

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.