nationality by naturalization may have the nationality revoked if:

- (1) The naturalization was the result of fraud or concealment of facts;
- (2) There is evidence to show that the naturalized person still keeps his former nationality;
- (3) The naturalized person has committed any act endangering the safety of the State, or contrary to the national interests or rights or the honour of Thailand;
- (4) The naturalized person has committed any act contrary to public well-being;
- (5) The naturalized person has left Thailand and lived abroad, without having a domicile in Thailand, for not less than seven years;
- (6) The naturalized person retains the nationality of a country making war on Thailand.

A Committee shall be established to consider the revocation of nationality according to this section, comprising the Under-Secretary of the Ministry of Interior, as chairman, and four other members, namely: the Director-General of the Public Prosecution Department, the Director-General of the Police Department, the Director-General of the Department of the Interior, and the representative of the Ministry of Foreign Affairs.

If it should appear that circumstances are such as to entail the withdrawal of nationality, the competent official shall submit the matter to the Committee for consideration. If the Committee is of opinion that an order should be issued for the withdrawal of nationality, it shall refer the matter to the Minister. If the Minister should issue an order for the withdrawal of nationality, the case shall be reported to the King.

Section 19. Withdrawal of nationality under section 18 may be extended to the wife and the children who have not attained the age of *sui juris* of the person whose nationality is withdrawn, provided that the wife and

children acquired Thai nationality by the effect of his naturalization, except where the wife had already Thai nationality before marriage.

Withdrawal of Thai nationality shall not be effective until published in the Government Gazette.

CHAPTER 4

Resumption of Thai nationality

Section 20. If a Thai subject who has lost Thai nationality for any reason whatsoever desires to resume Thai nationality, he shall make an application to the Minister in the manner prescribed in the Ministerial Regulations.

Permission to resume Thai nationality and the refusal of such permission shall be at the discretion of the Minister; but in the following cases the applicant has the right to resume Thai nationality, viz:

(1) Where the applicant is a Thai woman who has lost Thai nationality by marriage with a foreigner, and her marriage has been dissolved for any reason whatsoever;

(2) Where the applicant is a Thai who has automatically lost Thai nationality with his father or mother at the time when he was not *sui juris*, and the application is made within two years of his becoming *sui juris*.

Resumption of Thai nationality shall not be effective until published in the Government Gazette.

(b) NATIONALITY ACT NO. 2 OF 24 JANUARY 1953 (B. E. 2496).

Section 1. This Act shall be called the "Nationality Act, (No. 2) B. E. 2496".

Section 2. This Act shall come into force on the day following the date of its publication in the Government Gazette.

Section 3. Section 7 of the Nationality Act B. E. 2495 is repealed and replaced by the following:

"*Section 7.* The following persons acquire Thai nationality by birth:

"(1) Persons born of Thai fathers, whether born in the Kingdom or outside;

"(2) Persons born of Thai mothers elsewhere than in the Kingdom, whose lawful fathers are not known or have no nationality;

"(3) Persons born of Thai mothers in the Kingdom."

Section 4. The provisions of section 7 of the Nationality Act B. E. 2495 as amended by this Act do not affect persons who acquire Thai nationality before the coming into force of this Act.

Section 5. The following shall be inserted after section 16 of the Nationality Act B. E. 2495 and shall constitute section 16 bis thereof:

"*Section 16 bis.* Persons who have acquired Thai nationality on the ground that they were born in the Kingdom of alien fathers shall lose that nationality if, whether before or after the coming into force of this Act, identity-cards are delivered to them in accordance with the Alien Registration Act."

Section 6. The Minister of Interior shall be responsible for the application of this Act.

76. Turkey

(a) CONSTITUTION OF 10 JANUARY 1945.¹

Article 88. The people of Turkey, regardless of religion and race, are Turks as regards citizenship.

The following persons are Turkish citizens:

A person, whether born in Turkey or abroad, whose father was at the time of the birth a Turkish citizen;

A person born in Turkey whose father was, at the time of the birth, an alien domiciled in Turkey, if that person is domiciled in Turkey and on attaining the age of majority opts for Turkish citizenship;

A person to whom Turkish citizenship is granted by legislative enactment.

A person shall cease to be a Turkish citizen in the circumstances defined by legislative provision.

(b) ACT NO. 1041 OF 23 MAY 1927 CONCERNING THE DEPRIVATION OF TURKISH CITIZENSHIP OF OTTOMAN SUBJECTS WHO DO NOT FULFIL CERTAIN CONDITIONS ¹.

Article 1. The Council of Ministers may deprive of Turkish citizenship Ottoman subjects who did not take part in the national independence movement and who remained outside Turkey from 24 July 1923 to the date of publication of this Act and have not returned.

Persons who have opted for Turkish citizenship under existing treaties shall not be affected by this provision.

(c) ACT NO. 1312 OF 28 MAY 1928 ¹ AS AMENDED ON 6 APRIL 1929.

CHAPTER I

Citizenship by birth or by naturalization— parentage and place of birth

Article 1. A child born in Turkey or abroad is a Turkish citizen if his father or his mother was at the time of the birth a Turkish citizen.

Article 2. The following children are Turkish citizens:

(a) Children born in Turkey of unknown parents;

(b) Children born in Turkey if either or both their parents did not possess a nationality at the time of their birth;

(c) Children born out of wedlock in Turkey or abroad, of a Turkish father or mother.

Alien children born in Turkey

Article 3. A person born in Turkey of an alien father and an alien mother and domiciled in Turkey may apply for Turkish citizenship within three years after attaining the age of majority according to Turkish law and acquire the said citizenship by a decision of the Council of Ministers.

¹ Translation by the Secretariat of the United Nations.

Children of aliens born in Turkey

Article 4. A person born in Turkey as from 1 January 1929 of an alien born in Turkey is a Turkish citizen. Any such person may by option acquire the citizenship of his father or of his mother within six months after attaining the age of majority according to Turkish law. In such cases the provisions of article 8 shall apply. The foregoing provisions shall not apply to the children of foreign ambassadors, or of officials and attachés of embassies, or to the children of consuls *de carrière* or of consular officials who are nationals of the State which they serve.

Naturalization

Article 5. An alien who has been resident in Turkey for five consecutive years and who according to the law of his country has attained the age of majority may apply for Turkish citizenship; the said citizenship may be granted to him by the Council of Ministers. If Turkish citizenship is granted to a person, his (or if that person is a widow, her) minor children shall likewise acquire Turkish citizenship.

Naturalization for exceptional reasons

Article 6. As an exceptional measure, Turkish citizenship may be granted by decision of the Council of Ministers to an alien who does not fulfil the conditions governing residence stipulated in the foregoing article, but who is deemed worthy of this special favour.

CHAPTER II

Surrender of citizenship, deprivation of citizenship. Effects

Article 7. A person may not surrender Turkish citizenship without special authorization. This authorization may be granted by the Council of Ministers upon an application made to the Ministry of the Interior by the person wishing to surrender the said citizenship. The authorization shall not be granted to any person who has not performed his military service.

Transfer of domicile and centre of business. Liquidation

Article 8. A Turkish citizen who has obtained special authorization to adopt a foreign citizenship shall be required to leave Turkey within one year from the date of the said authorization, to remove his domicile and centre of business from Turkey, and to liquidate his assets in Turkey. If he fails to leave Turkey and to liquidate his assets within this period he shall be expelled and his assets liquidated by the Government. If he should wish to return to Turkey the Council of Ministers may, upon the report of the consulate to which the application has been made, grant him permission to return for a single visit the duration of which shall not exceed three months.

Causes of deprivation of citizenship

Article 9. If a Turkish citizen adopts a foreign citizenship by some voluntary act without obtaining special authorization or voluntarily

performs military service in the army of a foreign country, he may be deprived of Turkish citizenship by a decision of the Council of Ministers.

Article 10. If a Turkish citizen enters a non-military service of a foreign State and fails to leave this service within a specified period after being directed to leave it by the local authorities or by Turkish embassies and consulates abroad, and any person who continues to serve without authorization a State which is at war with Turkey, shall be liable to be deprived of his Turkish citizenship.

The Government may deprive a person of his Turkish citizenship if, during the period of mobilization, he fails without excuse to comply with an official summons communicated through the regular channel for the performance of compulsory military service, or deserts while on his way to join his unit, or after joining his unit, and fails to return within the period specified by law and cannot produce evidence to rebut the presumption that he fled to a foreign country; or, being a member of the armed forces or liable to military service, he goes on leave of absence for reasons of health or on duty and fails to return without excuse after the expiration of the time allowed, whereupon he shall be deemed to be a deserter; or, being a Turkish citizen resident abroad, he fails to register with the Turkish consulates for more than five years.

Deprivation of citizenship granted by naturalization

Article 11. The Council of Ministers may deprive of Turkish citizenship a person who was formerly an alien and to whom Turkish citizenship has been granted, if that person:

(a) Carries on any activities or commits any acts prejudicial to the internal and external security of the Turkish Republic; or

(b) Refuses to perform the obligations imposed by the legislation governing military service.

Prohibition of return. Liquidation

Article 12. A person who is deprived of Turkish citizenship shall be expelled if in Turkey. A person deprived of Turkish citizenship may not return to Turkey. The assets of any such person are liable to liquidation by the Government.

CHAPTER III

Effect of marriage on citizenship and reinstatement

Article 13. An alien woman who marries a Turkish citizen becomes a Turkish citizen. A woman who is a Turkish citizen shall not, by reason of her marriage to an alien, cease to be a Turkish citizen. If an alien woman marries a Turkish citizen, the citizenship of children born to her of a previous marriage with an alien shall not be affected. Nevertheless, if their father has died, the minor children shall follow the citizenship of their mother.

A woman who was formerly an alien and who has changed her citizenship by marriage, shall have the right to recover her original citizenship

within a period of three years from the date of separation due to the termination of the marriage for any reason whatsoever. Nevertheless, if any such woman wishes to recover her foreign citizenship she shall be required to remove her domicile from Turkey if no child was born to her of her marriage with a Turkish citizen.

Recovery of citizenship

Article 14. A Turkish citizen who adopted a foreign citizenship with the special authorization of the Government may, upon making an application and by a decision of the Council of Ministers, recover Turkish citizenship without having to fulfil the conditions governing residence. The children of a person who has adopted a foreign citizenship with authorization, or of a person who was deprived of Turkish citizenship by virtue of this Act, may, without having to fulfil the conditions governing residence, apply for Turkish citizenship which may be granted to the said children by a decision of the Council of Ministers.

Article 15. With the exception of the provisions of Act No. 1041, of 23 May 1927, all provisions inconsistent with this Act are hereby repealed.

Article 16. This Act shall become operative on 1 January 1929.

Article 17. The Council of Ministers is responsible for carrying this Act into effect.

77. Union of Soviet Socialist Republics

(a) SOVIET CITIZENSHIP ACT NO. 198 OF 19 AUGUST 1938.

Article 1. In conformity with article 1 of the Constitution (Fundamental Law) of the Union of Soviet Socialist Republics a single union citizenship is established for the citizens of the USSR.

Each citizen of a Union Republic is also a citizen of the USSR.

Article 2. The following persons are citizens of the USSR:

(a) A person who on 7 November 1917 was a citizen of the former Russian Empire and who has not lost Soviet citizenship;

(b) A person who has acquired Soviet citizenship in a manner established by law.

Article 3. Upon making an application an alien, irrespective of his nationality or race, may be admitted to the citizenship of the USSR by the Presidium of the Supreme Council of the USSR or by the Presidium of the Supreme Council of the Union Republic in which he resides.

Article 4. Denaturalization of the citizens of the USSR may take place by permission of the Supreme Council of the USSR.

Article 5. Matrimony by a citizen of the Union of Soviet Socialist Republics with one not such a citizen entails no change of citizenship.

Article 6. In case of a change of citizenship by both parents when both of them become citizens of the USSR, or when both of them cease

o be such, the citizenship of their children under the age of fourteen years changes correspondingly. The change of the citizenship of children over the age of fourteen but under the age of eighteen years may take place only with their consent.

In (all) other cases, the change of the citizenship of children under the age of eighteen years may take place only in the usual manner.

Article 7. Forfeiture of the citizenship of the USSR may take place:

(a) Upon the decree of a court of law in instances prescribed by law;

(b) Upon a special order of the Presidium of the Supreme Council of the USSR in a special case.

Article 8. A person resident in the territory of the USSR who under the provisions of this Act is not a citizen of the USSR and who possesses no proof of foreign citizenship, is deemed to be a person without citizenship.

(b) DECREE OF 7 SEPTEMBER 1940, CONCERNING THE ACQUISITION OF USSR CITIZENSHIP BY NATIONALS OF THE LITHUANIAN, LATVIAN AND ESTONIAN SOVIET SOCIALIST REPUBLICS.¹

1. In accordance with article 1 of the Soviet Citizenship Act of 19 August 1938, it is hereby established that nationals of the Lithuanian, Latvian and Estonian Soviet Socialist Republics are USSR citizens as from the date of the admission of these republics into the USSR.

2. Nationals of the Lithuanian, Latvian and Estonian Soviet Socialist Republics who at the time of the promulgation of the Decree are outside the territory of the USSR and were not deprived of nationality by the Soviet governments of these republics shall register, on or before 1 November 1940, as Soviet citizens with diplomatic missions and consulates of the USSR by means of a personal appearance or by mailing a special application with their passports.

A person who failed to register as a Soviet citizen with a diplomatic mission or consulate of the USSR before 1 November 1940, may obtain the citizenship of the USSR under general rules made pursuant to article 3 of the Soviet Citizenship Act.

3. A person without citizenship who is a member of a national minority which, under the condition of political régimes existing in the Lithuanian, Latvian and Estonian Soviet Socialist Republics prior to the establishment of Soviet power there, could not have acquired Lithuanian, Latvian or Estonian nationality, shall acquire USSR citizenship by the procedure provided for in sections 1 and 2 of this Decree.

All other persons without citizenship who continuously resided in the territory of the Lithuanian, Latvian, and Estonian Soviet Socialist Republics may acquire USSR citizenship under general rules made pursuant to article 3 of the Soviet Citizenship Act.

4. Persons who were deprived of Soviet citizenship by virtue of the Decree of the All-Russian Central Executive Committee and the RSFSR Council of People's Commissars dated 15 December 1921, and who are at the present time in the territory of the Lithuanian, Latvian and Estonian Soviet Socialist Republics shall be treated equally with the persons without citizenship mentioned in the second paragraph of section 3 of this Decree.

¹ Translation by the Secretariat of the United Nations.

(c) DECREE OF 8 MARCH 1941, CONCERNING THE RECOVERY OF USSR CITIZENSHIP BY PERSONS RESIDENT IN BESSARABIA AND THE ACQUISITION OF SOVIET CITIZENSHIP BY PERSONS RESIDENT IN NORTHERN BUKOVINA.¹

1. All persons who on 7 November 1917 were subjects of the former Russian Empire and who were resident in Bessarabia on 28 June 1940 (and the children of such persons) whether or not they were Romanian subjects prior to 28 June 1940, shall be deemed to have recovered the rights of Soviet citizens with effect from 28 June 1940.

2. Persons permanently resident in Bessarabia who on 7 November 1917 were subjects of the former Russian Empire but were not resident in Bessarabia on 28 June 1940 and are temporarily resident outside the USSR, shall not later than 1 May 1941 register with a diplomatic mission or consulate of the USSR as Soviet citizens, either in person or by submitting a special declaration by post accompanied by a passport or a document establishing their identity and the fact that they are permanently resident in Bessarabia.

3. The provisions of this Decree shall not apply to persons referred to in paragraphs 1 and 2 hereof who acquired the nationality of any foreign State prior to 28 June 1940 or persons deprived of Soviet citizenship under the Decree of the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR of 15 December 1921.

4. All persons resident in Northern Bukovina on 28 June 1940 with the exception of aliens and persons evacuated to Romania after 28 June 1940 and persons deprived of Soviet citizenship by the Decree of the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR of 15 December 1921 shall be deemed to be citizens of the USSR with effect from 28 June 1940.

5. Persons returning to Bessarabia and Northern Bukovina from Romania after 28 June 1940 in accordance with the procedure established by agreement between the Soviet and Romanian authorities, shall acquire Soviet citizenship as from the date of their return.

(d) DECREE OF 10 NOVEMBER 1945 CONCERNING THE RECOVERY OF USSR CITIZENSHIP BY PERSONS RESIDENT IN MANCHURIAN TERRITORY WHO WERE SUBJECTS OF THE FORMER RUSSIAN EMPIRE OR WHO HAVE LOST SOVIET CITIZENSHIP.¹

1. It is hereby decreed that persons now resident in Manchurian territory who on 7 November 1917 were subjects of the former Russian Empire or who, having possessed Soviet citizenship, have lost the same, and the children of such persons, may recover USSR citizenship.

2. The persons referred to in paragraph 1 of this Decree who express the wish to recover USSR citizenship may do so by submitting an application to that effect to a USSR Consulate in Manchuria not later than 1 February 1946, together with documents establishing their identity and the fact that they were at one time subjects of the former Russian Empire or Soviet citizens.

¹ Translation by the Secretariat of the United Nations.

3. Applications for recovery of Soviet citizenship shall be examined by USSR Consulates in Manchuria. If the documents submitted by the applicant are found to satisfy the requirements of this Decree, the Consulate concerned shall issue a Soviet passport to the applicant.

4. Persons who fail to apply for the recovery of Soviet citizenship within the time-limit prescribed in paragraph 2 of this Decree may acquire USSR citizenship under the general conditions.

(e) DECREE OF 20 JANUARY 1946. TO EXTEND THE APPLICATION OF THE DECREE OF 10 NOVEMBER 1945 "CONCERNING THE RECOVERY OF USSR CITIZENSHIP BY PERSONS RESIDENT IN MANCHURIAN TERRITORY WHO WERE SUBJECTS OF THE FORMER RUSSIAN EMPIRE OR WHO HAVE LOST SOVIET CITIZENSHIP" TO PERSONS RESIDENT IN THE PROVINCE OF SINKIANG AND THE TOWNS OF SHANGHAI AND TIENSIN WHO WERE SUBJECTS OF THE FORMER RUSSIAN EMPIRE OR WHO HAVE LOST SOVIET CITIZENSHIP. ¹

1. It is hereby decreed that the application of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 November 1945 "concerning the recovery of USSR citizenship by persons resident in Manchurian territory who were subjects of the former Russian Empire or who have lost Soviet citizenship" shall be extended to residents of the province of Sinkiang and the towns of Shanghai and Tientsin who on 7 November 1917 were subjects of the former Russian Empire, or who, having possessed Soviet citizenship, have lost the same, and the children of such persons.

2. The persons referred to in paragraph 1 of this Decree may submit applications for the recovery of USSR citizenship to the appropriate consulate of the USSR not later than 1 April 1946.

(f) DECREES OF 14 JUNE, 26 SEPTEMBER AND 5 OCTOBER 1946, AND 28 MAY 1947, CONCERNING THE RECOVERY OF USSR CITIZENSHIP BY PERSONS RESIDENT IN FRANCE, YUGOSLAVIA, BULGARIA, JAPAN, CZECHOSLOVAKIA AND BELGIUM RESPECTIVELY, WHO WERE SUBJECTS OF THE FORMER RUSSIAN EMPIRE OR WHO HAVE LOST SOVIET CITIZENSHIP. ²

¹ Translation by the Secretariat of the United Nations.

² These Decrees are identical with the Decree of 10 November 1947 relating to Manchurian territory, except in the following respects:

Date: France (Decree of 14 June 1946), Yugoslavia (Decree of 14 June 1946), Bulgaria (Decree of 14 June 1946), Japan (26 September 1946), Czechoslovakia (Decree of 5 October 1946) and Belgium (Decree of 28 May 1947). Replace respectively:

Par. 1. "Manchurian" territory by "French", "Yugoslav", "Bulgarian", "Japanese", "Czechoslovak" and "Belgian".

Par. 2. "USSR consulate in Manchuria" by "USSR Embassy in France", "USSR Embassy in Yugoslavia", "USSR Mission in Bulgaria", "Office of the USSR Member of the Allied Council for Japan situated in Tokyo", "USSR Embassy in Czechoslovakia" and "USSR Embassy in Belgium".

Par. 2. "1 February 1946" (Manchuria) by "1 November 1946" (France), "1 October 1946" (Yugoslavia), "1 October 1946" (Bulgaria),

(g) DECREE OF 19 OCTOBER 1946 CONCERNING THE PROCEDURE FOR THE ACQUISITION OF USSR CITIZENSHIP BY PERSONS OF ARMENIAN NATIONAL ORIGIN RETURNING TO SOVIET ARMENIA FROM ABROAD.¹

It is hereby decreed that persons of Armenian national origin who return to Soviet Armenia from abroad in accordance with the procedure laid down in the Order of the Council of People's Commissars of the USSR of 21 November 1945 "Concerning measures relating to the return of Armenians to Soviet Armenia from abroad", shall be deemed to be citizens of the USSR as from the time of their arrival in the Union of Soviet Socialist Republics.

(h) DECREE OF 31 OCTOBER 1946 CONCERNING THE LOSS OF SOVIET CITIZENSHIP BY PERSONS OF CZECH OR SLOVAK NATIONAL ORIGIN MIGRATING FROM THE USSR TO CZECHOSLOVAKIA AND THE ACQUISITION OF SOVIET CITIZENSHIP BY PERSONS OF RUSSIAN, UKRAINIAN OR BYELORUSSIAN NATIONAL ORIGIN MIGRATING FROM CZECHOSLOVAKIA TO THE USSR.¹

1. It is hereby decreed that persons of Czech or Slovak national origin and members of their families migrating from the USSR to Czechoslovakia by virtue of the Agreement of 10 July 1946 between the Government of the USSR and the Government of the Republic of Czechoslovakia concerning option of nationality and migration, shall be deemed to have lost Soviet citizenship as from the date of their departure from the USSR.

2. It is hereby decreed that persons of Russian, Ukrainian or Byelorussian national origin and members of their families migrating from Czechoslovakia to the USSR by virtue of the said Agreement shall acquire Soviet citizenship as from the date of their arrival in the USSR.

(i) DECREE OF 16 DECEMBER 1947 CONCERNING THE ACQUISITION OF USSR CITIZENSHIP BY PERSONS OF LITHUANIAN NATIONALITY WHO ARE NATIVE INHABITANTS OF THE TOWN OF KLAIPEDA OR OF THE KLAIPEDA, ŠILUTE AND PAGEGIAI DISTRICTS OF THE LITHUANIAN SSR.¹

1. It is hereby decreed that persons of Lithuanian nationality who are native inhabitants of the town of Klaipeda, or of the Klaipeda, Šilute and Pagegiai districts of the Lithuanian SSR, and who on 22 March 1939

"1 December 1946" (Japan), "1 January 1947" (Czechoslovakia), and "1 January 1948" (Belgium).

Par. 3. "USSR consulate in Manchuria", by "USSR Embassy in France", "USSR Embassy in Yugoslavia", "USSR Mission in Bulgaria", "Office of the USSR Member of the Allied Council for Japan", "USSR Embassy in Czechoslovakia", and "USSR Embassy in Belgium".

Par. 3. in the Decree relating to Bulgaria, "the Embassy", by "the Mission"; in the Decree relating to Japan, "the Embassy", by "the Office of the USSR Member of the Allied Council for Japan".

Par. 4. No changes.

¹ Translation by the Secretariat of the United Nations.

were Lithuanian citizens, shall, together with their children, be deemed to be citizens of the USSR with effect from 28 January 1945.

2. The persons referred to in paragraph 1 of this Decree who, on 28 January 1945, were not resident in the town of Klaipeda or in the Klaipeda, Šilute and Pagegiai districts of the Lithuanian SSR and who are temporarily resident outside the USSR shall not later than 1 June 1948 register as Soviet citizens with the Embassies, Consulates or corresponding organs of the USSR, either in person or by submitting a special declaration by post, accompanied by a passport or a document establishing their identity and showing that they are permanent residents of the town of Klaipeda or of the Klaipeda, Šilute and Pagegiai districts of the Lithuanian SSR.

3. Other persons who are permanently resident in the town of Klaipeda or the Klaipeda, Šilute and Pagegiai districts of the Lithuanian SSR, may acquire USSR citizenship under the general conditions in accordance with article 3 of the "Act concerning citizenship of the Union of Soviet Socialist Republics".

(j) DECREE OF 15 FEBRUARY 1947 TO PROHIBIT MARRIAGES BETWEEN CITIZENS OF THE USSR AND ALIENS. ¹

1. Marriages between citizens of the Union of Soviet Socialist Republics and aliens are prohibited.

2. The Presidia of the Supreme Soviets of the Republics of the Union shall be instructed to bring the legislation of the Republics into conformity with the present Decree.

Act of 4 February 1948

The Supreme Soviet of the Union of Soviet Socialist Republics decides:

1. To approve the Decree of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics of 15 February 1947 "to prohibit marriages between citizens of the Union of Soviet Socialist Republics and aliens".

2. To declare repealed article 5 of the Soviet Citizenship Act of 19 August 1938.

(k) DECREE OF 30 MARCH 1948 CONCERNING THE PROCEDURE FOR THE ACQUISITION OF USSR CITIZENSHIP BY PERSONS RESIDENT IN LATIN AMERICA WHO ARE CITIZENS OF THE LITHUANIAN, LATVIAN AND ESTONIAN REPUBLICS OR WHO WERE BORN IN BESSARABIA. ¹

1. It is hereby decreed that persons now resident in Latin America who are citizens of the Lithuanian, Latvian and Estonian Republics or who were born in Bessarabia and who failed to register as Soviet citizens with USSR diplomatic missions or consular offices within the time-limit prescribed by the Decree of the Presidium of the Supreme Soviet of the USSR of 7 September 1940 "concerning the procedure for the acquisition of USSR citizenship by citizens of the Lithuanian, Latvian and Estonian Soviet Socialist Republics", and the Decree of the Presidium of the Supreme

¹ Translation by the Secretariat of the United Nations.

Soviet of the USSR of 8 March 1941 "concerning the recovery of USSR citizenship by residents of Bessarabia and the acquisition of USSR citizenship by residents of Northern Bukovina", may, not later than 1 July 1949, register as Soviet citizens with USSR Embassies or Missions in Latin America, in accordance with the procedure laid down in paragraph 2 of each of the above-mentioned Decrees of the Presidium of the Supreme Soviet of the USSR.

2. Persons who fail to register within the time-limit prescribed by this Decree may acquire USSR citizenship under the general conditions.

(1) DECREE OF 26 NOVEMBER 1953 TO REPEAL THE DECREE OF 15 FEBRUARY 1947 WHICH PROHIBITED MARRIAGES BETWEEN CITIZENS OF THE USSR AND ALIENS.¹

The Presidium of the Supreme Soviet of the USSR decides:

1. To repeal the Decree of the Presidium of the Supreme Soviet of the USSR of 15 February 1947 "which prohibited marriages between citizens of the USSR and aliens".

2. To restore the validity of article 5 of the Act of 19 August 1938 on citizenship of the USSR, the text of which is as follows:

"Article 5. Matrimony by a citizen of the Union of Soviet Socialist Republics with one not such a citizen entails no change of citizenship."

3. To instruct the Presidia of the Supreme Soviets of the Union Republics to make such changes in the legislation of the Republics as may be necessitated by the present Decree.

78. United Kingdom

(a) BRITISH NATIONALITY ACT OF 30 JULY 1948.

PART I.

British Nationality

1. (1) Every person who under this Act is a citizen of the United Kingdom and Colonies or who under any enactment for the time being in force in any country mentioned in subsection (3) of this section is a citizen of that country shall by virtue of that citizenship have the status of a British subject.

(2) Any person having the status aforesaid may be known either as a British subject or as a Commonwealth citizen; and accordingly in this Act and in any other enactment or instrument whatever, whether passed or made before or after the commencement of this Act, the expression "British subject" and the expression "Commonwealth citizen" shall have the same meaning.

(3) The following are the countries hereinbefore referred to, that is to say, Canada, Australia, New Zealand, the Union of South Africa, Newfoundland, India, Pakistan, Southern Rhodesia and Ceylon.

2. (1) Any citizen of Eire who immediately before the commencement of this Act was also a British subject shall not by reason of anything contained in section one of this Act be deemed to have ceased to be a

¹ Translation by the Secretariat of the United Nations.

British subject if at any time he gives notice in writing to the Secretary of State claiming to remain a British subject on all or any of the following grounds, that is to say:

(a) That he is or has been in Crown service under His Majesty's Government in the United Kingdom;

(b) That he is the holder of a British passport issued by His Majesty's Government in the United Kingdom or the government of any colony, protectorate, United Kingdom mandated territory or United Kingdom trust territory;

(c) That he has associations by way of descent, residence or otherwise with the United Kingdom or with any colony or protectorate or any such territory as aforesaid.

(2) A claim under the foregoing subsection may be made on behalf of a child who has not attained the age of sixteen years by any person who satisfies the Secretary of State that he is a parent or guardian of the child.

(3) If by any enactment for the time being in force in any country mentioned in subsection (3) of section one of this Act provision corresponding to the foregoing provisions of this section is made for enabling citizens of Eire to claim to remain British subjects, any person who by virtue of that enactment is a British subject shall be deemed also to be a British subject by virtue of this section.

3. (1) A British subject or citizen of Eire who is not a citizen of the United Kingdom and Colonies shall not be guilty of an offence against the laws of any part of the United Kingdom and Colonies or of any protectorate or United Kingdom trust territory by reason of anything done or omitted in any country mentioned in subsection (3) of section one of this Act or in Eire or in any foreign country, unless:

(a) The act or omission would be an offence if he were an alien; and

(b) In the case of an act or omission in any country mentioned in subsection (3) of section one of this Act or in Eire, it would be an offence if the country in which the act is done or the omission made were a foreign country:

Provided that nothing in this subsection shall apply to the contravention of any provision of the Merchant Shipping Acts, 1894 to 1948.

(2) Subject to the provisions of this section, any law in force in any part of the United Kingdom and Colonies or in any protectorate or United Kingdom trust territory at the date of the commencement of this Act, whether by virtue of a rule of law or of an Act of Parliament or any other enactment or instrument whatsoever, and any law which by virtue of any Act of Parliament passed before that date comes into force in any such place as aforesaid on or after that date, shall, until provision to the contrary is made by the authority having power to alter that law, continue to have effect in relation to citizens of Eire who are not British subjects in like manner as it has effect in relation to British subjects.

(3) In the Aliens Restriction Acts, 1914 and 1919, and in any order made thereunder the expression "alien" shall not include a British protected person.

PART II

Citizenship of the United Kingdom and Colonies

Citizenship by birth or descent

4. Subject to the provisions of this section, every person born within the United Kingdom and Colonies after the commencement of this Act shall be a citizen of the United Kingdom and Colonies by birth:

Provided that a person shall not be such a citizen by virtue of this section if at the time of his birth:

(a) His father possesses such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to His Majesty, and is not a citizen of the United Kingdom and Colonies; or

(b) His father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

5. (1) Subject to the provisions of this section, a person born after the commencement of this Act shall be a citizen of the United Kingdom and Colonies by descent if his father is a citizen of the United Kingdom and Colonies at the time of the birth:

Provided that if the father of such a person is a citizen of the United Kingdom and Colonies by descent only, that person shall not be a citizen of the United Kingdom and Colonies by virtue of this section unless:

(a) That person is born or his father was born in a protectorate, protected state, mandated territory or trust territory or any place in a foreign country where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty then has or had jurisdiction over British subjects; or

(b) That person's birth having occurred in a place in a foreign country other than a place such as is mentioned in the last foregoing paragraph, the birth is registered at a United Kingdom consulate within one year of its occurrence, or, with the permission of the Secretary of State, later; or

(c) That person's father is, at the time of the birth, in Crown service under His Majesty's government in the United Kingdom; or

(d) That person is born in any country mentioned in subsection (3) of section one of this Act in which a citizenship law has then taken effect and does not become a citizen thereof on birth.

(2) If the Secretary of State so directs, a birth shall be deemed for the purposes of this section to have been registered with his permission notwithstanding that his permission was not obtained before the registration.

Citizenship by registration

6. (1) Subject to the provisions of subsection (3) of this section, a citizen of any country mentioned in subsection (3) of section one of this Act or a citizen of Eire, being a person of full age and capacity, shall be entitled, on making application therefor to the Secretary of State in the prescribed manner, to be registered as a citizen of the United Kingdom and Colonies if he satisfies the Secretary of State either:

(a) That he is ordinarily resident in the United Kingdom and has been so resident throughout the period of twelve months, or such shorter period as the Secretary of State may in the special circumstances of any particular case accept, immediately preceding his application; or

(b) That he is in Crown service under His Majesty's government in the United Kingdom.

(2) Subject to the provisions of subsection (3) of this section, a woman who has been married to a citizen of the United Kingdom and Colonies shall be entitled, on making application therefor to the Secretary of State in the prescribed manner, and, if she is a British protected person or an alien, on taking an oath of allegiance in the form specified in the First Schedule to this Act, to be registered as a citizen of the United Kingdom and Colonies, whether or not she is of full age and capacity.

(3) A person who has renounced, or has been deprived of, citizenship of the United Kingdom and Colonies under this Act shall not be entitled to be registered as a citizen thereof under this section, but may be so registered with the approval of the Secretary of State.

7. (1) The Secretary of State may cause the minor child of any citizen of the United Kingdom and Colonies to be registered as a citizen of the United Kingdom and Colonies upon application made in the prescribed manner by a parent or guardian of the child.

(2) The Secretary of State may, in such special circumstances as he thinks fit, cause any minor to be registered as a citizen of the United Kingdom and Colonies.

8. (1) The functions of the Secretary of State under the last two foregoing sections shall in any colony, protectorate or United Kingdom trust territory be exercised by the Governor; and those sections shall, in their application to any colony, protectorate or United Kingdom trust territory, have effect as if for references therein to the Secretary of State there were substituted references to the Governor, and as if for the reference in the first of the said sections to ordinary residence in the United Kingdom there were substituted a reference to ordinary residence in that colony, protectorate or territory as the case may be.

(2) The Secretary of State may make arrangements for the exercise in any country mentioned in subsection (3) of section one of this Act of any of his functions under the last two foregoing sections by the High Commissioner for His Majesty's government in the United Kingdom.

9. A person registered under any of the last three foregoing sections shall be a citizen of the United Kingdom and Colonies by registration as from the date on which he is registered.

Citizenship by naturalisation

10. (1) The Secretary of State may, if application therefor is made to him in the prescribed manner by any alien or British protected person of full age and capacity who satisfies him that he is qualified under the provisions of the Second Schedule to this Act for naturalisation, grant to him a certificate of naturalisation; and the person to whom the certificate is granted shall, on taking an oath of allegiance in the form specified in the First Schedule to this Act, be a citizen of the United Kingdom and Colonies by naturalisation as from the date on which that certificate is granted.

(2) The functions of the Secretary of State under the last foregoing subsection shall in any colony, protectorate or United Kingdom trust territory be exercised by the Governor; but he shall not grant a certificate of naturalisation except with the approval of the Secretary of State.

Citizenship by incorporation of territory

11. If any territory becomes a part of the United Kingdom and Colonies, His Majesty may by Order in Council specify the persons who shall be citizens of the United Kingdom and Colonies by reason of their connection with that territory; and those persons shall be citizens of the United Kingdom and Colonies as from a date to be specified in the Order.

Transitional

12. (1) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a citizen of the United Kingdom and Colonies if he possesses any of the following qualifications, that is to say:

(a) That he was born within the territories comprised at the commencement of this Act in the United Kingdom and Colonies, and would have been such a citizen if section four of this Act had been in force at the time of his birth;

(b) That he is a person naturalised in the United Kingdom and Colonies;

(c) That he became a British subject by reason of the annexation of any territory included at the commencement of this Act in the United Kingdom and Colonies.

(2) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a citizen of the United Kingdom and Colonies if at the time of his birth his father was a British subject and possessed any of the qualifications specified in the last foregoing subsection.

(3) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a citizen of the United Kingdom and Colonies if he was born within the territory comprised at the commencement of this Act in a protectorate, protected state or United Kingdom trust territory.

(4) A person who was a British subject immediately before the date of the commencement of this Act and does not become a citizen of the United Kingdom and Colonies by virtue of any of the foregoing provisions of this section shall on that date become such a citizen unless:

(a) He is then a citizen of any country mentioned in subsection (3) of section one of this Act under a citizenship law having effect in that country, or a citizen of Eire; or

(b) He is then potentially a citizen of any country mentioned in subsection (3) of section one of this Act.

(5) A woman who was a British subject immediately before the date of the commencement of this Act and has before that date been married to a person who becomes, or would but for his death have become, a citizen of the United Kingdom and Colonies by virtue of any of the foregoing provisions of this section shall on that date herself become such a citizen.

(6) If any person of full age and capacity who would have become a citizen of the United Kingdom and Colonies on the date of the commencement of this Act by virtue of subsection (4) of this section but for his citizenship or potential citizenship of any country mentioned in subsection (3) of section one of this Act makes application to the Secretary of State in the prescribed manner before the first day of January nineteen hundred and fifty for the registration of himself and any of his minor children as

citizens of the United Kingdom and Colonies, and on such application satisfies the Secretary of State:

(a) That he is descended in the male line from a person possessing any of the qualifications specified in subsection (1) of this section; and

(b) That he intends to make his ordinary place of residence within the United Kingdom and Colonies,

then, if it seems to the Secretary of State fitting that that person should by reason of his close connexion with the United Kingdom and Colonies become a citizen thereof, the Secretary of State may cause him, and any minor children to whom the application relates, to be registered as such; and that person, and any such minor children as aforesaid, shall thereupon become citizens of the United Kingdom and Colonies.

(7) The Secretary of State may make arrangements for the exercise in any country mentioned in subsection (3) of section one of this Act of any of his functions under the last foregoing subsection by the High Commissioner for His Majesty's Government in the United Kingdom.

(8) A male person who becomes a citizen of the United Kingdom and Colonies by virtue only of subsection (2), (4) or (6) of this section shall be deemed for the purposes of the proviso to subsection (1) of section five of this Act to be a citizen of the United Kingdom and Colonies by descent only.

13. (1) A person who was a British subject immediately before the date of the commencement of this Act and is at that date potentially a citizen of any country mentioned in subsection (3) of section one of this Act, but is not at that date a citizen of the United Kingdom and Colonies or of any country mentioned in that subsection or of Eire, shall as from that date remain a British subject without citizenship until he becomes a citizen of the United Kingdom and Colonies, a citizen of any country mentioned in subsection (3) of section one of this Act, a citizen of Eire or an alien; and the provisions of the Third Schedule to this Act shall have effect in relation to a person who remains a British subject without citizenship by virtue of this section.

