

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.