
Topic:
Nationality including statelessness
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.
A/CN.4/66

English

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NATIONAL LEGISLATION CONCERNING CROHNDS
FOR DEPRIVATION OF NATIONALITY

A. Analysis¹

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
- NICARAGUA

*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

¹Note 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  
AUSTRIA  
BRAZIL  
BULGARIA  
DENMARK  
EGYPT (if other nation at war with Egypt or diplomatic relations ruptured)  
GUATEMALA (at war with other nation)  

HONDURAS (at war with other nation)  
HUNGARY  
MEXICO  
NORWAY (if foreign nationality obtained)  
SWEDEN (if foreign nationality obtained)  
SYRIA  
UNITED STATES OF AMERICA  

*not absolute

(b) Only if without permission:

BOLIVIA  
CUBA  
DOMINICAN REPUBLIC (if have other nation's nationality)  

HAITI  
NETHERLANDS  
PERU  
ROMANIA  

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

FRANCE  
GERMANY  
LEBANON  

MONACO  
SAAR  
TURKEY  

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

AUSTRALIA  
BURMA  
CANADA  
COSTA RICA  
CUBA  

GREECE  
GUATEMALA  
*IRELAND  
ISRAEL  
MEXICO  
NEW ZEALAND  
NICARAGUA  

PAKISTAN  
*TURKEY  
UNITED KINGDOM  
UNION OF SOUTH AFRICA  
UNITED STATES OF AMERICA  
*YUGOSLAVIA  

*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  
FINLAND (must have other nationality)  
ICELAND  

JAPAN  
NETHERLANDS  
NORWAY  
SWEDEN  

*special note
(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 McCarran Act, Part B)
ISRAEL  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:
*LUKsembouRg *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.
AUSTRIA (1949)  
Art. 9(1): voluntary acquisition of other nationality (but no loss if Government approves)

9(2): voluntary public or military service for other nation.

BELGIUM (1932)  
Art. 18: voluntary acquisition of other nationality (but can keep Belgian nationality if performs Belgian military service).

BOLIVIA (Constitution)  
Art. 42: taking foreign arms or service in war time or taking part in a foreign war without permission

Law of 1831 -  
Art. 9: naturalization elsewhere; accepting foreign awards without consent; residing abroad with animus not to return.

BRAZIL (1949)  
Art. 22(I): voluntary acquisition of other nationality

(II): accepting commission, employment or pension from other government without permission

(III): naturalized and guilty of activities against the national interest.

BULGARIA (1948)  
Art. 8(1): unlawfully crossing frontiers

(2): being abroad and failing to present self to the army in the event of mobilization

(3): service of other government without authorization

(5): harming the prestige or interests of the nation

Decree of 18 Nov. 1950: A national, of non-Bulgarian origin, who emigrates.

BURMA (1948)  
Art. 14: voluntary acquisition of other nationality

19(a): trading, assisting or communicating with the enemy

(b): one naturalized who, within 5 years, is sentenced for a crime involving moral turpitude and/or having a 12 month or longer sentence

(c): one naturalized and residing outside for 5 years and failing to register unless: in service of State or International Organization.
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 connexion.

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): possession 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,


EGYPT (1950) Art.14(1): naturalized and (2): naturalization through fraud or error (3): convicted of serious crime (4): 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 (5): 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.


* law refers in terms to loss of "citizenship".
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* N.B.: Art. 16 of the Bosn Constitution of 1949 provides that there can be deprivation only if the person is not rendered stateless thereby.
ICELAND (1935)

Art. 5:

6: acquisition of other nationality

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(2a):
habitual residence outside Ireland
without maintaining substantial
connexions with that country

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):

(3): acquisition of other nationality
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:

(1): naturalized and
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:

(a): naturalized and
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(1): 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
   (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 another 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 naturalized and
(1) abroad 7 years unless registers, on
government service, etc.
(2) naturalization through fraud
(3) (a) abroad and shows self disloyal or
disaffected
(b) convicted of treason, lose 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

VENZUELA (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.