(2) A person remaining a British subject without citizenship as aforesaid shall become a citizen of the United Kingdom and Colonies on the day on which a citizenship law has taken effect in each of the countries mentioned in subsection (3) of section one of this Act of which he is potentially a citizen, unless he then becomes or has previously become a citizen of any country mentioned in subsection (3) of section one of this Act, or has previously become a citizen of the United Kingdom and Colonies, a citizen of Eire or an alien.

(3) A male person who becomes a citizen of the United Kingdom and Colonies by virtue of the last foregoing subsection shall be deemed for the purposes of the proviso to subsection (1) of section five of this Act to be a citizen thereof by descent only.

14. A woman who, having before the commencement of this Act married any person, ceased on that marriage or during the continuance thereof to be a British subject shall be deemed for the purposes of this Act to have been a British subject immediately before the commencement of this Act.

15. (1) Where any person whose British nationality depended upon his birth having been registered at a consulate of His Majesty has, under any enactment in force at any time before the commencement of this Act, ceased to be a British subject by reason of his failure to make a

declaration of retention of British nationality after becoming of full age, that person shall, if he would but for that failure have been a British subject immediately before the commencement of this Act, be deemed for the purposes of this Act then to have been a British subject.

(2) In determining for the purposes of this section whether a woman who has married an alien would but for her failure to make a declaration of retention of British nationality have been a British subject immediately before the commencement of this Act the marriage shall be disregarded.

16. (1) This section shall apply to any person who:

(a) Ceased to be a British subject under the provisions of subsection (1) of section twelve of the British Nationality and Status of Aliens Act, 1914 (which provided, subject to certain exceptions, that where a person being a British subject ceased to be such, whether by declaration of alienage or otherwise, every child of that person being a minor should thereupon cease to be a British subject), and

(b) Would but for the provisions of that subsection have been either a citizen of the United Kingdom and Colonies or a British subject without citizenship under section thirteen of this Act;

and in determining for the purposes of this section whether a woman who has married an alien would but for those provisions have been such a citizen or subject the marriage shall be disregarded.

(2) If any person to whom this section applies makes a declaration in the prescribed manner, within one year after the commencement of this Act or after his attaining the age of twenty-one years, whichever is later, or such longer period as the Secretary of State may allow, of his intention to resume British nationality, the Secretary of State shall cause the declaration to be registered; and thereupon that person shall become a citizen of the United Kingdom and Colonies or, as the case may be, a British subject without citizenship; and if he becomes a British subject without citizenship section thirteen of this Act shall apply to him accordingly.

17. Notwithstanding the repeal by this Act of the British Nationality and Status of Aliens Act, 1943, the birth of a person born before the date of the commencement of this Act may be registered after that date at a consulate of His Majesty as defined in that Act; and if the birth is registered in the circumstances specified in subsection (2) of section one of that Act, that person shall be deemed for the purposes of this Act to have been a British subject immediately before the commencement of this Act.

18. (1) Any application for a certificate of naturalisation, or for the inclusion of the name of a child in a certificate of naturalisation, made before the date of the commencement of this Act but not granted at that date may be treated as if it were an application for a certificate of naturalisation or for the registration of a minor child as a citizen of the United Kingdom and Colonies under this Act if the Secretary of State, or the Governor or other person to whom the application is made, is satisfied that the person to whom the application relates is qualified therefor.

(2) Where a certificate of naturalisation has been granted before, and the applicant takes the oath of allegiance after, the commencement of this Act, the certificate shall be deemed for the purposes of this Act to have taken effect immediately before the commencement of this Act.

Renunciation and Deprivation of citizenship

19. (1) If any citizen of the United Kingdom and Colonies of full age and capacity who is also—

(a) A citizen of any country mentioned in subsection (3) of section one of this Act or of Eire; or

(b) A national of a foreign country, makes a declaration in the prescribed manner of renunciation of citizenship of the United Kingdom and Colonies, the Secretary of State shall cause the declaration to be registered; and, upon the registration, that person shall cease to be a citizen of the United Kingdom and Colonies:

Provided that the Secretary of State may withhold registration of any such declaration if it is made during any war in which His Majesty may be engaged by a person who is a national of a foreign country.

(2) For the purposes of this section, any woman who has been married shall be deemed to be of full age.

20. (1) A citizen of the United Kingdom and Colonies who is such by registration (including a person registered under subsection (6) of section twelve of this Act) or is a naturalised person shall cease to be a citizen of the United Kingdom and Colonies if he is deprived of that citizenship by an order of the Secretary of State made under this or the next following section.

(2) Subject to the provisions of this section, the Secretary of State may by order deprive any such citizen of his citizenship if he is satisfied that the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact.

(3) Subject to the provisions of this section, the Secretary of State may by order deprive any citizen of the United Kingdom and Colonies who is a naturalised person of that citizenship if he is satisfied that that citizen:

(a) Has shown himself by act or speech to be disloyal or disaffected towards His Majesty; or

(b) Has, during any war in which His Majesty was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or

(c) Has within five years after becoming naturalised been sentenced in any country to imprisonment for a term of not less than twelve months.

(4) The Secretary of State may by order deprive any person naturalised in the United Kingdom and Colonies of his citizenship of the United Kingdom and Colonies if he is satisfied that that person has been ordinarily resident in foreign countries for a continuous period of seven years and during that period has neither:

(a) Been at any time in the service of His Majesty or of an international organisation of which the government of any part of His Majesty's dominions was a member; nor

(b) Registered annually in the prescribed manner at a United Kingdom consulate his intention to retain his citizenship of the United Kingdom and Colonies.

(5) The Secretary of State shall not deprive a person of citizenship under this section unless he is satisfied that it is not conducive to the public good that that person should continue to be a citizen of the United Kingdom and Colonies.

(6) Before making an order under this section the Secretary of State shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and, if the order is proposed to be made on any of the grounds specified in subsections (2) and (3) of this section, of his right to an inquiry under this section.

(7) If the order is proposed to be made on any of the grounds specified in subsections (2) and (3) of this section and that person applies in the prescribed manner for an inquiry, the Secretary of State shall, and in any other case the Secretary of State may, refer the case to a committee of inquiry consisting of a chairman, being a person possessing judicial experience, appointed by the Secretary of State and of such other members appointed by the Secretary of State as he thinks proper.

21. (1) Where a naturalised person who was a citizen of any country mentioned in subsection (3) of section one of this Act or of Eire has been deprived of that citizenship on grounds which, in the opinion of the Secretary of State, are substantially similar to any of the grounds specified in subsections (2), (3) and (4) of the last foregoing section, then, if that person is a citizen of the United Kingdom and Colonies, the Secretary of State may by an order made under this section deprive him of that citizenship, if the Secretary of State is satisfied that it is not conducive to the public good that that person should continue to be a citizen of the United Kingdom and Colonies.

(2) Before making an order under this section the Secretary of State shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and may refer the case to a committee of inquiry constituted in the manner provided by the last foregoing section.

22. The functions of the Secretary of State under the last two foregoing sections shall, in any colony, protectorate or United Kingdom trust territory, be exercised by the Governor; but he shall not make an order depriving any person of citizenship of the United Kingdom and Colonies except with the approval of the Secretary of State.

PART III

Supplemental

23. (1) A person born out of wedlock and legitimated by the subsequent marriage of his parents shall, as from the date of the marriage or of the commencement of this Act, whichever is later, be treated, for the purpose of determining whether he is a citizen of the United Kingdom and Colonies, or was a British subject immediately before the commencement of this Act, as if he had been born legitimate.

(2) A person shall be deemed for the purposes of this section to have been legitimated by the subsequent marriage of his parents if by the law of the place in which his father was domiciled at the time of the marriage the marriage operated immediately or subsequently to legitimate him, and not otherwise.

24. Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death; and where

that death occurred before, and the birth occurs after, the commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

25. The Secretary of State may in such cases as he thinks fit, on the application of any person with respect to whose citizenship of the United Kingdom and Colonies a doubt exists, whether on a question of fact or of law, certify that that person is a citizen of the United Kingdom and Colonies; and a certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

26. The Secretary of State, the Governor or the High Commissioner, as the case may be, shall not be required to assign any reason for the grant or refusal of any application under this Act the decision on which is at his discretion; and the decision of the Secretary of State, Governor or High Commissioner on any such application shall not be subject to appeal to or review in any court.

27. (1) Every document purporting to be a notice, certificate, order or declaration, or an entry in a register, or a subscription of an oath of allegiance, given, granted or made under this Act, the British Nationality and Status of Aliens Acts, 1914 to 1943, or any Act repealed by those Acts, shall be received in evidence, and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) Prima facie evidence of any such document as aforesaid may be given by production of a document purporting to be certified as a true copy thereof by such person and in such manner as may be prescribed.

(3) Any entry in a register made under this Act, the British Nationality and Status of Aliens Acts, 1914 to 1943, or any Act repealed by those Acts, shall be received as evidence of the matters stated in the entry.

(4) For the purposes of this Act, a certificate given by or on behalf of the Secretary of State that a person was at any time in Crown service under His Majesty's Government in the United Kingdom shall be conclusive evidence of that fact.

28. (1) Any person who for the purpose of procuring anything to be done or not to be done under this Act makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be liable on summary conviction in the United Kingdom to imprisonment for a term not exceeding three months.

(2) Any person who fails to comply with any requirement imposed on him by regulations made under this Act with respect to the delivering up of certificates of naturalisation shall be liable on summary conviction in the United Kingdom to a fine not exceeding one hundred pounds.

29. (1) The Secretary of State may by regulations make provision generally for carrying into effect the purposes of this Act, and in particular:

(a) For prescribing anything which under this Act is to be prescribed;

(b) For the registration of anything required or authorised under this Act to be registered;

(c) For the administration and taking of oaths of allegiance under this Act, for the time within which oaths of allegiance shall be taken and for the registration of oaths of allegiance;

(d) For the giving of any notice required or authorised to be given to any person under this Act;

(e) For the cancellation of the registration of, and the cancellation and amendment of certificates of naturalisation relating to, persons deprived of citizenship under this Act, and for requiring such certificates to be delivered up for those purposes;

(f) For the registration by consular officers or other officers in the service of His Majesty's Government in the United Kingdom of the births and deaths of persons of any class or description born or dying in a protected state or foreign country;

(g) For enabling the births and deaths of citizens of the United Kingdom and Colonies and British protected persons born or dying in any country in which His Majesty's Government in the United Kingdom has for the time being no diplomatic or consular representatives to be registered by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with His Majesty's Government in the United Kingdom, has undertaken to represent that government's interest in that country, or by a person authorized in that behalf by the Secretary of State;

(h) With the consent of the Treasury, for the imposition and recovery of fees in respect of any application made to the Secretary of State under this Act or in respect of any registration, or the making of any declaration, or the grant of any certificate, or the taking of any oath of allegiance, authorised to be made, granted or taken by or under this Act, and in respect of supplying a certified or other copy of any notice, certificate, order, declaration or entry, given, granted or made as aforesaid; and for the application of any such fees.

(2) His Majesty may by Order in Council provide for the application, with such adaptations and modifications as may be necessary, to births and deaths registered in accordance with regulations made under paragraphs (f) and (g) of the last foregoing subsection, or registered at a consulate of His Majesty in accordance with regulations made under the British Nationality and Status of Aliens Acts, 1914 to 1943, or in accordance with instructions of the Secretary of State, of the Births and Deaths Registration Acts, 1836 to 1947, the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, or any Act (including any Act, whether passed before or after the commencement of this Act, of the Parliament of Northern Ireland) for the time being in force in Northern Ireland relating to the registration of births and deaths; and any such Order in Council may exclude, in relation to births and deaths so registered, any of the provisions of section twenty-seven of this Act.

(3) The Secretary of State or, as the case may be, the Governor of any colony, protectorate or United Kingdom trust territory may make rules for the practice and procedure to be followed in connexion with references under this Act to a committee of inquiry; and such rules may, in particular, provide for conferring on any such committee any powers, rights or privileges of any court, and for enabling any powers so conferred to be exercised by one or more members of the committee.

(4) Any power of the Secretary of State to make regulations or rules under this Act shall be exercised by statutory instrument.

(5) Any Order in Council made under this Act may be revoked or varied by a subsequent Order in Council.

30. (1) His Majesty may, in relation to the states and territories under His protection through His government in the United Kingdom, by Order in Council declare which of those states and territories are protectorates and which of them are protected states for the purposes of this Act.

(2) His Majesty may by Order in Council apply the provisions of this Act to the New Hebrides and to Canton Island as if they were protected states.

(3) His Majesty may by Order in Council direct that in this Act any reference specified in the Order to protectorates shall be construed as including a reference to such protected states as may be so specified, and that in relation to any protected state so specified any reference in this Act to the Governor shall be construed as including a reference to such person as may be specified in the Order.

31. For the purpose of assimilating the rights and liabilities of natural-born and other British subjects under the enactments specified in Part I of the Fourth Schedule to this Act, those enactments are hereby repealed to the extent specified in the third column of that Part.

32. (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively ascribed to them, that is to say:

“Alien” means a person who is not a British subject, a British protected person or a citizen of Eire;

“Australia” includes the territories of Papua and the territory of Norfolk Island;

“British protected person” means a person who is a member of a class of persons declared by Order in Council made in relation to any protectorate, protected state, mandated territory or trust territory to be for the purposes of this Act British protected persons by virtue of their connexion with that protectorate, state or territory;

“Colony” does not include any country mentioned in subsection (3) of section one of this Act;

“Crown service under His Majesty’s government in the United Kingdom” means the service of the Crown under His Majesty’s government in the United Kingdom, or under His Majesty’s government in Northern Ireland, or under the government of any colony, protectorate, protected state, United Kingdom mandated territory or United Kingdom trust territory, whether such service is in any part of His Majesty’s dominions or elsewhere;

“Foreign country” means a country other than the United Kingdom, a colony, a country mentioned in subsection (3) of section one of this Act, Eire, a protectorate, a protected state, a mandated territory and a trust territory;

“Governor”, in relation to a colony, protectorate or United Kingdom trust territory, includes the officer for the time being administering the government of that colony, protectorate or territory, and includes the person for the time being exercising the functions of British Resident at Zanzibar;

“Mandated territory” means a territory administered by the government of any part of His Majesty’s dominions in accordance with a mandate from the League of Nations;

“Minor” means a person who has not attained the age of twenty-one years;

“Naturalized person” means a person who became a British subject or citizen of Eire by virtue of a certificate of naturalization granted to him or in which his name was included;

“Person naturalized in the United Kingdom and Colonies” means:

(a) In relation to a person naturalized after the commencement of this Act, a person to whom a certificate of naturalization has been granted by the Secretary of State or by the Governor of a colony, protectorate or United Kingdom trust territory;

(b) In relation to a person naturalized before the commencement of this Act,

(i) A person to whom a certificate of naturalization was granted by the Secretary of State, or, under section eight of the British Nationality and Status of Aliens Act, 1914, by the government of any British possession other than the countries mentioned in subsection (3) of section one of this Act, or

(ii) A person who by virtue of subsection (2) of section twenty-seven of the British Nationality and Status of Aliens Act, 1914, is deemed to be a person to whom a certificate of naturalization was granted, if the certificate of naturalization in which his name was included was granted by the Secretary of State or by the government of any such British possession as aforesaid or if he was deemed to be a naturalized British subject by reason of his residence with his father or mother;

“Prescribed” means prescribed by regulations made under this Act;

“Protected state” and “protectorate” have the meaning assigned to them by section thirty of this Act;

“Trust territory” means a territory administered by the government of any part of His Majesty’s dominions under the trusteeship system of the United Nations;

“United Kingdom consulate” means the office of a consular officer of His Majesty’s government in the United Kingdom where a register of births is kept, or where there is no such office, such office as may be prescribed;

“United Kingdom mandated territory” and “United Kingdom trust territory” mean respectively a mandated territory and a trust territory administered by His Majesty’s government in the United Kingdom.

(2) Subject to the provisions of section twenty-three of this Act, any reference in this Act to a child shall be construed as a reference to a legitimate child; and the expressions “father”, “ancestor” and “descended” shall be construed accordingly.

(3) References in this Act to any country mentioned in subsection (3) of section one of this Act shall include references to the dependencies of that country.

(4) Any reference in this Act to India, being a reference to a state of affairs existing before the fifteenth day of August, nineteen hundred and forty-seven, shall be construed as a reference to British India as defined by section three hundred and eleven of the Government of India Act, 1935.

(5) For the purposes of this Act, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the govern-

ment of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(6) For the purposes of this Act, any person who, by the law in force immediately before the commencement of this Act in any colony or protectorate, enjoyed the privileges of naturalization within that colony or protectorate only shall be deemed to have become immediately before the commencement of this Act a British subject and a person naturalized in the United Kingdom and Colonies.

(7) A person shall, in relation to any country mentioned in subsection (3) of section one of this Act in which a citizenship law has not taken effect at the date of the commencement of this Act, be deemed for the purposes of this Act to be potentially a citizen of that country at that date if he, or his nearest ancestor in the male line who acquired British nationality otherwise than by reason of his parentage, acquired British nationality by any of the following means, that is to say:

(a) By birth within the territory comprised at the date of the commencement of this Act in that country; or

(b) By virtue of a certificate of naturalisation granted by the government of that country; or

(c) By virtue of the annexation of any territory included at the date of the commencement of this Act in that country;

and a woman shall, in addition, be deemed for the purposes of this Act to be at the commencement of this Act potentially a citizen of any country mentioned in subsection (3) of section one of this Act if any person to whom she has been married is, or would but for his death have been, potentially a citizen thereof at that date.

(8) In this Act the expression "citizenship law" in relation to any country mentioned in subsection (3) of section one of this Act means an enactment of the legislature of that country declared by order of the Secretary of State made by statutory instrument at the request of the government of that country to be an enactment making provision for citizenship thereof; and a citizenship law shall be deemed for the purposes of this Act to have taken effect in a country on the date which the Secretary of State by order so made at the request of the government of that country declares to be the date on which it took effect.

(9) A person shall for the purposes of this Act be of full age if he has attained the age of twenty-one years and of full capacity if he is not of unsound mind.

(10) For the purposes of this Act, a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

(11) Any reference in this Act to any other Act shall, unless the context otherwise requires, be construed as a reference to that Act as amended by or under any other enactment.

33. (1) References in this Act to colonies shall be construed as including references to the Channel Islands and the Isle of Man; and in its application to those islands this Act shall have effect as if references to the Governor included references to the Lieutenant-Governor.

(2) A citizen of the United Kingdom and Colonies may, if on the ground of his connection with the Channel Islands or the Isle of Man he so desires, be known as a citizen of the United Kingdom, Islands and Colonies.

34. (1) This Act may be cited as the British Nationality Act, 1948.

(2) This Act shall come into force on the first day of January, nineteen hundred and forty-nine.

(3) Subject to the provisions of section seventeen of, and the Third Schedule to, this Act, the enactments specified in Part II of the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Part:

Provided that the British Nationality and Status of Aliens Acts, 1914 to 1943, so far as they extend to Newfoundland and Southern Rhodesia, shall continue in force in each of those countries until provision to the contrary is made by the legislature thereof.

FIRST SCHEDULE

OATH OF ALLEGIANCE

I, A.B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His Heirs and Successors according to law.

SECOND SCHEDULE

QUALIFICATIONS FOR NATURALISATION

Aliens

1. Subject to the provisions of the next following paragraph, the qualifications for naturalisation of an alien who applies therefor are:

(a) That he has either resided in the United Kingdom or been in Crown service under His Majesty's government in the United Kingdom, or partly the one and partly the other, throughout the period of twelve months immediately preceding the date of the application; and

(b) That during the seven years immediately preceding the said period of twelve months he has either resided in the United Kingdom or any colony, protectorate, United Kingdom mandated territory or United Kingdom trust territory or been in Crown service as aforesaid, or partly the one and partly the other, for periods amounting in the aggregate to not less than four years; and

(c) That he is of good character; and

(d) That he has sufficient knowledge of the English language, and

(e) That he intends in the event of a certificate being granted to him:

(i) To reside in the United Kingdom or in any colony, protectorate or United Kingdom trust territory or in the Anglo-Egyptian Sudan; or

(ii) To enter into or continue in Crown service under His Majesty's government in the United Kingdom, or under the government of the Anglo-Egyptian Sudan, or service under an international organisation of which His Majesty's government in the United Kingdom is a member, or service in the employment of a society, company or body of persons established in the United Kingdom or established in any colony, protectorate or United Kingdom trust territory.

2. The Secretary of State may if in the special circumstances of any particular case he thinks fit:

(a) Allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned, for the

purposes of sub-paragraph (a) of the last foregoing paragraph, as if it had immediately preceded that date;

(b) Allow residence in any country mentioned in subsection (3) of section one of this Act or in Eire, or in any mandated territory or trust territory, or in the Anglo-Egyptian Sudan, or residence in Burma before the fourth day of January, nineteen hundred and forty-eight, to be reckoned for the purposes of sub-paragraph (b) of the last foregoing paragraph;

(c) Allow service under the government of any country mentioned in the said subsection (3), or of any state, province or territory thereof, or under the government of the Anglo-Egyptian Sudan, or service before the fourth day of January, nineteen hundred and forty-eight, under the government of Burma, to be reckoned for the purposes of the said sub-paragraph (b) as if it had been Crown service under His Majesty's government in the United Kingdom;

(d) Allow periods of residence or service earlier than eight years before the date of the application to be reckoned in computing the aggregate mentioned in the said sub-paragraph (b).

British protected persons

3. The qualifications for naturalisation of a British protected person who applies therefor are:

(a) That he is ordinarily resident in the United Kingdom and has been so resident throughout the period of twelve months, or such shorter period as the Secretary of State may in the special circumstances of any case accept, immediately preceding his application; or

(b) That he is in Crown service under His Majesty's government in the United Kingdom, and

the qualifications specified in sub-paragraphs (c), (d) and (e) of paragraph 1 of this Schedule.

Application to colonies, protectorates and trust territories

4. The foregoing provisions of this Schedule shall, in their application to any colony, protectorate or United Kingdom trust territory, have effect as if:

(a) For any references therein to the Secretary of State there were substituted references to the Governor of that colony, protectorate or territory;

(b) For the reference in sub-paragraph (a) of paragraph 1 and sub-paragraph (a) of paragraph 3 thereof to residence in the United Kingdom there were substituted a reference to residence in that colony, protectorate or territory; and

(c) For the reference therein to the English language there were substituted, in the case of a British protected person, a reference to the English language or any other language in current use in that colony, protectorate or territory, and, in the case of an alien, a reference to the English language or any language recognised in that colony, protectorate or territory as being on an equality with the English language.

THIRD SCHEDULE

BRITISH SUBJECTS WITHOUT CITIZENSHIP UNDER SECTION THIRTEEN OF THIS ACT

1. The law in force before the commencement of this Act relating to British nationality shall continue to apply to a person while he remains

a British subject without citizenship by virtue of section thirteen of this Act as if this Act had not been passed:

Provided that:

(a) If that person is a male, nothing in this paragraph shall confer British nationality on any woman whom he marries during the period that he is a British subject without citizenship, or on any child born to him during that period;

(b) He shall not, by becoming naturalised in a foreign state, be deemed to have ceased to be a British subject by virtue of section thirteen of the British Nationality and Status of Aliens Act, 1914;

(c) So long as a woman remains a British subject without citizenship as aforesaid she shall not on marriage to an alien cease to be a British subject.

2. So long as a person remains a British subject without citizenship by virtue of section thirteen of this Act he shall be treated for the purposes of any application made by him for registration as a citizen of the United Kingdom and Colonies under sections six to nine of this Act as if he were a citizen of one of the countries mentioned in subsection (3) of section one of this Act.

3. If while a male person remains a British subject without citizenship by virtue of section thirteen of this Act a child is born to him, the child shall, unless the child has previously become a citizen of the United Kingdom and Colonies, or of any country mentioned in subsection (3) of section one of this Act or of Eire, become a citizen of the United Kingdom and Colonies if and when the father becomes, or would but for his death have become, such a citizen; and a male person who becomes a citizen of the United Kingdom and Colonies by virtue of this paragraph shall be deemed for the purposes of the proviso to subsection (1) of section five of this Act to be a citizen thereof by descent only.

FOURTH SCHEDULE

ENACTMENTS REPEALED

PART I

Enactments relating to Natural-Born British Subjects

<i>Session and Chapter</i>	<i>Short Title, etc.</i>	<i>Extent of Repeal</i>
11 Will. 3. c. 7. .	An Act for the more effectual Suppression of Piracy	In section seven, the words "naturall borne" and "or denizens of this Kingdome"
12 & 13 Will. 3. c. 2.	The Act of Settlement	In section three, the words from "That after the said limitation shall take effect" to "in trust for him" so far as they relate to British subjects and citizens of Eire
18 Geo. 2. c. 30. .	The Piracy Act, 1744	In section one, the words "natural born" and "or denizens"

<i>Session and Chapter</i>	<i>Short Title, etc.</i>	<i>Extent of Repeal</i>
21 & 22 Vict. c. 93	The Legitimacy Declaration Act, 1858	In section nine, the words "natural-born"
31 & 32 Vict. c. 20	The Legitimacy Declaration Act (Ireland), 1868	In sections one and two, the words "natural-born" wherever they occur
33 & 34 Vict. c. 77	The Juries Act, 1870	In section eight, the words "natural-born" in both places where they occur
57 & 58 Vict. c. 60	The Merchant Shipping Act, 1894	In section one, the words "natural-born" in the first place where they occur, paragraphs (b) and (c) and the proviso
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act, 1925	In section one hundred and eighty-eight, the words "natural-born" wherever they occur

PART II

Other Enactments

<i>Session and Chapter</i>	<i>Short Title, etc.</i>	<i>Extent of Repeal</i>
4 & 5 Ann. c. 16.	An Act for the Naturalization of the Most Excellent Princess Sophia Electress and Duchess Dowager of Hanover and the Issue of her Body	The whole Act
35 & 36 Vict. c. 39	The Naturalization Act, 1872	The whole Act
	The Army Act	In section ninety-five, the words "natural-born"
4 & 5 Geo. 5. c. 17	The British Nationality and Status of Aliens Act, 1914	Sections one to sixteen
		In sections seventeen and eighteen, the words "natural-born" wherever they occur
	The Air Force Act	Sections nineteen to twenty-six Section twenty-seven, except so far as it defines the expression "alien" In section twenty-eight, the words "British Nationality and" The Schedules In section ninety-five, the words "natural-born"

<i>Session and Chapter</i>	<i>Short Title, etc.</i>	<i>Extent of Repeal</i>
8 & 9 Geo. 5. c. 38.	The British Nationality and Status of Aliens Act, 1918	The whole Act
12 & 13 Geo. 5. c. 44.	The British Nationality and Status of Aliens Act, 1922	The whole Act
16 & 17 Geo. 5. c. 60.	The Legitimacy Act, 1926	In section two, the words "natural-born"
23 & 24 Geo. 5. c. 4.	The Evidence (Foreign, Dominion and Colonial Documents) Act, 1933	Section two
23 & 24 Geo. 5. c. 49.	The British Nationality and Status of Aliens Act, 1933	The whole Act
6 & 7 Geo. 6. c. 14.	The British Nationality and Status of Aliens Act, 1943	The whole Act
11 & 12 Geo. 6. c. 7.	The Ceylon Independence Act, 1947	Paragraph 1 of the Second Schedule

(b) BURMA INDEPENDENCE ACT OF 10 DECEMBER 1947.

An Act to provide for the independence of Burma as a country not within His Majesty's dominions and not entitled to His Majesty's protection, and for consequential and connected matters.

[10th December 1947]

1. (1) On the appointed day, Burma shall become an independent country, neither forming part of His Majesty's dominions nor entitled to His Majesty's protection.

(2) In this Act, the expression "the appointed day" means the fourth day of January, nineteen hundred and forty-eight.

(3) The suzerainty of His Majesty over the part of Burma known as the Karenni States shall lapse as from the appointed day, and with it all treaties and agreements in force between His Majesty and the rulers of the Karenni States, all functions exercisable by His Majesty with respect to the Karenni States, all obligations of His Majesty towards the Karenni States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty in or in relation to the Karenni States by treaty, grant, usage, sufferance or otherwise.

2. (1) Subject to the provisions of this section, the persons specified in the First Schedule to this Act, being British subjects, immediately before the appointed day, shall on that day cease to be British subjects:

Provided that a woman who immediately before the appointed day is the wife of a British subject shall not cease by virtue of this subsection to

be a British subject unless her husband ceases by virtue of this subsection to be a British subject.

(2) A person who by virtue of subsection (1) of this section ceases to be a British subject on the appointed day and is immediately before that day domiciled or ordinarily resident in either:

- (a) Any part of the United Kingdom;
- (b) Any of the Channel Islands;
- (c) The Isle of Man;
- (d) Newfoundland;
- (e) Any colony;
- (f) Any territory in respect of which a mandate from the League of Nations was accepted by His Majesty, being a territory under the sole administration of His Majesty's Government in the United Kingdom;
- (g) Any territory administered under the trusteeship system of the United Nations, being a territory under the sole administration of His Majesty's Government in the United Kingdom;
- (h) Any British protectorate;
- (i) Any British protected state outside Burma; or
- (k) Any other place outside Burma in which, by treaty, capitulation, grant, usage, sufferance or other lawful means, His Majesty has jurisdiction over British subjects,

may, by a declaration made before the expiration of the two years beginning with the appointed day to such person and in such manner as may be prescribed, elect to remain a British subject, and if he so elects, the provisions of subsection (1) of this section (including the proviso thereto) shall be deemed never to have applied to or in relation to him or, except so far as the declaration otherwise provides, any child of his who is under the age of eighteen years at the date of the declaration:

Provided that a declaration under this subsection shall be of no effect unless it is registered in the prescribed manner in pursuance of an application made within, or within the prescribed period after the expiration of, the said two years.

In this subsection, the expression "prescribed" means prescribed by regulations of the Secretary of State or of such Government, authority or person as may be authorised in that behalf by the Secretary of State, and different provision may be made under this subsection for different classes of cases.

(3) A person who by virtue of subsection (1) of this section ceases to be a British subject on the appointed day, not being such a person as is mentioned in subsection (2) of this section, shall, if on that day he neither becomes, nor becomes qualified to become, a citizen of the independent country of Burma for which provision is made by section one of this Act, have the like right of election as is provided for by subsection (2) of this section, and the said subsection (2) shall have effect accordingly.

(4) If provision is made by the law of any part of His Majesty's dominions not mentioned in subsection (2) of this section for the exercise by any persons, being persons domiciled or ordinarily resident in that part of His Majesty's dominions or in any territory administered by the Government thereof, of a right to elect not to cease to be British subjects on the appointed day by reason of Burma becoming an independent country on that day, then, so far as is necessary to give effect under the law of the United Kingdom to the results flowing under the law of that part of His Majesty's dominions from the exercise of the right of election, the provisions of sub-

section (1) of this section shall be deemed never to have applied to or in relation to, or to or in relation to the children of, the persons who duly exercise that right.

(5) Save as provided in this section, no person who is a British subject immediately before the appointed day shall cease to be a British subject by reason of Burma ceasing on that day to be part of His Majesty's dominions.

(6) The exercise by a person of any such right of election as is referred to in subsection (2), subsection (3) and subsection (4) of this section shall not render unlawful anything done before the date of the election which would have been lawful if the election had not been made.

5. (1) This Act may be cited as the Burma Independence Act, 1947.

FIRST SCHEDULE

PERSONS WHO CEASE TO BE BRITISH SUBJECTS

1. The persons who, being British subjects immediately before the appointed day, are, subject to the provisions of section two of this Act, to cease on that day to be British subjects are the following persons, that is to say:

(a) Persons who were born in Burma or whose father or paternal grandfather was born in Burma, not being persons excepted by paragraph 2 of this Schedule from the operation of this subparagraph; and

(b) Women who were aliens at birth and became British subjects by reason only of their marriage to any such person as is specified in subparagraph (a) of this paragraph.

2. (1) A person shall be deemed to be excepted from the operation of subparagraph (a) of paragraph 1 of this Schedule if he or his father or his paternal grandfather was born outside Burma in a place which, at the time of the birth,

(a) Was within His Majesty's dominions, was a British protectorate, was a British protected state, was a territory in respect of which a mandate from the League of Nations had been accepted by His Majesty and which was under the administration of the Government of any part of His Majesty's dominions or was a territory under the trusteeship system of the United Nations which was under the administration of the Government of any part of His Majesty's dominions; or

(b) Was a place where, by treaty, capitulation, grant, usage, sufferance or other lawful means, His Majesty had jurisdiction over British subjects;

Provided that a person shall not be excepted under this subparagraph from the operation of the said subparagraph (a) by virtue of the place of birth of his father or paternal grandfather unless his father or, as the case may be, his paternal grandfather, was at some time before the appointed day a British subject.

(2) A person shall also be deemed to be excepted from the operation of the said subparagraph (a) if he or his father or his paternal grandfather became a British subject by naturalization or by annexation of any territory which is outside Burma.

(3) Where, in pursuance of the British Nationality and Status of Aliens Act, 1914, the name of a child has been included in a certificate of natura-

lization granted to his parent, or where, in pursuance of any Act repealed by that Act, any child has been deemed to be a naturalized British subject by reason of residence with his parent, that child shall, for the purposes of this paragraph, be deemed to have become a British subject by naturalization.

3. For the purposes of this Schedule, a person born in a ship, other than an unregistered ship, shall be deemed to have been born in the country in which the ship was registered.

4. In this Schedule the expression "Burma" means the territories which, immediately before the appointed day, were included in Burma.

(c) IRELAND ACT OF 18 APRIL 1949.¹

1. *Constitutional provisions.* (1) It is hereby recognized and declared that the part of Ireland heretofore known as Eire ceased, as from the eighteenth day of April, nineteen hundred and forty-nine, to be part of His Majesty's dominions.

(2) It is hereby declared that Northern Ireland remains part of His Majesty's dominions and of the United Kingdom and it is hereby affirmed that in no event will Northern Ireland or any part thereof cease to be part of His Majesty's dominions and of the United Kingdom without the consent of the Parliament of Northern Ireland.

(3) The part of Ireland referred to in subsection (1) of this section is hereafter in this Act referred to, and may in any Act, enactment or instrument passed or made after the passing of this Act be referred to, by the name attributed thereto by the law thereof, that is to say, as the Republic of Ireland.

2. *Republic of Ireland not a foreign country.* (1) It is hereby declared that, notwithstanding that the Republic of Ireland is not part of His Majesty's dominions, the Republic of Ireland is not a foreign country for the purposes of any law in force in any part of the United Kingdom or in any colony, protectorate or United Kingdom trust territory, whether by virtue of a rule of law or of an Act of Parliament or any other enactment or instrument whatsoever, whether passed or made before or after the passing of this Act, and references in any Act of Parliament, other enactment or instrument whatsoever, whether passed or made before or after the passing of this Act, to foreigners, aliens, foreign countries, and foreign or foreign-built ships or aircraft shall be construed accordingly.

(2) The person who, in the United Kingdom, is the chief representative of the Republic of Ireland or of the Government thereof shall, whatever the style of his office, have the same privileges and exemptions as to taxation and otherwise as fall to be accorded under the law for the time being in force to High Commissioners and Agents General within the meaning of section nineteen of the Finance Act, 1923, and his staff shall have the same privileges and exemptions as to taxation and otherwise as fall to be accorded under the law for the time being in force to their staffs.

3. *Other provisions as to operation of United Kingdom and colonial laws in relation to Republic of Ireland.* (1) It is hereby declared that:

¹ Halsbury's Statutes of England, Second Ed., Vol. 28, Continuation Volume 1948-1949, London, 1951.

(a) The operation of the following statutory provisions, that is to say:
 (i) The British Nationality Act, 1948 (and in particular, and without prejudice to the generality of the preceding words, sections two, three and six thereof);

is not affected by the fact that the Republic of Ireland is not part of His Majesty's dominions; and

(b) That, in the said provisions, and in any Act of Parliament or other enactment or instrument whatsoever, so far as it operates as part of the law of, or of any part of, the United Kingdom or any colony, protectorate or United Kingdom trust territory, references to citizens of Eire include, on their true construction, references to citizens of the Republic of Ireland.

4. *Transitional provisions as to references in Acts, etc.* (1) Subject to the provisions of subsection (4) of this section, subsection (2) of section three of the British Nationality Act, 1948 (which relates to the effect of existing Acts of Parliament and other enactments and instruments) shall have effect in relation to Acts, enactments or instruments passed or made before the end of the year nineteen hundred and forty-nine as it has effect in relation to Acts, enactments or instruments in force at the date of the commencement of that Act.

(2) Subject to the provisions of subsection (4) of this section, subsection (2) of the last preceding section shall have effect in relation to Acts, enactments or instruments passed or made before the end of the year nineteen hundred and forty-nine as it has effect in relation to Acts, enactments or instruments passed or made before the passing of this Act.

(3) Where, whether by virtue of the preceding provisions of this section or otherwise, subsection (2) of section three of the British Nationality Act, 1948, or subsection (2) of the last preceding section has effect in relation to any Act, enactment or instrument, it shall, subject to the provisions of subsection (4) of this section, have effect also in relation to any other Act, enactment or instrument which, whether expressly or by implication, is required to be construed in the same way as that Act, enactment or instrument.

(4) The preceding provisions of this section have effect in relation to any Act, enactment or instrument only in so far as a contrary intention does not appear in that Act, enactment or instrument.

Provided that the fact that an Act, enactment or instrument refers to a British subject, or to, or to any part of, His Majesty's dominions, or to a British or British-built ship or aircraft, without referring to a citizen of the Republic of Ireland, or to the Republic of Ireland or to a ship or aircraft of or built in the Republic of Ireland shall not of itself be taken as indicating a contrary intention for the purposes of this subsection, and the same principle of construction shall be applied to other similar expressions.

5. *Provisions as to operation of British Nationality Act, 1948.* (1) A person who:

(a) Was born before the sixth day of December, nineteen hundred and twenty-two, in the part of Ireland which now forms the Republic of Ireland; and

(b) Was a British subject immediately before the date of the commencement of the British Nationality Act, 1948,

shall not be deemed to have ceased to be a British subject on the coming into force of that Act unless either:

(i) He was, on the said sixth day of December, domiciled in the part of Ireland which now forms the Republic of Ireland; or

(ii) He was, on or after the tenth day of April nineteen hundred and thirty-five, and before the date of the commencement of that Act, permanently resident in that part of Ireland; or

(iii) He had, before the date of the commencement of that Act, been registered as a citizen of Eire under the laws of that part of Ireland relating to citizenship.

