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**Nationality, including Statelessness – National Legislation Concerning Grounds for  
Deprivation of Nationality – Memorandum Prepared by Mr. Ivan S. Kerno, Expert of the  
International Law Commission.**

Topic:  
**Nationality including statelessness**

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NATIONALITY INCLUDING STATELESSNESS

National Legislation Concerning Grounds for Deprivation  
of Nationality

Memorandum prepared by

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Note. At its fourth session the International Law Commission requested that a detailed study of national legislation concerning grounds for deprivation of nationality should be submitted to it (A/CN.4/SR.163), paragraphs 8 and 43). The following memorandum contains in Part A an Analysis of Nationality Laws and in Part B a Summary of the Pertinent Provisions of the Nationality Laws.

NATIONAL LEGISLATION CONCERNING GROUNDS  
FOR DEPRIVATION OF NATIONALITY

A. Analysis<sup>1/</sup>

Loss through change in personal status (marriage, etc.) is not considered hereunder.

(1) Loss through the voluntary act of acquiring another nationality:

*AFGHANISTAN	GERMANY	NICARAGUA
*ALBANIA	FINLAND	NORWAY
AUSTRALIA	FRANCE	PAKISTAN
*AUSTRIA	GUATEMALA	PERU
*BELGIUM	HAITI	POLAND
BOLIVIA	HONDURAS	ROMANIA
BRAZIL	ICELAND	SAAR
BURMA	IRELAND	SWEDEN
CANADA	ITALY	SYRIA
COSTA RICA	JAPAN	TURKEY
CUBA	*LEBANON	UNION OF SOUTH AFRICA
DENMARK	MEXICO	
ECUADOR	MONACO	
EGYPT	NETHERLANDS	
	NEW ZEALAND	

\*not absolute

(2) Loss through joining the army of another state:

(a) at war with the country whose nationality is held:

AUSTRALIA (if also possess nationality of army joined)  
\*BOLIVIA  
CANADA (if also possess nationality of army joined)  
GUATEMALA  
HONDURAS

(b) at any time

**AFGHANISTAN	*ITALY
AUSTRIA	MONACO
*CUBA	*NETHERLANDS
*DOMINICAN REPUBLIC	PERU
*EGYPT	*SYRIA
*FRANCE	TURKEY
HUNGARY	UNITED STATES OF AMERICA (if has or acquires other nationality)

\*without permission

\*\*not absolute

1/ Note that subject headings are broad - for specific contents of laws, see Part B.

(3) Loss through receiving a commission, pension, title or honours from another State or joining its public service:

(a) In general:

*AFGHANISTAN	HONDURAS (at war with other nation)
AUSTRIA	HUNGARY
BRAZIL	MEXICO
BULGARIA	NORWAY (if foreign nationality obtained)
DENMARK	SWEDEN (if foreign nationality obtained)
EGYPT (if other nation at war with Egypt or diplomatic relations ruptured)	SYRIA
GUATEMALA (at war with other nation)	UNITED STATES OF AMERICA

\*not absolute

(b) Only if without permission:

BOLIVIA	HAITI
CUBA	NETHERLANDS
DOMINICAN REPUBLIC (if have other nation's nationality)	PERU
	ROMANIA

(c) Only if notice to decline or end service is ignored:

FRANCE	MONACO
GERMANY	SAAR
LEBANON	TURKEY

(4) Loss by a naturalized national residing abroad for a specified period (unless on government service, etc. or maintaining contacts):

AUSTRALIA	GREECE	PAKISTAN
BURMA	GUATEMALA	*TURKEY
CANADA	*IRELAND	UNITED KINGDOM
COSTA RICA	ISRAEL	UNION OF SOUTH AFRICA
CUBA	MEXICO	UNITED STATES OF AMERICA
	NEW ZEALAND	*YUGOSLAVIA
	NICARAGUA	

\*not limited to naturalized national.

