

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.