(2) In relation to persons born before the said sixth day of December in the part of Ireland which now forms the Republic of Ireland, being persons who do not satisfy any of the conditions specified in paragraphs (i), (ii) and (iii) of subsection (1) of this section, sections twelve and thirteen of the said Act (which relate to citizenship of the United Kingdom and Colonies and to British subjects without citizenship) shall have effect and be deemed always to have had effect as if, in paragraph (a) of subsection (4) of the said section twelve, the words "or a citizen of Eire" and in subsection (1) of the said section thirteen, the words "or of Eire" were omitted.

(3) So much of the said Act as has the effect of providing that a person is, in specified circumstances, to be treated for the purposes of that Act as having been a British subject immediately before the commencement thereof shall apply also for the purposes of this section.

(4) Nothing in this section affects the position of any person who, on the coming into force of the British Nationality Act, 1948, became a citizen of the United Kingdom and Colonies or a British subject without citizenship apart from the provisions of this section.

7. *Short title, interpretation and commencement.* (1) This Act may be cited as the Ireland Act, 1949.

(2) References in this Act to colonies, protectorates and United Kingdom trust territories shall be construed as if they were references contained in the British Nationality Act, 1948.

(3) Save as otherwise expressly provided, this Act shall be deemed to have had effect as from the eighteenth day of April, nineteen hundred and forty-nine.

(d) BRITISH PROTECTORATES, PROTECTED STATES AND PROTECTED PERSONS ORDER IN COUNCIL NO. 140 OF 28 JANUARY 1949.

1. This Order may be cited as the British Protectorates, Protected States and Protected Persons Order in Council, 1949.

2. (1) In this Order, unless the context otherwise requires:

"British protected person" means a person who is a British protected person by virtue of any provision of this Order;

"trust territory" means a territory named in the Third Schedule to this Order.

(2) A person shall, for the purposes of this Order, be of full age if he has attained the age of 21 years, or if, being a woman under that age, she has been married, and shall be of full capacity if he or she is not of unsound mind.

3. (1) A person born out of wedlock and legitimated by the subsequent marriage of his parents shall, as from the date of the marriage or of this Order, whichever is later, be treated, for the purpose of determining whether he is a British protected person under section 9 or section 10 of this Order, as if he had been born legitimate.

(2) A person shall be deemed for the purposes of this section to have been legitimated by the subsequent marriage of his parents if by the law of the place in which his father was domiciled at the time of the marriage the marriage operated immediately or subsequently to legitimate him, and not otherwise.

4. Any reference in this Order to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death; and where that death occurred before, and the birth occurs after, the date of this Order, the status or description which would have been applicable to the father had he died after the date of this Order shall be deemed to be the status or description applicable to him at the time of his death.

5. (1) The territories named in the First Schedule to this Order, being territories under the protection of His Majesty through His Government in the United Kingdom, are protectorates for the purposes of the Act, and are in this Order referred to as protectorates.

(2) The states or territories named in the first column of the Second Schedule to this Order, being states or territories under the protection of His Majesty as aforesaid, are protected states for the purposes of this Act, and are in this Order referred to as protected states.

6. The provisions of the Act shall apply to the New Hebrides and to Canton Island as if they were protected states.

7. The references to protectorates contained in subparagraphs (b) and (e) of paragraph 1 of the Second Schedule to the Act shall be construed as including references to all the protected states set out in the first column of the Second Schedule to this Order, to the New Hebrides and to Canton Island; and any reference in the Act and in this Order to the Governor shall include a reference, in relation to the said protected states, to the authority specified in the second column of the Second Schedule to this Order, and in relation to the New Hebrides and Canton Island to the High Commissioner for the Western Pacific, and to the persons for the time being exercising their functions.

8. The references to protectorates contained in section 8 (1), section 10 (2), section 22, section 29 (3) and in the definition of "person naturalized in the United Kingdom and Colonies" in section 32 (1) of the Act, and in paragraph 4 of the Second Schedule to the Act, shall be construed as including references to the following protected states, namely, the Malay States and Brunei.

9. (1) Subject to the provisions of Section 13 of this Order, a person shall be a British protected person by virtue of his connexion with a protectorate or a trust territory:

(a) If he was born (whether before or after the date of this Order) in a protectorate or trust territory; or

(b) In the case of a person born elsewhere than in a protectorate or trust territory before the date of this Order, if his father was born in a protectorate or trust territory; or

(c) In the case of a person born elsewhere than in a protectorate or trust territory after the date of this Order, if his father was born in a protectorate or trust territory and was a British protected person at the time of that person's birth.

(2) For the purposes of this section Zanzibar shall not be regarded as a protectorate.

10. Subject to the provisions of section 13 of this Order a person shall be a British protected person by virtue of his connexion with Canton Island:

(a) If he was born there before the date of this Order, and his father was born in a protectorate, protected state or trust territory; or

(b) If he was born there after the date of this Order, and his father was a British subject or a British protected person at the time of that person's birth.

11. (1) A woman who has been married to a person who is a British protected person under section 9 or section 10 of this Order may, upon application to the Governor, be registered by him as a British protected person.

(2) An application by a woman under this section shall be made to the Governor of the territory by virtue of connexion with which her husband is a British protected person, and the Governor may prescribe a form of application.

12. (1) A person who, under any law providing for citizenship or nationality in force in any protected state, is a citizen or national of that state shall be a British protected person by virtue of his connexion with that state.

(2) If in any protected state no such law as is mentioned in the preceding subsection is in force, the provisions of section 3, section 4, section 9, section 11 and section 13 of this Order shall have effect in relation to that state as if it were a protectorate.

(3) If any question arises whether any such law as is mentioned in subsection (1) of this section is in force, a certificate of a Secretary of State on the question shall be conclusive.

(4) For the purposes of this section Zanzibar shall be regarded as a protected state.

13. (1) If any person of full age and capacity, who is a British protected person under any provision contained in section 9, section 10 or section 11 of this Order and is also a national of a foreign country as defined in section 32 (1) of the Act, makes a declaration renouncing his status as a British protected person, the Governor shall cause the declaration to be registered, and upon registration that person shall cease to be a British protected person under that provision:

Provided that the Governor may withhold registration of any such declaration if it is made during any war in which His Majesty may be engaged.

(2) A person who is an enemy alien at the date of this Order shall not become a British protected person under section 9 or section 10 of this Order unless the Governor shall, on application made to him by that person, so order.

(3) A declaration or application made under this section shall be sent to the Governor of the territory by virtue of connexion with which the person making it is or applies to become a British protected person, and

the Governor may prescribe a form of declaration and application and the manner of making it.

And the right Honourable Ernest Bevin, His Majesty's Principal Secretary of State for Foreign Affairs, and the Right Honourable Arthur Creech Jones, His Majesty's Principal Secretary of State for the Colonies, are to give the necessary directions herein accordingly.

Edward Ford

FIRST SCHEDULE

Aden Protectorate	Northern Territories of the Gold Coast
Bechuanaland Protectorate	Nyasaland Protectorate
British Solomon Islands Protectorate	Sierra Leone Protectorate
Gambia Protectorate	Somaliland Protectorate
Kenya Protectorate	Swaziland
Nigeria Protectorate	Uganda Protectorate
Northern Rhodesia	Zanzibar Protectorate

SECOND SCHEDULE

<i>Protected States</i>	<i>Authority</i>
The Malay States, viz.:	
Johore	} The High Commissioner for the Federation of Malaya.
Pahang	
Negri Sembilan	
Selangor	
Perak	
Kedah	
Perlis	
Kelantan	
Trengganu	
Brunei	The High Commissioner for Brunei.
Tonga	The High Commissioner for the Western Pacific.
The Maldive Islands	The United Kingdom High Commissioner in Ceylon.
The Persian Gulf States, viz.:	
Koweit	} The Political Resident in the Persian Gulf.
Bahrain	
Qatar	
The Trucial Sheikdoms of Oman, viz.:	
Abu Dhabi	
Ajman	
Dibai	
Kalba	
Ras al Khaimah	
Sharjah	
Umm al Qaiwain	

THIRD SCHEDULE

Trust Territories

Tanganyika
 Cameroons under United Kingdom Trusteeship
 Togoland under United Kingdom Trusteeship

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport)

The above Order in Council, made under the British Nationality Act, 1948, specifies the territories which are protectorates and protected states for the purposes of the Act, applies the provisions of the Act to the New Hebrides and Canton Island as if they were protected states, provides for the application to protected states of certain references to protectorates contained in the Act, and defines who are to be British protected persons for the purposes of the Act. The British Protected Persons Orders, 1934 to 1944 (*b*), have been revoked by the British Protected Persons Orders, 1934 to 1944 (Revocation) Order, 1949 (*c*).

(e) ADOPTION ACT, 1950.

16. (1) Where an adoption order is made in respect of an infant who is not a citizen of the United Kingdom and Colonies, then, if the adopter, or in the case of a joint adoption the male adopter, is a citizen of the United Kingdom and Colonies, the infant shall be a citizen of the United Kingdom and Colonies as from the date of the order.

(2) The references in this section to an adoption order include references to an order authorising an adoption under the Adoption of Children Act (Northern Ireland), 1929, or any enactment of the Parliament of Northern Ireland for the time being in force.

(f) BRITISH PROTECTORATES, PROTECTED STATES AND PROTECTED PERSONS (AMENDMENT) ORDER IN COUNCIL NO. 457 OF 10 MARCH 1952.

1. (1) This Order may be cited as the British Protectorates, Protected States and Protected Persons (Amendment) Order in Council, 1952; it shall be construed as one with the Principal Order; and the Principal Order and this Order may be cited together as the British Protectorates, Protected States and Protected Persons Orders in Council, 1949 and 1952.

(2) This Order shall come into operation on the first day of April, 1952.

2. The second column of the Second Schedule to the Principal Order is hereby amended by the deletion of the words "The High Commissioner for the Western Pacific" and the substitution therefor of the words "The Governor of Fiji".

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport)

The above Order in Council substitutes the Governor of Fiji for the High Commissioner for the Western Pacific as the authority in relation to the protected state of Tonga for the purposes of the British Nationality Act, 1948, and the British Protectorates, Protected States and Protected Persons Order in Council, 1949.

79. United States of America

(a) PUBLIC LAW 414 OF 27 JUNE 1952.

An Act to revise the laws relating to immigration, naturalization, and nationality; and for other purposes.

. . . .
. . . .

TITLE III. NATIONALITY AND NATURALIZATION

CHAPTER I. NATIONALITY AT BIRTH AND BY COLLECTIVE NATURALIZATION

Nationals and citizens of the United States at birth

Section 301. (a) The following shall be nationals and citizens of the United States at birth:

(1) A person born in the United States, and subject to the jurisdiction thereof;

(2) A person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: *Provided*, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;

(3) A person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has had a residence in the United States or one of its outlying possessions, prior to the birth of such person;

(4) A person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year prior to the birth of such person, and the other of whom is a national, but not a citizen of the United States;

(5) A person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person;

(6) A person of unknown parentage found in the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in the United States;

(7) A person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the

other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than ten years, at least five of which were after attaining the age of fourteen years: *Provided*, That any periods of honorable service in the Armed Forces of the United States by such citizen parent may be included in computing the physical presence requirements of this paragraph.

(b) Any person who is a national and citizen of the United States at birth under paragraph (7) of subsection (a), shall lose his nationality and citizenship unless he shall come to the United States prior to attaining the age of twenty-three years and shall immediately following any such coming be continuously physically present in the United State for at least five years: *Provided*, That such physical presence follows the attainment of the age of fourteen years and precedes the age of twenty-eight years.

(c) Subsection (b) shall apply to a person born abroad subsequent to May 24, 1934: *Provided, however*, That nothing contained in this subsection shall be construed to alter or affect the citizenship of any person born abroad subsequent to May 24, 1934, who, prior to the effective date of this Act, has taken up a residence in the United States before attaining the age of sixteen years, and thereafter, whether before or after the effective date of this Act, complies or shall comply with the residence requirements for retention of citizenship specified in subsections (g) and (h) of section 201 of the Nationality Act of 1940, as amended.

Persons born in Puerto Rico on or after April 11, 1899

Section 302. All persons born in Puerto Rico on or after April 11, 1899, and prior to January 13, 1941, subject to the jurisdiction of the United States, residing on January 13, 1941, in Puerto Rico or other territory over which the United States exercises rights of sovereignty and not citizens of the United States under any other Act, are hereby declared to be citizens of the United States as of January 13, 1941. All persons born in Puerto Rico on or after January 13, 1941, and subject to the jurisdiction of the United States, are citizens of the United States at birth.

Persons born in the Canal Zone or Republic of Panama on or after February 26, 1904

Section 303. (a) Any person born in the Canal Zone on or after February 26, 1904, and whether before or after the effective date of this Act, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States, is declared to be a citizen of the United States.

(b) Any person born in the Republic of Panama on or after February 26, 1904, and whether before or after the effective date of this Act, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States employed by the Government of the United States or by the Panama Railroad Company, or its successor in title, is declared to be a citizen of the United States.

Persons born in Alaska on or after March 30, 1867

Section 304. A person born in Alaska on or after March 30, 1867, except a noncitizen Indian, is a citizen of the United States at birth. A noncitizen

Indian born in Alaska on or after March 30, 1867, and prior to June 2, 1924, is declared to be a citizen of the United States as of June 2, 1924. An Indian born in Alaska on or after June 2, 1924, is a citizen of the United States at birth.

Persons born in Hawaii

Section 305. A person born in Hawaii on or after August 12, 1898, and before April 30, 1900, is declared to be a citizen of the United States as of April 30, 1900. A person born in Hawaii on or after April 30, 1900, is a citizen of the United States at birth. A person who was a citizen of the Republic of Hawaii on August 12, 1898, is declared to be a citizen of the United States as of April 30, 1900.

Persons living in and born in the Virgin Islands

Section 306. (a) The following persons and their children born subsequent to January 17, 1917, and prior to February 25, 1927, are declared to be citizens of the United States as of February 25, 1927:

(1) All former Danish citizens who, on January 17, 1917, resided in the Virgin Islands of the United States, and were residing in those islands or in the United States or Puerto Rico on February 25, 1927, and who did not make the declaration required to preserve their Danish citizenship by article 6 of the treaty entered into on August 4, 1916, between the United States and Denmark, or who, having made such a declaration have heretofore renounced or may hereafter renounce it by a declaration before a court of record;

(2) All natives of the Virgin Islands of the United States who, on January 17, 1917, resided in those islands, and were residing in those islands or in the United States or Puerto Rico on February 25, 1927, and who were not on February 25, 1927, citizens or subjects of any foreign country;

(3) All natives of the Virgin Islands of the United States who, on January 17, 1917, resided in the United States, and were residing in those islands on February 25, 1927, and who were not on February 25, 1927, citizens or subjects of any foreign country; and

(4) All natives of the Virgin Islands of the United States who, on June 28, 1932, were residing in continental United States, the Virgin Islands of the United States, Puerto Rico, the Canal Zone, or any other insular possession or territory of the United States, and who, on June 28, 1932, were not citizens or subjects of any foreign country, regardless of their place of residence on January 17, 1917.

(b) All persons born in the Virgin Islands of the United States on or after January 17, 1917, and prior to February 25, 1927, and subject to the jurisdiction of the United States are declared to be citizens of the United States as of February 25, 1927; and all persons born in those islands on or after February 25, 1927, and subject to the jurisdiction of the United States, are declared to be citizens of the United States at birth.

Persons living in and born in Guam

Section 307. (a) The following persons, and their children born after April 11, 1899, are declared to be citizens of the United States as of August 1, 1950, if they were residing on August 1, 1950, on the island of Guam or other territory over which the United States exercises rights of sovereignty:

(1) All inhabitants of the island of Guam on April 11, 1899, including those temporarily absent from the island on that date, who were Spanish subjects, who after that date continued to reside in Guam or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality; and

(2) All persons born in the island of Guam who resided in Guam on April 11, 1899, including those temporarily absent from the island on that date, who after that date continued to reside in Guam or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality.

(b) All persons born in the island of Guam on or after April 11, 1899 (whether before or after August 1, 1950) subject to the jurisdiction of the United States, are hereby declared to be citizens of the United States: *Provided*, That in the case of any person born before August 1, 1950, he has taken no affirmative steps to preserve or acquire foreign nationality.

(c) Any person hereinbefore described who is a citizen or national of a country other than the United States and desires to retain his present political status shall have made, prior to August 1, 1952, a declaration under oath of such desire, said declaration to be in form and executed in the manner prescribed by regulations. From and after the making of such a declaration any such person shall be held not to be a national of the United States by virtue of this Act.

Nationals but not citizens of the United States at birth

Section 308. Unless otherwise provided in section 301 of this title, the following shall be nationals, but not citizens, of the United States at birth:

(1) A person born in an outlying possession of the United States on or after the date of formal acquisition of such possession;

(2) A person born outside the United States and its outlying possessions of parents both of whom are nationals, but not citizens, of the United States, and have had a residence in the United States, or one of its outlying possessions prior to the birth of such person; and

(3) A person of unknown parentage found in an outlying possession of the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in such outlying possession.

Children born out of wedlock

Section 309. (a) The provisions of paragraphs (3), (4), (5), and (7) of section 301 (a), and of paragraph (2) of section 308, of this title shall apply as of the date of birth to a child born out of wedlock on or after the effective date of this Act, if the paternity of such child is established while such child is under the age of twenty-one years by legitimation.

(b) Except as otherwise provided in section 405, the provisions of section 301 (a) (7) shall apply to a child born out of wedlock on or after January 13, 1941, and prior to the effective date of this Act, as of the date of birth, if the paternity of such child is established before or after the effective date of this Act and while such child is under the age of twenty-one years by legitimation.

(c) Notwithstanding the provision of subsection (a) of this section, a person born, on or after the effective date of this Act, outside the United

States and out of wedlock shall be held to have acquired at birth the nationality status of his mother, if the mother had the nationality of the United States at the time of such person's birth, and if the mother had previously been physically present in the United States or one of its outlying possessions for a continuous period of one year.

CHAPTER 2. NATIONALITY THROUGH NATURALIZATION

Jurisdiction to naturalize

Section 310. (a) Exclusive jurisdiction to naturalize persons as citizens of the United States is hereby conferred upon the following specified courts: District courts of the United States now existing, or which may hereafter be established by Congress in any State, District Courts of the United States for the Territories of Hawaii and Alaska, and for the District of Columbia and for Puerto Rico, the District Court of the Virgin Islands of the United States, and the District Court of Guam; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited. The jurisdiction of all the courts herein specified to naturalize persons shall extend only to such persons resident within the respective jurisdiction of such courts, except as otherwise specifically provided in this title.

(b) A person who petitions for naturalization in any State court having naturalization jurisdiction may petition within the State judicial district or State judicial circuit in which he resides, whether or not he resides within the county in which the petition for naturalization is filed.

(c) The courts herein specified, upon request of the clerks of such courts, shall be furnished from time to time by the Attorney General with such blank forms as may be required in naturalization proceedings.

(d) A person may be naturalized as a citizen of the United States in the manner and under the conditions prescribed in this title, and not otherwise.

Eligibility for naturalization

Section 311. The right of a person to become a naturalized citizen of the United States shall not be denied or abridged because of race or sex or because such person is married. Notwithstanding section 405 (b), this section shall apply to any person whose petition for naturalization shall hereafter be filed, or shall have been pending on the effective date of this Act.

Requirements as to understanding the English language, history, principles, and form of government of the United States

Section 312. No person except as otherwise provided in this title shall hereafter be naturalized as a citizen of the United States upon his own petition who cannot demonstrate:

(1) An understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language: *Provided*, That this requirement shall not apply to any person physically unable to comply therewith, if otherwise qualified to be naturalized, or to any person who, on the effective date of this Act, is over fifty years of age and has been living in the United States for periods totaling at least

twenty years: *Provided further*, That the requirements of this section relating to ability to read and write shall be met if the applicant can read or write simple words and phrases to the end that a reasonable test of his literacy shall be made and that no extraordinary or unreasonable condition shall be imposed upon the applicant; and

(2) A knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States.

Prohibition upon the naturalization of persons opposed to government or law, or who favor totalitarian forms of government

Section 313. (a) Notwithstanding the provisions of section 405 (b), no person shall hereafter be naturalized as a citizen of the United States:

(1) Who advocates or teaches, or who is a member of or affiliated with any organization that advocates or teaches, opposition to all organized government; or

(2) Who is a member of or affiliated with (A) the Communist Party of the United States; (B) any other totalitarian party of the United States; (C) the Communist Political Association; (D) the Communist or other totalitarian party of any State of the United States, of any foreign state, or of any political or geographical subdivision of any foreign state; (E) any section, subsidiary, branch, affiliate, or subdivision of any such association or party; (F) the direct predecessors or successors of any such association or party, regardless of what name such group or organization may have used, may now bear, or may hereafter adopt; (G) who, regardless of whether he is within any of the other provisions of this section, is a member of or affiliated with any Communist-action organization during the time it is registered or required to be registered under the provisions of section 7 of the Subversive Activities Control Act of 1950; or (H) who, regardless of whether he is within any of the other provisions of this section, is a member of or affiliated with any Communist-front organization during the time it is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950, unless such alien establishes that he did not have knowledge or reason to believe at the time he became a member of or affiliated with such an organization (and did not thereafter and prior to the date upon which such organization was so registered or so required to be registered have such knowledge or reason to believe) that such organization was a Communist-front organization; or

(3) Who, although not within any of the other provisions of this section, advocates the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, or who is a member of or affiliated with any organization that advocates the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, either through its own utterances or through any written or printed publications issued or published by or with the permission or consent of or under authority of such organization or paid for by the funds of such organization; or

(4) Who advocates or teaches or who is a member of or affiliated with any organization that advocates or teaches (A) the overthrow by force or violence or other unconstitutional means of the Government of the United States or of all forms of law; or (B) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of

specific individuals or of officers generally) of the Government of the United States or of any other organized government because of his or their official character; or (C) the unlawful damage, injury, or destruction of property; or (D) sabotage; or

(5) Who writes or publishes or causes to be written or published, or who knowingly circulates, distributes, prints, or displays, or knowingly causes to be circulated, distributed, printed, published, or displayed, or who knowingly has in his possession for the purpose of circulation, publication, distribution, or display, any written or printed matter, advocating or teaching opposition to all organized government, or advocating (A) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (B) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (C) the unlawful damage, injury, or destruction of property; or (D) sabotage; or (E) the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship; or

(6) Who is a member of or affiliated with any organization that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subparagraph (5).

(b) The provisions of this section or of any other section of this Act shall not be construed as declaring that any of the organizations referred to in this section or in any other section of this Act do not advocate the overthrow of the Government of the United States by force, violence, or other unconstitutional means.

(c) The provisions of this section shall be applicable to any applicant for naturalization who at any time within a period of ten years immediately preceding the filing of the petition for naturalization or after such filing and before taking the final oath of citizenship is, or has been found to be within any of the classes enumerated within this section, notwithstanding that at the time the petition is filed he may not be included within such classes.

(d) Any person who is within any of the classes described in subsection (a) solely because of past membership in, or past affiliation with, a party or organization may be naturalized without regard to the provisions of subsection (c) if such person establishes that such membership or affiliation is or was involuntary, or occurred and terminated prior to the attainment by such alien of the age of sixteen years, or that such membership or affiliation is or was by operation of law, or was for purposes of obtaining employment, food rations, or other essentials of living and where necessary for such purposes.

Ineligibility to naturalization of deserters from the armed forces of the United States

Section 314. A person who, at any time during which the United States has been or shall be at war, deserted or shall desert the military, air, or naval forces of the United States, or who, having been duly enrolled,

departed, or shall depart from the jurisdiction of the district in which enrolled, or who, whether or not having been duly enrolled, went or shall go beyond the limits of the United States, with intent to avoid any draft into the military, air, or naval service, lawfully ordered, shall, upon conviction thereof by a court martial or a court of competent jurisdiction, be permanently ineligible to become a citizen of the United States; and such deserters and evaders shall be forever incapable of holding any office of trust or of profit under the United States, or of exercising any rights of citizens thereof.

Alien relieved from training and service in the armed forces of the United States because of alienage barred from citizenship

Section 315. (a) Notwithstanding the provisions of section 405 *(b)*, any alien who applies or has applied for exemption or discharge from training or service in the Armed Forces or in the National Security Training Corps of the United States on the ground that he is an alien, and is or was relieved or discharged from such training or service on such ground, shall be permanently ineligible to become a citizen of the United States.

(b) The records of the Selective Service System or of the National Military Establishment shall be conclusive as to whether an alien was relieved or discharged from such liability for training or service because he was an alien.

Requirements as to residence, good moral character, attachment to the principles of the Constitution, and favorable disposition to the United States

Section 316. (a) No person, except as otherwise provided in this title, shall be naturalized unless such petitioner, (1) immediately preceding the date of filing his petition for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least five years and during the five years immediately preceding the date of filing his petition has been physically present therein for periods totaling at least half of that time, and who has resided within the State in which the petitioner filed the petition for at least six months, (2) has resided continuously within the United States from the date of the petition up to the time of admission to citizenship, and (3) during all the periods referred to in this subsection has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

(b) Absence from the United States of more than six months but less than one year during the period for which continuous residence is required for admission to citizenship, immediately preceding the date of filing the petition for naturalization, or during the period between the date of filing the petition and the date of final hearing, shall break the continuity of such residence, unless the petitioner shall establish to the satisfaction of the court that he did not in fact abandon his residence in the United States during such period.

Absence from the United States for a continuous period of one year or more during the period for which continuous residence is required for admission to citizenship (whether preceding or subsequent to the filing of the petition for naturalization) shall break the continuity of such

residence, except that in the case of a person who has been physically present and residing in the United States, after being lawfully admitted for permanent residence, for an uninterrupted period of at least one year, and who thereafter is employed by or under contract with the Government of the United States or an American institution of research recognized as such by the Attorney General, or is employed by an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States, or a subsidiary thereof more than 50 per centum of whose stock is owned by an American firm or corporation, or is employed by a public international organization of which the United States is a member by treaty or statute and by which the alien was not employed until after being lawfully admitted for permanent residence, no period of absence from the United States shall break the continuity of residence if:

(1) Prior to the beginning of such period of employment (whether such period begins before or after his departure from the United States), but prior to the expiration of one year of continuous absence from the United States, the person has established to the satisfaction of the Attorney General that his absence from the United States for such period is to be on behalf of such Government, or for the purpose of carrying on scientific research on behalf of such institution, or to be engaged in the development of such foreign trade and commerce or whose residence abroad is necessary to the protection of the property rights in such countries of such firm or corporation, or to be employed by a public international organization of which the United States is a member by treaty or statute and by which the alien was not employed until after being lawfully admitted for permanent residence; and

(2) Such person proves to the satisfaction of the court that his absence from the United States for such period has been for such purpose.

(c) The granting of the benefits of subsection (b) of this section shall not relieve the petitioner from the requirement of physical presence within the United States for the period specified in subsection (a) of this section, except in the case of those persons who are employed by, or under contract with, the Government of the United States. In the case of a person employed by or under contract with Central Intelligence Agency, the requirement in subsection (b) of an uninterrupted period of at least one year of physical presence in the United States may be complied with by such person at any time prior to filing a petition for naturalization.

(d) No finding by the Attorney General that the petitioner is not deportable shall be accepted as conclusive evidence of good moral character.

(e) In determining whether the petitioner has sustained the burden of establishing good moral character and the other qualifications for citizenship specified in subsection (a) of this section, the court shall not be limited to the petitioner's conduct during the five years preceding the filing of the petition, but may take into consideration as a basis for such determination the petitioner's conduct and acts at any time prior to that period.

(f) Naturalization shall not be granted to a petitioner by a naturalization court while registration proceedings or proceedings to require registration against an organization of which the petitioner is a member or affiliate are pending under section 13 or 14 of the Subversive Activities Control Act of 1950.

Temporary absence of persons performing religious duties

Section 317. Any person who is authorized to perform the ministerial or priestly functions of a religious denomination having a bona fide organization within the United States, or any person who is engaged solely by a religious denomination or by an interdenominational mission organization having a bona fide organization within the United States as a missionary, brother, nun, or sister, who (1) has been lawfully admitted to the United States for permanent residence, (2) has at any time thereafter and before filing a petition for naturalization been physically present and residing within the United States for an uninterrupted period of at least one year, and (3) has heretofore been or may hereafter be absent temporarily from the United States in connection with or for the purpose of performing the ministerial or priestly functions of such religious denomination, or serving as a missionary, brother, nun, or sister, shall be considered as being physically present and residing in the United States for the purpose of naturalization within the meaning of section 316 (a), notwithstanding any such absence from the United States, if he shall in all other respects comply with the requirements of the naturalization law. Such person shall prove to the satisfaction of the Attorney General and the naturalization court that his absence from the United States has been solely for the purpose of performing the ministerial or priestly functions of such religious denomination, or of serving as a missionary, brother, nun, or sister.

Prerequisite to naturalization; burden of proof

Section 318. Except as otherwise provided in this title, no person shall be naturalized unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of this Act. The burden of proof shall be upon such person to show that he entered the United States lawfully, and the time, place, and manner of such entry into the United States, but in presenting such proof he shall be entitled to the production of his immigrant visa, if any, or of other entry document, if any, and of any other documents and records, not considered by the Attorney General to be confidential, pertaining to such entry, in the custody of the Service. Notwithstanding the provisions of section 405 (b), and except as provided in sections 327 and 328 no person shall be naturalized against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest issued under the provisions of this or any other Act; and no petition for naturalization shall be finally heard by a naturalization court if there is pending against the petitioner a deportation proceeding pursuant to a warrant of arrest issued under the provisions of this or any other Act: *Provided*, That the findings of the Attorney General in terminating deportation proceedings or in suspending the deportation of an alien pursuant to the provisions of this Act, shall not be deemed binding in any way upon the naturalization court with respect to the question of whether such person has established his eligibility for naturalization as required by this title.

Married persons

Section 319. (a) Any person whose spouse is a citizen of the United States may be naturalized upon compliance with all the requirements

of this title except the provisions of paragraph (1) of section 316 (a) if such person immediately preceding the date of filing his petition for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least three years, and during the three years immediately preceding the date of filing his petition has been living in marital union with the citizen spouse, who has been a United States citizen during all of such period, and has been physically present in the United States for periods totaling at least half of that time and has resided within the State in which he filed his petition for at least six months.

(b) Any person, (1) whose spouse is (A) a citizen of the United States, (B) in the employment of the Government of the United States, or of an American institution of research recognized as such by the Attorney General, or of an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States, or a subsidiary thereof, or of a public international organization in which the United States participates by treaty or statute, and (C) regularly stationed abroad in such employment, and (2) who is in the United States at the time of naturalization, and (3) who declares before the naturalization court in good faith an intention to take up residence within the United States immediately upon the termination of such employment abroad of the citizen spouse, may be naturalized upon compliance with all the requirements of the naturalization laws, except that no prior residence or specified period of physical presence within the United States or within the jurisdiction of the naturalization court or proof thereof shall be required.

Child born outside of United States of one alien and one citizen parent at time of birth; conditions under which citizenship automatically acquired

Section 320. (a) A child born outside of the United States, one of whose parents at the time of the child's birth was an alien and the other of whose parents then was and never thereafter ceased to be a citizen of the United States, shall, if such alien parent is naturalized, become a citizen of the United States, when:

(1) Such naturalization takes place while such child is under the age of sixteen years; and

(2) Such child is residing in the United States pursuant to a lawful admission for permanent residence at the time of naturalization or thereafter and begins to reside permanently in the United States while under the age of sixteen years.

(b) Subsection (a) of this section shall not apply to an adopted child.

Child born outside of United States of alien parent; conditions under which citizenship automatically acquired

Section 321. (a) A child born outside of the United States of alien parents, or of an alien parent and a citizen parent who has subsequently lost citizenship of the United States, becomes a citizen of the United States upon fulfilment of the following conditions:

(1) The naturalization of both parents; or

(2) The naturalization of the surviving parent if one of the parents is deceased; or

(3) The naturalization of the parent having legal custody of the child when there has been a legal separation of the parents or the naturalization of the mother if the child was born out of wedlock and the paternity of the child has not been established by legitimation; and if

(4) Such naturalization takes place while such child is under the age of sixteen years; and

(5) Such child is residing in the United States pursuant to a lawful admission for permanent residence at the time of the naturalization of the parent last naturalized under clause (1) of this subsection, or the parent naturalized under clause (2) or (3) of this subsection, or thereafter begins to reside permanently in the United States while under the age of sixteen years.

(b) Subsection (a) of this section shall not apply to an adopted child.

Child born outside of United States; naturalization on petition of citizen parent; requirements and exemptions

Section 322. (a) A child born outside of the United States, one or both of whose parents is at the time of petitioning for the naturalization of the child, a citizen of the United States, either by birth or naturalization, may be naturalized if under the age of eighteen years and not otherwise disqualified from becoming a citizen by reason of section 313, 314, 315, or 318 of this Act, and if residing permanently in the United States, with the citizen parent, pursuant to a lawful admission for permanent residence, on the petition of such citizen parent, upon compliance with all the provisions of this title, except that no particular period of residence or physical presence in the United States shall be required. If the child is of tender years he may be presumed to be of good moral character, attached to the principles of the Constitution, and well disposed to the good order and happiness of the United States.

(b) Subsection (a) of this section shall not apply to an adopted child.

Children adopted by United States citizens

Section 323. (a) An adopted child may, if not otherwise disqualified from becoming a citizen by reason of section 313, 314, 315, or 318 of this Act, be naturalized before reaching the age of eighteen years upon the petition of the adoptive parent or parents, upon compliance with all the provisions of this title, if the adoptive parent or parents are citizens of the United States, and the child:

(1) Was lawfully admitted to the United States for permanent residence;

(2) Was adopted before attaining the age of sixteen years; and

(3) Subsequent to such adoption has resided continuously in the United States in legal custody of the adoptive parent or parents for two years prior to the date of filing such petition.

(b) In lieu of the residence and physical presence requirements of section 316 (a) of this Act such child shall be required to establish only two years' residence and one year's physical presence in the United States during the two-year period immediately preceding the filing of the petition. If the child is of tender years he may be presumed to be of good moral character, attached to the principles of the Constitution, and well disposed to the good order and happiness of the United States.

Former citizens of United States regaining United States citizenship

Section 324. (a) Any person formerly a citizen of the United States who (1) prior to September 22, 1922, lost United States citizenship by marriage to an alien, or by the loss of United States citizenship of such person's spouse, or (2) on or after September 22, 1922, lost United States citizenship by marriage to an alien ineligible to citizenship, may if no other nationality was acquired by an affirmative act of such person other than by marriage be naturalized upon compliance with all requirements of this title, except:

(1) No period of residence or specified period of physical presence within the United States or within the State where the petition is filed shall be required;

(2) The petition need not set forth that it is the intention of the petitioner to reside permanently within the United States;

(3) The petition may be filed in any court having naturalization jurisdiction, regardless of the residence of the petitioner;

(4) The petition may be heard at any time after filing if there is attached to the petition at the time of filing a certificate from a naturalization examiner stating that the petitioner and the witnesses have appeared before such examiner for examination.

Such person, or any person who was naturalized in accordance with the provisions of section 317 (a) of the Nationality Act of 1940, shall have, from and after her naturalization, the status of a native-born or naturalized citizen of the United States, whichever status existed in the case of such person prior to the loss of citizenship: *Provided*, That nothing contained herein or in any other provision of law shall be construed as conferring United States citizenship retroactively upon such person, or upon any person who was naturalized in accordance with the provisions of section 317 (a) of the Nationality Act of 1940, during any period in which such person was not a citizen.

(b) No person who is otherwise eligible for naturalization in accordance with the provisions of subsection (a) of this section shall be naturalized unless such person shall establish to the satisfaction of the naturalization court that she has been a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States for a period of not less than five years immediately preceding the date of filing a petition for naturalization and up to the time of admission to citizenship, and, unless she has resided continuously in the United States since the date of her marriage, has been lawfully admitted for permanent residence prior to filing her petition for naturalization.

(c) (1) A woman who was a citizen of the United States at birth and (A) who has or is believed to have lost her United States citizenship solely by reason of her marriage prior to September 22, 1922, to an alien, or by her marriage on or after such date to an alien ineligible to citizenship, (B) whose marriage to such alien shall have terminated subsequent to January 12, 1941, and (C) who has not acquired by an affirmative act other than by marriage any other nationality, shall, from and after taking the oath of allegiance required by section 337 of this title, be a citizen of the United States and have the status of a citizen of the United States by birth, without filing a petition for naturalization, and notwithstanding any of the other provisions of this title except the provisions of section 313: *Provided*, That nothing contained herein or in any other provision of law

shall be construed as conferring United States citizenship retroactively upon such person, or upon any person who was naturalized in accordance with the provisions of section 317 (b) of the Nationality Act of 1940, during any period in which such person was not a citizen.

(2) Such oath of allegiance may be taken abroad before a diplomatic or consular officer of the United States, or in the United States before the judge or clerk of a naturalization court.

(3) Such oath of allegiance shall be entered in the records of the appropriate embassy, legation, consulate, or naturalization court, and, upon demand, a certified copy of the proceedings, including a copy of the oath administered, under the seal of the embassy, legation, consulate, or naturalization court, shall be delivered to such woman at a cost not exceeding \$5, which certified copy shall be evidence of the facts stated therein before any court of record or judicial tribunal and in any department or agency of the Government of the United States.

Nationals but not citizens of the United States; residence within outlying possessions

Section 325. A person not a citizen who owes permanent allegiance to the United States, and who is otherwise qualified, may, if he becomes a resident of any State, be naturalized upon compliance with the applicable requirements of this title, except that in petitions for naturalization filed under the provisions of this section residence and physical presence within the United States within the meaning of this title shall include residence and physical presence within any of the outlying possessions of the United States.

Resident Philippine citizens excepted from certain requirements

Section 326. Any person who (1) was a citizen of the Commonwealth of the Philippines on July 2, 1946, (2) entered the United States prior to May 1, 1934, and (3) has, since such entry, resided continuously in the United States shall be regarded as having been lawfully admitted to the United States for permanent residence for the purpose of petitioning for naturalization under this title.