(5) Loss by one born a national but born abroad and never sojourning or residing in the country or applying to keep the nationality after a stated period of time:

DENMARK	JAPAN
FINLAND (must have other nationality)	NETHERLANDS
ICELAND	NORWAY
	SWEDEN

(6) Loss by a national accepting double nationality:

CUBA                      CZECHOSLOVAKIA              FRANCE

(7) Deprivation because of fraud or mistake in naturalization:

ALBANIA	ROMANIA
AUSTRALIA	SWITZERLAND
CANADA	SYRIA
CHILE	UNITED KINGDOM
EGYPT	UNITED STATES OF AMERICA
IRELAND	(note special meaning in
ISRAEL	McCarran Act, Part B)
LUXEMBOURG	VENEZUELA
NEW ZEALAND	YUGOSLAVIA
PAKISTAN	

(8) Deprivation for conviction of a serious crime within a specific number of years after naturalization:

*AFGHANISTAN	PAKISTAN
AUSTRALIA	UNITED KINGDOM
BURMA	UNION OF SOUTH AFRICA
CUBA	UNITED STATES OF AMERICA
EGYPT	YUGOSLAVIA
FRANCE	
HAITI	
IRELAND	
NEW ZEALAND	

\*not absolute

(9) Deprivation for certain acts:

(a) Activities "against the public interest"

BRAZIL

(b) "Trading with the enemy" (all refer to naturalized nationals):

AUSTRALIA	NEW ZEALAND
BURMA	PAKISTAN
CANADA	UNITED KINGDOM
HAITI	UNION OF SOUTH AFRICA

(c) Acts for the "profit" of another State.

\*FRANCE                      GREECE                      SAAR

\*naturalized

(d) Non-compliance with military service laws.

\*FRANCE                      POLAND  
GERMANY                      TURKEY

\*naturalized

(e) Failure to return in wartime:

GERMANY IRELAND

(f) Commission of specified crimes including treason, sedition, and crimes against the surety of the State:

ALBANIA POLAND  
\*CANADA \*SAAR  
ECUADOR SYRIA  
\*FRANCE \*UNION OF SOUTH AFRICA  
\*LUXEMBOURG UNITED STATES OF AMERICA

\*naturalized

(g) Failure to return on call:

BULGARIA POLAND  
CZECHOSLOVAKIA ROMANIA  
HUNGARY

(h) Agitating or being unfaithful abroad:

POLAND

(i) Crossing the frontiers illegally (clandestinely):

BULGARIA POLAND  
CZECHOSLOVAKIA ROMANIA  
HUNGARY

(j) Acts hostile to the State or harming its prestige, interests or security:

AFGHANISTAN ITALY  
BULGARIA NEW ZEALAND  
CZECHOSLOVAKIA ROMANIA  
EGYPT SWITZERLAND  
GREECE TURKEY (naturalized)

(k) Emigrating:

BOLIVIA (with animus not to return)  
BULGARIA (if of non-Bulgarian origin)  
HAITI (in time of danger)

(l) Refusing to do one's duty:

ALBANIA YUGOSLAVIA

(m) Taking part in a foreign war without permission:

BOLIVIA

(n) Desertion:

GREECE TURKEY UNITED STATES OF AMERICA

- (o) Representing oneself as an alien or participating in foreign national rights or duties:  
\*LUXEMBOURG            \*MEXICO            \*VENEZUELA            \*NEW ZEALAND  
\*naturalized
- (p) Indicating oneself to be disloyal, disaffected or of a mentality contrary to the national spirit:  
\*AUSTRALIA            \*NICARAGUA            \*UNION OF SOUTH AFRICA  
\*CANADA            \*PAKISTAN            \*UNITED KINGDOM  
\*ISRAEL            \*SWITZERLAND            YUGOSLAVIA  
\*naturalized
- (q) Occurrence of incidents rendering the holder unworthy of citizenship:  
\*AFGHANISTAN            CHILE (naturalized) IRELAND (naturalized)  
\*not absolute
- (r) Advocating subversive ideas or extremist doctrines as to the form of government or changing fundamental institutions:  
EGYPT (naturalized)
- (s) Expounding "political doctrine running counter to the ideal of the Fatherland, affecting its national sovereignty or tending to destroy the republican system of government":  
NICARAGUA
- (t) Not co-operating in the common interest and refusing to show their financial profits in the country:  
AFGHANISTAN (not absolute)  
ALBANIA (naturalized)
- (u) Voting in foreign elections:  
UNITED STATES OF AMERICA

B. Summary of Pertinent Provisions  
of Nationality Laws

Loss or deprivation is founded on the reasons shown. Only an indication of the content of each article or section is given. The actual statute should be consulted for full details.

