

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.

In case of the naturalization of a stateless person, the requirement set forth in the sub-paragraph (2) of the preceding paragraph shall be determined solely according to the law of China.

Article 4. Any of the aliens as specified in each of the following sub-paragraphs, who has, at present, a domicile in China, even though it does not extend to five years or more uninterruptedly, may also be naturalized:

1. One whose father or mother was once a Chinese national;
2. One whose wife was once a Chinese national;
3. One who was born in Chinese territory;
4. One who has had a residence in China for ten years or more without interruption.

An alien as specified in sub-paragraphs (1), (2) or (3) of the preceding paragraph shall not be naturalized unless he (or she) has had residence in China for three years or more without interruption except in the case of an alien as specified in sub-paragraph (3) whose father or mother was born in Chinese territory.

Article 5. An alien who has, at present, a domicile in China and whose father or mother is a Chinese national may also be naturalized, even though he (or she) fails to satisfy the requirements set forth in sub-paragraphs (1), (2) or (4) of paragraph 2, article 3.

Article 6. An alien who has rendered distinguished service to China may also be naturalized, even though he (or she) fails to satisfy the requirements set forth in any one of the sub-paragraphs of paragraph 2, article 3.

The Ministry of the Interior, in granting permission for naturalization under the preceding paragraph, shall obtain in each case the approval of the National Government.

Article 7. Naturalizations shall be published in the National Government Gazette and shall take effect as from the date of such publication.

Article 8. A naturalized person's wife, and his children who have not attained majority under the law of their own country, acquire, in conjunction with that person's naturalization, the nationality of the Republic of China except where the law of his wife's or children's own country provides to the contrary.

Article 9. A person who has acquired the nationality of the Republic of China in accordance with the provisions of article 2 and a naturalized person's wife and children who have acquired the nationality of the Republic of China in conjunction with that person's naturalization shall not hold public offices as enumerated in the following sub-paragraphs:

1. Counsellor of the National Government, President of Yuan, Minister of a Ministry, and President of a Commission;
2. Member of the Legislative Yuan and Member of the Supervisory Yuan;
3. Ambassador and Minister Plenipotentiary;
4. General officer in the Navy, Army or Air forces;
5. Counsellor of a provincial or district government;
6. Mayor of a Special Municipality;
7. Functionary of a self-governing community of any class.

The restrictions specified in the preceding paragraph may, as regards a person naturalized in accordance with the provisions of article 6, after full five years from the date of his (or her) acquisition of nationality, and as regards other persons after full ten years from the date of their acquisition

of nationality, be removed by the National Government at the request of the Ministry of the Interior.

CHAPTER III. LOSS OF NATIONALITY

Article 10. A Chinese national who is in one of the cases as specified in the following sub-paragraphs loses the nationality of the Republic of China:

1. One who is the wife of an alien and who has, upon her own application, obtained the permission from the Ministry of the Interior to renounce her nationality;

2. One whose father is an alien and who has been legitimated by him;

3. One whose father is unknown or has not legitimated him (or her) but whose mother is an alien and has legitimated him (or her).

The provisions of sub-paragraphs (2) and (3) of the preceding paragraph shall be applicable only to persons who, according to the law of China, are still minors, or to a woman who is not the wife of a Chinese national.

Article 11. A person who wishes, upon his (or her) own will, to acquire the nationality of a foreign country may, with the permission of the Ministry of the Interior, lose the nationality of the Republic of China provided that he (or she) has attained the age of full twenty years or more and has legal capacity under the law of China.

Article 12. The Ministry of the Interior shall not grant permission for the loss of nationality to any one who is in one of the cases as specified in the following sub-paragraphs:

1. One who, having attained the age for military service, is not exempt from such service and has not yet performed it;

2. One who is performing military service;

3. One who is holding a Chinese civil or military office.

Article 13. A person who is in one of the cases as specified in the following sub-paragraphs does not lose nationality, even though he (or she) comes under the provisions of articles 10 or 11:

1. One who is a suspect or an accused in a criminal case;

2. One who has been sentenced for criminal offence, and whose sentence has not been completely executed;

3. One who is a defendant in a civil case;

4. One against whom a compulsory execution has been ordered and has not been completely carried out;

5. One who has been declared in bankruptcy and has not been rehabilitated;

6. One who has delayed in the payment of imposts or taxes, or who has suffered a penalty because of having delayed in the payment of imposts or taxes, such penalty having not been completely executed.

Article 14. Any person who loses nationality surrenders all the rights which a person who is not a Chinese national can not enjoy.

All the rights as specified in the preceding paragraph enjoyed before the loss of nationality by one who loses nationality shall be turned into the national treasury, if he (or she) does not, within one year after the loss of nationality, transfer them to a Chinese national (or nationals).

CHAPTER IV. RECOVERY OF NATIONALITY

Article 15. One who has lost nationality in accordance with the provisions of sub-paragraph (1), paragraph 1, article 10, may, after the annulment

of her matrimonial relationship, recover the nationality of the Republic of China with the permission of the Ministry of the Interior.

Article 16. One who has lost nationality in accordance with the provisions of article 11 may, with the permission of the Ministry of the Interior, recover the nationality of the Republic of China provided that he (or she) has a domicile in China and is qualified under the requirements set forth in sub-paragraphs (3) or (4) of paragraph 2, article 3, with the exception of a naturalized person and of his wife and children who, having acquired nationality in conjunction with that person's naturalization, later have lost their Chinese nationality.

Article 17. The provisions of article 8 shall be applicable, *mutatis mutandis*, to the cases as specified in articles 15 and 16.

Article 18. One who has recovered nationality shall not, within three years from the date of the recovery, hold the public offices as enumerated in paragraph 1, article 9.

CHAPTER V. SUPPLEMENTARY RULES

Article 19. Regulations for the enforcement of the present Act shall be prescribed separately.

Article 20. The present Act shall come into force from the date of its promulgation.

17. Colombia

(a) CONSTITUTION OF 21 APRIL 1886 AS AMENDED ON 16 FEBRUARY 1945.¹

PART II. THE INHABITANTS: NATIONALS AND ALIENS

Article 8. The following are Colombians:

1. By birth:

(a) Natives of Colombia, under one of two conditions, viz., that the father or mother shall also have been a native, or, in the case of children of foreigners, that they shall be domiciled in the Republic;

(b) Those born abroad of a Colombian father or mother and who later become domiciled in the Republic.

2. By adoption:

(a) Any alien who applies for and obtains a certificate of naturalization;

(b) Any native Spanish American and Brazilian who, with the authorization of the Government, applies to the municipal authorities of the place where he resides for registration as a Colombian (Article 3 of A. L. 1 of 1936).

Article 9. A person shall lose his status as a Colombian national if he acquires a certificate of naturalization in a foreign country and becomes domiciled abroad; the said status may be recovered in the manner prescribed by legislation (Article 4 of A. L. 1 of 1936).

Article 13. If a Colombian, even though he may have lost his status as a Colombian national, is captured with arms in hand in a war against the Republic, he shall be tried and punished as a traitor.

¹ Acto Legislativo y Leyes de 1945, Imprenta Nacional, Bogotá. Translation by the Secretariat of the United Nations.