Former United States citizens losing citizenship by entering the armed forces of foreign countries during World War II

Section 327. (a) Any person who, (1) during World War II and while a citizen of the United States, served in the military, air, or naval forces of any country at war with a country with which the United States was at war after December 7, 1941, and before September 2, 1945, and (2) has lost United States citizenship by reason of entering or serving in such forces, or taking an oath or obligation for the purpose of entering such forces, may, upon compliance with all the provisions of title III of this Act, except section 316 (a), and except as otherwise provided in subsection (b), be naturalized by taking before any naturalization court specified in section 310 (a) of this title the oath required by section 337 of this title. Certified copies of such oath shall be sent by such court to the Department of State and to the Department of Justice.

(b) No person shall be naturalized under subsection (a) of this section unless he:

(1) Is, and has been for a period of at least five years immediately preceding taking the oath required in subsection (a), a person of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States; and

(2) Has been lawfully admitted to the United States for permanent residence and intends to reside permanently in the United States.

(c) Any person naturalized in accordance with the provisions of this section, or any person who was naturalized in accordance with the provisions of section 323 of the Nationality Act of 1940, shall have, from and after such naturalization, the status of a native-born, or naturalized, citizen of the United States, whichever status existed in the case of such person prior to the loss of citizenship: *Provided*, That nothing contained herein, or in any other provision of law, shall be construed as conferring United States citizenship retroactively upon any such person during any period in which such person was not a citizen.

(d) For the purposes of this section, World War II shall be deemed to have begun on September 1, 1939, and to have terminated on September 2, 1945.

(e) This section shall not apply to any person who during World War II served in the armed forces of a country while such country was at war with the United States.

Naturalization through service in the armed forces of the United States

Section 328. (a) A person who has served honorably at any time in the armed forces of the United States for a period or periods aggregating three years, and who, if separated from such service, was never separated except under honorable conditions, may be naturalized without having resided, continuously immediately preceding the date of filing such person's petition, in the United States for at least five years, and in the State in which the petition for naturalization is filed for at least six months, and without having been physically present in the United States for any specified period, if such petition is filed while the petitioner is still in the service or within six months after the termination of such service.

(b) A person filing a petition under subsection (a) of this section shall comply in all other respects with the requirements of this title, except that:

(1) No residence within the jurisdiction of the court shall be required;

(2) Notwithstanding section 336 (c), such petitioner may be naturalized immediately if the petitioner be then actually in the Armed Forces of the United States, and if prior to the filing of the petition, the petitioner and the witnesses shall have appeared before and been examined by a representative of the Service;

(3) The petitioner shall furnish to the Attorney General, prior to the final hearing upon his petition, a certified statement from the proper executive department for each period of his service upon which he relies for the benefits of this section, clearly showing that such service was honorable and that no discharges from service, including periods of service not relied upon by him for the benefits of this section, were other than honorable. The certificate or certificates herein provided for shall be conclusive evidence of such service and discharge.

(c) In the case such petitioner's service was not continuous, the petitioner's residence in the United States and State, good moral character,

attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during any period within five years immediately preceding the date of filing such petition between the periods of petitioner's service in the Armed Forces, shall be alleged in the petition filed under the provisions of subsection (a) of this section, and proved at the final hearing thereon. Such allegation and proof shall also be made as to any period between the termination of petitioner's service and the filing of the petition for naturalization.

(d) The petitioner shall comply with the requirements of section 316 (a) of this title, if the termination of such service has been more than six months preceding the date of filing the petition for naturalization, except that such service within five years immediately preceding the date of filing such petition shall be considered as residence and physical presence within the United States.

(e) Any such period or periods of service under honorable conditions, and good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during such service, shall be proved by duly authenticated copies of the records of the executive departments having custody of the records of such service, and such authenticated copies of records shall be accepted in lieu of compliance with the provisions of section 316 (a).

*Naturalization through active-duty service in the armed forces during
World War I or World War II*

Section 329. (a) Any person who, while an alien or a noncitizen national of the United States, has served honorably in an active-duty status in the military, air, or naval forces of the United States during either World War I or during a period beginning September 1, 1939, and ending December 31, 1946, and who, if separated from such service, was separated under honorable conditions, may be naturalized as provided in this section if (1) at the time of enlistment or induction such person shall have been in the United States, the Canal Zone, American Samoa, or Swains Island, whether or not he has been lawfully admitted to the United States for permanent residence, or (2) at any time subsequent to enlistment or induction such person shall have been lawfully admitted to the United States for permanent residence. The executive department under which such person served shall determine whether persons have served honorably in an active-duty status, and whether separation from such service was under honorable conditions: *Provided, however,* That no person who is or has been separated from such service on account of alienage, or who was a conscientious objector who performed no military, air, or naval duty whatever or refused to wear the uniform, shall be regarded as having served honorably or having been separated under honorable conditions for the purposes of this section. No period of service in the Armed Forces shall be made the basis of a petition for naturalization under this section if the applicant has previously been naturalized on the basis of the same period of service.

(b) A person filing a petition under subsection (a) of this section shall comply in all other respects with the requirements of this title, except that:

(1) He may be naturalized regardless of age, and notwithstanding the provisions of section 331 of this title;

(2) No period of residence or specified period of physical presence within the United States or any State shall be required;

(3) The petition for naturalization may be filed in any court having naturalization jurisdiction regardless of the residence of the petitioner;

(4) Service in the military, air, or naval forces of the United States shall be proved by a duly authenticated certification from the executive department under which the petitioner served or is serving, which shall state whether the petitioner served honorably in an active-duty status during either World War I or during a period beginning September 1, 1939, and ending December 31, 1946, and was separated from such service under honorable conditions; and

(5) Notwithstanding section 336 (c) of this title, the petitioner may be naturalized immediately if prior to the filing of the petition the petitioner and the witnesses shall have appeared before and been examined by a representative of the Service.

(c) Citizenship granted pursuant to this section may be revoked in accordance with section 340 of this title if at any time subsequent to naturalization the person is separated from the military, air, or naval forces under other than honorable conditions, and such ground for revocation shall be in addition to any other provided by law. The fact that the naturalized person was separated from the service under other than honorable conditions shall be proved by a duly authenticated certification from the executive department under which the person was serving at the time of separation.

(d) The eligibility for naturalization of any person who filed a petition for naturalization prior to January 1, 1947, under section 701 of the Nationality Act of 1940, as amended (56 Stat. 182, 58 Stat. 886, 59 Stat. 658; 8 U.S.C. 1001), and which is still pending on the effective date of this Act, shall be determined in accordance with the provisions of this section.

Constructive residence through service on certain United States vessels

Section 330. (a) (1) Any periods of time during all of which a person who was previously lawfully admitted for permanent residence has served honorably or with good conduct, in any capacity other than as a member of the Armed Forces of the United States, (A) on board a vessel operated by the United States, or an agency thereof, the full legal and equitable title to which is in the United States; or (B) on board a vessel whose home port is in the United States, and (i) which is registered under the laws of the United States, or (ii) the full legal and equitable title to which is in a citizen of the United States, or a corporation organized under the laws of any of the several States of the United States, shall be deemed residence and physical presence within the United States within the meaning of section 316 (a) of this title, if such service occurred within five years immediately preceding the date such person shall file a petition for naturalization. Service on vessels described in clause (A) of this subsection shall be proved by duly authenticated copies of the records of the executive departments or agency having custody of the records of such service. Service on vessels described in clause (B) of this subsection may be proved by certificates from the masters of such vessels.

(2) For the purposes of this subsection, any periods of time prior to September 23, 1950, during all of which any person had served honorably or with good conduct for an aggregate period of five years on any vessel described in section 325 (a) of the Nationality Act of 1940 prior to its amendment by the Act of September 23, 1950, shall be deemed residence and physical presence within the United States within the meaning of section 316 (a) of this title, if such petition is filed within one year from the effective date of this Act. Notwithstanding the provisions of section 318, a person entitled to claim the exemptions contained in this paragraph shall not be required to establish a lawful admission for permanent residence.

(3) For the purposes of this subsection, any periods of time prior to September 23, 1950, during all of which any person not within the provisions of paragraph (2) had, prior to September 23, 1950, served honorably or with good conduct on any vessel described in section 325 (a) of the Nationality Act of 1940 prior to its amendment by the Act of September 23, 1950, and was so serving on September 23, 1950, shall be deemed residence and physical presence within the United States within the meaning of section 316 (a) of this title, if such person at any time prior to filing his petition for naturalization shall have been lawfully admitted to the United States for permanent residence, and if such petition is filed on or before September 23, 1955.

(b) Any person who was excepted from certain requirements of the naturalization laws under section 325 of the Nationality Act of 1940 prior to its amendment by the Act of September 23, 1950, and had filed a petition for naturalization under section 325 of the Nationality Act of 1940, may, if such petition was pending on September 23, 1950, and is still pending on the effective date of this Act, be naturalized upon compliance with the applicable provisions of the naturalization laws in effect upon the date such petition was filed: *Provided*, That any such person shall be subject to the provisions of section 313 and to those provisions of section 318 which relate to the prohibition against the naturalization of a person against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest issued under the provisions of this or any other Act, or which relate to the prohibition against the final hearing on a petition for naturalization if there is pending against the petitioner a deportation proceeding pursuant to a warrant of arrest issued under the provisions of this or any other Act.

Alien enemies; naturalization under specified conditions and procedure

Section 331. (a) An alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war may, after his loyalty has been fully established upon investigation by the Attorney General, be naturalized as a citizen of the United States if such alien's petition for naturalization shall be pending at the beginning of the state of war and the petitioner is otherwise entitled to admission to citizenship.

(b) An alien embraced within this section shall not have his petition for naturalization called for a hearing, or heard, except after ninety days' notice given by the clerk of the court to the Attorney General to be represented at the hearing, and the Attorney General's objection to such final hearing shall cause the petition to be continued from time to time for so long as the Attorney General may require.

(c) The Attorney General may, in his discretion, upon investigation fully establishing the loyalty of any alien enemy who did not have a petition for naturalization pending at the beginning of the state of war, except such alien enemy from the classification of alien enemy for the purposes of this title, and thereupon such alien shall have the privilege of filing a petition for naturalization.

(d) An alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war shall cease to be an alien enemy within the meaning of this section upon the determination by proclamation of the President, or by concurrent resolution of the Congress, that hostilities between the United States and such country, state, or sovereignty have ended. Notwithstanding the provisions of section 405 (b), this subsection shall also apply to the case of any such alien whose petition for naturalization was filed prior to the effective date of this Act and which is still pending on that date.

(e) Nothing contained herein shall be taken or construed to interfere with or prevent the apprehension and removal, consistent with law, of any alien enemy at any time prior to the actual naturalization of such alien.

Procedural and administrative provisions; executive functions

Section 332. (a) The Attorney General shall make such rules and regulations as may be necessary to carry into effect the provisions of this chapter and is authorized to prescribe the scope and nature of the examination of petitioners for naturalization as to their admissibility to citizenship for the purpose of making appropriate recommendations to the naturalization courts. Such examination, in the discretion of the Attorney General, and under such rules and regulations as may be prescribed by him, may be conducted before or after the applicant has filed his petition for naturalization. Such examination shall be limited to inquiry concerning the applicant's residence, physical presence in the United States, good moral character, understanding of and attachment to the fundamental principles of the Constitution of the United States, ability to read, write, and speak English, and other qualifications to become a naturalized citizen as required by law, and shall be uniform throughout the United States.

(b) The Attorney General is authorized to promote instruction and training in citizenship responsibilities of applicants for naturalization including the sending of names of candidates for naturalization to the public schools, preparing and distributing citizenship textbooks to such candidates as are receiving instruction in preparation for citizenship within or under the supervision of the public schools, preparing and distributing monthly an immigration and naturalization bulletin and securing the aid of and cooperating with official State and national organizations, including those concerned with vocational education.

(c) The Attorney General shall prescribe and furnish such forms as may be required to give effect to the provisions of this chapter, and only such forms as may be so provided shall be legal. All certificates of naturalization and of citizenship shall be printed on safety paper and shall be consecutively numbered in separate series.

(d) Employees of the Service may be designated by the Attorney General to administer oaths and to take depositions without charge in matters relating to the administration of the naturalization and citizenship laws. In cases where there is a likelihood of unusual delay or of hard-

ship, the Attorney General may, in his discretion, authorize such depositions to be taken before a postmaster without charge, or before a notary public or other person authorized to administer oaths for general purposes.

(e) A certificate of naturalization or of citizenship issued by the Attorney General under the authority of this title shall have the same effect in all courts, tribunals, and public offices of the United States, at home and abroad, of the District of Columbia, and of each State, Territory, and outlying possession of the United States, as a certificate of naturalization or of citizenship issued by a court having naturalization jurisdiction.

(f) Certifications and certified copies of all papers, documents, certificates, and records required or authorized to be issued, used, filed, recorded, or kept under any and all provisions of this Act shall be admitted in evidence equally with the originals in any and all cases and proceedings under this Act and in all cases and proceedings in which the originals thereof might be admissible as evidence.

(g) The officers in charge of property owned or leased by the Government are authorized, upon the recommendation of the Attorney General, to provide quarters, without payment of rent, in any building occupied by the Service, for a photographic studio, operated by welfare organizations without profit and solely for the benefit of persons seeking to comply with requirements under the immigration and nationality laws. Such studio shall be under the supervision of the Attorney General.

Photographs

Section 333. (a) Three identical photographs of the applicant shall be signed by and furnished by each petitioner for naturalization or citizenship. One of such photographs shall be affixed by the clerk of the court to the original certificate of naturalization issued to the naturalized citizen and one to the duplicate certificate of naturalization required to be forwarded to the Service.

(b) Three identical photographs of the applicant shall be furnished by each applicant for:

(1) A record of lawful admission for permanent residence to be made under section 249 (a);

(2) A certificate of derivative citizenship;

(3) A certificate of naturalization or of citizenship;

(4) A special certificate of naturalization;

(5) A certificate of naturalization or of citizenship, in lieu of one lost, mutilated, or destroyed;

(6) A new certificate of citizenship in the new name of any naturalized citizen who, subsequent to naturalization, has had his name changed by order of a court of competent jurisdiction or by marriage; and

(7) A declaration of intention.

One such photograph shall be affixed to each such certificate issued by the Attorney General and one shall be affixed to the copy of such certificate retained by the Service.

Petition for naturalization; declaration of intention

Section 334. (a) An applicant for naturalization shall make and file in the office of the clerk of a naturalization court, in duplicate, a sworn petition in writing, signed by the applicant in the applicant's own hand-

writing if physically able to write, and duly verified by two witnesses, which petition shall be on a form prescribed by the Attorney General and shall include averments of all facts which in the opinion of the Attorney General may be material to the applicant's naturalization, and required to be proved upon the hearing of such petition.

(b) No person shall file a valid petition for naturalization unless (1) he shall have attained the age of eighteen years and (2) he shall have first filed an application therefor at an office of the Service in the form and manner prescribed by the Attorney General. An application for petition for naturalization by an alien shall contain an averment of lawful admission for permanent residence.

(c) Petitions for naturalization may be made and filed during the term time or vacation of the naturalization court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court.

(d) If the applicant for naturalization is prevented by sickness or other disability from presenting himself in the office of the clerk to make the petition required by subsection (a), such applicant may make such petition at such other place as may be designated by the clerk of court or by such clerk's authorized deputy.

(e) Before a petition for naturalization may be made outside of the office of the clerk of the court, pursuant to subsection (d) above, or before a final hearing on a petition may be held or the oath of allegiance administered outside of open court, pursuant to sections 336 (a) and 337 (c) respectively of this title, the court must satisfy itself that the illness or other disability is sufficiently serious to prevent appearance in the office of the clerk of court and is of a permanent nature, or of a nature which so incapacitates the person as to prevent him from personally appearing in the office of the clerk of court or in court as otherwise required by law.

(f) Any alien over eighteen years of age who is residing in the United States pursuant to a lawful admission for permanent residence may, upon an application prescribed, filed with, and approved by the Service, make and file in duplicate in the office of the clerk of court, regardless of the alien's place of residence in the United States, a signed declaration of intention to become a citizen of the United States, in such form as the Attorney General shall prescribe. Nothing in this subsection shall be construed as requiring any such alien to make and file a declaration of intention as a condition precedent to filing a petition for naturalization nor shall any such declaration of intention be regarded as conferring or having conferred upon any such alien United States citizenship or nationality or the right to United States citizenship or nationality, nor shall such declaration be regarded as evidence of such alien's lawful admission for permanent residence in any proceeding, action, or matter arising under this or any other Act.

Investigation of petitioners; preliminary examinations on petitions

Section 335. (a) At any time prior to the holding of the final hearing on a petition for naturalization provided for by section 336 (a), an employee of the Service, or of the United States designated by the Attorney General, shall conduct a personal investigation of the person petitioning for naturalization in the vicinity or vicinities in which such

person has maintained his actual place of abode and in the vicinity or vicinities in which such person has been employed or has engaged in business or work for at least five years immediately preceding the filing of his petition for naturalization. The Attorney General may, in his discretion, waive a personal investigation in an individual case or in such cases or classes of cases as may be designated by him.

(b) The Attorney General shall designate employees of the Service to conduct preliminary examinations upon petitions for naturalization to any naturalization court and to make recommendations thereon to such court. For such purposes any such employee so designated is hereby authorized to take testimony concerning any matter touching or in any way affecting the admissibility of any petitioner for naturalization, to administer oaths, including the oath of the petitioner for naturalization and the oaths of petitioner's witnesses to the petition for naturalization, and to require by subpoena the attendance and testimony of witnesses, including petitioner, before such employee so designated and the production of relevant books, papers, and documents, and to that end may invoke the aid of any court exercising naturalization jurisdiction as specified in section 310 of this title; and any such court may, in the event of neglect or refusal to respond to a subpoena issued by any such employee so designated or refusal to testify before such employee so designated issue an order requiring such person to appear before such employee so designated, produce relevant books, papers, and documents if demanded, and testify; and any failure to obey such order of the court may be punished by the court as a contempt thereof. The record of the preliminary examination authorized by this subsection shall be admissible as evidence in any final hearing conducted by a naturalization court designated in section 310 of this title.

(c) The record of the preliminary examination upon any petition for naturalization may, in the discretion of the Attorney General, be transmitted to the Attorney General and the recommendation with respect thereto of the employee designated to conduct such preliminary examination shall when made also be transmitted to the Attorney General.

(d) The recommendation of the employee designated to conduct any such preliminary examination shall be submitted to the court at the hearing upon the petition and shall include a recommendation that the petition be granted, or denied, or continued, with reasons therefor. In any case in which the recommendation of the Attorney General does not agree with that of the employee designated to conduct such preliminary examination, the recommendations of both such employee and the Attorney General shall be submitted to the court at the hearing upon the petition, and the officer of the Service in attendance at such hearing shall, at the request of the court, present both the views of such employee and those of the Attorney General with respect to such petition to the court. The recommendations of such employee and of the Attorney General shall be accompanied by duplicate lists containing the names of the petitioners, classified according to the character of the recommendations, and signed by such employee or the Attorney General, as the case may be. The judge to whom such recommendations are submitted shall, if he approve such recommendations, enter a written order with such exceptions as the judge may deem proper, by subscribing his name to each such list when corrected to conform to his conclusions upon such recommendations. One of each such lists shall thereafter be filed permanently of record in such

court and the duplicate of each such list shall be sent by the clerk of such court to the Attorney General.

(*e*) After the petition for naturalization has been filed in the office of the clerk of court, the petitioner shall not be permitted to withdraw his petition, except with the consent of the Attorney General. In cases where the Attorney General does not consent to withdrawal of the petition, the court shall determine the petition on its merits and enter a final order accordingly. In cases where the petitioner fails to prosecute his petition, the petition shall be decided upon its merits unless the Attorney General moves that the petition be dismissed for lack of prosecution.

(*f*) As to each period and place of residence in the State in which the petitioner resides at the time of filing the petition, during the entire period of at least six months immediately preceding the date of filing the petition, there shall be included in the petition for naturalization the affidavits of at least two credible witnesses, citizens of the United States, stating that each has personally known the petitioner to have been a resident at such place for such period, and that the petitioner is and during all such periods has been a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

(*g*) At the hearing on the petition, residence in the State in which the petitioner resides at the time of filing the petition, for at least six months immediately preceding the date of filing the petition, and the other qualifications required by subsection (*a*) of section 316 during such residence shall be proved by the oral testimony of at least two credible witnesses, citizens of the United States, in addition to the affidavits required by subsection (*f*) of this section to be included in the petition. At the hearing, residence and physical presence within the United States during the five-year period required by section 316 (*a*), but outside the State, or within the State but prior to the six months immediately preceding the date of filing the petition, and the other qualifications required by subsection (*a*) of section 316 during such period at such places, shall be proved either by depositions taken in accordance with subsection (*d*) of section 332, or oral testimony, of at least two such witnesses for each place of residence.

(*h*) Notwithstanding the provisions of subsections (*f*) and (*g*) of this section, the requirements of subsection (*a*) of section 316 as to the petitioner's residence, good moral character, attachment to the principles of the Constitution of the United States, and disposition toward the good order and happiness of the United States may be established by any evidence satisfactory to the naturalization court in those cases under subsection (*b*) of section 316 in which the alien has been absent from the United States because of his employment by or contract with the Government of the United States or an American institution of research, recognized as such by the Attorney General, or employment by an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States or a subsidiary thereof, or employment by a public international organization in which the United States participates.

(*i*) (1) A petitioner for naturalization who removes from the jurisdiction of the court in which his petition for naturalization is pending may, at any time thereafter, make application to the court for transfer of the petition to a naturalization court exercising jurisdiction over the petitioner's place of residence, or to any other naturalization court if the

petition was not required to be filed in a naturalization court exercising jurisdiction over the petitioner's place of residence: *Provided*, That such transfer shall not be made without the consent of the Attorney General, and of the court to which the petition is transferred.

(2) Where transfer of the petition is authorized the clerk of court in which the petition was filed shall forward a certified copy of the petition and the original record in the case to the clerk of court to which the petition is transferred, and proceedings on the petition shall thereafter continue as though the petition had originally been filed in the court to which transferred, except that the court to which the petition is transferred may in its discretion, require the production of two credible United States citizen witnesses to testify as to the petitioner's qualifications for naturalization since the date of such transfer.

Final hearing in open court upon petitions for naturalization; final order under the hand of the court entered upon record; examination of petitioner and witnesses before the court

Section 336. (a) Every final hearing upon a petition for naturalization shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the petitioner and the witnesses, except as provided in subsection (b) of this section, shall be examined under oath before the court and in the presence of the court. If the petitioner is prevented by sickness or other disability from being in open court for the final hearing upon a petition for naturalization, such final hearing may be had before a judge or judges of the court at such place as may be designated by the court.

(b) The requirement of subsection (a) of this section for the examination of the petitioner and the witnesses under oath before the court and in the presence of the court shall not apply in any case where an employee designated under section 335 (b) has conducted the preliminary examination authorized by subsection (b) of section 335; except that the court may, in its discretion, and shall, upon demand of the petitioner, require the examination of the petitioner and the witnesses under oath before the court and in the presence of the court.

(c) Except as otherwise specifically provided in this title, no final hearing shall be held on any petition for naturalization nor shall any person be naturalized nor shall any certificate of naturalization be issued by any court within a period of thirty days after the filing of the petition for naturalization. The Attorney General may waive such period in an individual case if he finds that the waiver will be in the public interest and will promote the security of the United States. Notwithstanding any other provisions of this title, but except as provided in sections 328 (b) (2) and 329 (b) (5), in any case in which the final hearing on any petition for naturalization is scheduled to be held within sixty days preceding the holding of a general election within the territorial jurisdiction of the naturalization court, such final hearing may be held, but the petitioner shall not be permitted to take the oath required in section 337 (a) of this title prior to the tenth day next following such general election. In any case in which the oath is not taken at the time of the final hearing, the

petitioner shall not be a citizen of the United States until such oath has been taken.

(d) The Attorney General shall have the right to appear before any court in any naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of the petition concerning any matter touching or in any way affecting the petitioner's right to admission to citizenship, and shall have the right to call witnesses, including the petitioner, produce evidence, and be heard in opposition to, or in favor of, the granting of any petition in naturalization proceedings.

(e) The clerk of court shall, if the petitioner requests it at the time of filing the petition for naturalization, issue a subpoena for the witnesses named by such petitioner to appear upon the day set for the final hearing, but in case such witnesses cannot be produced upon the final hearing other witnesses may be summoned upon notice to the Attorney General, in such manner and at such time as the Attorney General may by regulation prescribe. If it should appear after the petition has been filed that any of the verifying witnesses thereto are not competent, and it further appears that the petitioner has acted in good faith in producing such witnesses found to be incompetent, other witnesses may be substituted in accordance with such regulations.

(f) It shall be lawful at the time and as a part of the naturalization of any person, for the court, in its discretion, upon the bona fide prayer of the petitioner included in the petition for naturalization of such person, to make a decree changing the name of said person, and the certificate of naturalization shall be issued in accordance therewith.

Oath of renunciation and allegiance

Section 337. (a) A person who has petitioned for naturalization shall, in order to be and before being admitted to citizenship, take in open court an oath (1) to support the Constitution of the United States; (2) to renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which the petitioner was before a subject or citizen; (3) to support and defend the Constitution and the laws of the United States against all enemies, foreign and domestic; (4) to bear true faith and allegiance to the same; and (5) (A) to bear arms on behalf of the United States when required by the law, or (B) to perform noncombatant service in the Armed Forces of the United States when required by the law, or (C) to perform work of national importance under civilian direction when required by the law. Any such person shall be required to take an oath containing the substance of clauses (1) through (5) of the preceding sentence, except that a person who shows by clear and convincing evidence to the satisfaction of the naturalization court that he is opposed to the bearing of arms in the Armed Forces of the United States by reason of religious training and belief shall be required to take an oath containing the substance of clauses (1) through (4) and clauses (5) (B) and (5) (C), and a person who shows by clear and convincing evidence to the satisfaction of the naturalization court that he is opposed to any type of service in the Armed Forces of the United States by reason of religious training and belief shall be required to take an oath containing the substance of clauses (1) through (4) and clause (5) (C). The term "religious training and belief" as used in this section shall mean an individual's belief in a relation to a Supreme

Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code. In the case of the naturalization of a child under the provisions of section 322 or 323 of this title the naturalization court may waive the taking of the oath if in the opinion of the court the child is unable to understand its meaning.

(b) In case the person petitioning for naturalization has borne any hereditary title, or has been of any of the orders of nobility in any foreign state, the petitioner shall in addition to complying with the requirements of subsection (a) of this section, make under oath in open court in the court in which the petition for naturalization is made, an express renunciation of such title or order of nobility, and such renunciation shall be recorded in the court as a part of such proceedings.

(c) If the petitioner is prevented by sickness or other disability from being in open court, the oath required to be taken by subsection (a) of this section may be taken before a judge of the court at such place as may be designated by the court.

Certificate of naturalization; contents

Section 338. A person admitted to citizenship by a naturalization court in conformity with the provisions of this title shall be entitled upon such admission to receive from the clerk of such court a certificate of naturalization, which shall contain substantially the following information: Number of petition for naturalization; number of certificate of naturalization; date of naturalization; name, signature, place of residence, autographed photograph, and personal description of the naturalized person, including age, sex, marital status, and country of former nationality; title, venue, and location of the naturalization court; statement that the court, having found that the petitioner intends to reside permanently in the United States, except in cases falling within the provisions of section 324 (a) of this title, had complied in all respects with all of the applicable provisions of the naturalization laws of the United States, and was entitled to be admitted a citizen of the United States of America, thereupon ordered that the petitioner be admitted as a citizen of the United States of America; attestation of the clerk of the naturalization court; and seal of the court.

Functions and duties of clerks

Section 339. (a) It shall be the duty of the clerk of each and every naturalization court to forward to the Attorney General a duplicate of each petition for naturalization within thirty days after the close of the month in which such petition was filed, and to forward to the Attorney General certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of persons as may be required from time to time by the Attorney General.

(b) It shall be the duty of the clerk of each and every naturalization court to issue to any person admitted by such court to citizenship a certificate of naturalization and to forward to the Attorney General within thirty days after the close of the month in which such certificate was issued, a duplicate thereof, and to make and keep on file in the clerk's office a stub for each certificate so issued, whereon shall be entered a memorandum of all the essential facts set forth in such certificate, and to forward a

duplicate of each such stub to the Attorney General within thirty days after the close of the month in which such certificate was issued.

(c) It shall be the duty of the clerk of each and every naturalization court to report to the Attorney General, within thirty days after the close of the month in which the final hearing and decision of the court was had, the name and number of the petition of each and every person who shall be denied naturalization together with the cause of such denial.

(d) Clerks of courts shall be responsible for all blank certificates of naturalization received by them from time to time from the Attorney General, and shall account to the Attorney General for them whenever required to do so. No certificate of naturalization received by any clerk of court which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificates shall be returned to the Attorney General.

(e) It shall be the duty of the clerk of each and every naturalization court to cause to be filed in chronological order in separate volumes, indexed, consecutively numbered, and made a part of the records of such court, all declarations of intention and petitions for naturalization.

Revocation of naturalization

Section 340. (a) It shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court specified in subsection (a) of section 310 of this title in the judicial district in which the naturalized citizen may reside at the time of bringing suit, for the purpose of revoking and setting aside the order admitting such person to citizenship and canceling the certificate of naturalization on the ground that such order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively: *Provided*, That refusal on the part of a naturalized citizen within a period of ten years following his naturalization to testify as a witness in any proceeding before a congressional committee concerning his subversive activities, in a case where such person has been convicted of contempt for such refusal, shall be held to constitute a ground for revocation of such person's naturalization under this subsection as having been procured by concealment of a material fact or by willful misrepresentation. If the naturalized citizen does not reside in any judicial district in the United States at the time of bringing such suit, the proceedings may be instituted in the United States District Court for the District of Columbia or in the United States district court in the judicial district in which such person last had his residence.

(b) The party to whom was granted the naturalization alleged to have been procured by concealment of a material fact or by willful misrepresentation shall, in any such proceedings under subsection (a) of this section, have sixty days' personal notice, unless waived by such party, in which to make answer to the petition of the United States; and if such naturalized person be absent from the United States or from the judicial district in which such person last had his residence, such notice shall be given either by personal service upon him or by publication in the manner provided

for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

(c) If a person who shall have been naturalized after the effective date of this Act shall within five years next following such naturalization become a member of or affiliated with any organization, membership in or affiliation with which at the time of naturalization would have precluded such person from naturalization under the provisions of section 313, it shall be considered *prima facie* evidence that such person was not attached to the principles of the Constitution of the United States and was not well disposed to the good order and happiness of the United States at the time of naturalization, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the revocation and setting aside of the order admitting such person to citizenship and the cancellation of the certificate of naturalization as having been obtained by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively.

(d) If a person who shall have been naturalized shall, within five years after such naturalization, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered *prima facie* evidence of a lack of intention on the part of such person to reside permanently in the United States at the time of filing his petition for naturalization, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the revocation and setting aside of the order admitting such person to citizenship and the cancellation of the certificate of naturalization as having been obtained by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively. The diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with statements of the names of those persons within their respective jurisdictions who have been so naturalized and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to revoke and set aside the order admitting to citizenship and to cancel the certificate of naturalization.

(e) The revocation and setting aside of the order admitting any person to citizenship and canceling his certificate of naturalization under the provisions of subsection (a) of section 338 of the Nationality Act of 1940 shall not, where such action takes place after the effective date of this Act, result in the loss of citizenship or any right or privilege of citizenship which would have been derived by or been available to a wife or minor child of the naturalized person had such naturalization not been revoked: *Provided*, That this subsection shall not apply in any case in which the revocation and setting aside of the order was the result of actual fraud.

(f) Any person who claims United States citizenship through the naturalization of a parent or spouse in whose case there is a revocation and setting aside of the order admitting such parent or spouse to citizenship under the provisions of subsection (a) of this section on the ground that the order and certificate of naturalization were procured by concealment of

a material fact or by willful misrepresentation shall be deemed to have lost and to lose his citizenship and any right or privilege of citizenship which he may have, now has, or may hereafter acquire under and by virtue of such naturalization of such parent or spouse, regardless of whether such person is residing within or without the United States at the time of the revocation and setting aside of the order admitting such parent or spouse to citizenship. Any person who claims United States citizenship through the naturalization of a parent or spouse in whose case there is a revocation and setting aside of the order admitting such parent or spouse to citizenship and the cancellation of the certificate of naturalization under the provisions of subsections (c) or (d) of this section, or under the provisions of section 329 (c) of this title on any ground other than that the order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation, shall be deemed to have lost and to lose his citizenship and any right or privilege of citizenship which would have been enjoyed by such person had there not been a revocation and setting aside of the order admitting such parent or spouse to citizenship and the cancellation of the certificate of naturalization, unless such person is residing in the United States at the time of the revocation and setting aside of the order admitting such parent or spouse to citizenship and the cancellation of the certificate of naturalization.

(g) When a person shall be convicted under section 1425 of title 18 of the United States Code of knowingly procuring naturalization in violation of law, the court in which such conviction is had shall thereupon revoke, set aside, and declare void the final order admitting such person to citizenship, and shall declare the certificate of naturalization of such person to be canceled. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

(h) Whenever an order admitting an alien to citizenship shall be revoked and set aside or a certificate of naturalization shall be canceled, or both, as provided in this section, the court in which such judgment or decree is rendered shall make an order canceling such certificate and shall send a certified copy of such order to the Attorney General. In case such certificate was not originally issued by the court making such order, it shall direct the clerk of court in which the order is revoked and set aside to transmit a copy of such order and judgment to the court out of which such certificate of naturalization shall have been originally issued. It shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of naturalization, if there be any, upon the records and to notify the Attorney General of the entry of such order and of such cancellation. A person holding a certificate of naturalization or citizenship which has been canceled as provided by this section shall upon notice by the court by which the decree of cancellation was made, or by the Attorney General, surrender the same to the Attorney General.

(i) The provisions of this section shall apply not only to any naturalization granted and to certificates of naturalization and citizenship issued under the provisions of this title, but to any naturalization heretofore granted by any court, and to all certificates of naturalization and citizenship which may have been issued heretofore by any court or by the Commissioner based upon naturalization granted by any court, or by a designated representative of the Commissioner under the provisions of section 702 of the Nationality

Act of 1940, as amended, or by such designated representative under any other act.

(j) Nothing contained in this section shall be regarded as limiting, denying, or restricting the power of any naturalization court, by or in which a person has been naturalized, to correct, reopen, alter, modify, or vacate its judgment or decree naturalizing such person, during the term of such court or within the time prescribed by the rules of procedure or statutes governing the jurisdiction of the court to take such action.

Certificates of citizenship; procedure

Section 341. A person who claims to have derived United States citizenship through the naturalization of a parent or through the naturalization or citizenship of a husband, or who is a citizen of the United States by virtue of the provisions of section 1993 of the United States Revised Statutes, or of section 1993 of the United States Revised Statutes, as amended by section 1 of the Act of May 24, 1934 (48 Stat. 797), or who is a citizen of the United States by virtue of the provisions of subsection (c), (d), (e), (g), or (i) of section 201 of the Nationality Act of 1940, as amended (54 Stat. 1138; 8 U. S. C. 601), or of the Act of May 7, 1934 (48 Stat. 667), or of paragraph (3), (4), (5), or (7) of section 301 (a) of this title, or under the provisions of the Act of August 4, 1937 (50 Stat. 558), or under the provisions of section 203 or 205 of the Nationality Act of 1940 (54 Stat. 1139; 8 U. S. C. 603, 605), or under the provisions of section 303 of this title, may apply to the Attorney General for a certificate of citizenship. Upon proof to the satisfaction of the Attorney General that the applicant is a citizen, and that the applicant's alleged citizenship was derived as claimed, or acquired, as the case may be, and upon taking and subscribing before a member of the Service within the United States to the oath of allegiance required by this Act of a petitioner for naturalization, such individual shall be furnished by the Attorney General with a certificate of citizenship, but only if such individual is at the time within the United States.

Cancellation of certificates issued by the Attorney General, the Commissioner or a Deputy Commissioner; action not to affect citizenship status

Section 342. The Attorney General is authorized to cancel any certificate of citizenship, certificate of naturalization, copy of a declaration of intention, or other certificate, document or record heretofore issued or made by the Commissioner or a Deputy Commissioner or hereafter made by the Attorney General if it shall appear to the Attorney General's satisfaction that such document or record was illegally or fraudulently obtained from, or was created through illegality or by fraud practiced upon, him or the Commissioner or a Deputy Commissioner; but the person for or to whom such document or record has been issued or made shall be given at such person's last-known place of address written notice of the intention to cancel such document or record with the reasons therefor and shall be given at least sixty days in which to show cause why such document or record should not be canceled. The cancellation under this section of any document purporting to show the citizenship status of the person to whom it was issued shall affect only the document and not the citizenship status of the person in whose name the document was issued.

Documents and copies issued by the Attorney General

Section 343. (a) A person who claims to have been naturalized in the United States under section 323 of the Nationality Act of 1940 may make application to the Attorney General for a certificate of naturalization. Upon proof to the satisfaction of the Attorney General that the applicant is a citizen and that he has been naturalized as claimed in the application, such individual shall be furnished a certificate of naturalization by the Attorney General, but only if the applicant is at the time within the United States.

(b) If any certificate of naturalization or citizenship issued to any citizen or any declaration of intention furnished to any declarant is lost, mutilated, or destroyed, the citizen or declarant may make application to the Attorney General for a new certificate or declaration. If the Attorney General finds that the certificate or declaration is lost, mutilated, or destroyed, he shall issue to the applicant a new certificate or declaration. If the certificate or declaration has been mutilated, it shall be surrendered to the Attorney General before the applicant may receive such new certificate or declaration. If the certificate or declaration has been lost, the applicant or any other person who shall have, or may come into possession of it is hereby required to surrender it to the Attorney General.

(c) The Attorney General shall issue for any naturalized citizen, on such citizen's application therefor, a special certificate of naturalization for use by such citizen only for the purpose of obtaining recognition as a citizen of the United States by a foreign state. Such certificate when issued shall be furnished to the Secretary of State for transmission to the proper authority in such foreign state.

(d) If the name of any naturalized citizen has, subsequent to naturalization, been changed by order of any court of competent jurisdiction, or by marriage, the citizen may make application for a new certificate of naturalization in the new name of such citizen. If the Attorney General finds the name of the applicant to have been changed as claimed, the Attorney General shall issue to the applicant a new certificate and shall notify the naturalization court of such action.