- AFGHANISTAN (1936)
- Art. 16: deprivation subject to approval of the Cabinet
- 18(a): due to employment by foreign powers
- 18(a): employment by foreign powers in a civil or military capacity
- 19: serious offence or felony during a 5-year period (nationalized)
- 18(d): perpetration of political offence
- 18(b): lack of patriotic sentiments
- 18(b): failure to co-operate in the common interest (all items subject to Cabinet decision)
- ALBANIA (1946)
- Art. 20: due to birth and residence abroad and proof of possession of the nationality of the State in which born
- 14: false representation or concealment of material circumstances
- 13: acts prejudicial to the interests of the State
- 13: failure to perform one's duties as a citizen
- AUSTRALIA (1948)
- Sect. 17: voluntary acquisition of other nationality
- 18: acquisition of other nationality by option
- 19: service in armed forces of other nation at war with Australia and having the other nation's nationality
- 20: one naturalized or registered and residing outside unless: gives notice, is under age and parent is citizen, is in Australian service
- 21: one naturalized or registered who is disloyal or disaffected; or unlawfully trades or communicates with the enemy; or was naturalized or registered by fraud or was not of good character at that time or, within 5 years, is sentenced for a crime to 12 months or more in prison
- 22: deprivation for similar deprivation elsewhere in Commonwealth.



- CANADA (1950)
- Art. 15(1): voluntary acquisition of other nationality
  - 17(1): service in armed force of nation at war with Canada if that nation's nationality is also possessed
  - 18: one naturalized and living outside for 6 consecutive years except if on government service, for health, etc. or if registers
  - 19: naturalized and (a) trades, communicates or does business with the enemy (b) naturalized due to false statements (c) resides abroad 6 years (d) shows self disaffected or disloyal or is convicted of treason or sedition.
- CHILE
- Art. 8: naturalized improperly, or for "incidents having occurred which render the holder unworthy of citizenship".
- COSTA RICA (Constitution)
- Art. 3(1): acquisition of other nationality
  - (2): naturalized and abroad 6 years without retaining connexions.
- CUBA (Constitution)
- Art. 15(1): acquisition of other nationality
  - (2): entering foreign military service or accepting "the discharge of duties that are inconsistent with Cuban authority or jurisdiction" without permission
  - (3): naturalized and abroad 3 years without a declaration
  - Also: for "crime and acts" of "unworthiness" by one naturalized
  - (4): naturalized and accepts dual nationality.
- CZECHOSLOVAKIA (1949)
- Par.7(1)(a): engaging in activity hostile to the State or against its interests
  - (b): leaving the country secretly
  - (c): failing to return within 30 days (60 if overseas on order
  - (2): possessor of other nationality.
- DENMARK (1950)
- Art. 7(1): acquisition of other nationality by request or consent
  - (2): acquisition of other nationality by entering foreign civil service
  - 8(1): born abroad, never residing or sojourning in Denmark on reaching 22 years of age without requesting retention.