(e) The Attorney General is authorized to make and issue certifications of any part of the naturalization records of any court, or of any certificate of naturalization or citizenship, for use in complying with any statute, State or Federal, or in any judicial proceeding. No such certification shall be made by any clerk of court except upon order of the court.

Fiscal provisions

Section 344. (a) The clerk of court shall charge, collect, and account for the following fees:

(1) For making, filing, and docketing a petition for naturalization, \$10, including the final hearing on such petition, if such hearing be held, and a certificate of naturalization, if the issuance of such certificate is authorized by the naturalization court.

(2) For receiving and filing a declaration of intention, and issuing a duplicate thereof, \$5.

(b) The Attorney General shall charge, collect, and account for the following fees:

(1) For application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed, \$5.

(2) For application for a certificate of citizenship, \$5.

(3) For application for the issuance of a special certificate of citizenship to obtain recognition, \$5.

(4) For application for a certificate of naturalization under section 323 of the Nationality Act of 1940, or under section 343 (a) of this title, \$5.

(5) For application for a certificate of citizenship in changed name, \$5.

(6) Reasonable fees in cases where such fees have not been established by law, to cover the cost of furnishing copies, whether certified or uncertified, of any part of the records, or information from the records, of the Service. Such fees shall not exceed a maximum of 25 cents per folio of one hundred words, with a minimum fee of 50 cents for any one such service, in addition to a fee of \$1 for any official certification furnished under seal. No such fee shall be required from officers or agencies of the United States or of any State or any subdivision thereof, for such copies or information furnished for official use in connection with the official duties of such officers or agencies.

(7) Notwithstanding the preceding provisions of this subsection, no fee shall be charged or collected for an application for declaration of intention or a certificate of naturalization in lieu of a declaration or a certificate alleged to have been lost, mutilated, or destroyed, submitted by a person who was a member of the military or naval forces of the United States at any time after April 20, 1898, and before July 5, 1902; or at any time after April 5, 1917, and before November 12, 1918; or who served on the Mexican border as a member of the Regular Army or National Guard between June 1916 and April 1917; or who has served or hereafter serves in the military, air, or naval forces of the United States after September 16, 1940, and who was not at any time during such period or thereafter separated from such forces under other than honorable conditions, who was not a conscientious objector who performed no military duty whatever or refused to wear the uniform, or who was not at any time during such period or thereafter discharged from such military, air, or naval forces on account of alienage.

(c) The clerk of any naturalization court specified in subsection (a) of section 310 (except the courts specified in subsection (d) of this section) shall account for and pay over to the Attorney General one-half of all fees up to the sum of \$6,000, and all fees in excess of \$6,000, collected by any such clerk in naturalization proceedings in any fiscal year.

(d) The clerk of any United States district court (except in Alaska and in the District Court of the Virgin Islands of the United States and in the District Court of Guam) shall account for and pay over to the Attorney General all fees collected by any such clerk in naturalization proceedings: *Provided, however,* That the clerk of the District Court of the Virgin Islands of the United States and of the District Court of Guam shall report but shall not be required to pay over to the Attorney General the fees collected by any such clerk in naturalization proceedings.

(e) The accounting required by subsections (c) and (d) of this section shall be made and the fees paid over to the Attorney General by such respective clerks in their quarterly accounts which they are hereby required to render to the Attorney General within thirty days from the close of

each quarter of each and every fiscal year, in accordance with regulations prescribed by the Attorney General.

(f) The clerks of the various naturalization courts shall pay all additional clerical force that may be required in performing the duties imposed by this title upon clerks of courts from fees retained under the provisions of this section by such clerks in naturalization proceedings.

(g) All fees collected by the Attorney General and all fees paid over to the Attorney General by clerks of courts under the provisions of this title shall be deposited by the Attorney General in the Treasury of the United States: *Provided, however,* That all fees received from applicants residing in the Virgin Islands of the United States, and in Guam, required to be paid under subsection (b) of this section, shall be paid over to the treasury of the Virgin Islands and to the treasury of Guam, respectively.

(h) During the time when the United States is at war no clerk of a United States court shall charge or collect a naturalization fee from an alien in the military, air, or naval service of the United States for filing a petition for naturalization or issuing a certificate of naturalization upon admission to citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A report of all transactions under this subsection shall be made to the Attorney General as in the case of other reports required of clerks of courts by this title.

(i) In addition to the other fees required by this title, the petitioner for naturalization shall, upon the filing of a petition for naturalization, deposit with and pay to the clerk of court a sum of money sufficient to cover the expenses of subpoenaing and paying the legal fees of any witnesses for whom such petitioner may request a subpoena, and upon the final discharge of such witnesses, they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner.

Mail relating to naturalization transmitted free of postage and registered

Section 345. All mail matter of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the Service by clerks of courts addressed to the Department of Justice or the Service, or any official thereof, and endorsed "Official Business", shall be transmitted free of postage and, if necessary, by registered mail without fee, and so marked.

Authorization granted for publication and distribution of citizenship textbooks from naturalization fees

Section 346. Authorization is hereby granted for the publication and distribution of the citizenship textbook described in subsection (b) of section 332 and for the reimbursement of the appropriation of the Department of Justice upon the records of the Treasury Department from the naturalization fees deposited in the Treasury through the Service for the cost of such publication and distribution, such reimbursement to be made upon statements by the Attorney General of books so published and distributed.

Compilation of naturalization statistics and payment for equipment

Section 347. The Attorney General is authorized and directed to prepare from the records in the custody of the Service a report upon those heretofore seeking citizenship to show by nationalities their relation to the numbers of aliens annually arriving and to the prevailing census populations of the foreign-born, their economic, vocational, and other classification, in statistical form, with analytical comment thereon, and to prepare such report annually hereafter. Payment for the equipment used in preparing such compilation shall be made from the appropriation for the enforcement of this Act by the Service.

Admissibility in evidence of testimony as to statements voluntarily made to officers or employees in the course of their official duties

Section 348. (a) It shall be lawful and admissible as evidence in any proceedings founded under this title, or any of the penal or criminal provisions of any law relating to immigration, naturalization, or citizenship, for any officer or employee of the United States to render testimony as to any statement voluntarily made to such officer or employee in the course of the performance of the official duties of such officer or employee by any defendant at the time or subsequent to the alleged commission of any crime or offense which may tend to show that such defendant did not have or could not have had knowledge of any matter concerning which such defendant is shown to have made affidavit, or oath, or to have been a witness pursuant to such law or laws.

(b) In case any clerk of court shall refuse or neglect to comply with any of the provisions of section 339 *(a)*, *(b)*, or *(c)*, such clerk of court shall forfeit and pay to the United States the sum of \$25 in each and every case in which such violation or omission occurs and the amount of such forfeiture may be recovered by the United States in a civil action against such clerk.

(c) If any clerk of court shall fail to return to the Service or properly account for any certificate of naturalization furnished by the Service as provided in subsection *(d)* of section 339, such clerk of court shall be liable to the United States in the sum of \$50, to be recovered in a civil action, for each and every such certificate not properly accounted for or returned.

CHAPTER 3. LOSS OF NATIONALITY

Loss of nationality by native-born or naturalized citizen

Section 349. (a) From and after the effective date of this Act a person who is a national of the United States whether by birth or naturalization, shall lose his nationality by:

(1) Obtaining naturalization in a foreign state upon his own application, upon an application filed in his behalf by a parent, guardian, or duly authorized agent, or through the naturalization of a parent having legal custody of such person: *Provided*, That nationality shall not be lost by any person under this section as the result of the naturalization of a parent or parents while such person is under the age of twenty-one years, or as the result of a naturalization obtained on behalf of a person under twenty-one years of age by a parent, guardian, or duly authorized agent, unless such person shall fail to enter the United States to establish a permanent

residence prior to his twenty-fifth birthday: *And provided further*, That a person who shall have lost nationality prior to January 1, 1948, through the naturalization in a foreign state of a parent or parents, may, within one year from the effective date of this Act, apply for a visa and for admission to the United States as a nonquota immigrant under the provisions of section 101 (a) (27) (E); or

(2) Taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state or a political subdivision thereof; or

(3) Entering, or serving in, the armed forces of a foreign state unless, prior to such entry or service, such entry or service is specifically authorized in writing by the Secretary of State and the Secretary of Defense: *Provided*, That the entry into such service by a person prior to the attainment of his eighteenth birthday shall serve to expatriate such person only if there exists an option to secure a release from such service and such person fails to exercise such option at the attainment of his eighteenth birthday; or

(4) (A) Accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision thereof, if he has or acquires the nationality of such foreign state; or (B) accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision thereof, for which office, post, or employment an oath, affirmation, or declaration of allegiance is required; or

(5) Voting in a political election in a foreign state or participating in an election or plebiscite to determine the sovereignty over foreign territory; or

(6) Making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State; or

(7) Making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense; or

(8) Deserting the military, air, or naval forces of the United States in time of war, if and when he is convicted thereof by court martial and as the result of such conviction is dismissed or dishonorably discharged from the service of such military, air, or naval forces: *Provided*, That, notwithstanding loss of nationality or citizenship under the terms of this or previous laws by reason of desertion committed in time of war, restoration to active duty with such military, air, or naval forces in time of war or the reenlistment or induction of such a person in time of war with permission of competent military, air, or naval authority shall be deemed to have the immediate effect of restoring such nationality or citizenship heretofore or hereafter so lost; or

(9) Committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, if and when he is convicted thereof by a court martial or by a court of competent jurisdiction; or

(10) Departing from or remaining outside of the jurisdiction of the United States in time of war or during a period declared by the President to be a period of national emergency for the purpose of evading or avoiding training and service in the military, air, or naval forces of the United States. For the purposes of this paragraph failure to comply with any provision of any compulsory service laws of the United States shall raise

the presumption that the departure from or absence from the United States was for the purpose of evading or avoiding training and service in the military, air, or naval forces of the United States.

(b) Any person who commits or performs any act specified in subsection (a) shall be conclusively presumed to have done so voluntarily and without having been subjected to duress of any kind, if such person at the time of the act was a national of the state in which the act was performed and had been physically present in such state for a period or periods totaling ten years or more immediately prior to such act.

Dual nationals; divestiture of nationality

Section 350. A person who acquired at birth the nationality of the United States and of a foreign state and who has voluntarily sought or claimed benefits of the nationality of any foreign state shall lose his United States nationality by hereafter having a continuous residence for three years in the foreign state of which he is a national by birth at any time after attaining the age of twenty-two years unless he shall:

(1) Prior to the expiration of such three-year period, take an oath of allegiance to the United States before a United States diplomatic or consular officer in a manner prescribed by the Secretary of State; and

(2) Have his residence outside of the United States solely for one of the reasons set forth in paragraph (1), (2), (4), (5), (6), (7), or (8) of section 353, or paragraph (1) or (2) of section 354 of this title: *Provided, however,* That nothing contained in this section shall deprive any person of his United States nationality if his foreign residence shall begin after he shall have attained the age of sixty years and shall have had his residence in the United States for twenty-five years after having attained the age of eighteen years.

Restrictions on expatriation

Section 351. (a) Except as provided in paragraphs (7), (8), and (9) of section 349 of this title, no national of the United States can expatriate himself, or be expatriated, under this Act while within the United States or any of its outlying possessions, but expatriation shall result from the performance within the United States or any of its outlying possessions of any of the acts or the fulfilment of any of the conditions specified in this chapter if and when the national thereafter takes up a residence outside the United States and its outlying possessions.

(b) A national who within six months after attaining the age of eighteen years asserts his claim to United States nationality, in such manner as the Secretary of State shall by regulation prescribe, shall not be deemed to have expatriated himself by the commission, prior to his eighteenth birthday, of any of the acts specified in paragraphs (2), (4), (5), and (6) of section 349 (a) of this title.

Loss of nationality by naturalized national

Section 352. (a) A person who has become a national by naturalization shall lose his nationality by:

(1) Having a continuous residence for three years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated, except as provided in section 353 of this title,

whether such residence commenced before or after the effective date of this Act;

(2) Having a continuous residence for five years in any other foreign state or states, except as provided in sections 353 and 354 of this title, whether such residence commenced before or after the effective date of this Act.

(b) (1) For the purpose of paragraph (1) of subsection (a) of this section, the time during which the person had his residence abroad solely or principally for a reason or purpose within the scope of any provision of section 353 shall not be counted in computing quantum of residence.

(2) For the purpose of paragraph (2) of subsection (a) of this section, the time during which the person had his residence abroad solely or principally for a reason or purpose within the scope of any provision of sections 353 and 354 shall not be counted in computing quantum of residence.

Section 352 not effective as to certain persons

Sections 353. Section 352 (a) shall have no application to a national who:

(1) Has his residence abroad in the employment of the Government of the United States; or

(2) Is receiving compensation from the Government of the United States and has his residence abroad on account of disability incurred in its service; or

(3) Shall have had his residence in the United States for not less than twenty-five years subsequent to his naturalization and shall have attained the age of sixty years when the foreign residence is established; or

(4) Had his residence abroad on October 14, 1940, and temporarily has his residence abroad, or who thereafter has gone or goes abroad and temporarily has his residence abroad, solely or principally to represent a bona fide American educational, scientific, philanthropic, commercial, financial, or business organization, having its principal office or place of business in the United States, or a bona fide religious organization having an office and representative in the United States, or an international agency of an official character in which the United States participates, for which he receives a substantial compensation; or

(5) Has his residence abroad and is prevented from returning to the United States exclusively (A) by his own ill health; or (B) by the ill health of his parent, spouse, or child who cannot be brought to the United States, whose condition requires his personal care and attendance: *Provided*, That in such case the person having his residence abroad shall, at least every six months, register at the appropriate Foreign Service office and submit evidence satisfactory to the Secretary of State that his case continues to meet the requirements of this subparagraph; or (C) by reason of the death of his parent, spouse, or child: *Provided*, That in the case of the death of such parent, spouse, or child the person having his residence abroad shall return to the United States within six months after the death of such relative; or

(6) Has his residence abroad for the purpose of pursuing a full course of study of a specialized character or attending full-time an institution of learning of a grade above that of a preparatory school: *Provided*, That such residence does not exceed five years; or

(7) Is the spouse or child of an American citizen, and who has his residence abroad for the purpose of being with his American citizen spouse or parent who has his residence abroad for one of the objects or causes specified in paragraph (1), (2), (3), (4), (5), or (6) of this section, or paragraph (2) of section 354 of this title; or

(8) Is the spouse or child of an American national by birth who while under the age of twenty-one years had his residence in the United States for a period or periods totaling ten years, and has his residence abroad for the purpose of being with said spouse or parent; or

(9) Was born in the United States or one of its outlying possessions, who originally had American nationality and who, after having lost such nationality through marriage to an alien, reacquired it; or

(10) Has, by Act of Congress or by treaty, United States nationality solely by reason of former nationality and birth or residence in an area outside the continental United States: *Provided*, That subsections (b) and (c) of section 404 of the Nationality Act of 1940, as amended (8 U.S.C. 804 (b) and (c)), shall not be held to be or to have been applicable to persons defined in this paragraph.

Section 352 (A) (2) not applicable as to certain persons

Section 354. Section 352 (a) (2) of this title shall have no application to a national:

(1) who is a veteran of the Spanish-American War, World War I, or World War II, and the spouse, children, and dependent parents of such veteran whether such residence in the territory of a foreign state or states commenced before or after the effective date of this Act: *Provided*, That any such veteran who upon the date of the enactment of this Act has had his residence continuously in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated for three years or more, and who has retained his United States nationality solely by reason of the provisions of section 406 (h) of the Nationality Act of 1940, shall not be subject to the provisions or requirements of section 352 (a) (1) of this title: *Provided further*, That the provisions of section 404 (c) of the Nationality Act of 1940, as amended, shall not be held to be or to have been applicable to veterans of World War II;

(2) who has established to the satisfaction of the Secretary of State, as evidenced by possession of a valid unexpired United States passport or other valid document issued by the Secretary of State, that his residence is temporarily outside of the United States for the purpose of (A) carrying on a commercial enterprise which in the opinion of the Secretary of State will directly and substantially benefit American trade or commerce; or (B) carrying on scientific research on behalf of an institution accredited by the Secretary of State and engaged in research which in the opinion of the Secretary of State is directly and substantially beneficial to the interests of the United States; or (C) engaging in such work or activities, under such unique or unusual circumstances, as may be determined by the Secretary of State to be directly and substantially beneficial to the interests of the United States;

(3) who is the widow or widower of a citizen of the United States and who has attained the age of sixty years, and who has had a residence outside of the United States and its outlying possessions for a period of not less than ten years during all of which period a marriage relationship

has existed with a spouse who has had a residence outside of the United States and its outlying possessions in an occupation or capacity of the type designated in paragraphs (1), (2), (3), (4), or (5) (A) of section 353, or paragraphs (1), (2), or (4) of this section;

(4) who has attained the age of sixty years, and has had a residence outside of the United States and its outlying possessions for not less than ten years, during all of which period he has been engaged in an occupation of the type designated in paragraphs (1), (2), or (4) of section 353, or paragraph (2) of this section, and who is in bona fide retirement from such occupation; or

(5) who shall have had his residence in the United States for not less than twenty-five years subsequent to his naturalization and prior to the establishment of his foreign residence.

Loss of American nationality through parent's expatriation; not effective until person attains age of twenty-five years

Section 355. A person having United States nationality, who is under the age of twenty-one and whose residence is in a foreign state with or under the legal custody of a parent who hereafter loses United States nationality under section 350 or 352 of this title, shall also lose his United States nationality if such person has or acquires the nationality of such foreign state: *Provided*, That, in such case, United States nationality shall not be lost as the result of loss of United States nationality by the parent unless and until the person attains the age of twenty-five years without having established his residence in the United States.

Nationality lost solely from performance of acts or fulfilment of conditions

Section 356. The loss of nationality under this chapter shall result solely from the performance by a national of the acts or fulfilment of the conditions specified in this chapter.

Application of treaties; exceptions

Sections 357. Nothing in this title shall be applied in contravention of the provisions of any treaty or convention to which the United States is a party and which has been ratified by the Senate upon the effective date of this title: *Provided, however*, That no woman who was a national of the United States shall be deemed to have lost her nationality solely by reason of her marriage to an alien on or after September 22, 1922, or to an alien racially ineligible to citizenship on or after March 3, 1931, or, in the case of a woman who was a United States citizen at birth, through residence abroad following such marriage, notwithstanding the provisions of any existing treaty or convention.

CHAPTER 4. MISCELLANEOUS

Certificate of diplomatic or consular officer of the United States as to loss of American nationality under Chapter IV, nationality Act of 1940, or under Chapter 3 of this title

Section 358. Whenever a diplomatic or consular officer of the United States has reason to believe that a person while in a foreign state has lost his United States nationality under any provision of chapter 3 of this

title, or under any provision of chapter IV of the Nationality Act of 1940, as amended, he shall certify the facts upon which such belief is based to the Department of State, in writing, under regulations prescribed by the Secretary of State. If the report of the diplomatic or consular officer is approved by the Secretary of State, a copy of the certificate shall be forwarded to the Attorney General, for his information, and the diplomatic or consular office in which the report was made shall be directed to forward a copy of the certificate to the person to whom it relates.

Certificate of nationality to be issued by the Secretary of State for a person not a naturalized citizen of the United States for use in proceedings of a foreign State

Section 359. The Secretary of State is hereby authorized to issue, in his discretion and in accordance with rules and regulations prescribed by him, a certificate of nationality for any person not a naturalized citizen of the United States who presents satisfactory evidence that he is an American national and that such certificate is needed for use in judicial or administrative proceedings in a foreign state. Such certificate shall be solely for use in the case for which it was issued and shall be transmitted by the Secretary of State through appropriate official channels to the judicial or administrative officers of the foreign state in which it is to be used.

Proceedings for declaration of United States nationality in the event of denial of rights and privileges as national

Section 360. (a) If any person who is within the United States claims a right or privilege as a national of the United States and is denied such right or privilege by any department or independent agency, or official thereof, upon the ground that he is not a national of the United States, such person may institute an action under the provisions of section 2201 of title 28, United States Code, against the head of such department or independent agency for a judgment declaring him to be a national of the United States, except that no such action may be instituted in any case if the issue of such person's status as a national of the United States (1) arose by reason of, or in connection with any exclusion proceeding under the provisions of this or any other act, or (2) is in issue in any such exclusion proceeding. An action under this subsection may be instituted only within five years after the final administrative denial of such right or privilege and shall be filed in the district court of the United States for the district in which such person resides or claims a residence, and jurisdiction over such officials in such cases is hereby conferred upon those courts.

(b) If any person who is not within the United States claims a right or privilege as a national of the United States and is denied such right or privilege by any department or independent agency, or official thereof, upon the ground that he is not a national of the United States, such person may make application to a diplomatic or consular officer of the United States in the foreign country in which he is residing for a certificate of identity for the purpose of traveling to a port of entry in the United States and applying for admission. Upon proof to the satisfaction of such diplomatic or consular officer that such application is made in good faith and has a substantial basis, he shall issue to such person a certificate of

identity. From any denial of an application for such certificate the applicant shall be entitled to an appeal to the Secretary of State, who, if he approves the denial, shall state in writing his reasons for his decision. The Secretary of State shall prescribe rules and regulations for the issuance of certificates of identity as above provided. The provisions of this subsection shall be applicable only to a person who at some time prior to his application for the certificate of identity has been physically present in the United States, or to a person under sixteen years of age who was born abroad of a United States citizen parent.

(c) A person who has been issued a certificate of identity under the provisions of subsection (b), and while in possession thereof, may apply for admission to the United States at any port of entry, and shall be subject to all the provisions of this Act relating to the conduct of proceedings involving aliens seeking admission to the United States. A final determination by the Attorney General that any such person is not entitled to admission to the United States shall be subject to review by any court of competent jurisdiction in habeas corpus proceedings and not otherwise. Any person described in this section who is finally excluded from admission to the United States shall be subject to all the provisions of this Act relating to aliens seeking admission to the United States.

Effective date

Section 407. Except as provided in subsection (k) of section 401,¹ this Act shall take effect at 12: 01 ante meridian United States Eastern Standard Time on the one hundred eightieth day immediately following the date of its enactment.

(b) SECTION 1999 OF THE REVISED STATUTES (8 U.S.C. 800).

LOSS OF NATIONALITY

Section 800. Right of expatriation.

Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic. (R. S. section 1999.)

(c) UNIVERSAL MILITARY TRAINING AND SERVICE ACT OF 1951.

Section 454. Persons liable for training and service: (a) Age limits; training in National Security Training Corps; physical and mental fitness;

¹ This section refers to the establishment of a Joint Congressional Committee.

adequate training facilities; assignment to stations and units; training period; communication with Congress

(a) Except as otherwise provided in this title [sections 451-454 and 455-471 of this Appendix] every male citizen of the United States and every male alien admitted for permanent residence, who is between the ages of 18 years and 6 months and 26 years, at the time fixed for his registration, or who attains the age of 18 years and 6 months after having been required to register pursuant to section 3 of this title [section 453 of this Appendix], or who is otherwise liable as provided in section 6 (h) of this title [section 456 (h) of this Appendix], shall be liable for training and service in the Armed Forces of the United States: *Provided*, That each registrant shall be immediately liable for classification and examination, and shall, as soon as practicable following his registration, be so classified and examined, both physically and mentally, in order to determine his availability for induction for training and service in the Armed Forces: *Provided further*, That any male alien who is between the ages of 18 years and 6 months and 26 years, at the time fixed for registration, or who attains the age of 18 years and 6 months after having been required to register pursuant to section 3 of this title [section 453 of this Appendix] or who is otherwise liable as provided in section 6 (h) of this title [section 456 (h) of this Appendix], who has remained in the United States in a status other than that of a permanent resident for a period exceeding one year (other than an alien exempted from registration under this title [sections 451-454 and 455-471 of this Appendix] and regulations prescribed thereunder) shall be liable for training and service in the Armed Forces of the United States, except that any such alien shall be relieved from liability for training and service under this title [said sections] if, prior to his induction into the Armed Forces he has made application to be relieved from such liability in the manner prescribed by and in accordance with rules and regulations prescribed by the President; but any alien who makes such application shall thereafter be debarred from becoming a citizen of the United States. The President is authorized, from time to time, whether or not a state of war exists, to select and induct into the Armed Forces of the United States for training and service in the manner provided in this title [said sections] (including but not limited to selection and induction by age group or age groups) such number of persons as may be required to provide and maintain the strength of the Armed Forces.

At such time as the period of active service in the Armed Forces required under this title [said sections] of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated pursuant to the provisions of section 4 (k) of this title [subsection (k) of this section], and except as otherwise provided in this title [sections 451-454 and 455-471 of this Appendix], every male citizen of the United States who is required to register under this title [sections 451-454 and 455-471 of this Appendix], and who has not attained the nineteenth anniversary of the day of his birth on the date such period of active service is reduced or eliminated, or who is otherwise liable as provided in section 6 (h) of this title [section 456 (h) of this Appendix], and every male alien admitted for permanent residence who is required to register under this title [sections 451-454 and 455-471 of this Appendix], and who has not attained the nineteenth anniversary of the day of his birth on the date such period of active service is reduced or eliminated, or who is otherwise liable as provided in section 6 (h) of this title [section 456 (h) of this Appendix], shall be liable

for training in the National Security Training Corps: *Provided*, That any male alien who is required to register under the provisions of this title [sections 451-454 and 455-471 of this Appendix], and who has not reached the nineteenth anniversary of the day of his birth on the date such period of active service is reduced or eliminated, or who is otherwise liable as provided in section 6 (h) of this title [section 456 (h) of this Appendix], who has remained in the United States in a status other than that of a permanent resident for a period exceeding one year shall be liable for training in the National Security Training Corps except that any such alien shall be relieved from such training under this title [sections 451-454 and 455-471 of this Appendix] if, prior to his induction into the National Security Training Corps he has made application to be relieved from such liability in the manner prescribed by and in accordance with rules and regulations prescribed by the President, but any alien who makes such application shall thereafter be debarred from becoming a citizen of the United States: *Provided further*, That persons deferred under the provisions of section 6 of this title [section 456 of this Appendix] shall not be relieved from liability for induction into the National Security Training Corps solely by reason of having exceeded the age of nineteen years during the period of such deferment. The President is authorized, from time to time, whether or not a state of war exists, to select and induct for training in the National Security Training Corps as hereinafter provided such number of persons as may be required to further the purposes of this title [sections 451-454 and 455-471 of this Appendix].

(d) PUBLIC LAW 86 OF 30 JUNE 1953, CONCERNING THE NATURALIZATION OF PERSONS SERVING IN THE ARMED FORCES.

An Act to provide for the naturalization of persons serving in the Armed Forces of the United States after June 24, 1950.

Notwithstanding the provisions of sections 310 (d) and 318 of the Immigration and Nationality Act, any person, not a citizen, who, after June 24, 1950, and not later than July 1, 1955, has actively served or actively serves, honorably, in the Armed Forces of the United States for a period or periods totaling not less than ninety days and who (1) having been lawfully admitted to the United States for permanent residence, or (2) having been lawfully admitted to the United States, and having been physically present within the United States for a single period of at least one year at the time of entering the Armed Forces, may be naturalized on petition filed not later than December 31, 1955, upon compliance with all the requirements of the Immigration and Nationality Act, except that:

- (a) He may be naturalized regardless of age;
- (b) No period of residence or specified period of physical presence within the United States or any State after entering the Armed Forces shall be required: *Provided*, That there shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each such witness personally knows the petitioner: to be a person of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States;

(c) The petition for naturalization may be filed in any court having naturalization jurisdiction regardless of the residence of the petitioner;

(d) Notwithstanding section 336 (c) of the Immigration and Nationality Act, the petitioner may be naturalized immediately if prior to the filing of the petition, the petitioner and the witnesses shall have appeared before and been examined by a representative of the Immigration and Naturalization Service; and

(e) No fee, except that which may be required by State law, shall be charged or collected for making, filing, or docketing the petition for naturalization, or for the final hearing thereon, or for the certificate of naturalization, if issued.

Service in the Armed Forces of the United States may be proved by a duly authenticated copy of the record of the executive or military department having custody of the record of the petitioner's service, showing that the petitioner is or was during the period or periods hereinbefore described a member serving actively and honorably in such forces and, if separated from such service, that he was not separated under other than honorable conditions; or may be proved by affidavits, forming part of the petition, of at least two citizens of the United States, members of the Armed Forces of the United States, of the noncommissioned or warrant officer grade or higher (who may also be the witnesses described in subsection (b) of this section): *Provided, however,* That no period of service in the Armed Forces of the United States shall be made the basis of a petition for naturalization under this Act if the applicant has previously been naturalized on the basis of the same period of service.

Section 2. Any person entitled to naturalization under section 1 of this Act may be naturalized while serving outside the jurisdiction of any naturalization court, upon compliance with applicable provisions of that section without appearing before any such court. The petition for naturalization of any such person shall be made and sworn to before, and filed with a representative of the Immigration and Naturalization Service designated by the Attorney General, which representative is hereby authorized to receive such petition, to conduct hearings thereon, to take testimony concerning any matter touching or in any way affecting the admissibility of such person for naturalization, to call witnesses, to administer oaths, including the oath of the petitioner and his witnesses to the petition and the oath prescribed by section 337 of the Immigration and Nationality Act and to grant naturalization and to issue certificates of naturalization: *Provided,* That the record of any proceedings hereunder shall be forwarded to and filed by the clerk of a naturalization court in the district designated by the petitioner and made a part of the record of such court.

Section 3. Any person otherwise qualified for naturalization pursuant to section 1 or 2 of this Act who is or has been discharged under other than honorable conditions from the Armed Forces of the United States, or is discharged therefrom pursuant to an application for discharge made by him on the ground that he is an alien, or who is a conscientious objector who performs or performed no military duty whatever or refused to wear the uniform, shall not be entitled to the benefits of such section 1 or 2 of this Act: *Provided,* That citizenship granted pursuant to section 1 or 2 of this Act may be revoked in accordance with section 340 of the Immigration and Nationality Act if at any time subsequent to naturalization

the person is separated from the Armed Forces of the United States under other than honorable conditions, and such ground for revocation shall be in addition to any other provided by law: *Provided further*, That for the purposes of section 340 (*f*) of the Immigration and Nationality Act, revocation on such ground shall be classified with revocatory action based on section 329 (*c*) of that Act. The fact that the naturalized person was separated from the service under other than honorable conditions shall be proved by a duly authenticated certification from the executive or military department under which the person was serving at the time of separation.

Section 4. When used in this Act, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

Approved June 30, 1953.

(*e*) PUBLIC LAW 772 OF 3 SEPTEMBER 1954.¹

An Act to amend the Immigration and Nationality Act to provide for the loss of nationality of persons convicted of certain crimes.

This Act may be cited as the "Expatriation Act of 1954".

Section 2. Paragraph (9) of subsection (*a*) of section 349 of the Immigration and Nationality Act (66 Stat. 163, 268; 8 U.S.C. 1481 (*a*) (9)) is amended to read as follows:

"(9) committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, violating or conspiring to violate any of the provisions of section 2383 of title 18, United States Code, or willfully performing any act in violation of section 2385 of title 18, United States Code, or violating section 2384 of said title by engaging in a conspiracy to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, if and when he is convicted thereof by a court martial or by a court of competent jurisdiction; or".

80. Uruguay

CONSTITUTION OF 26 OCTOBER 1951.²

Article 73. Citizens of the Oriental Republic of Uruguay are natural or legal.

Article 74. All men and women born at any place within the territory of the Republic are natural citizens. Children of Uruguayan fathers or mothers are also natural citizens, wherever they may have been born, provided that they take up residence in the country and register themselves in the Civil Register.

¹ *The United States Law Week*, Vol. 23, No. 10, 21 September 1954, Washington, D.C.

² Law and Treaty Series No. 36, 1951, Pan American Union, Washington, D.C.

Article 75. The following have the right to legal citizenship:

(A) Foreign men and women of good conduct, and having a family within the Republic, who possess some capital or property in the country, or are engaged in some profession, craft, or industry, and have resided habitually in the Republic for three years;

(B) Foreign men and women of good conduct, without families in the Republic, who possess any of the qualifications mentioned in the preceding paragraph and who have resided habitually in the country for five years;

(C) Foreign men and women who obtain special courtesy from the General Assembly for noteworthy services or outstanding merit.

Proof of residence must necessarily be based on a public or private document of proven date.

The rights appertaining to legal citizenship may not be exercised by foreigners included in paragraph (A) and (B) until three years after the issuance of the respective citizenship papers.

The existence of any of the grounds for suspension referred to in article 80 shall bar the granting of citizenship papers.

Article 76. Any citizen may hold public employment: Legal citizens may not be appointed until three years after obtaining citizenship papers.

Citizenship shall not be required for a position as professor in institutions of higher learning.

. . . .

Article 80. Citizenship is suspended:

(1) By physical or mental inaptitude which prevents free and reflective action;

(2) By having the status of a soldier of the line, whether classified as a musician, bugler, trumpeter, drummer, marksman or any other rank below that of corporal, with the exception of cadets of the military academies;

(3) By being under indictment on a criminal charge which may result in a penitentiary sentence;

(4) By being under eighteen years of age;

(5) By being under sentence which imposes the penalty of exile, prison, penitentiary, or loss of political rights during the term of the sentence;

(6) By habitually engaging in morally dishonest activities which shall be specified by law in accordance with subsection 7 of article 77;

(7) By being a member of social or political organizations which advocate the destruction of the fundamental bases of the Nation by violence. Those mentioned in Sections I and II of this Constitution are considered to be such for the purposes of this provision;

(8) By a continuing lack of good conduct as required by article 75.

The last two grounds shall apply only with respect to legal citizens.

Exercise of the right granted by article 78 is suspended on the grounds listed above.

. . . .

Article 81. Nationality is not lost even by naturalization in another country, it being sufficient for the purpose of regaining the rights of citizenship merely to take up residence in the Republic and register in the Civil Register.

Legal citizenship is lost by any other form of subsequent naturalization.

81. Vatican City

ACT OF 7 JUNE 1929¹ RELATIVE TO CITIZENSHIP AND SOJOURN.

CHAPTER I. CITIZENSHIP

1. The following persons are citizens of the Vatican City:

- (a) The Cardinals residing in that City or in Rome;
- (b) Any person who has his fixed residence in the Vatican City by reason of some dignity, appointment, office or employment, if such residence is required by law or regulation, or authorized by the Supreme Pontiff and for him by the Cardinal Secretary of State, in the case of a person in any way attached to the Pontifical Court or to any office mentioned in article 2 of the fundamental law of the Vatican City, and by the Governor, in the case of any other person;
- (c) Any person not covered by the foregoing two subparagraphs who is authorized by the Supreme Pontiff to have his fixed residence in the Vatican City if the Supreme Pontiff in his discretion grants him, or allows him to retain, citizenship of the Vatican City.

2. The following persons are likewise Vatican citizens: the wife, children, ascendants, and brothers and sisters of a Vatican citizen, provided that they are living with him and are authorized to reside in the City of the Vatican, according to the rules laid down in the following articles.

3. The authorization referred to in the foregoing article is given by the Supreme Pontiff and for him by the Cardinal Secretary of State in the case of a person in any way attached to the Pontifical Court or to any office mentioned in article 2 of the fundamental law of the Vatican City, and by the Governor, in the case of any other person.

4. For the purpose of the authorization relating to the wife and children the production of evidence of the relationship shall suffice.

The authorization shall cease to be effective by operation of law:

- (a) For the wife, if the marriage is annulled or dissolved or if a separation order has been made;
- (b) For the sons, when they attain the age of twenty-five years, unless they are disabled and necessarily dependent on the Vatican citizen;
- (c) For the daughters when they marry.

The sovereign powers of the Supreme Pontiff under article 1, subparagraph (c), and article 16, as also those of the Governor, under article 17, remain unaffected.

5. The authorization referred to in article 3 with respect to ascendants, brothers and sisters, may not be given unless the aforesaid relatives are dependent on the Vatican citizen for their maintenance and he is bound to support them.

The authorization shall cease to be effective by operation of law in the case of brothers when they attain the age of twenty-five years unless they are disabled, and in the case of sisters when they marry.

In every case the powers mentioned in the last paragraph of the previous article remain unaffected.

6. Vatican citizenship is lost:

- (a) By a Cardinal if for any reason he discontinues his residence in the Vatican City or in Rome;

¹ Translation by the Secretariat of the United Nations.

(b) By any citizen if by some voluntary act he discontinues his residence in the Vatican City;

(c) By a person to whom article 1, subparagraph (b), applies, if he retires from the dignity, position, office, or employment by reason of which he was directed or authorized to reside in the City itself;

(d) By any Vatican citizen whose residence in the aforesaid City depends on the authorizations named in the foregoing articles, when the authorization itself ceases to be effective by operation of law pursuant to the said articles or when the authorization is revoked.

For the purpose of the maintenance of residence in or the retention of the citizenship of the Vatican City, the powers indicated in the last paragraph of article 4 remain unaffected.

7. Since the limited area of the Vatican City does not permit all the descendants and relatives of Vatican citizens with their new families to reside in the City itself, the Supreme Pontiff, for the purpose of promoting the creation of new families and the procreation of children, reserves for himself the right in each case and in his unquestionable sovereign judgment, to take measures for the new families that must leave the Vatican City, such measures to include, if he sees fit, the letting, on favourable terms, of the apartments owned by the Holy See in the territory of the Kingdom of Italy.

8. Vatican citizenship is not lost through the mere fact of a temporary stay elsewhere unaccompanied by relinquishment of the dwelling in the Vatican City, or in the case of Cardinals, of their residence in Rome, or by other circumstances proving that the residence has been discontinued.

9. The authorizations referred to in this chapter may be revoked at any time subject to fair previous notice unless reasons of public order, service, morality or discipline demand immediate action.

10. The Governor shall keep a register of Vatican citizens in which shall be entered:

(a) The names of the Vatican citizens referred to in article 1, subparagraphs (a), (b) and (c), giving the title by which they hold the aforesaid status;

(b) The authorizations granted under this chapter;

(c) The revocation of any such authorization;

(d) The declarations of voluntary discontinuance of fixed residence;

(e) Evidence of the loss of Vatican citizenship owing to any other reason whatsoever.

11. Vatican citizens must provide themselves with an identification card to be issued by the Governor in accordance with a procedure to be established by regulations. Upon producing the aforesaid card they may leave and enter the Vatican City without any other formality.

The Cardinals who are Vatican citizens, and their suites, the Governor and such other persons as will be named in the regulations, are exempted from the obligation to provide themselves with an identification card.

82. Venezuela

(a) CONSTITUTION ¹ OF 15 APRIL 1953.

TITLE II. NATIONALITY

Article 22. The following persons are Venezuelan nationals by birth:

- (1) Persons born in the territory of the Republic;
- (2) Persons born on board Venezuelan vessels or aircraft outside the jurisdiction of any other State;
- (3) Children of a Venezuelan father or mother.

Article 23. The following persons are Venezuelan nationals by naturalization:

- (1) A person of full age whose father or mother is a Venezuelan national by naturalization and who was born outside of Venezuelan territory, if he establishes domicile in the country and declares his desire to be a Venezuelan national;
- (2) A national of Spain or of a Latin American State domiciled in Venezuela who declares his desire to be a Venezuelan national and whose declaration is accepted;
- (3) The alien wife of a Venezuelan national who declares her desire to be a Venezuelan national and whose declaration is accepted;
- (4) An alien who acquires a certificate of naturalization.

Article 24. A Venezuelan woman who marries an alien shall retain her Venezuelan nationality.

Article 25. The dissolution of a marriage shall not affect the nationality of the spouse or the children.

Article 26. Legislation shall be enacted to govern the declarations referred to herein, the formalities to be observed in the naturalization procedure and the revocation of naturalization.

Article 27. A public treaty may contain rules for determining the nationality of persons who by the law of different countries possess more than one nationality.

(b) NATURALIZATION ACT ² OF 19 MAY 1940.

CHAPTER I. GENERAL PROVISIONS

Article 1. Venezuelan nationality is acquired in conformity with the provisions of the National Constitution and of this Act.

Article 2. An alien shall have capacity to acquire the said nationality except in so far as this Act expressly provides otherwise.

Article 3. The following persons shall be incapable of acquiring Venezuelan nationality:

1. An alien without lawful means of subsistence;

¹ *Gaceta Oficial* No. 372 E, 15 April 1953. Translation by the Secretariat of the United Nations.

² *Gaceta Oficial* of 4 June 1940. Translation by the Secretariat of the United Nations.

2. An alien who in his country of origin, or in any other foreign country, or in Venezuela, is being tried for an offence against the ordinary law, for the duration of the trial, and an alien who has been sentenced to imprisonment or detention in a penitentiary institution, even though he has served his term, unless his civil rights have been restored;

3. An alien subject who is of unsound mind or suffers from idiocy, imbecility, acute mania or any other dangerous mental deficiency, whether or not he has been declared incapable or *non sui juris*;

4. A drug addict, epileptic, an alien suffering from leprosy or from any other contagious disease who, in the opinion of the public health authorities, may constitute a threat to public health or become the responsibility of the community;

5. An alien who holds beliefs incompatible with the political institutions and prejudicial to the social tranquillity of the nation;

6. Any other alien who, according to legislative provisions, is to be denied admission to the country.

Article 4. It shall be an indispensable condition for the acquisition of Venezuelan nationality that the alien applicant has resided in the country continuously for at least two years and can speak Spanish.

This provision shall not apply to the following persons:

1. A person who has attained the age of majority and was born outside the territory of the Republic, if at the time of birth either his father or his mother was a Venezuelan national by naturalization;

2. Any person born in Spain or in the Ibero-American Republics;

3. An alien woman married to a Venezuelan, if, upon the dissolution of the marriage and within the year following such dissolution, she expresses a desire to retain Venezuelan nationality.

Sole paragraph. Temporary absence from the country for a period not exceeding six months altogether shall not constitute an interruption of the period of residence referred to in this article.

Article 5. The domicile required in the case of the persons referred to in article 29¹, paragraph 1, of the National Constitution and the period

¹ The Constitution which was in force at the date of enactment of this Act was the Constitution of 20 July 1936, articles 29 and 30 of which read as follows:

Article 29. The following persons shall be Venezuelan nationals by naturalization:

(1) A person of full age whose father or mother is a Venezuelan national by naturalization and who was born outside Venezuelan territory, if he establishes domicile in the country and declares his desire to be a Venezuelan national.

(2) A person born in Spain or in a Latin American Republic who has taken up residence in Venezuelan territory, declared his desire to be a Venezuelan national and fulfilled the statutory requirements.

(3) An alien who has acquired or who subsequently acquires a certificate of naturalization in accordance with the law.

(4) The alien wife of a Venezuelan national, for the duration of the marriage and after the dissolution of the marriage, if she declares her desire to become a Venezuelan within one year following such dissolution, and her declaration is accepted.

Article 30. The declarations mentioned in sub-paragraphs 1, 2 and 4 of the preceding article shall be made before the principal registrar of the judicial district in which the applicant has taken up domicile. On receipt of such declarations, the registrar shall record them in the appropriate register and

of residence prescribed by the said constitutional provision in the case of the aliens referred to in paragraph 2 shall be computed in accordance with the provisions of ordinary Venezuelan law and with the more particular provisions of the Aliens Act and the relevant regulations.

Article 6. In the case of an application for a certificate of naturalization it shall be considered a favourable circumstance if the applicant:

1. Possesses real property in Venezuela or is the owner of or associated with commercial concerns which are known to be solvent and which have or have acquired Venezuelan nationality or domicile;
2. Has children who are under his paternal authority;
3. Has rendered some important service to Venezuela or to humanity;
4. Has rendered technical services to the country which in the opinion of the Federal Executive are in the public interest;
5. Has resided in the Republic for a long time;
6. Establishes in national territory an industry, undertaking or business concern which is useful to the country or clearly beneficial to society;
7. Is married to a Venezuelan woman or has one or more legitimate or acknowledged children who were born in Venezuela;
8. Has established himself in the country as a settler, in accordance with the legislation relating to immigration and settlement;
9. Has followed a course of studies and obtained scientific qualifications in a Venezuelan university.

Article 7. The effects of naturalization are purely individual; nevertheless:

1. The minor children of a person naturalized in the country shall enjoy the effects of his naturalization until they attain their majority;
2. If an alien woman marries a Venezuelan national her minor children who are aliens shall acquire and lose nationality with their mother; however, on attaining majority they shall make the declaration required by article 29, paragraph 4¹ of the Constitution.

Article 8. Venezuelan nationals by naturalization shall enjoy the same rights as Venezuelan nationals by birth, subject, however, to the restrictions set forth in the Constitution and in the legislation of the Republic.

CHAPTER II. PROCEDURE

Article 9. The declaration of intent mentioned in article 30 of the Constitution¹ shall be made in writing before the principal registrar of the particular judicial district or before the diplomatic or consular representative of the Republic abroad. This declaration shall set forth and shall be accompanied by evidence of the facts or of the special circumstances referred to in article 29, paragraphs 1, 2 and 4 of the said Constitution.

Article 10. In the declaration of intent made by any of the persons referred to in the said article 29, paragraph 2 of the Constitution¹, the

send copies, with the requisite fee, to the Federal Executive. If the declarations are in order, he shall cause them to be published in the *Gaceta Oficial* of the United States of Venezuela as prescribed by law. If the applicant is abroad, the abovementioned declaration shall be made before a diplomatic or consular representative of the Republic, who shall transmit it to the Minister of Foreign Affairs for registration and publication.

Venezuelan nationality shall not be regarded as acquired until publication has been made as stated above.

¹ See footnote to article 5 *supra*.

declarant shall in addition, in the same written instrument, promise to observe and respect the Constitution and the laws of the Republic, state whether he is unmarried, married, widowed or divorced, and if married, the name and nationality of his spouse, his place of domicile, the names of his children and whether they are legitimate, legitimated or were born out of wedlock. He shall attach to his declaration the following documents: proof that he is over the age of twenty-one years and has attained the age of majority according to the laws of his own country; a medical certificate; evidence of good conduct; his passport; his personal identity card and all other papers attesting his identity and his domicile or residence in the country; his birth certificate, and proof of his occupation or trade and of the means of subsistence at his disposal.

Article 11. The registrar before whom this declaration is made shall receive it together with the documents required by this Act, which he shall require the declarant to produce. He shall then record the declaration in the appropriate register and shall transmit a copy of it and of the attached documents to the Federal Executive who shall order its publication in the *Gaceta Oficial* of the United States of Venezuela after confirmation that all the formalities required by the Act have been completed.

If the declaration of intent is made before a diplomatic or consular representative, that representative shall likewise require the production of the documentary evidence prescribed by the Act, note the declaration in a book reserved for the purpose and send all the documents to the Ministry of Foreign Affairs. The said Ministry shall transmit the file to the Ministry of the Interior which, after confirmation that all the formalities required by the Act have been completed, shall order the declaration to be noted and to be published in the *Gaceta Oficial* of the United States of Venezuela.

In the circumstances referred to in article 29, paragraph 4, of the Constitution,¹ the declaration shall be registered if that formality has not already been completed. In any event, the declaration and its acceptance must be published in the *Gaceta Oficial*.

Venezuelan nationality shall not be deemed to have been acquired until such publication has taken place.

Article 12. An alien who wishes to obtain a certificate of naturalization shall submit to the President of the State, or to the Governor of the Federal District or Federal Territory in which he lives, an application setting forth all the particulars specified in article 10 of this Act and at the same time produce the documents specified in the said article and any other documents required by the Federal Executive.

Sole paragraph. A married woman, or a woman who is separated from her husband, shall produce the documents evidencing the marriage or separation as the case may be.

Article 13. The official to whom application is made in accordance with the preceding article shall decide, by examination of the documents, whether the applicant is legally qualified to obtain naturalization, for which purpose the said official may request subordinate authorities to furnish whatever further particulars he considers necessary.

Article 14. Whatever decision is reached by the President or Governor, whether favourable or unfavourable, the papers shall be transmitted to the Minister of the Interior.

¹ See footnote to article 5 *supra*.

If the Minister of the Interior finds the documents insufficient, he shall return them to the transmitting authority for completion in accordance with his instructions or, if need be, to the applicant.

Article 15. The Federal Executive, after examination of the application and the accompanying documents shall, if he considers it advisable, grant naturalization by decree. The decree shall be entered by the Minister of Foreign Affairs in the register reserved for the purpose.

Article 16. If the alien applicant dies while the formalities for his naturalization are in progress, his widow may obtain naturalization in her own name simply by confirmation of the application, provided always that the latter had satisfied the requirements of this Act.

Article 17. The declaration and the application referred to in articles 9 and 12 shall be submitted by the alien concerned in person, but the subsequent formalities may be completed by his duly authorized representative under a special power of attorney.

Article 18. The decree of naturalization shall not take effect until the date of its publication in the *Gaceta Oficial* of the United States of Venezuela.

Article 19. If the grant of a certificate of naturalization is refused, a fresh application may not be made until two years have elapsed after the date of the refusal.

CHAPTER III. FINAL PROVISIONS

Article 20. The Federal Executive shall not be under any duty to state the reasons for any decision whereby naturalization is refused.

Article 21. If a person changes his nationality with the object of evading, temporarily or in special circumstances, the declared effects of an enactment, that change shall be deemed to have been obtained by fraud and shall be void. Similarly, any naturalization obtained in a manner which defeats the purposes of this Act shall be void.

In such cases the declaration voiding the naturalization in question shall be made by the Ministry of the Interior, without prejudice to the application of any penalties to which the guilty parties may be liable. An appeal against such decisions shall lie to the Federal and Appeals Court, subject to a time limit of ten days from the date of such declaration.

Article 23. Declarations and applications for naturalization admitted in accordance with the Naturalization Act of 13 July 1928 and now pending shall be subject to the provisions of this Act so far as the procedural requirements and formalities herein prescribed are concerned.

Article 24. The Federal Executive is hereby expressly authorized to issue regulations to give effect to this Act.

Article 25. The Naturalization Act of 13 July 1928 is hereby repealed.

83. Viet-Nam *

CODE CIVIL DU TONKIN DE 1931.

I. *Au Nord-Viêt-Nam (Tonkin)*

La nationalité vietnamienne est régie par les articles 12 à 17 de l'ancien code civil du Tonkin promulgué en 1931, encore en vigueur dans cette région, lesdits articles sont ainsi conçus :

Article 13 (modifié et complété par un DU du 16 octobre 1936).

« Est sujet annamite (vietnamien)

« A. Tout enfant légitime ou naturel issu :

« 1) De parents sujets annamites, quel que soit le lieu de sa naissance, à moins que né et domicilié en territoire français, il n'acquière la qualité de sujet français conformément au droit français ;

« 2) De mère étrangère, autre que française, et de père sujet annamite ;

« 3) De mère étrangère, autre que française, et de père asiatique assimilé à un sujet annamite ;

« 4) De père étranger, autre que français, et de mère asiatique assimilée à une sujette annamite ;

« 5) De père étranger, autre que français, et de mère sujette annamite même si celle-ci a du fait de son mariage perdu sa nationalité d'origine ;

« 6) De père sujet annamite et de mère asiatique assimilée à une sujette annamite ;

« 7) De père asiatique assimilé à un sujet annamite et de mère sujette annamite ;

« 8) De parents dont l'un est inconnu ou de nationalité inconnue et l'autre annamite, asiatique assimilé à un sujet annamite ou étranger, lorsqu'il n'a pas été judiciairement constaté que le parent inconnu est présumé être d'origine et de race française ;

« 9) De parents inconnus ou dont la nationalité est inconnue, lorsqu'il n'a pas été judiciairement constaté que les parents ou l'un d'eux au moins sont présumés être d'origine et de race françaises ;

« B. Tout enfant légitime ou naturel né hors du territoire de l'Indochine française, soit de père sujet annamite, soit de père inconnu et de mère sujette annamite lorsqu'il n'acquière pas du fait de sa naissance en ce territoire étranger, la nationalité de ce pays. »

Article 14. Sont considérés comme sujets annamites (vietnamiens) les Asiatiques, étrangers issus de groupements techniques non rattachés à une nationalité jouissant de la personnalité internationale, à condition toutefois qu'ils soient domiciliés de façon permanente et définitive sur le territoire du Tonkin.

Article 15. La femme sujette annamite (vietnamienne) qui épousera un Français ou un étranger suivra la condition de son mari à moins que son mariage avec l'étranger, d'après la législation de celui-ci, ne lui confère pas la nationalité du mari. Dans ce cas elle restera soumise au statut annamite.

* *Note* : Les textes reproduits ci-dessus ont été pris à une époque où le Vietnam était divisé politiquement et administrativement en trois parties : le Tonkin et l'Annam placés sous protectorat français ; la Cochinchine et les villes de Hanoi, Haiphong, Tourane régies par un statut colonial. Lesdits textes seront prochainement remplacés par un code de la nationalité applicable à tout le Vietnam.

Article 16. Devient sujette annamite (viêtnamienne) la femme française ou étrangère légitimement mariée à un sujet annamite, pendant la durée du mariage, à moins que son mariage avec le sujet annamite ne lui confère pas d'après sa législation, la nationalité de son mari ou qu'elle ait déclaré expressément à l'Officier de l'Etat Civil lors de la célébration du mariage ne pas vouloir acquérir la nationalité de son mari. Cette déclaration doit être constatée dans l'acte de mariage dressé par l'Officier de l'Etat Civil français.

Article 17. La qualité de sujet annamite (viêtnamien) se perd :

1. Par la naturalisation française ou étrangère;
2. Par le fait de prendre sans autorisation des gouvernements annamite et français du service militaire hors de l'Indochine française pour un gouvernement autre que le Gouvernement français;
3. Par le fait de conserver des fonctions publiques conférées par un gouvernement étranger, nonobstant l'injonction des gouvernements annamite et français de les résigner dans un délai déterminé.

* * *

II. *Au Centre-Viêt-Nâm (Annam)*

L'ancien code civil de l'Annam promulgué en 1936, actuellement applicable dans cette région, parle de la nationalité dans ses articles 13 à 17, ainsi conçus :

Article 13. En Annam sont de nationalité annamite (viêtnamienne) :

1. Tout individu né de parents dont l'un est sujet annamite, sauf si le second de ses auteurs est Français, auquel cas il suit la nationalité française;
2. Les enfants nés en Annam, hors du territoire des concessions françaises, d'un père non sujet annamite et ayant une nationalité autre que la nationalité française, et d'une mère ayant perdu sa qualité de sujette annamite, du fait de son mariage;
3. Tout individu né de père inconnu et de mère sujette annamite, à moins que la nationalité française ne lui soit attribuée par jugement de l'autorité française compétente, lorsque le père, bien que demeuré légalement inconnu, est présumé français, dans les conditions prévues par la loi française;
4. Les enfants nés en territoire annamite de parents dont l'un est étranger, autre que français et l'autre asiatique assimilé;
5. Tout individu né en territoire annamite, de parents inconnus, à moins que la nationalité française ne lui soit attribuée par l'autorité française compétente, lorsque les parents ou l'un d'entre eux, bien que demeurés légalement inconnus, sont présumés français dans les conditions prévues par la loi française.
6. Tout individu sujet annamite dans les conditions prévues par les paragraphes précédents qui, ayant perdu la nationalité annamite par suite de l'acquisition d'une nationalité étrangère, autre que la nationalité française, aura réintégré le territoire de l'Annam dans l'intention de s'y fixer.

L'intention devra être manifestée par une déclaration formelle devant l'autorité madarinale du nouveau domicile, qui en dressera procès-verbal pour le transmettre immédiatement au Résident Chef de province;

7. Tout individu de nationalité inconnue domicilié sur le territoire de l'Annam, lorsque nul titre, ni présomption ne permettent de le considérer comme étant sujet français ou d'une nationalité étrangère déterminée.

La preuve d'une condition ou d'une nationalité étrangère incombe à celui qui en excipe. En cas de doute, ou à défaut de toute présomption suffisante, la détermination de la condition ou de la nationalité est établie, après entente entre les autorités françaises et annamites. Celles-ci ne décident leur compétence qu'après que celles-là ont déclaré ne pas évoquer ou reconnaître la leur.

Article 14. Sont également considérés comme sujet annamites (viêt-namiens) tous individus issus de groupements techniques non rattachés à une nationalité jouissant de la personnalité internationale et fixés de façon permanente sur le territoire de l'Annam.

Article 15. La femme sujette annamite (viêt-namienne), qui épousera un Français ou un étranger, suivra la condition de son mari à moins que son mariage avec l'étranger, d'après la législation de celui-ci, ne lui confère pas la nationalité du mari. Dans ce cas elle restera soumise au statut annamite.

La femme sujette annamite qui épouse un Annamite sujet français devient sujette française.

Article 16. Devient sujette annamite (viêt-namienne), pendant la durée du mariage, la femme étrangère légitimement mariée à un sujet annamite à moins que, d'après sa législation, elle n'acquière pas la nationalité de son mari, du fait de son mariage.

La femme citoyenne ou sujette française de naissance ou par le fait de sa naturalisation légitimement mariée à un sujet annamite conserve sa nationalité sauf si elle a déclaré expressément, lors de la célébration du mariage, vouloir acquérir, pendant la durée de celui-ci, la nationalité de son mari.

Article 17. La qualité de sujet annamite (viêt-namien) se perd :

1. Par la naturalisation française ou étrangère;
2. Par le fait de prendre, sans autorisation des Gouvernements annamite et français, du service militaire hors de l'Indochine française pour un Gouvernement autre que le Gouvernement français;
3. Par le fait de conserver des fonctions publiques conférées par un Gouvernement étranger, nonobstant l'injonction des Gouvernements annamite et français de les résigner dans un délai déterminé.

* * *

III. *Au Sud-Viêt-Nam (Cochinchine) et dans les villes de Hanoï, Haïphong et Tourane, anciens territoires français*

Les habitants originaires de ces régions et villes, auparavant sujets français, sont devenus sans conteste citoyens viêt-namiens depuis le rattachement de ces territoires au Viêt-Nam.

La législation qui régissait les modes d'acquisition et de perte de cette qualité de sujets français (actuellement viêt-namiens) est constituée par le titre I du décret du 3 octobre 1883 et l'article 2 du décret du 4 décembre 1930 modifié par celui du 24 août 1933.

Il résulte de ces dispositions que la qualité de sujet ou de protégé français (actuellement viêt-namien) s'acquiert :

A. *Par le fait de la naissance*

L'article 2 du décret du 4 décembre 1930 modifié par le décret du 24 août 1933 promulgué en Indochine le 21 septembre 1933 décide qu'est «sujet ou protégé français suivant le lieu de sa naissance, tout enfant légitime ou naturel né en Indochine soit de parents indigènes soit de parents dont l'un est étranger et l'autre indigène ou asiatique assimilé, soit enfin de parents dont l'un est asiatique assimilé et l'autre indigène».

Aux termes du même article, à défaut de la reconnaissance en justice de la qualité de métis franco-annamite, tout individu né en Indochine de parents inconnus ou dont la nationalité est inconnue, est sujet ou protégé français (viêtnamein) suivant le lieu de sa naissance.

B. *Par le mariage*

Aux termes de l'article 12 du Précis de législation annamite (décret du 3 octobre 1883) l'étrangère qui épouse un sujet français (actuellement viêtnamein) prend la condition de son mari. Il en va différemment si le sujet français (actuellement viêtnamein) épouse une citoyenne française; cette dernière conserve sa qualité.

C. *Par la déclaration administrative*

Aux termes de l'article 9 du Précis de législation annamite: «Tout individu né en France d'un étranger pourra, dans l'année qui suivra l'époque de sa majorité, réclamer la qualité de Français pourvu que, dans le cas où il résiderait en France, il déclare que son intention est d'y fixer son domicile et que dans le cas où il résiderait en pays étranger, il fasse sa soumission de fixer en France son domicile et qu'il l'y établisse dans l'année à compter de l'acte de soumission.»

La qualité de sujet français (actuellement viêtnamein) se perd:

1. Par l'accession aux droits de citoyen français (actuellement par la naturalisation française);
2. Par la naturalisation étrangère;
3. Par le mariage de la femme sujette française (actuellement viêtnamein) avec un étranger. Cette solution est formellement adoptée par le Précis de législation annamite dans son article 19 (G. H. Camerlynck, Cours de droit civil annamite, tome I, page 24).
4. Par le mariage de la sujette française (actuellement viêtnamein) avec un citoyen français.

Le Précis de législation annamite de 1883 prévoit dans son article 17 deux autres hypothèses de perte de la qualité de sujet français (actuellement viêtnamein): l'acceptation non autorisée par le chef de l'exécutif de fonctions publiques conférées par un gouvernement étranger et l'établissement fait en pays étranger sans esprit de retour.

84. Yugoslavia

(a) ACT OF 23 AUGUST 1945¹ TO DEPRIVE OF YUGOSLAV NATIONALITY OFFICERS AND NON-COMMISSIONED OFFICERS OF THE FORMER YUGOSLAV ARMED FORCES WHO FAIL TO RETURN TO YUGOSLAVIA, AND MEMBERS OF MILITARY FORMATIONS WHO COLLABORATED WITH THE OCCUPYING FORCES AND FLED ABROAD.

Article 1. (1) All active and reserve officers and non-commissioned officers of the former Yugoslav armed forces who were captured or interned by the enemy and who refuse to return to Yugoslavia with other liberated Yugoslav prisoners and internees and who wilfully stay abroad shall lose Yugoslav nationality.

(2) All members and political leaders of the various anti-national military bodies who collaborated with the occupying forces (the so-called Yugoslav Home Army, Chetniks, Ustashi, Serbian National Guard, Militia etc.), and left the territory of Yugoslavia with the enemy, and fought with the enemy against the Yugoslav Army and against the allies of Yugoslavia, and are now abroad, and other members of those bodies who left the country previously, shall lose Yugoslav nationality.

Article 2. (1) If a person to whom article 1 applies, within two months after the official announcement that repatriation has been completed in the area where he is residing, makes a declaration before a Yugoslav diplomatic or military representative or before the authorized deputy of such representative to the effect that he is prepared to return to Yugoslavia, and surrenders himself to the Yugoslav authorities for repatriation, that person shall not lose Yugoslav nationality.

(2) If owing to illness, sojourn in hospital, distance or isolation, a person cannot within the prescribed time limit make a declaration to the effect that he will return to Yugoslavia, he may make the declaration after the expiry of the time limit, but shall then be required to produce evidence to justify his delay in making the declaration.

Article 3. Yugoslav diplomatic and military missions abroad shall enable persons referred to in article 1 to make declarations of willingness to return to their country within the prescribed time limit. They shall assemble such persons at special rallying points from which repatriation may be effected as rapidly as possible.

Article 4. Loss of nationality under article 1 and repatriation to Yugoslavia shall not bar proceedings against a person for any other offence which he may have committed against his country.

Article 5. The Federal Minister of the Interior shall give effect to this Act in agreement with the Minister of National Defense.

¹ *Sluzbeni List*, 28 August 1945, No. 64. Translation by the Secretariat of the United Nations.

(b) NATIONALITY ACT NO. 370/331 OF 1 JULY 1946 OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA.¹

CHAPTER I. PRINCIPLES

Article 1. All citizens of the Federal People's Republic of Yugoslavia possess a single Federal nationality.

Every national of a People's Republic shall at the same time be a national of the Federal People's Republic of Yugoslavia, and every national of the Federal People's Republic of Yugoslavia shall ordinarily also be a national of one of the People's Republics.

A national of the Federal People's Republic of Yugoslavia may be a national of only one People's Republic.

Article 2. A national of the Federal People's Republic of Yugoslavia may not at the same time be a national of any other State.

Questions of nationality of the Federal People's Republic of Yugoslavia shall be governed by the laws of the Republic and by international agreements.

CHAPTER II. ACQUISITION AND LOSS OF NATIONALITY

PART I. ACQUISITION OF NATIONALITY

Article 3. Nationality of the Federal People's Republic of Yugoslavia may be acquired:

- (1) By descent;
- (2) By birth in the territory of the Federal People's Republic of Yugoslavia;
- (3) By naturalization;
- (4) By virtue of an international agreement.

Nationality of the Federation and of a People's Republic shall be acquired together in the cases set forth hereunder except the case set forth in the third paragraph of article 11 of this Act.

1. *Descent*

Article 4. A child acquires Federal nationality by descent:

(1) If both his parents are nationals of the Federal People's Republic of Yugoslavia;

(2) If one parent is a national of the Federal People's Republic of Yugoslavia and the child was born of a marriage contracted before a competent authority of the Federal People's Republic of Yugoslavia in accordance with the Marriage Act;

(3) If one parent is a national of the Federal People's Republic of Yugoslavia and one parent lives permanently with the child or takes up permanent residence with the child before the child attains the age of eighteen years, or if the child is permanently resident or brought up in the Federal People's Republic of Yugoslavia;

(4) If the child was born abroad, and the parents live abroad with him, and one of the parents is a national of the Federal People's Republic of Yugoslavia, and that parent registers the child not later than five years from the date of the birth with the competent Yugoslav authority abroad as a national of the Federal People's Republic of Yugoslavia. If the child is deemed by the law of the country in which he was born to be a national

¹ *Sluzbeni List*, No. 54, Vol. II, 5 July 1946. Translation by the Secretariat of the United Nations.

of the Federal People's Republic of Yugoslavia, he may acquire the nationality of the Federal People's Republic of Yugoslavia without such registration.

The provisions of this article shall apply to the minor child of an alien mother if a national of the Federal People's Republic of Yugoslavia is subsequently ascertained to be his father.

Article 5. If both parents are nationals of the Federal People's Republic of Yugoslavia but nationals of different People's Republics, they shall determine by agreement the People's Republic of which their child shall be a national. In the absence of such agreement the child shall acquire the nationality of that People's Republic in which the parents were jointly domiciled at his birth or, if they had no joint domicile, then of that People's Republic with which they have the most important material or legal ties. If the parents live apart and there is no agreement concerning the People's Republic of which the child is to be a national, then if born in the Federal People's Republic of Yugoslavia he shall acquire the nationality of the People's Republic in which he was born, and if born abroad he shall acquire the nationality of the People's Republic of the parent with whom he lives.

2. *Birth in the Federal People's Republic of Yugoslavia*

Article 6. A child whose parents are unknown and who was born or found in the Federal People's Republic of Yugoslavia shall be deemed to be a national of the Federal People's Republic of Yugoslavia, unless his parents are identified before he attains the age of fourteen years. He shall acquire the nationality of the People's Republic in which he was born or found.

The foregoing paragraph shall also apply to a child born in the Federal People's Republic of Yugoslavia to parents who are stateless or of unknown nationality.

3. *Naturalization*

Article 7. An alien may on application acquire the nationality of the Federal People's Republic of Yugoslavia by ordinary or special procedure.

Article 8. An alien may acquire the nationality of the Federal People's Republic of Yugoslavia by ordinary procedure if:

- (1) He applies for naturalization; and
- (2) At the time when he applies he is not less than eighteen years of age and has full legal capacity; and
- (3) At the time when he applies he has been domiciled in the Federal People's Republic of Yugoslavia continuously for not less than five years, and ordinarily for two years thereof in that People's Republic the nationality of which he wishes to acquire; and
- (4) He holds a release from his previous nationality, or a promise that he will be released if he becomes a national of the Federal People's Republic of Yugoslavia; and
- (5) He has shown himself by his conduct likely to be a loyal citizen of the Federal People's Republic of Yugoslavia.

Condition (4) shall be deemed to be fulfilled if the applicant is stateless or if under the law of the State of which he is a national he loses his nationality by the act of naturalization. If the foreign State never grants release, or grants it only upon conditions which are materially impossible to fulfil, an express declaration by the applicant to the effect that he will renounce

his foreign nationality if he acquires the nationality of the Federal People's Republic of Yugoslavia shall suffice.

Article 9. An applicant who belongs ethnically to one of the peoples of the Federal People's Republic of Yugoslavia may be granted the nationality of the Federal People's Republic of Yugoslavia irrespective of conditions (3) and (4) of article 8 of this Act.

With respect to the spouse of a national of the Federal People's Republic of Yugoslavia, condition (2), (3) or (4) of article 8 of this Act may be waived. Irrespective of those conditions a national of the Federal People's Republic of Yugoslavia may also apply, after adoption, for the naturalization of a child under the age of fourteen years adopted by him.

Article 10. The Ministry of the Interior of a People's Republic may, with the prior approval of the Ministry of the Interior of the Federal People's Republic of Yugoslavia, grant nationality by the ordinary procedure under articles 8 and 9.

Article 11. A person who fulfils conditions (1) and (2) of article 8 of this Act may acquire the nationality of the Federal People's Republic of Yugoslavia by special procedure if his naturalization would be of special benefit to the State.

Naturalization by special procedure shall be ordered by the Ministry of the Interior of the Federal People's Republic of Yugoslavia.

An alien so naturalized shall also acquire the nationality of the People's Republic in which he is domiciled or, if he has no such domicile, then that of the People's Republic in which he was born. If he is not domiciled and was not born in the Federal People's Republic of Yugoslavia, he shall acquire Federal nationality without the nationality of a People's Republic and may acquire the nationality of a People's Republic subsequently under articles 29-31 of this Act.

Article 12. A person to whom Yugoslav nationality is granted by naturalization shall take an oath of allegiance and loyalty. He shall not acquire the nationality of the Federal People's Republic of Yugoslavia until the date on which he takes the oath.

An order granting naturalization shall expire if the person concerned fails to take the oath within three months from the date on which the order granting naturalization is notified.

Article 13. A child under the age of eighteen years acquires the nationality of his parents by naturalization if both parents so acquire the nationality of the Federal People's Republic of Yugoslavia.

If only one parent acquires the nationality of the Federal People's Republic of Yugoslavia by naturalization, such naturalization shall also extend to his children if he expressly so requests and if the children are living with him in the Federal People's Republic of Yugoslavia. If any such child is over the age of fourteen years his consent also shall be required.

PART II. LOSS OF NATIONALITY

Article 14. The nationality of the Federal People's Republic of Yugoslavia is lost:

- (1) By absence;
- (2) By deprivation;
- (3) By release;
- (4) By renunciation; or

(5) By virtue of an international agreement.

Loss of Federal nationality shall always entail loss of the nationality of a People's Republic.

1. *Absence*

Article 15. If a person resides continuously outside the territory of the Federal People's Republic of Yugoslavia, and for fifteen years from his eighteenth birthday has performed no public duty towards the Federal People's Republic of Yugoslavia, and for the past five years has not appeared before an authority of the Federal People's Republic of Yugoslavia abroad or reported in writing to the Ministry of the Interior of the Federal People's Republic of Yugoslavia, then that person loses the nationality of the Federal People's Republic of Yugoslavia by absence.

Such loss of nationality shall extend to all his children who were born abroad and have been permanently resident abroad and have not themselves performed any duty towards the Federal People's Republic of Yugoslavia or appeared or reported as provided in the foregoing paragraph.

The Ministry of the Interior of the Federal People's Republic of Yugoslavia is empowered to make orders relating to loss of nationality under this article; any such order shall be subject to appeal at any time within two years from the date of its publication in the Official Gazette of the Federal People's Republic of Yugoslavia.

2. *Deprivation*

Article 16. Any national belonging ethnically to a people whose State has waged war against the people of the Federal People's Republic of Yugoslavia may be deprived of the nationality of the Federal People's Republic of Yugoslavia if during or before and in connection with the war he failed in his duty as a national by disloyal action against the interests of the people and State of the Federal People's Republic of Yugoslavia.

Similarly, a naturalized person who obtained naturalization by misrepresentation or who knowingly suppressed material facts, or who within five years from the date of his naturalization is sentenced by a court to a penalty for a dishonourable act or for an act against the interests of the people and the State, may be deprived of the nationality of the Federal People's Republic of Yugoslavia.

A person may be deprived of the nationality of the Federal People's Republic of Yugoslavia if, being abroad, he commits, or committed during the war, an act prejudicial to the interests of the people and State of the Federal People's Republic of Yugoslavia, or refuses to perform his civic duties.

Article 17. The Ministry of the Interior of the Federal People's Republic of Yugoslavia is empowered to make orders to deprive persons of Yugoslav nationality under the first and second paragraphs of the foregoing article.

The deprivation of nationality under the third paragraph of the foregoing article shall be the subject of a court order as expressly provided by law, or of a resolution of the Presidium of the National Assembly of the Federal People's Republic of Yugoslavia.

Article 18. If an order is made to deprive a person of Yugoslav nationality under the first paragraph of article 16 of this Act, that order shall also apply to his spouse and children unless they prove that they had no

connexion with him and that their own behaviour has been innocent, or that they belong ethnically to one of the peoples of the Federal People's Republic of Yugoslavia.

If an order is made to deprive a person of Yugoslav nationality under the second paragraph of article 16 of this Act, that order shall also apply to his children under the age of eighteen years who acquired the nationality of the Federal People's Republic of Yugoslavia through his naturalization.

3. Release

Article 19. Release from nationality may be granted if:

- (1) The applicant has applied for release;
- (2) At the time when he applied he had attained the age of eighteen years;
- (3) He has fulfilled his duties to the State and the public and social duties required by the public interest;
- (4) He has proved that he has been granted or will be granted the nationality of a foreign State.

The competent authority may if it sees fit grant such release subject to the condition that within a specified period the applicant shall produce evidence showing that he has been granted the nationality of a foreign State, and that otherwise the release shall become void.

A release shall also become void if the released person continues to be domiciled in the Federal People's Republic of Yugoslavia and fails to acquire the nationality of a foreign State within one year from the date of his release.

An application for release from the nationality of the Federal People's Republic of Yugoslavia must be submitted in the prescribed manner.

A national of the Federal People's Republic of Yugoslavia who is pronounced fit for military service by the recruiting authorities may not be released from Yugoslav nationality before he has performed his military service in a regular unit; in exceptional cases and subject to the prior approval of the Minister of National Defence, the condition stipulated in this paragraph may be waived.

Article 20. The Ministry of the Interior of a People's Republic is empowered to make orders to release persons from nationality, subject to the prior approval of the Ministry of the Interior of the Federal People's Republic of Yugoslavia.

Article 21. A minor child shall lose the nationality of the Federal People's Republic of Yugoslavia at the request of a parent who has been released from the nationality of the Federal People's Republic of Yugoslavia, if both his parents have lost the nationality of the Federal People's Republic of Yugoslavia by release or if one only has lost and the other has never possessed that nationality. If the child is over the age of fourteen years his express consent shall be required for the change of nationality.

If the minor child does not acquire a new nationality, he shall retain the nationality of the Federal People's Republic of Yugoslavia until he emigrates with his parents.

4. Renunciation

Article 22. A person who is a national by descent (article 4) of the Federal People's Republic of Yugoslavia may before attaining the age of twenty-five years renounce the nationality of the Federal People's Republic

of Yugoslavia if he was born and is domiciled abroad and proves that he is a national of the State in which he was born or is domiciled.

A national of the Federal People's Republic of Yugoslavia who does not belong ethnically to any people of the Federal People's Republic of Yugoslavia, and has emigrated therefrom and proves that he has acquired the nationality of a foreign State, and complies with conditions (2) and (3) of article 19 of this Act, may renounce the nationality of the Federal People's Republic of Yugoslavia.

A declaration of renunciation under the first or second paragraph of this article shall be made to an authority of the Federal People's Republic of Yugoslavia abroad or to the Ministry of the Interior of the Federal People's Republic of Yugoslavia.

The provisions of article 21 of this Act shall apply as appropriate to minor children.

PART III. RECOVERY OF NATIONALITY

Article 23. A person who lost the nationality of the Federal People's Republic of Yugoslavia as a minor child by following the status of his parents under articles 21 and 22 of this Act may recover the said nationality if he resides continually in the Federal People's Republic of Yugoslavia and makes a special declaration within seven years from the date on which he attains the age of eighteen years. The declaration shall be subject to confirmation by order of the Ministry of the Interior of a People's Republic. The applicant recovers nationality as from the date of the declaration. He acquires the nationality of the People's Republic in which he is domiciled or was last resident.

In all other cases the recovery of the nationality of the Federal People's Republic of Yugoslavia by a former national shall be governed by the provisions of part I of this chapter.

PART IV. GENERAL PROVISIONS

Article 24. Disputes concerning the nationality of the Federal People's Republic of Yugoslavia shall be settled in the first instance by the Ministry of the Interior of a People's Republic, against whose decision an appeal may be lodged within fourteen days with the Ministry of the Interior of the Federal People's Republic of Yugoslavia. The appeal shall be referred to the Ministry of the Interior of the People's Republic.