- DOMINICAN REPUBLIC\* (1949) Art.11(1): bearing arms against Dominican Republic  
(2): sentence to criminal punishment  
(3): judicial interdiction  
(4): employment in Dominican Republic by foreign power without permission  
(5): acquisition of other nationality.
- ECUADOR (Constitution) Art.15(1): for treason  
(2): naturalization elsewhere  
(3): cancellation of naturalization.
- EGYPT (1950) Art.14 naturalized and  
(1): naturalization through fraud or error  
(2): convicted of serious crime  
(3): acts against the security of the State, advocates subversive ideas or extremist doctrines as to the form of the government or the changing of fundamental institutions  
(4): absent 2 consecutive years of the next 5 after naturalization without excuse  
Art.15(1): acquisition of other nationality  
(2): foreign military service without permission  
(3): aiding government at war with Egypt or in a state of diplomatic rupture.
- FINLAND (1941) Art.10: acquisition of other nationality  
11: born with dual nationality, have no affinities for Finland, and reach 22 years of age.
- FRANCE (1945) Art.87: acquisition of other nationality  
96: having dual nationality and living as if a national of the other State  
97: service in foreign army or public service and refuse to resign  
98: naturalized and  
(1): convicted of crime against the surety of the State  
(2): convicted of certain other crimes  
(3): non-compliance with army law  
(4): acts against France for the profit of a foreign State  
(5): conviction of a crime with 4 year prison term.

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\* law refers in terms to loss of "citizenship".

- GERMANY\* (1913)                    Art.25:        acquisition of other nationality  
   26(9):        failure to perform military duty  
   27:            failure to return in war time  
   28:            entering foreign service without  
    permission and failing to retire on  
    order.
- GREECE (1940)                      Art. V         naturalized and abroad 5 years  
   VI(3)(a) acts against public order, the security  
    of the State, and the status quo of the  
    nation  
    (b): acts for the profit of a foreign State,  
    contrary to Greek interests and  
    incompatible with Greek citizenship  
    (c): desertion.
- GUATEMALA (Constitution)        Art.12(1):    naturalization elsewhere  
    (2):         loan of services to enemy in war if  
    services imply treason  
    (3):         naturalized and reside 5 years in  
    country of origin  
    (5):         revocation of naturalization by law.
- HAITI (1907)                        Art.17:        through naturalization in a foreign  
    State  
    17:         through the acceptance, without  
    authorization, of public office or  
    pension from a foreign government  
    17:         through final sentence rendered upon  
    trial to standing penalties which are  
    at once degrading  
    17:         through service rendered to enemy  
    States or by transactions carried out  
    with them  
    17:         through leaving the country at a time  
    of imminent danger.
- HONDURAS (Constitution)        Art.12(1):    natrualization elsewhere  
    (2):         cancellation of naturalization  
    (3):         loan of services to enemy in wartime.
- HUNGARY (May 1948)                Art.1(1):     reside abroad and fail to return or  
    report  
    16            entering foreign service  
    17(1)(1):    accepting function or mission for  
    foreign government or joining foreign  
    political organization  
    (2):         leaving the territory illegally.

\* N.B.: Art.16 of the Boan Constitution of 1949 provides that there can be deprivation only if the person is not rendered stateless thereby.

ICELAND (1935)

Art. 5: acquisition of other nationality  
6: born abroad, never in Iceland, on  
reaching 22 years of age, unless  
indicates intent.

IRELAND (1935)

Art.21(1): every citizen who becomes a citizen  
of another country ceases to be an  
Irish citizen  
Art.10(2d): habitual residence outside Ireland  
without maintaining substantial  
connexions with that country  
Art.10(2a): fraud or misrepresentation  
Art.10(2b): sentence by any court to a fine of not  
less than 100 pounds or to imprisonment  
for a term not less than 12 months  
Art.10(c): residence in a country at war with  
Ireland, when one is, under the laws of  
the country of residence, a citizen of  
such country  
Art.10(2c): failure to be of good character at the  
date of issue of naturalization  
certificate.

ITALY (1912)

Art. 8(1): acquisition of other nationality  
(3): keeping foreign governmental or military  
employment after instructions to  
abandon it  
31 Jan. 1926: loss if abroad and commit act disturbing  
public order or damaging Italian  
interests or diminishing her name and  
prestige.

JAPAN (1950)

Art. 8: acquisition of other nationality.

ISRAEL (1952)

Art.11: naturalized and  
(1): naturalization through fraud  
(2): abroad for 7 years and has no effective  
connexion  
(3): act of breach of allegiance.

LEBANON (1925)

Art. 8(1): acquisition of other nationality  
without permission  
(2): accepting public functions of foreign  
government despite order to resign.

LUXEMBOURG (1940)

Art.27: naturalized and  
(a): naturalization through fraud  
(b): guilty of grave dereliction of duties  
as citizen  
(c): exercises foreign national rights  
(d): sentenced for major crime.

- MEXICO (30 Dec.1940)      Art.3(I) : acquisition of other nationality  
                              (II) : accepting or employing titles of nobility  
                                      implying allegiance to a foreign State  
                              (III) : naturalized and abroad 5 years in  
                                      country of origin  
                              (IV) : naturalized and uses foreign passport or  
                                      represents self as alien
- MONACO (1911)              Art.17(1) : acquisition of other nationality  
                              (3) : accepting foreign public function after  
                                      request to give it up  
                              (4) : foreign military service
- NETHERLANDS (1892)        Art.7(1) : acquisition of other nationality  
                              (4) : entering foreign public or military  
                                      service without permission  
                              (5) : born abroad, absent 10 years without  
                                      giving notice of retention of nationality
- NEW ZEALAND (1948)        Art.22(1) : acquisition of foreign nationality by  
                                      voluntary act  
                              23(4) : residence in a foreign country for 6 years  
                              22(2) : fraud, false representation, etc.  
                              23(3/c) sentence in any country to imprisonment  
                                      of not less than 12 months  
                              23(3/b) be in communication with an enemy or  
                                      engage in any business which might aid an  
                                      enemy at wartime  
                              22(b) : exercise of the privileges of nationality  
                                      in, or performance of army duties for, a  
                                      foreign country  
                              23(3/a) be guilty of an act or speech which is  
                                      disloyal or disaffected towards His  
                                      Majesty
- NICARAGUA (1950)         Art.21(1) : Acquisition of other nationality  
                                      (2) : cancellation of naturalization  
                                      (3) : naturalized and absent 5 years without  
                                      connexion

"those naturalized persons who expound political doctrine running counter to the ideal of the Fatherland, affecting its national sovereignty or tending to destroy the republican system of government shall lose nationality and shall not be able to recover it."

- NORWAY (1950)
- Art.7(1) : acquisition of other nationality voluntarily  
(2) : acquisition of other nationality by entering foreign public service  
Art.8 : one born abroad, never resided or sojourned in Norway, loses at 22 years of age unless requests retention
- PAKISTAN (1951)
- Art.16 : naturalized and  
(1) naturalization through fraud  
(3) (a) shows self to be disloyal or disaffected  
(b) during a war, trades, communicates or associates with the enemy  
(c) within 5 years is sentenced to a term of 12 months or longer  
(4) any citizen resident abroad 7 years unless in national service, etc.
- PERU (Constitution)
- Art.7(1) : accepting foreign military service or employment without permission  
(2) : acquisition of other nationality
- POLAND (1951)
- Art.12 : abroad and  
(a) not faithful in duty to Poland  
(b) agitating to the detriment of Poland's vital interests  
(c) left clandestinely after 9 May 1945  
(d) refuses to return on call  
(e) refuses to perform military service  
(f) is condemned for major crime
- ROMANIA (1948)
- Art.16 : acquisition of other nationality  
17(1) : entering foreign service without authority  
(2) : abroad and fail to return within 2 months of call  
(3) : abroad and act unfaithfully or conspire against Romania's interests or are prejudiced against the good name and prestige of Romania  
(4) : leave clandestinely  
(5) : naturalized through fraud