A final order made under this article shall be communicated to the proper law officer.

Article 25. Every person who belongs ethnically to one of the peoples of the Federal People's Republic of Yugoslavia and who was born or brought up and habitually resides in the Federal People's Republic of Yugoslavia shall be presumed to be a national of the Federal People's Republic of Yugoslavia unless he is proved to possess the nationality of a foreign State, or to have lost the nationality of the Federal People's Republic of Yugoslavia, or to have claimed the nationality of a foreign State.

A person who has once benefited from the presumption of nationality of the Federal People's Republic of Yugoslavia under the foregoing paragraph may not thereafter claim the nationality of any foreign State.

Article 26. The Minister of the Interior of the Federal People's Republic of Yugoslavia shall prescribe the method of keeping records of federal

nationality and of nationality of the People's Republics and of issuing certificates of nationality, and the text of the oath referred to in article 12.

Article 27. Acquisition of nationality by naturalization and loss of nationality by absence, deprivation or release shall be published in the Official Gazette of the Federal People's Republic of Yugoslavia and, with respect to nationality of People's Republics, in the Official Gazettes of the People's Republics.

CHAPTER III. CHANGE OF NATIONALITY BETWEEN PEOPLE'S REPUBLICS

Article 28. A person who has the nationality of a People's Republic may acquire instead the nationality of another People's Republic.

Article 29. Any national of the Federation may apply for the nationality of a different People's Republic. Subject to the conditions of the next article, the application shall be considered on its merits.

Article 30. An application for the nationality of a People's Republic may not be rejected if the applicant:

- (1) Has attained the age of eighteen years;
- (2) Has not been deprived of political or civic rights and is not charged with an offence for which he could if convicted be deprived of such rights; and
- (3) At the time of the application has lived continuously for at least one year within the particular People's Republic.

The second paragraph of article 9 of this Act shall apply to an adopted person as appropriate.

Article 31. A person who changes his nationality to that of another People's Republic shall enjoy the same rights and privileges as the nationals thereof.

Such a change of nationality shall be notified to the People's Republic whose nationality is being relinquished.

Article 32. If parents acquire the nationality of a People's Republic in pursuance of articles 29 and 30 of this Act, their children under the age of eighteen years thereby also acquire that nationality in accordance with the provisions of article 13 of this Act.

Article 33. A People's Republic shall not deprive a national of the Federal People's Republic of Yugoslavia of its nationality until he has acquired the nationality of another People's Republic.

Article 34. A dispute between two or more People's Republics concerning any person's nationality of a People's Republic which cannot be settled by agreement shall be decided by the Supreme Court of the Federal People's Republic of Yugoslavia.

A national of the Federal People's Republic of Yugoslavia whose nationality of a People's Republic cannot be determined shall, save in the cases referred to in the third paragraph of article 11 of this Act, be assigned to the nationality of that People's Republic in which he has lived continuously and voluntarily during the preceding two years; or, failing that, of the People's Republic in which he was born; or, if he was not born in the Federal People's Republic of Yugoslavia, of the People's Republic in which he has lived for the longest period during the last ten years; or, if his nationality still cannot be determined, of the People's Republic in which he is when assigned to nationality.

The foregoing provisions shall apply only if it is in doubt of which People's Republic he is a national.

CHAPTER IV. TRANSITIONAL AND FINAL PROVISIONS

Article 35. All persons who were nationals of the Federal People's Republic of Yugoslavia on 28 August 1945 according to the law then in force shall be deemed to be nationals of the Federal People's Republic of Yugoslavia.

An alien woman who married a national of the Federal People's Republic of Yugoslavia after 6 April 1941 does not acquire the nationality of the Federal People's Republic of Yugoslavia by that marriage, but may acquire it by naturalization under the second paragraph of article 9 of this Act.

If a woman who is a national of the Federal People's Republic of Yugoslavia married an alien after 6 April 1941 and before 28 August 1945 she may within one year from the date of the entry into force of this Act make a declaration to the effect that she wishes to retain the nationality of the Federal People's Republic of Yugoslavia.

Article 36. All persons who have domiciliary rights or are members of communities in territories incorporated in the Federal People's Republic of Yugoslavia under international agreement, or who belong ethnically to one of the peoples of the Federal People's Republic of Yugoslavia and live in its territory, and who have not emigrated from the territory of the Federal People's Republic of Yugoslavia or opted for their previous nationality in pursuance of special legislative provisions, shall, unless an international agreement provides otherwise, acquire the nationality of the Federal People's Republic of Yugoslavia by virtue of this Act.

Article 37. Nationals of the Federal People's Republic of Yugoslavia shall be as from 28 August 1945 nationals of the People's Republic wherein is situated the place in which they have domiciliary rights or community membership or belong to a community.

A national of the Federal People's Republic of Yugoslavia whose nationality of a People's Republic cannot be determined by reference to the preceding paragraph shall be assigned to a nationality in accordance with article 34 of this Act, with effect from 28 August 1945.

Article 38. Persons who did not become nationals of the Federal People's Republic of Yugoslavia on 28 August 1945 but who would acquire or retain that nationality under the provisions of this Act may, within one year from the date of the entry into force of this Act or from the date on which they attain the age of eighteen years, apply for naturalization under article 9 of this Act.

Aliens of whatever national origin who took an active part in the struggle for national liberation of the Federal People's Republic of Yugoslavia may likewise apply for naturalization notwithstanding conditions (2), (3) and (4) of article 8 of this Act.

This provision shall also apply to the children of partisans who have died or been killed.

Article 39. A person who has lost the nationality of the Federal People's Republic of Yugoslavia by absence by virtue of article 28 of the Nationality Act of 21 October 1928 may recover the same by making a declaration within one year from the date of the entry into force of this Act. The

declaration shall be subject to confirmation by the Ministry of the Interior of the Federal People's Republic of Yugoslavia. In such case the declarant shall be deemed to have acquired that nationality on the date on which the declaration is made.

Article 40. The time limits for the appearance required by article 15, and the period referred to in condition (3) of article 30 of this Act, shall be reckoned to run from 28 August 1945.

Article 41. The Minister of the Interior of the Federal People's Republic of Yugoslavia, in agreement with the Minister of Foreign Affairs, may make regulations necessary to give effect to this Act.

Article 42. This Act shall enter into force on the date of its publication in the Official Gazette of the Federal People's Republic of Yugoslavia.

(c) ACT NO. 757/2279 OF 2 DECEMBER 1947 TO AMEND AND SUPPLEMENT THE NATIONALITY ACT.¹

Article 1. After article 36 of the Nationality Act of the Federal People's Republic of Yugoslavia there shall be inserted the following three new articles 36 (a), 36 (b) and 36 (c):

Article 36 (a). A person belonging ethnically to one of the peoples of Yugoslavia who has entered Yugoslavia as an immigrant from Italy since the world war of 1914-1918 and who attains the age of eighteen years before 30 June 1948 may before that date make a declaration to the effect that he opts for the nationality of the Federal People's Republic of Yugoslavia, provided that he is domiciled in the Federal People's Republic of Yugoslavia on the date when he makes the declaration.

"Any person who opts for the nationality of the Federal People's Republic of Yugoslavia under these provisions shall become a national of the People's Republic in which he is domiciled. If he belongs ethnically to another People's Republic, he may when opting for the nationality of the Federal People's Republic of Yugoslavia declare that he wishes to become a national of that other People's Republic.

"A declaration of option for the nationality of the Federal People's Republic of Yugoslavia under this article shall be made by the declarant before the executive committee of the district, city or regional people's committee within whose jurisdiction he is domiciled on the date when he makes the declaration.

Article 36 (b). A person belonging ethnically to one of the peoples of Yugoslavia who emigrated before 10 June 1940 from the territory incorporated in the Federal People's Republic of Yugoslavia under the Treaty of Peace with Italy shall enjoy the same rights as a person to whom the preceding article applies.

"Any person who has opted for the nationality of the Federal People's Republic of Yugoslavia under this article shall become a national of that People's Republic to which he belongs ethnically or for whose nationality he opts in his declaration.

"A declaration of option of nationality shall be made by a person to whom this article applies to the nearest diplomatic or consular office of the Federal People's Republic of Yugoslavia.

¹ *Sluzbeni List* No. 104, 6 December 1947. Translation by the Secretariat of the United Nations.

"Article 36 (c). A child under the age of eighteen years whose father or, if the father is dead, whose mother has opted for the nationality of the Federal People's Republic of Yugoslavia under the provisions of articles 36 (a) or 36 (b) shall thereby also opt for that nationality.

"If a person opts for the nationality of the Federal People's Republic of Yugoslavia, his wife shall not be covered by his option.

"The provisions of articles 7-13 governing the acquisition of nationality by naturalization shall not apply to the acquisition of nationality under article 36 (a) or 36 (b)."

Article 2. After the first paragraph of article 37 there shall be inserted the following new second paragraph:

"Any national of the Federal People's Republic of Yugoslavia who attains the age of eighteen years before 30 June 1948 and who does not wish to have the nationality of the People's Republic of which he is a national under the first paragraph of this article but that of another People's Republic shall become a national of that other People's Republic, with retrospective effect to 28 August 1945, if he makes a declaration to that effect by 30 June 1948 before the executive committee of the district, city or regional people's committee within whose jurisdiction he is domiciled or resident."

The second paragraph of article 37 shall become the third paragraph of that article. The words "the preceding paragraph" in that paragraph shall be replaced by the words "the first paragraph of this article".

(d) ACT NO. 871/1642 OF 1 DECEMBER 1948 TO AMEND AND SUPPLEMENT THE NATIONALITY ACT.¹

Article 1. In article 35, after the first paragraph, there shall be inserted the following new second paragraph, reading as follows:

"Persons of German origin resident abroad who during or before the war failed in their duty as nationals by disloyal action against the interests of the people and State of the Federal People's Republic of Yugoslavia shall not be deemed to be nationals of the Federal People's Republic of Yugoslavia under the preceding paragraph."

The second paragraph of article 35 shall become the third paragraph, and the third paragraph shall become the fourth paragraph.

Article 2. After article 35 there shall be inserted the following new article 35 (a):

"The Minister of the Interior of the Federal People's Republic of Yugoslavia may order a review of the nationality of any person to whom the first paragraph of article 35 of this Act applies and who was naturalized before the entry into force of this Act, and of the nationality of that person's spouse and children, and of the nationality of the wife and children of a stateless person.

"A person whose nationality has been ordered to be reviewed under the preceding paragraph and has been confirmed by the Minister of the Interior of the Federal People's Republic of Yugoslavia shall be deemed to be a national of the Federal People's Republic of Yugoslavia within the meaning of the first paragraph of article 35 of this Act."

¹ *Sluzbeni List*, Vol. IV, No. 105, 4 December 1948. Translation by the Secretariat of the United Nations.

Annexes

ANNEX I

International Conventions concerning Nationality

A. THE HAGUE CONVENTION AND PROTOCOLS (12 APRIL 1930)

1. CONVENTION ON CERTAIN QUESTIONS RELATING TO THE CONFLICT OF NATIONALITY LAWS

(179. League of Nations Treaty Series, p. 89)

Note. The Convention entered into force on 1 July 1937. It has been ratified or acceded to by thirteen States: Belgium (with reservations), Brazil (with reservations), Great Britain and Northern Ireland, Canada, Australia, India, China (with reservations), Monaco, the Netherlands (with reservations), Norway, Poland, Sweden (with reservations) and Pakistan.

CHAPTER I. GENERAL PRINCIPLES

Article 1. It is for each State to determine under its own law who are its nationals. This law shall be recognised by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognised with regard to nationality.

Article 2. Any question as to whether a person possesses the nationality of a particular State shall be determined in accordance with the law of that State.

Article 3. Subject to the provisions of the present Convention, a person having two or more nationalities may be regarded as its national by each of the States whose nationality he possesses.

Article 4. A State may not afford diplomatic protection to one of its nationals against a State whose nationality such person also possesses.

Article 5. Within a third State, a person having more than one nationality shall be treated as if he had only one. Without prejudice to the application of its law in matters of personal status and of any conventions in force, a third State shall, of the nationalities which any such person possesses, recognise exclusively in its territory either the nationality of the country in which he is habitually and principally resident, or the nationality of the country with which in the circumstances he appears to be in fact most closely connected.

Article 6. Without prejudice to the liberty of a State to accord wider rights to renounce its nationality, a person possessing two nationalities acquired without any voluntary act on his part may renounce one of them with the authorisation of the State whose nationality he desires to surrender.

This authorisation may not be refused in the case of a person who has his habitual and principal residence abroad, if the conditions laid down in the law of the State whose nationality he desires to surrender are satisfied.

CHAPTER II. EXPATRIATION PERMITS

Article 7. In so far as the law of a State provides for the issue of an expatriation permit, such a permit shall not entail the loss of the nationality of the State which issues it, unless the person to whom it is issued possesses another nationality or unless and until he acquires another nationality.

An expatriation permit shall lapse if the holder does not acquire a new nationality within the period fixed by the State which has issued the permit. This provision shall not apply in the case of an individual who, at the time when he receives the expatriation permit, already possesses a nationality other than that of the State by which the permit is issued to him.

The State whose nationality is acquired by a person to whom an expatriation permit has been issued, shall notify such acquisition to the State which has issued the permit.

CHAPTER III. NATIONALITY OF MARRIED WOMEN

Article 8. If the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband.

Article 9. If the national law of the wife causes her to lose her nationality upon a change in the nationality of her husband occurring during marriage, this consequence shall be conditional on her acquiring her husband's new nationality.

Article 10. Naturalisation of the husband during marriage shall not involve a change in the nationality of the wife except with her consent.

Article 11. The wife who, under the law of her country, lost her nationality on marriage shall not recover it after the dissolution of the marriage except on her own application and in accordance with the law of that country. If she does recover it, she shall lose the nationality which she acquired by reason of the marriage.

CHAPTER IV. NATIONALITY OF CHILDREN

Article 12. Rules of law which confer nationality by reason of birth on the territory of a State shall not apply automatically to children born to persons enjoying diplomatic immunities in the country where the birth occurs.

The law of each State shall permit children of consuls *de carrière*, or of officials of foreign States charged with official missions by their Governments, to become divested, by repudiation or otherwise, of the nationality of the State in which they were born, in any case in which on birth they acquired dual nationality, provided that they retain the nationality of their parents.

Article 13. Naturalisation of the parents shall confer on such of their children as, according to its law, are minors the nationality of the State by which the naturalisation is granted. In such case the law of that State may specify the conditions governing the acquisition of its nationality by the minor children as a result of the naturalisation of the parents. In cases where minor children do not acquire the nationality of their parents as the result of the naturalisation of the latter, they shall retain their existing nationality.

Article 14. A child whose parents are both unknown shall have the nationality of the country of birth. If the child's parentage is established, its nationality shall be determined by the rules applicable in cases where the parentage is known.

A foundling is, until the contrary is proved, presumed to have been born on the territory of the State in which it was found.

Article 15. Where the nationality of a State is not acquired automatically by reason of birth on its territory, a child born on the territory of that State of parents having no nationality, or of unknown nationality, may obtain the nationality of the said State. The law of that State shall determine the conditions governing the acquisition of its nationality in such cases.

Article 16. If the law of the State, whose nationality an illegitimate child possesses, recognises that such nationality may be lost as a consequence of a change in the civil status of the child (legitimation, recognition), such loss shall be conditional on the acquisition by the child of the nationality of another State under the law of such State relating to the effect upon nationality of changes in civil status.

CHAPTER V. ADOPTION

Article 17. If the law of a State recognises that its nationality may be lost as the result of adoption, this loss shall be conditional upon the acquisition by the person adopted of the nationality of the person by whom he is adopted, under the law of the State of which the latter is a national relating to the effect of adoption upon nationality.

CHAPTER VI. GENERAL AND FINAL PROVISIONS

Article 18. The High Contracting Parties agree to apply the principles and rules contained in the preceding articles in their relations with each other, as from the date of the entry into force of the present Convention.

The inclusion of the above-mentioned principles and rules in the Convention shall in no way be deemed to prejudice the question whether they do or do not already form part of international law.

It is understood that, in so far as any point is not covered by any of the provisions of the preceding articles, the existing principles and rules of international law shall remain in force.

Article 19. Nothing in the present Convention shall affect the provisions of any treaty, convention or agreement in force between any of the High Contracting Parties relating to nationality or matters connected therewith.

Article 20. Any High Contracting Party may, when signing or ratifying the present Convention or acceding thereto, append an express reservation excluding any one or more of the provisions of Articles 1 to 17 and 21.

The provisions thus excluded cannot be applied against the Contracting Party who has made the reservation nor relied on by that Party against any other Contracting Party.

Article 21. If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Convention and if such dispute cannot be satisfactorily settled by diplomacy, it shall be settled in accordance with any applicable agreements in force between the parties providing for the settlement of international disputes.

In case there is no such agreement in force between the parties, the dispute shall be referred to arbitration or judicial settlement, in accordance with the constitutional procedure of each of the parties to the dispute. In the absence of agreement on the choice of another tribunal, the dispute shall be referred to the Permanent Court of International Justice, if all the parties to the dispute are parties to the Protocol of the 16th December, 1920, relating to the Statute of that Court, and if any of the parties to the dispute is not a party to the Protocol of the 16th December, 1920, the dispute shall be referred to an arbitral tribunal constituted in accordance with the Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Conflicts.

Article 22. The present Convention shall remain open until the 31st December, 1930, for signature on behalf of any Member of the League of Nations or of any non-Member State invited to the First Codification Conference or to which the Council of the League of Nations has communicated a copy of the Convention for this purpose.

Article 23. The present Convention is subject to ratification. Ratifications shall be deposited with the Secretariat of the League of Nations.

The Secretary-General shall give notice of the deposit of each ratification to the Members of the League of Nations and to the non-Member States mentioned in Article 22, indicating the date of its deposit.

Article 24. As from January 1st, 1931, any Member of the League of Nations and any non-Member State mentioned in Article 22 on whose behalf the Convention has not been signed before that date, may accede thereto.

Accession shall be effected by an instrument deposited with the Secretariat of the League of Nations. The Secretary-General of the League of Nations shall give notice of each accession to the Members of the League of Nations and to the non-Member States mentioned in Article 22, indicating the date of the deposit of the instrument.

Article 25. A procès-verbal shall be drawn up by the Secretary-General of the League of Nations as soon as ratifications or accessions on behalf of ten Members of the League of Nations or non-Member States have been deposited.

A certified copy of this procès-verbal shall be sent by the Secretary-General of the League of Nations to each Member of the League of Nations and to each non-Member State mentioned in Article 22.

Article 26. The present Convention shall enter into force on the 90th day after the date of the procès-verbal mentioned in Article 25 as regards all Members of the League of Nations or non-Member States on whose behalf ratifications or accessions have been deposited on the date of the procès-verbal.

As regards any Member of the League or non-Member State on whose behalf a ratification or accession is subsequently deposited, the Convention shall enter into force on the 90th day after the date of the deposit of a ratification or accession on its behalf.

Article 27. As from January 1st, 1936, any Member of the League of Nations or any non-Member State in regard to which the present Convention is then in force, may address to the Secretary-General of the League of Nations a request for the revision of any or all of the provisions of this Convention. If such a request, after being communicated to the other

Members of the League and non-Member States in regard to which the Convention is then in force, is supported within one year by at least nine of them, the Council of the League of Nations shall decide, after consultation with the Members of the League of Nations and the non-Member States mentioned in Article 22, whether a conference should be specially convoked for that purpose or whether such revision should be considered at the next conference for the codification of international law.

The High Contracting Parties agree that, if the present Convention is revised, the revised Convention may provide that upon its entry into force some or all of the provisions of the present Convention shall be abrogated in respect of all of the Parties to the present Convention.

Article 28. The present Convention may be denounced.

Denunciation shall be effected by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all Members of the League of Nations and the non-Member States mentioned in Article 22.

Each denunciation shall take effect one year after the receipt by the Secretary-General of the notification but only as regards the Member of the League or non-Member State on whose behalf it has been notified.

Article 29. 1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Convention, he does not assume any obligations in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories; and the present Convention shall not apply to any territories or to the parts of their population named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Convention shall apply to all or any of his territories or to the parts of their population which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all the territories or the parts of their population named in such notice six months after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time, declare that he desires that the present Convention shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories, and the Convention shall cease to apply to the territories or to the parts of their population named in such declaration one year after its receipt by the Secretary-General of the League of Nations.

4. Any High Contracting Party may make the reservations provided for in Article 20 in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of these territories, at the time of signature, ratification or accession to the Convention or at the time of making a notification under the second paragraph of this article.

5. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and the non-Member States mentioned in Article 22 all declarations and notices received in virtue of this article.

Article 30. The present Convention shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

Article 31. The French and English texts of the present Convention shall both be authoritative.

2. PROTOCOL RELATING TO MILITARY OBLIGATIONS IN CERTAIN CASES OF
DUAL NATIONALITY

(178. *League of Nations Treaty Series*, p. 227)

Note. The Protocol entered into force on 25 May 1937. It has been ratified or acceded to by twelve States: United States, Belgium, Brazil, Great Britain and Northern Ireland, Australia, Union of South Africa (with reservations), India, Colombia, Cuba (with reservations), the Netherlands, El Salvador and Sweden.

Article 1. A person possessing two or more nationalities who habitually resides in one of the countries whose nationality he possesses, and who is in fact most closely connected with that country, shall be exempt from all military obligations in the other country or countries.

This exemption may involve the loss of the nationality of the other country or countries.

Article 2. Without prejudice to the provisions of Article 1 of the present Protocol, if a person possesses the nationality of two or more States and, under the law of any one of such States, has the right, on attaining his majority, to renounce or decline the nationality of that State, he shall be exempt from military service in such State during his minority.

Article 3. A person who has lost the nationality of a State under the law of that State and has acquired another nationality, shall be exempt from military obligations in the State of which he has lost the nationality.

Article 4. The High Contracting Parties agree to apply the principles and rules contained in the preceding articles in their relations with each other, as from the date of the entry into force of the present Protocol.

The inclusion of the above-mentioned principles and rules in the said articles shall in no way be deemed to prejudice the question whether they do or do not already form part of international law.

It is understood that, in so far as any point is not covered by any of the provisions of the preceding articles, the existing principles and rules of international law shall remain in force.

Article 5. Nothing in the present Protocol shall affect the provisions of any treaty, convention or agreement in force between any of the High Contracting Parties relating to nationality or matters connected therewith.

Article 6. Any High Contracting Party may, when signing or ratifying the present Protocol or acceding thereto, append an express reservation excluding any one or more of the provisions of Articles 1 to 3 and 7.

The provisions thus excluded cannot be applied against the High Contracting Party who has made the reservation nor relied on by that Party against any other High Contracting Party.

Article 7. If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Protocol and if such dispute cannot be satisfactorily settled by diplomacy, it shall be settled in accordance with any applicable agreements

in force between the Parties providing for the settlement of international disputes.

In case there is no such agreement in force between the Parties, the dispute shall be referred to arbitration or judicial settlement, in accordance with the constitutional procedure of each of the Parties to the dispute. In the absence of agreement on the choice of another tribunal, the dispute shall be referred to the Permanent Court of International Justice, if all the Parties to the dispute are Parties to the Protocol of the 16th December, 1920, relating to the Statute of that Court, and if any of the Parties to the dispute is not a Party to the Protocol of the 16th December, 1920, the dispute shall be referred to an arbitral tribunal constituted in accordance with the Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Conflicts.

Article 8. The present Protocol shall remain open until the 31st December, 1930, for signature on behalf of any Member of the League of Nations or of any non-Member State invited to the First Codification Conference or to which the Council of the League of Nations has communicated a copy of the Protocol for this purpose.

Article 9. The present Protocol is subject to ratification. Ratifications shall be deposited with the Secretariat of the League of Nations.

The Secretary-General shall give notice of the deposit of each ratification to the Members of the League of Nations and to the non-Member States mentioned in Article 8, indicating the date of its deposit.

Article 10. As from January 1st, 1931, any Member of the League of Nations and any non-Member State mentioned in Article 8 on whose behalf the Protocol has not been signed before that date may accede thereto.

Accession shall be effected by an instrument deposited with the Secretariat of the League of Nations. The Secretary-General of the League of Nations shall give notice of each accession to the Members of the League of Nations and to the non-Member States mentioned in Article 8, indicating the date of the deposit of the instrument.

Article 11. A procès-verbal shall be drawn up by the Secretary-General of the League of Nations as soon as ratifications or accessions on behalf of ten Members of the League of Nations or non-Member States have been deposited.

A certified copy of this procès-verbal shall be sent by the Secretary-General to each Member of the League of Nations and to each non-Member State mentioned in Article 8.

Article 12. The present Protocol shall enter into force on the 90th day after the date of the procès-verbal mentioned in Article 11 as regards all Members of the League of Nations or non-Member States on whose behalf ratifications or accessions have been deposited on the date of the procès-verbal.

As regards any Member of the League or non-Member State on whose behalf a ratification or accession is subsequently deposited, the Protocol shall enter into force on the 90th day after the date of the deposit of a ratification or accession on its behalf.

Article 13. As from January 1st, 1936, any Member of the League of Nations or any non-Member State in regard to which the present Protocol is then in force, may address to the Secretary-General of the League of Nations a request for the revision of any or all of the provisions of this

Protocol. If such a request, after being communicated to the other Members of the League and non-Member States in regard to which the Protocol is then in force, is supported within one year by at least nine of them, the Council of the League of Nations shall decide, after consultation with the Members of the League of Nations and the non-Member States mentioned in Article 8, whether a conference should be specially convoked for that purpose or whether such revision should be considered at the next conference for the codification of international law.

The High Contracting Parties agree that, if the present Protocol is revised, the new Agreement may provide that upon its entry into force some or all of the provisions of the present Protocol shall be abrogated in respect of all of the Parties to the present Protocol.

Article 14. The present Protocol may be denounced.

Denunciation shall be effected by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all Members of the League of Nations and the non-Member States mentioned in Article 8.

Each denunciation shall take effect one year after the receipt by the Secretary-General of the notification but only as regards the Member of the League or non-Member State on whose behalf it has been notified.

Article 15. 1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Protocol, he does not assume any obligations in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories; and the present Protocol shall not apply to any territories or to the parts of their population named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Protocol shall apply to all or any of his territories or to the parts of their population which have been made the subject of a declaration under the preceding paragraph, and the Protocol shall apply to all the territories or the parts of their population named in such notice six months after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time, declare that he desires that the present Protocol shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories, and the Protocol shall cease to apply to the territories or to the parts of their population named in such declaration one year after its receipt by the Secretary-General of the League of Nations.

4. Any High Contracting Party may make the reservations provided for in Article 6 in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of these territories, at the time of signature, ratification or accession to the Protocol or at the time of making a notification under the second paragraph of this article.

5. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and the non-Member States mentioned in Article 8 all declarations and notices received in virtue of this article.

Article 16. The present Protocol shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

Article 17. The French and English texts of the present Protocol shall both be authoritative.

3. PROTOCOL RELATING TO A CERTAIN CASE OF STATELESSNESS

(179. *League of Nations Treaty Series. p. 115*)

Note. The Protocol entered into force on 1 July 1937. It has been ratified by eleven States: Brazil, Great Britain and Northern Ireland, Australia, Union of South Africa, India, Chile, China, the Netherlands, Poland, El Salvador and Pakistan.

Article 1. In a State whose nationality is not conferred by the mere fact of birth in its territory, a person born in its territory of a mother possessing the nationality of that State and of a father without nationality or of unknown nationality shall have the nationality of the said State.

Article 2. The High Contracting Parties agree to apply the principles and rules contained in the preceding article in their relations with each other, as from the date of the entry into force of the present Protocol.

The inclusion of the above-mentioned principles and rules in the said article shall in no way be deemed to prejudice the question whether they do or do not already form part of international law.

It is understood that, in so far as any point is not covered by any of the provisions of the preceding article, the existing principles and rules of international law shall remain in force.

Article 3. Nothing in the present Protocol shall affect the provisions of any treaty, convention or agreement in force between any of the High Contracting Parties relating to nationality or matters connected therewith.

Article 4. Any High Contracting Party may, when signing or ratifying the present Protocol or acceding thereto, append an express reservation excluding any one or more of the provisions of Articles 1 and 5.

The provisions thus excluded cannot be applied against the High Contracting Party who has made the reservation nor relied on by that Party against any other High Contracting Party.

Article 5. If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Protocol and if such dispute cannot be satisfactorily settled by diplomacy, it shall be settled in accordance with any applicable agreements in force between the Parties providing for the settlement of international disputes.

In case there is no such agreement in force between the Parties, the dispute shall be referred to arbitration or judicial settlement, in accordance with the constitutional procedure of each of the Parties to the dispute. In the absence of agreement on the choice of another tribunal, the dispute shall be referred to the Permanent Court of International Justice, if all the Parties to the dispute are Parties to the Protocol of the 16th December, 1920, relating to the Statute of that Court, and if any of the Parties to the dispute is not a Party to the Protocol of the 16th December, 1920, the dispute shall be referred to an arbitral tribunal constituted in accordance with the Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Conflicts.

Article 6. The present Protocol shall remain open until the 31st December, 1930, for signature on behalf of any Member of the League of Nations or of any non-Member State invited to the First Codification Conference or to which the Council of the League of Nations has communicated a copy of the Protocol for this purpose.

Article 7. The present Protocol is subject to ratification. Ratifications shall be deposited with the Secretariat of the League of Nations.

The Secretary-General shall give notice of the deposit of each ratification to the Members of the League of Nations and to the non-Member States mentioned in Article 6, indicating the date of its deposit.

Article 8. As from January 1st, 1931, any Member of the League of Nations and any non-Member State mentioned in Article 6 on whose behalf the Protocol has not been signed before that date, may accede thereto.

Accession shall be effected by an instrument deposited with the Secretariat of the League of Nations. The Secretary-General of the League of Nations shall give notice of each accession to the Members of the League of Nations and to the non-Member States mentioned in Article 6, indicating the date of the deposit of the instrument.

Article 9. A procès-verbal shall be drawn up by the Secretary-General of the League of Nations as soon as ratifications or accessions on behalf of ten Members of the League of Nations or non-Member States have been deposited.

A certified copy of this procès-verbal shall be sent by the Secretary-General to each Member of the League of Nations and to each non-Member State mentioned in Article 6.

Article 10. The present Protocol shall enter into force on the 90th day after the date of the procès-verbal mentioned in Article 9 as regards all Members of the League of Nations or non-Member States on whose behalf ratifications or accessions have been deposited on the date of the procès-verbal.

As regards any Member of the League or non-Member State on whose behalf a ratification or accession is subsequently deposited, the Protocol shall enter into force on the 90th day after the date of the deposit of a ratification or accession on its behalf.

Article 11. As from January 1st, 1936, any Member of the League of Nations or any non-Member State in regard to which the present Protocol is then in force, may address to the Secretary-General of the League of Nations a request for the revision of any or all of the provisions of this Protocol. If such a request, after being communicated to the other Members of the League and non-Member States in regard to which the Protocol is then in force, is supported within one year by at least nine of them, the Council of the League of Nations shall decide, after consultation with the Members of the League of Nations and the non-Member States mentioned in Article 6, whether a conference should be specially convoked for that purpose or whether such revision should be considered at the next conference for the codification of international law.

The High Contracting Parties agree that, if the present Protocol is revised, the new Agreement may provide that upon its entry into force some or all of the provisions of the present Protocol shall be abrogated in respect of all of the Parties to the present Protocol.

Article 12. The present Protocol may be denounced.

Denunciation shall be effected by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all Members of the League of Nations and the non-Member States mentioned in Article 6.

Each denunciation shall take effect one year after the receipt by the Secretary-General of the notification but only as regards the Member of the League or non-Member State on whose behalf it has been notified.

Article 13. 1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Protocol, he does not assume any obligations in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories; and the present Protocol shall not apply to any territories or to the parts of their population named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Protocol shall apply to all or any of his territories or to the parts of their population which have been made the subject of a declaration under the preceding paragraph, and the Protocol shall apply to all the territories or the parts of their population named in such notice six months after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time, declare that he desires that the present Protocol shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories, and the Protocol shall cease to apply to the territories or to the parts of their population named in such declaration one year after its receipt by the Secretary-General of the League of Nations.

4. Any High Contracting Party may make the reservations provided for in Article 4 in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of these territories, at the time of signature, ratification or accession to the Protocol or at the time of making a notification under the second paragraph of this article.

5. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and the non-Member States mentioned in Article 6 all declarations and notices received in virtue of this article.

Article 14. The present Protocol shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

Article 15. The French and English texts of the present Protocol shall both be authoritative.

4. SPECIAL PROTOCOL CONCERNING STATELESSNESS

(*League of Nations document C.227.M.114.1930.V*)

Note. The Protocol has not entered into force although it was ratified by nine States, as the required number of ten ratifications or accessions has not been reached.

Article 1. If a person, after entering a foreign country, loses his nationality without acquiring another nationality, the State whose nationality he last

possessed is bound to admit him, at the requests of the State in whose territory he is:

- (i) If he is permanently indigent either as a result of an incurable disease or for any other reason; or
- (ii) If he has been sentenced, in the State where he is, to not less than one month's imprisonment and has either served his sentence or obtained total or partial remission thereof.

In the first case the State whose nationality such person last possessed may refuse to receive him, if it undertakes to meet the cost of relief in the country where he is as from the thirtieth day from the date on which the request was made. In the second case the cost of sending him back shall be borne by the country making the request.

Article 2. The High Contracting Parties agree to apply the principles and rules contained in the preceding article in their relations with each other, as from the date of the entry into force of the present Protocol.

The inclusion of the above-mentioned principles and rules in the said article shall in no way be deemed to prejudice the question whether they do or do not already form part of international law.

It is understood that, in so far as any point is not covered by any of the provisions of the preceding article, the existing principles and rules of international law shall remain in force.

Article 3. Nothing in the present Protocol shall affect the provisions of any treaty, convention or agreement in force between any of the High Contracting Parties relating to nationality or matters connected therewith.

Article 4. Any High Contracting Party may, when signing or ratifying the present Protocol or acceding thereto, append, an express reservation excluding any one or more of the provisions of Articles 1 and 5.

The provisions thus excluded cannot be applied against the High Contracting Party who has made the reservation nor relied on by that Party against any other High Contracting Party.

Article 5. If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Protocol and if such dispute cannot be satisfactorily settled by diplomacy, it shall be settled in accordance with any applicable agreements in force between the Parties providing for the settlement of international disputes.

In case there is no such agreement in force between the Parties, the dispute shall be referred to arbitration or judicial settlement, in accordance with the constitutional procedure of each of the Parties to the dispute. In the absence of agreement on the choice of another tribunal, the dispute shall be referred to the Permanent Court of International Justice, if all the Parties to the dispute are Parties to the Protocol of the 16th December, 1920, relating to the Statute of that Court, and if any of the Parties to the dispute is not a Party to the Protocol of the 16th December, 1920, the dispute shall be referred to an arbitral tribunal constituted in accordance with the Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Conflicts.

Article 6. The present Protocol shall remain open until the 31st December, 1930, for signature on behalf of any Member of the League of Nations or of any non-Member State invited to the First Codification Conference or to which the Council of the League of Nations has communicated a copy of the Protocol for this purpose.

Article 7. The present Protocol is subject to ratification. Ratifications shall be deposited with the Secretariat of the League of Nations.

The Secretary-General shall give notice of the deposit of each ratification to the Members of the League of Nations and to the non-Member States mentioned in Article 6, indicating the date of its deposit.

Article 8. As from January 1st, 1931, any Member of the League of Nations and any non-Member State mentioned in Article 6 on whose behalf the Protocol has not been signed before that date, may accede thereto.

Accession shall be effected by an instrument deposited with the Secretariat of the League of Nations. The Secretary-General of the League of Nations shall give notice of each accession to the Members of the League of Nations and to the non-Member States mentioned in Article 6, indicating the date of the deposit of the instrument.

Article 9. A procès-verbal shall be drawn up by the Secretary-General of the League of Nations as soon as ratifications or accessions on behalf of ten Members of the League of Nations or non-Member States have been deposited.

A certified copy of this procès-verbal shall be sent by the Secretary-General to each Member of the League of Nations and to each non-Member State mentioned in Article 6.

Article 10. The present Protocol shall enter into force on the 90th day after the date of the procès-verbal mentioned in Article 9 as regards all Members of the League of Nations or non-Member States on whose behalf ratifications or accessions have been deposited on the date of the procès-verbal.

As regards any Member of the League or non-Member State on whose behalf a ratification or accession is subsequently deposited, the Protocol shall enter into force on the 90th day after the date of the deposit of a ratification or accession on its behalf.

Article 11. As from January 1st, 1936, any Member of the League of Nations or any non-Member State in regard to which the present Protocol is then in force, may address to the Secretary-General of the League of Nations a request for the revision of any or all of the provisions of this Protocol. If such a request, after being communicated to the other Members of the League and non-Member States in regard to which the Protocol is then in force, is supported within one year by at least nine of them, the Council of the League of Nations shall decide, after consultation with the Members of the League of Nations and the non-Member States mentioned in Article 6, whether a conference should be specially convoked for that purpose or whether such revision should be considered at the next conference for the codification of international law.

The High Contracting Parties agree that, if the present Protocol is revised, the new Agreement may provide that upon its entry into force some or all of the provisions of the present Protocol shall be abrogated in respect of all of the Parties to the present Protocol.

Article 12. The present Protocol may be denounced.

Denunciation shall be effected by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all Members of the League of Nations and the non-Member States mentioned in Article 6.

Each denunciation shall take effect one year after the receipt by the Secretary-General of the notification but only as regards the Member of the League or non-Member State on whose behalf it has been notified.

Article 13. 1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Protocol, he does not assume any obligations in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories; and the present Protocol shall not apply to any territories or to the parts of their population named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Protocol shall apply to all or any of his territories or to the parts of their population which have been made the subject of a declaration under the preceding paragraph, and the Protocol shall apply to all the territories or the parts of their population named in such notice six months after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time, declare that he desires that the present Protocol shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of the said territories, and the Protocol shall cease to apply to the territories or to the parts of their population named in such declaration one year after its receipt by the Secretary-General of the League of Nations.

4. Any High Contracting Party may make the reservations provided for in Article 4 in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, or in respect of certain parts of the population of these territories, at the time of signature, ratification or accession to the Protocol or at the time of making a notification under the second paragraph of this article.

5. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and the non-Member States mentioned in Article 6 all declarations and notices received in virtue of this article.