- SAAR (1949)
- Art. 16: acquisition of other nationality  
17(1): foreign public service after order to leave  
18. naturalized and  
(1)(a) convicted of crime against the security of the State  
(b) convicted of specified crimes  
(c) acts profiting a foreign country and incompatible with Saar nationality  
(d) convicted of a crime with sentence of 5 years or more.
- SWEDEN (1950)
- Art. 7 (1): acquisition of other nationality by consent  
(2): acquisition of other nationality by entering other country's foreign service  
8: born abroad, always abroad, loses at age 22.
- SWITZERLAND (11 November 1941) Art. 2(1): naturalized and naturalization through fraud or mentality contrary to Swiss spirit  
(29 Sept. 1952) Art. 41: naturalization and reintegration may be withdrawn in case of false statement or concealment of essential facts  
48: withdrawal of Swiss nationality from a person possessing dual nationality ("double national") for conduct harming the interests and the prestige of the State.
- SYRIA (1951)
- Art. 12 acquisition of other nationality without permission  
14: naturalized through fraud  
15: (a) certain crimes  
(b) work for foreign army without permission  
(c) work for foreign State after order to resign.
- TURKEY (1928)
- Art. 9. acquisition of other nationality or performance of foreign military service  
10: perform foreign public service and refuse to resign, or serve a State at war with Turkey, or fail to perform military service, or desert, or, being abroad, fail to register for 5 years  
11: naturalized and  
(1) indulge in acts prejudicial to the security of the State  
(2) refuse to perform military service.

- UNION OF SOUTH AFRICA (1949) Art.15: acquisition of other nationality  
17: naturalized and  
(1) abroad 7 years unless registers, on government service, etc.
- 19: naturalized and  
(2) naturalization through fraud  
(3) (a) abroad and shows self disloyal or disaffected  
(b) convicted of treason, lèse majesty  
(c) trades, communicates with or assists enemy in war  
(d) within 5 years, is sentenced for 12 months or longer.
- UNITED KINGDOM (1948) Art.20 naturalized and  
(2) naturalization through fraud  
(3) (a) disloyal or disaffected  
(b) trades, communicates or associates with enemy in war  
(c) within 5 years, is sentenced for 12 months or longer  
(4) absent 7 years and not in government service, registered, etc.
- UNITED STATES OF AMERICA (1952) - McCARRAN ACT
- Sec. 340: a naturalized citizen may lose nationality for fraud in obtaining it, fraud being interpreted as including  
(a) refusal, within 10 years, to testify before a Congressional Committee re subversive activities and conviction for contempt therefor  
(b) ...  
(c) becoming a member, within 5 years, of an organization which would have barred him from being naturalized  
(d) returning to native country within 5 years of naturalization for permanent residence
- Sec.349(a) (1) by obtaining naturalization elsewhere (or by naturalization of parent of child under 21, provided such child does not enter the United States for permanent residence before age 25)  
(2) taking oath to foreign State  
(3) entering or service in foreign army unless authorized  
(4) service of foreign government if have or acquire that other nationality or take an oath of allegiance  
(5) voting in foreign election

- (6-7) formal renunciation
- (8) desertion of armed forces in time of war
- (9) conviction of act of treason, attempting by force to overthrow, or bearing arms against the United States
- (10) departure from United States or remaining outside in wartime to avoid armed forces service

Sec.350 one with dual nationality who seeks or claims the benefits of foreign nationality and resides in that other State for 3 continuous years after age 22 loses United States nationality unless

- (1) takes oath to United States
- (2) has reason as in Sec.353 or 354

one who is naturalized loses United States nationality

Sec.352 (a) (1) residing 3 consecutive years in State of former nationality

- (2) residing 5 consecutive years in any other State

Sec.353 this shall not apply if person is abroad

- (1) on United States service
- (2) abroad due to disability received in United States service
- (3) 60 years old and resided in United States 25 years after naturalization
- (4) abroad for United States business, etc.
- (5) prevented from return by ill health and registers
- (6) abroad to study
- (7-10) miscellaneous

VENEZUELA (1941)

Art.21 naturalization through fraud  
22 naturalized and uses old nationality

YUGOSLAVIA (1946)

Art.15 continuous absence abroad unless register  
16 failure to do duty in war or are disloyal  
naturalization through fraud or conviction,  
within 5 years of a dishonourable crime or  
one against the interests of the State  
refusal to do one's duty.

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