Article 14. The present Protocol shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

Article 15. The French and English texts of the present Protocol shall both be authoritative.

5. FINAL ACT OF THE HAGUE CONFERENCE, SECTIONS I-VIII (13 MARCH-12 APRIL 1930)

(League of Nations document C.228.M.115.1930.V)

A. NATIONALITY

The provisions which were drawn up by the Committee on Nationality were embodied in the following Convention and Protocols:

1. Convention on certain questions relating to the conflict of nationality laws.

2. Protocol relating to military obligations in certain cases of double nationality.

3. Protocol relating to a certain case of statelessness.

4. Special Protocol relating to statelessness.

The Convention and Protocols constitute separate instruments, which will bear today's date and remain open for signature until the 31st December, 1930.

In addition the following recommendations were formulated:

I.

The Conference is unanimously of the opinion that it is very desirable

That States should, in the exercise of their power of regulating questions of nationality, make every effort to reduce so far as possible cases of statelessness,

And that the League of Nations should continue the work which it has already undertaken for the purpose of arriving at an international settlement of this important matter.

II.

The Conference recommends States to examine whether it would be desirable that, in cases where a person loses his nationality without acquiring another nationality, the State whose nationality he last possessed should be bound to admit him to its territory, at the request of the country where he is, under conditions different from those set out in the Special Protocol relating to statelessness, which has been adopted by the Conference.

III.

The Conference is unanimously of the opinion that it is very desirable

That States should, in the exercise of their power of regulating questions of nationality, make every effort to reduce so far as possible cases of dual nationality,

And that the League of Nations should consider what steps may be taken for arriving at an international settlement of the different conflicts which arise from the possession by an individual of two or more nationalities.

IV.

The Conference recommends that States should adopt legislation designed to facilitate, in the case of persons possessing two or more nationalities at birth, the renunciation of the nationality of the countries in which they are not resident, without subjecting such renunciation to unnecessary conditions.

V.

It is desirable that States should apply the principle that the acquisition of a foreign nationality through naturalisation involves the loss of the previous nationality.

It is also desirable that, pending the complete realisation of the above principle, States before conferring their nationality by naturalisation should endeavour to ascertain that the person concerned has fulfilled, or is in a position to fulfil, the conditions required by the law of his country for the loss of its nationality.

VI.

The Conference recommends to States the study of the question whether it would not be possible

1. to introduce into their law the principle of the equality of the sexes in matters of nationality, taking particularly into consideration the interests of the children,

2. and especially to decide that in principle the nationality of the wife shall henceforth not be affected without her consent either by the mere fact of marriage or by any change in the nationality of her husband.

VII.

The Conference recommends that a woman who, in consequence of her marriage, has lost her previous nationality without acquiring that of her husband, should be able to obtain a passport from the State of which her husband is a national.

VIII.

The Conference draws the attention of States to the advisability of examining at a future conference questions connected with the proof of nationality.

It would be highly desirable to determine the legal value of certificates of nationality which have been, or may be, issued by the competent authorities, and to lay down the conditions for their recognition by other States.

B. PAN AMERICAN CONVENTIONS

1. CONVENTION ESTABLISHING THE STATUS OF NATURALIZED CITIZENS WHO AGAIN TAKE UP THEIR RESIDENCE IN THE COUNTRY OF THEIR ORIGIN (RIO DE JANEIRO, 13 AUGUST 1906)

(Scott, International Conferences of American States 1931, p. 131)

Note. The convention is in force between ten States: Argentina, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Nicaragua, Panama and the United States of America.

Article I. If a citizen, a native of any of the countries signing the present Convention, and naturalized in another, shall again take up his residence in his native country without the intention of returning to the country in which he has been naturalized, he will be considered as having reassumed his original citizenship, and as having renounced the citizenship acquired by the said naturalization.

Article II. The intention not to return will be presumed to exist when the naturalized person shall have resided in his native country for more than two years. But this presumption may be destroyed by evidence to the contrary.

Article III. This Convention will become effective in the countries that ratify it, three months from the dates upon which said ratifications shall be communicated to the Government of the United States of Brazil; and if it should be denounced by any one of them, it shall continue in effect for one year more, to count from the date of such denouncement.

Article IV. The denouncement of this Convention by any one of the signatory States shall be made to the Government of the United States of Brazil and shall take effect only with regard to the country that may make it.

2. CODE OF PRIVATE INTERNATIONAL LAW (CODE BUSTAMENTE)
(BOOK I, TITLE I, CHAPTER I), HAVANA, 20 FEBRUARY 1928

(86. *League of Nations Treaty Series*, p. 111)

Note. The Convention has been ratified by fifteen States, with reservations in some cases: Bolivia, Brazil, Chile, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Peru and Venezuela.

CHAPTER I. NATIONALITY AND NATURALIZATION

Article 9. Each contracting party shall apply its own law for the determination of the nationality of origin of any individual or juristic person and of its acquisition, loss and recuperation thereafter, either within or without its territory, whenever one of the nationalities in controversy is that of the said State. In all other cases the provisions established in the remaining articles of this chapter shall apply.

Article 10. In questions relating to nationality of origin in which the State in which they are raised is not interested, the law of that one of the nationalities in issue in which the person concerned has his domicile shall be applied.

Article 11. In the absence of that domicile, the principles accepted by the law of the trial court shall be applied in the case mentioned in the preceding article.

Article 12. Questions concerning individual acquisition of a new nationality shall be determined in accordance with the law of the nationality which is supposed to be acquired.

Article 13. In collective naturalizations, in case of the independence of a State, the law of the acquiring or new State shall apply, if it has established in the territory an effective sovereignty which has been recognized by the State trying the issue, and in the absence thereof that of the old State, all without prejudice to the contractual stipulations between the two interested States, which shall always have preference.

Article 14. In the case of loss of nationality, the law of the lost nationality should be applied.

Article 15. Resumption of nationality is controlled by the law of the nationality which is resumed.

Article 16. The nationality of origin of corporations and foundations shall be determined by the law of the State which authorizes or approves them.

Article 17. The nationality of origin of associations shall be the nationality of the country in which they are constituted, and therein they shall be registered or recorded if such requisite is demanded by the local legislation.

Article 18. Unincorporated civil, commercial, or industrial societies or companies shall have the nationality provided by the articles of association, or, in an applicable case, that of the place where its principal management or governing body is habitually located.

Article 19. With respect to stock corporations, nationality shall be determined by the articles of incorporation or, in an applicable case, by the law of the place where the general meeting of shareholders is normally held, and in the absence thereof, by the law of the place where its principal governing or administrative board or council is located.

Article 20. Change of nationality of corporations, foundations, associations and partnerships, except in cases of change of territorial sovereignty, should be subject to the conditions required by their old law and by the new.

In case of change in the territorial sovereignty, owing to independence, the rule established in Article 13 for collective naturalizations shall apply.

Article 21. The provisions of Article 9, in so far as they concern juristic persons, and those of Articles 16 and 20, shall not be applied in the contracting States which do not ascribe nationality to juristic persons.

3. CONVENTION ON THE NATIONALITY OF WOMEN (MONTEVIDEO, 26 DECEMBER 1933)

(6. Hudson, *International Legislation*, p. 589)

Note. The Convention is in force between ten States: Brazil, Chile, Colombia, Cuba, Ecuador, Guatemala, Honduras, Mexico, Panama and the United States.

Article 1. There shall be no distinction based on sex as regards nationality, in their legislation or in their practice.

Article 2. The present convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The Minister of Foreign Affairs of the Republic of Uruguay shall transmit authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

Article 3. The present convention will enter into force between the High Contracting Parties in the order in which they deposit their respective ratifications.

Article 4. The present convention shall remain in force indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the convention shall cease in its effects as regards the party which denounces but shall remain in effect for the remaining High Contracting Parties.

Article 5. The present convention shall be open for the adherence and accession of the States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union which shall communicate them to the other High Contracting Parties.

4. CONVENTION ON NATIONALITY (MONTEVIDEO, 26 DECEMBER 1933)

(6. Hudson, *International Legislation*, p. 593)

Note. The Convention is in force between five States: Chile, Ecuador, Honduras (accession with reservations), Mexico (with reservations), and Panama (accession with reservations).

Article 1. Naturalization of an individual before the competent authorities of any of the signatory States carries with it the loss of the nationality of origin.

Article 2. The State bestowing naturalization shall communicate this fact through diplomatic channels to the State of which the naturalized individual was a national.

Article 3. The provisions of the preceding articles do not revoke or modify the Convention on Naturalization signed in Rio de Janeiro the 13th of August, 1906.

Article 4. In case of the transfer of a portion of territory on the part of one of the States signatory hereof to another of such States, the inhabitants of such transferred territory must not consider themselves as nationals of the State to which they are transferred, unless they expressly opt to change their original nationality.

Article 5. Naturalization confers nationality solely on the naturalized individual and the loss of nationality, whatever shall be the form in which it takes place, affects only the person who has suffered the loss.

Article 6. Neither matrimony nor its dissolution affects the nationality of the husband or wife or of their children.

Article 7. The present convention shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

Article 8. The present convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The Minister of Foreign Affairs of the Republic of Uruguay shall transmit authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

Article 9. The present convention will enter into force between the High Contracting Parties in the order in which they deposit their respective ratifications.

Article 10. The present convention shall remain in force indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall communicate it to the other signatory governments. After the expiration of this period the convention shall cease in its effects as regards the party which denounces but shall remain in effect for the remaining High Contracting Parties.

Article 11. The present convention shall be open for the adherence and accession of the States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union which shall communicate them to the other High Contracting Parties.

ANNEX II

Nationality Provisions of Peace Treaties and Multilateral Treaties
or Conventions

A. NATIONALITY PROVISIONS OF PEACE TREATIES

1. TREATY SIGNED AT VERSAILLES, 28 JUNE 1919

*(11. De Martens, 3d Series, p. 535)**League of Nations Registration No. 34 (21 October 1921)*

Belgium, the British Empire, Bolivia, Brazil, China, Cuba, Czechoslovakia, Ecuador, France, Greece, Guatemala, Haiti, the Hedjaz, Honduras, Italy, Japan, Liberia, Nicaragua, Panama, Peru, Poland, Portugal, Rumania, the Serb-Croat-Slovene State, Siam, Uruguay, United States of America and Germany

Article 278. Germany undertakes to recognize any new nationality which has been or may be acquired by her nationals under the laws of the Allied and Associated Powers and in accordance with the decisions of the competent authorities of these Powers pursuant to naturalization laws or under treaty stipulations, and to regard such persons as having, in consequence of the acquisition of such new nationality, in all respects severed their allegiance to their country of origin.

2. TREATY SIGNED AT ST. GERMAIN-EN-LAYE, 10 SEPTEMBER 1919

*(11. De Martens, 3d Series, p. 709)**League of Nations Registration No. 37 (21 October 1921)*

Belgium, the British Empire, China, Cuba, Czechoslovakia, France, Greece, Italy, Japan, Nicaragua, Panama, Peru, Poland, Portugal, Rumania, the Serb-Croat-Slovene State, Siam, United States of America and Austria

Article 64. Austria admits and declares to be Austrian nationals *ipso facto* and without the requirement of any formality all persons possessing at the date of the coming into force of the present Treaty rights of citizenship (*pertinenza*) within Austrian territory who are not nationals of any other State.

Article 65. All persons born in Austrian territory who are not born nationals of another State shall *ipso facto* become Austrian nationals.

Article 230. Austria undertakes to recognize any new nationality which has been or may be acquired by her nationals under the laws of the Allied and Associated Powers, and in accordance with the decisions of the competent authorities of these Powers pursuant to naturalization laws or under treaty stipulations, and to regard such persons as having, in consequence of the acquisition of such new nationality, in all respects severed their allegiance of their country of origin.

3. TREATY SIGNED AT NEUILLY-SUR-SEINE, 27 NOVEMBER 1919

(12. *De Martens, 3d Series, p. 334*)*League of Nations Registration No. 40 (21 October 1921)*

Belgium, the British Empire, China, Cuba, Czechoslovakia, France, Greece, the Hedjaz, Italy, Japan, Poland, Portugal, Rumania, the Serb-Croat-Slovene State, Siam, United State of America and Bulgaria

Article 51. Bulgaria admits and declares to be Bulgarian nationals *ipso facto* and without the requirements of any formality all persons who are habitually resident within Bulgarian territory at the date of the coming into force of the present Treaty and who are not nationals of any other State.

Article 52. All persons born in Bulgarian territory who are not born nationals of another State shall *ipso facto* become Bulgarian nationals.

4. TREATY SIGNED AT TRIANON, 4 JUNE 1920

(12. *De Martens, 3d Series, pp. 438-502*)*League of Nations Registration No. 152 (24 August 1921)*

Belgium, the British Empire, China, Cuba, Czechoslovakia, France, Greece, Italy, Japan, Nicaragua, Panama, Poland, Portugal, Rumania, the Serb-Croat-Slovene State, Siam, United States of America and Hungary

Article 56. Hungary admits and declares to be Hungarian nationals *ipso facto* and without the requirement of any formality all persons possessing at the date of the coming into force of the present Treaty rights of citizenship (*pertinenza*) within Hungarian territory who are not nationals of any other State.

Article 57. All persons born in Hungarian territory who are not born nationals of another State shall *ipso facto* become Hungarian nationals.

Article 213. Hungary undertakes to recognize any new nationality which has been or may be acquired by her nationals under the laws of the Allied and Associated Powers, and in accordance with the decisions of the competent authorities of these powers pursuant to naturalization laws or under treaty stipulations, and to regard such persons as having, in consequence of the acquisition of such new nationality, in all respects severed their allegiance to their country of origin.

5. TREATY OF PEACE, SIGNED AT LAUSANNE, 24 JULY 1923

(28. *League of Nations Treaty Series, p. 13*)

The British Empire, France, Italy, Japan, Greece, Rumania, the Serb-Croat-Slovene State and Turkey

SECTION II. NATIONALITY

Article 30. Turkish subjects habitually resident in territory which in accordance with the provisions of the present Treaty is detached from Turkey will become *ipso facto*, in the conditions laid down by the local law, nationals of the State to which such territory is transferred.

Article 31. Persons over eighteen years of age, losing their Turkish nationality and obtaining *ipso facto* a new nationality under Article 30, shall be entitled within a period of two years from the coming into force of the present Treaty to opt for Turkish nationality.

Article 32. Persons over eighteen years of age, habitually resident in territory detached from Turkey in accordance with the present Treaty, and differing in race from the majority of the population of such territory shall, within two years from the coming into force of the present Treaty, be entitled to opt for the nationality of one of the States in which the majority of the population is of the same race as the person exercising the right to opt, subject to the consent of that State.

Article 33. Persons who have exercised the right to opt in accordance with the provisions of Articles 31 and 32 must, within the succeeding twelve months, transfer their place of residence to the State for which they have opted.

They will be entitled to retain their immovable property in the territory of the other State where they had their place of residence before exercising their right to opt.

They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

Article 34. Subject to any agreements which it may be necessary to conclude between the Governments exercising authority in the countries detached from Turkey and the Governments of the countries where the persons concerned are resident, Turkish nationals of over eighteen years of age who are natives of a territory detached from Turkey under the present Treaty, and who on its coming into force are habitually resident abroad, may opt for the nationality of the territory of which they are natives, if they belong by race to the majority of the population of that territory, and subject to the consent of the Government exercising authority therein. This right of option must be exercised within two years from the coming into force of the present Treaty.

Article 35. The Contracting Powers undertake to put no hindrance in the way of the exercise of the right which the persons concerned have under the present Treaty, or under the Treaties of Peace concluded with Germany, Austria, Bulgaria or Hungary, or under any Treaty concluded by the said Powers, other than Turkey, or any of them, with Russia, or between themselves, to choose any other nationality which may be open to them.

Article 36. For the purposes of the provisions of this Section, the status of a married woman will be governed by that of her husband, and the status of children under eighteen years of age by that of their parents.

6. TREATY OF PEACE WITH ITALY. SIGNED AT PARIS, ON 10 FEBRUARY 1947

(49. *United Nations Treaty Series*, p. 126)

The Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, China, France, Australia, Belgium, the Byelorussian Soviet Socialist Republic, Brazil, Canada, Czechoslovakia, Ethiopia, Greece, India, the Netherlands, New Zealand, Poland, the Ukrainian Soviet Socialist Republic, the Union of South Africa, the People's Federal Republic of Yugoslavia and Italy.

SECTION II. NATIONALITY, CIVIL AND POLITICAL RIGHTS

Article 19. 1. Italian citizens who were domiciled on June 10, 1940, in territory transferred by Italy to another State under the present Treaty, and their children born after that date, shall, except as provided in the following paragraph, become citizens with full civil and political rights of the State to which the territory is transferred, in accordance with legislation to that effect to be introduced by that State within three months from the coming into force of the present Treaty. Upon becoming citizens of the State concerned they shall lose their Italian citizenship.

2. The Government of the State to which the territory is transferred shall, by appropriate legislation within three months from the coming into force of the present Treaty, provide that all persons referred to in paragraph 1 over the age of eighteen years (or married persons whether under or over that age) whose customary language is Italian, shall be entitled to opt for Italian citizenship within a period of one year from the coming into force of the present Treaty. Any person so opting shall retain Italian citizenship and shall not be considered to have acquired the citizenship of the State to which the territory is transferred. The option of the husband shall not constitute an option on the part of the wife. Option on the part of the father, or, if the father is not alive, on the part of the mother, shall, however, automatically include all unmarried children under the age of eighteen years.

3. The State to which the territory is transferred may require those who take advantage of the option to move to Italy within a year from the date when the option was exercised.

4. The State to which the territory is transferred shall, in accordance with its fundamental laws, secure to all persons within the territory, without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting.

Article 20. 1. Within a period of one year from the coming into force of the present Treaty, Italian citizens over 18 years of age (or married persons whether under or over that age), whose customary language is one of the Yugoslav languages (Serb, Croat or Slovene), and who are domiciled on Italian territory may, upon filing a request with a Yugoslav diplomatic or consular representative in Italy, acquire Yugoslav nationality if the Yugoslav authorities accept their request.

2. In such cases, the Yugoslav Government will communicate to the Italian Government through the diplomatic channel lists of the persons who have thus acquired Yugoslav nationality. The persons mentioned in such lists will lose their Italian nationality on the date of such official communication.

3. The Italian Government may require such persons to transfer their residence to Yugoslavia within a period of one year from the date of such official communication.

4. For the purposes of this article, the rules relating to the effect of options on wives and on children, set forth in article 19, paragraph 2, shall apply.

5. The provisions of Annex XIV, paragraph 10 of the present Treaty, applying to the transfer of properties belonging to persons who opt for Italian nationality, shall equally apply to the transfer of properties belonging to persons who opt for Yugoslav nationality under this Article.

B. MULTILATERAL TREATIES OR CONVENTIONS CONCERNING NATIONALITY

1. TREATY SIGNED AT VERSAILLES, 28 JUNE 1919

(a) (*13. De Martens, 3d Series, pp. 505-506*)

(b) (*3. Treaties, Conventions, International Acts, Protocols and Agreements between the United States and other Powers, p. 3714*)

League of Nations Registration No. 36 (21 October 1920)

The British Empire, France, Italy, Japan, United States of America and Poland

Article 4. Poland admits and declares to be Polish nationals *ipso facto* and without the requirements of any formality persons of German, Austrian, Hungarian or Russian nationality who were born in the said territory of parents habitually resident there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident there.

Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Polish authorities in the country in which they are resident stating that they abandon Polish nationality, and they will then cease to be considered as Polish nationals. In this connexion a declaration by a husband will cover his wife and a declaration by parents will cover their children under 18 years of age.

Article 6. All persons born in Polish territory who are not born nationals of another State shall *ipso facto* become Polish nationals.

2. TREATY SIGNED AT ST. GERMAIN-EN-LAYE, 10 SEPTEMBER 1919

(*3. Treaties, Conventions, International Acts, Protocols and Agreements between the United States and other Powers, p. 3702*)

League of Nations Registration No. 38 (21 October 1920)

The British Empire, France, Italy, Japan, United States of America and Czechoslovakia

Article 4. Czecho-Slovakia admits and declares to be Czecho-Slovak nationals *ipso facto* and without the requirement of any formality persons of German, Austrian or Hungarian nationality who were born in the territory referred to above of parents habitually resident or possessing rights of citizenship (*pertinenza—heimatrecht*) as the case may be there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident or did not possess rights of citizenship there.

Nevertheless within two years after the coming into force of the present Treaty these persons may make a declaration before the competent Czecho-Slovak authorities in the country in which they are resident stating that they abandon Czecho-Slovak nationality, and they will then cease to be considered as Czecho-Slovak nationals. In this connexion a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.

Article 6. All persons born in Czecho-Slovak territory who are not born nationals of another State shall *ipso facto* become Czecho-Slovak nationals.

3. TREATY SIGNED AT ST. GERMAIN-EN-LAYE, 10 SEPTEMBER 1919

(3. *Treaties, Conventions, International Acts, Protocols and Agreements between the United States and other Powers, p. 3734*)

League of Nations Registration No. 39 (21 October 1920)

The British Empire, France, Italy, Japan, United States of America and the Serb-Croat-Slovene State

Article 4. The Serb-Croat-Slovene State admits and declares to be Serb-Croat-Slovene nationals *ipso facto* and without the requirement of any formality persons of Austrian, Hungarian or Bulgarian nationality who were born in the said territory of parents habitually resident or possessing rights of citizenship (*pertinenza*—*heimatrecht*) as the case may be there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident or did not possess rights of citizenship there.

Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Serb-Croat-Slovene authorities in the country in which they are resident, stating that they abandon Serb-Croat-Slovene nationality, and they will then cease to be considered as Serb-Croat-Slovene nationals. In this connexion a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.

Article 6. All persons born in the territory of the Serb-Croat-Slovene State who are not born nationals of another State shall *ipso facto* become Serb-Croat-Slovene nationals.

4. TREATY SIGNED AT PARIS, 9 DECEMBER 1919

(15. *League of Nations Treaty Series, p. 300*)

The British Empire, France, Italy, Japan, United States of America and Romania.

Article 4. Romania admits and declares to be Romanian nationals *ipso facto* and without the requirement of any formality persons of Austrian or Hungarian nationality who were born in the territory transferred to Romania by the Treaties of Peace with Austria and Hungary or subsequently transferred to her, of parents habitually resident there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident there.

Nevertheless, within two years after the coming into force of the present Treaty these persons may make a declaration before the competent Romanian authorities in the country in which they are resident, stating that they abandon Romanian nationality, and they will then cease to be considered as Romanian nationals. In this connexion a declaration by a husband will cover his wife and a declaration by parents will cover their children under 18 years of age.

Article 6. All persons born in Romanian territory who are not born nationals of another State shall *ipso facto* become Romanian nationals.

5. CONVENTION SIGNED AT ROME, 6 APRIL 1922

(Hudson, *A Collection of Nationality Laws*, p. 650)

Austria, Czechoslovakia, Hungary, Italy, Poland, Romania, The Serb-Croat-Slovene State

Article 1. The ways of acquiring or losing nationality are regulated by the law of each state.

Article 2. In intercourse among the High Contracting Parties nationality shall be proved by a certificate issued by the competent authority according to the law of each state and visaed by the authority to which the above-mentioned authority is subject. The certificate shall show the legal basis of the nationality which it attests. Each of the High Contracting Parties may, however, whenever it considers it necessary, require that the contents of the certificate be certified by the central authority of the state.

Article 3. The High Contracting Parties bind themselves reciprocally to notify one another of the list of authorities competent to issue and visa the certificate mentioned in the foregoing article.

Article 4. In case of dispute among the High Contracting Parties as to the nationality to be attributed, according to the Treaties of Saint-Germain and of Trianon, to a national of the former Austrian Empire or to a national of the former Kingdom of Hungary, a Commission composed of one delegate from each of the High Contracting Parties interested and of a chairman elected by common consent by the said Parties, and in case of disagreement by the President of the Swiss Confederation from among the nationals of a state other than the Contracting Parties—the periods determined for the exercise of the right of election or option having expired—shall decide the controversy. In case of disagreement among the delegates, the chairman shall make the decision.

The decision made shall in every case be final.

The above provisions do not in any way modify the provisions and regulations of the Treaties of Saint-Germain and of Trianon and, particularly, the provisions of Articles 81 and 230 of the Treaty of Saint-Germain and of Articles 65 and 213 of the Treaty of Trianon, nor the provisions of special conventions concluded or to be concluded among the States interested, especially those of the convention between Austria and Czechoslovakia signed at Brünn, June 7, 1920.

6. TREATY SIGNED AT WASHINGTON, 7 FEBRUARY, 1923

(Hudson, *A Collection of Nationality Laws*, p. 651)

Costa Rica, Guatemala, Honduras, Nicaragua, El Salvador

(Text)

[*Translation*]

Article VI. The nationals of one of the contracting parties, residing in the territory of any of the others, shall enjoy the same civil rights as are enjoyed by those of the respective country. They shall be considered as citizens in the country of their residence, if they manifest their desire to

be such and meet the conditions required by the corresponding laws on the subject.

Those who are not naturalized shall at all times be exempt from all military service without the previous consent of their government, except in case of international war with a country other than one of the Central American Republics. Furthermore, they shall be exempt from every compulsory loan or military requisition and they shall not be obliged for any reason to pay higher taxes or assessments, ordinary or extraordinary, than those paid by nationals.

7. AGREEMENT BETWEEN DENMARK, NORWAY AND SWEDEN ON THE IMPLEMENTATION OF THE PROVISIONS IN SECTION 10 OF THE DANISH NATIONALITY ACT NO. 252 OF 27 MAY 1950, IN SECTION 10 OF THE NORWEGIAN NATIONALITY ACT OF 8 DECEMBER 1950, AND IN SECTION 10 OF THE SWEDISH NATIONALITY ACT (NO. 382) OF 22 JUNE 1950. SIGNED AT COPENHAGEN, ON 21 DECEMBER 1950

(89. United Nations Treaty Series, p. 11)

ANNEX III

List of Bilateral Treaties, Conventions or Agreements concerning nationality and registered with the League of Nations or the United Nations

A. LEAGUE OF NATIONS

1. Treaty between the Austrian Republic and the Czechoslovak Republic with regard to citizenship and to the protection of minorities, signed at Brünn on June 7, 1920.
(3. League of Nations Treaty Series, p. 189)
2. Treaty concluded between the Czechoslovak Republic and the German Reich for the settlement of certain questions relating to nationality, signed at Prague, June 29, 1920.
(20. League of Nations Treaty Series, p. 85)
3. Exchange of notes between the British and French Governments relative to certain nationality decrees promulgated in Tunis and Morocco (French Zone) on November 8, 1921. London, May 24, 1923.
(18. League of Nations Treaty Series, p. 305)
4. German-Polish Convention concerning question of option and nationality, signed at Vienna, August 30, 1924.
(32. League of Nations Treaty Series, p. 331)
5. Naturalization Treaty between the United States of America and Bulgaria. Signed at Sofia, November 23, 1923.
(25. League of Nations Treaty Series, p. 237)
6. Convention regarding nationality between the Albanian Republic and the Greek Republic. Signed at Athens, October 13, 1926.
(83. League of Nations Treaty Series, p. 361)

7. Naturalization Treaty between Czechoslovakia and the United States of America. Signed at Prague, July 16, 1928.
(96. *League of Nations Treaty Series*, p. 301)
8. Convention between Belgium and France regarding the nationality of married women. Signed at Paris, September 12, 1928.
(123. *League of Nations Treaty Series*, p. 91)
9. Treaty of Naturalization between Albania and the United States of America. Signed at Tirana, April 5, 1932.
(162. *League of Nations Treaty Series*, p. 31)
10. Convention regarding nationality between Egypt and Turkey. Signed at Ankara, April 7, 1937.
(191. *League of Nations Treaty Series*, p. 105)

B. UNITED NATIONS

1. Note by which the Government of the United States of America, in pursuance of Article 8 of the Peace Treaty with Bulgaria, notified the Bulgarian Government of those pre-war bilateral treaties between the two countries which the United States of America desires to keep in force or revive. Sofia, 8 March 1948.
7. Naturalization treaty.¹
(29. *United Nations Treaty Series*, p. 101)
2. Convention² between Belgium and France on the nationality of married women. Signed at Paris, on 9 January 1947.
(36. *United Nations Treaty Series*, p. 145)

¹ This treaty replaces that of 23 November 1923 (*League of Nations Treaty Series*, Vol. 25, p. 237).

² This convention replaces that of 12 September 1928 (*League of Nations Treaty Series*, Vol. 123, p. 91).

United Nations Legislative Series

LAWS CONCERNING NATIONALITY

4. Argentina

The following should be inserted on page 13:

(d) NATIONALITY, CITIZENSHIP AND NATURALIZATION ACT, No. 14345 OF
28 SEPTEMBER 1954¹

TITLE I. ARGENTINE NATIONALITY

Chapter I. Argentine nationals by birth

Article 1. A person is an Argentine national by birth if he was born —

- (a) In Argentine territory;
- (b) In an Argentine warship or military aircraft;
- (c) In an international zone under the Argentine flag;
- (d) Abroad to a father or mother who is an Argentine national by birth in any of the following cases:

1. The father or mother is an officer of the Argentine foreign service.
2. The law of the place of birth does not confer nationality on the person.

3. Before attaining eighteen years of age the person establishes domicile in the Argentine Republic and remains domiciled there uninterruptedly for at least one year.

Every Argentine national by birth shall enjoy the rights conferred by the Constitution and statute on persons born in Argentine territory.

Article 2. The first three paragraphs of the preceding article shall not apply to a child of an alien officer of the foreign service of another State who under the law of that State is a national thereof.

Chapter II. Argentine citizens by naturalization

Article 3. Aliens acquiring Argentine nationality in accordance with this Law and regulations made under it shall be Argentine nationals by naturalization.

¹ *Boletín Informativo de Legislación Argentina*, No. 34, Year XIV, pp. 3-6. Translation by the Secretariat of the United Nations.

TITLE II. ARGENTINE CITIZENSHIP

Chapter I. Enjoyment and exercise of citizenship

Article 4. Argentine citizenship is an attribute of nationality and imports enjoyment of the political rights prescribed by the Constitution and statutes of the Republic.

Article 5. Citizenship shall be acquired by:

- (a) Argentine nationals by birth, on attaining eighteen years of age;
- (b) Argentine nationals by naturalization over the age of eighteen years, five years after their acquisition of nationality.

Chapter II. Loss of citizenship

Article 6. An Argentine national by birth shall lose his citizenship if he:

- (a) Commits treason against the nation or any act prohibited by article 15 or 21 of the National Constitution;
- (b) Deserts from the Argentine armed forces in war;
- (c) Is naturalized in a foreign country.

Article 7. An Argentine national by birth or by naturalization shall lose his citizenship if he accepts an honour or distinction granted by a foreign Government and does not immediately notify the Executive Power thereof, or without leave of the Executive Power exhibits such honour or distinction or takes service with a foreign Government.

TITLE III. NATURALIZATION

Chapter I. Voluntary and automatic naturalization

Article 8. An alien who has resided continuously for two years in the territory of the Republic and satisfies the other requirements of article 10 of this Law may on application obtain Argentine nationality by naturalization.

Article 9. An alien who has resided continuously for five years in the Republic and is not affected by any of the bars enumerated in article 11 shall acquire such naturalization automatically.

Chapter II. Naturalization: requirements and bars

Article 10. Applicants for voluntary naturalization shall be required—

- (a) To possess an elementary knowledge of the national language;
- (b) To possess an elementary knowledge of the political and social organization, history and geography of the nation;
- (c) Not to be mentally incapacitated;
- (d) To have an honest means of livelihood and a good conduct record;
- (e) Not to be nationals of a country at war with the Republic;
- (f) Not to be engaged in activities contrary to articles 15 and 21 of the National Constitution;
- (g) Not to have lost Argentine nationality, except in a case to which article 20 applies.

Article 11. Automatic naturalization shall be barred by:

- (a) Mental incapacity;
- (b) Lack of honest means of livelihood;
- (c) Failure to be of good conduct;
- (d) Possession of nationality of a country at war with the Republic;
- (e) Activities contrary to articles 15 and 21 of the National Constitution;
- (f) Loss of Argentine nationality, except in a case to which article 20 applies.

Chapter III. Authorities competent to grant naturalization

Article 12. The National Register of Persons shall be the authority competent to grant naturalization.

Article 13. Aliens over the age of eighteen years who have resided continuously in the country for at least two years and desire to obtain Argentine nationality shall be required to apply therefor and to prove compliance with the requirements of any regulations made under this Law.

Article 14. Aliens over the age of eighteen and under the age of seventy years who have resided continuously in the country for more than five years shall within the time limits established by the Executive Power present themselves in order that they may be granted Argentine nationality or state expressly that they do not wish to acquire it.

Article 15. After it has been proved that the requirements of article 10 have been satisfied or that no bar under article 11 exists, and the applicant has sworn an oath of loyalty to the Nation and submission to its Constitution and statutes, nationality shall be granted.

Article 16. The parents or legal representative of a minor under the age of eighteen years may apply for Argentine nationality on his behalf.

Article 17. An appeal against refusal by the Registry to grant naturalization shall lie to the Ministry of the Interior and Justice, whose decision shall be final.

Chapter IV. Citizenship acquired under Law No. 346

Article 18. Citizenship acquired under Law No. 346 shall import Argentine nationality.

Chapter V. Loss of acquired nationality

Article 19. A naturalized Argentine national may lose his acquired nationality on any of the following grounds:

- (a) Concealment of facts or circumstances which, if they had been known at the material time, would have barred naturalization;
- (b) Any act for which under article 6 an Argentine national by birth may lose citizenship;
- (c) Direct or indirect participation in unlawful traffic in narcotic drugs, traffix in persons, or any other activity punishable under article 17 of Law No. 12331;
- (d) Any act done within the country or abroad in virtue of his nationality of origin.

TITLE IV. POWER TO REVOKE OR RESTORE ARGENTINE CITIZENSHIP OR ACQUIRED NATIONALITY

Article 20. Citizenship or acquired nationality may be revoked by order of the Executive Power made after the person has been heard.

The Executive Power may likewise restore citizenship or acquired nationality, but not until three years have elapsed from the date of the order revoking it.

TITLE V. PENALTIES

Article 21. An alien who without lawful excuse fails to perform within the prescribed time limit the duty imposed by article 14 shall be liable to detention for ten to sixty days. If, after serving such sentence, he continues in default, he shall be deemed to be a person who has entered the country in breach of statute or regulation.

Article 22. Fines of 200 to 5,000 *pesos* or imprisonment from one to six months shall be imposed on:

(a) Any public officer who negligently mislays, destroys or makes useless any document given into his custody for the purposes of this Law;

(b) Any person making improper use of a document which has been annulled or superseded or relates to some other person, unless the act constitutes an offence for which a severer penalty is prescribed;

(c) Any person falsely stating particulars relating to his own naturalization or that of another, unless the act constitutes an offence for which a severer penalty is prescribed.

TITLE VI. GENERAL AND TRANSITIONAL PROVISIONS

Article 23. All administrative or judicial documents referring to the naturalization of aliens shall be exempt from stamp duty and every other form of duty, tax or fee, including postal and telegraph charges.

Article 24. The functions vested by this Law in the National Register of Persons may be performed by the agencies established under article 3 of Act No. 13482. The Minister of the Interior and Justice may also order the functions of the National Register of Persons to be performed by any agency or office of the Federal Police, the National Maritime Prefecture, the National *Gendarmerie* or the National Territories police, by any other organ of the Federal Security Council, or by any electoral or public office appointed thereto by his Ministry.

Article 25. Without prejudice to the provisions of the preceding article, every administrative body and every national, provincial and municipal public office shall be obliged to render to the National Register of Persons and its agencies any assistance necessary for the better performance of their functions.

Article 26. The provisions of this Law shall enter into force one hundred and eighty days after its promulgation, whereupon Law No. 346 and all other provisions contrary to this Law shall be repealed. Applications for naturalization then pending before the national courts shall be settled thereby in accordance with the foregoing provisions.

Article 27. The costs of giving effect to this Law shall be defrayed from the general revenue and deleted thereto.

Article 28. . . .

*United Nations Legislative Series***LAWS CONCERNING NATIONALITY****55. Netherlands**

The following should be inserted on page 337:

(1) ACT NO. 476 OF 3 NOVEMBER 1954, TO PERMIT THE GRANTING OF NETHERLANDS CITIZENSHIP FREE OF CHARGE TO CERTAIN PERSONS RESIDENT IN SURINAM¹

Article 1. Netherlands citizenship (*Nederlandschap*) may be granted free of charge upon application to any person resident in Surinam who is of full age within the meaning of the Surinam Civil Code and who has lost Netherlands nationality during the five-year period ending 26 December 1954; provided that

(1) He has been chiefly resident in Surinam throughout the period from his loss of nationality to his application; and

(2) He has been of good behaviour.

Article 2. Netherlands citizenship shall be granted by order of the Governor of Surinam as the representative of the Kingdom.

The order shall be published in the *Nederlandse Staatscourant* (Netherlands State Journal) and in the *Gouvernementsblad van Suriname* (Official Gazette of the Government of Surinam).

Article 3. The grant of Netherlands citizenship shall extend to the applicant's minor children and spouse.

Article 4. The regulations necessary to give effect to this Act may be issued by local ordinance, which shall specify the form and content of applications and the authorities who shall accept and deal therewith.

Her Majesty may make executive regulations by general administrative order.

Article 5. Her Majesty may determine by general administrative order the date after which no further applications shall be accepted.

Article 6. This Act shall come into force on a date to be determined by Her Majesty.

¹ *Staatsblad*, 1954, p. 1241. Translation by the Secretariat of the United Nations.

DECREE NO. 477 OF 3 NOVEMBER 1954¹ TO PROMULGATE THE ACT OF
3 NOVEMBER 1954 (*Staatsblad*, No. 476) TO PERMIT THE GRANTING OF
NETHERLANDS CITIZENSHIP FREE OF CHARGE TO CERTAIN PERSONS RESIDENT
IN SURINAM

The Act of 3 November 1954 (*Staatsblad* No. 476) to permit the granting of Netherlands citizenship free of charge to certain persons resident in Surinam shall come into force on the day of its publication in the *Gouvernementsblad van Suriname*.

The Minister of Justice shall give effect to this Decree, which shall be published in the *Staatsblad* and in the *Gouvernementsblad van Suriname*.

¹ *Staatsblad*, No. 476, 1954, p. 1241.