

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.

No naturalized alien and no alien domiciled in Colombia shall be required to take up arms against his country of origin.

Article 14. A Colombian acquires citizenship upon completing his twenty-first year.

If a person ceases to be a national he shall *de facto* cease to be a citizen. In addition, in the cases specified by legislative provisions, citizenship may be withdrawn or suspended by virtue of a judicial decision.

If a person has lost citizenship he may apply for reinstatement (Article 2 of A. L. 1 of 1945).

(b) ACT 22 BIS OF 29 FEBRUARY 1936 TO AMEND AND SUPPLEMENT THE PROVISIONS CONCERNING THE NATURALIZATION OF ALIENS.¹

Article 1. In conformity with article 8 of the National Constitution a person is a Colombian national (a) by origin and residence, if he is a Spanish American and applies to the municipal authorities of the place where he resides for registration as a Colombian, and (b) by adoption, if he is an alien who applies for and obtains a certificate of citizenship.

Article 2. In accordance with the foregoing article and paragraph 1 of article 120 of the Constitution, naturalization is a sovereign and discretionary act on the part of the public authorities and accordingly the Government may grant citizenship or naturalization certificates to aliens who apply for them.

Article 3. Naturalization only operates to confer nationality on the naturalized person and, in the case of the father or mother of a family, on the children under paternal power at the time when the respective naturalization certificate is granted. Upon attaining majority, the said children shall confirm, before the local authority, their intention of continuing to be Colombians. If an alien woman married to an alien or to a Colombian national wishes to become a Colombian, she must apply for and obtain her naturalization certificate.

Article 4. Naturalization certificates shall only be granted to aliens who have resided continuously in the country for at least five years.

In the case of an alien woman married to a Colombian national only two years' residence in Colombia after her marriage shall be required.

Absence from Colombia does not interrupt the period of residence required by this article, provided that the absence does not exceed three months during the period of residence in question, and this may be extended to ten months with the authorization of the Ministry of Foreign Affairs.

Article 5. The time during which the alien, or the alien wife of a Colombian national, may have resided in the country before the publication of this Act shall count towards the period of residence required by the foregoing article.

Article 6. In addition to the period of residence in the country, any alien applying for a naturalization certificate in Colombia must in each individual case prove:

(a) His nationality of origin, by his birth certificate or by some other reliable document from which it may be gathered what this nationality was.

¹ Diario oficial, No. 23159, of 16 April 1936. Translation by the Secretariat of the United Nations.

(b) The date of his arrival in the country and the fact that he entered it in accordance with the provisions in force, for which purpose he shall produce the passport, which must have been issued to the applicant by the competent authority of the country of which he is a national and bear the visa of the Colombian Consul in the port of embarkation, and his identity card. The passport may not be replaced by a mere statement to the effect that it has been lost or mislaid unless other trustworthy documents are produced which prove its former existence or the possibility of its having been issued.

(c) Submission of evidence of the civil status of the minor children to whom naturalization is to be extended. The lack of such evidence shall not operate as a bar to the possible grant of a naturalization certificate, or, where appropriate, registration as a Colombian, without the mention of the names of the applicant's children in these documents.

(d) That his naturalization is in the interests of the Republic on the ground that he entered the country with a knowledge of some trade or useful occupation whereby to earn his livelihood. These particulars, his good repute and the time of residence in the country must be attested by five witnesses who are certified by the official accepting the statements to be Colombian by birth and who, in the opinion of the Governor of the particular *Departamento*, are honourable and qualified persons.

(e) That he was likewise of good repute in his country of origin or of former domicile, the evidence to be produced to be in the form of a statement or affidavit by the competent authority.

(f) That he has an adequate knowledge of the Spanish language. For this purpose he shall submit to a written examination before the authorities of the *Departamento* and the examination papers must be sent to the Ministry of Foreign Affairs, together with the documents relating to the application for naturalization.

(g) That at the time of making his application he is not liable to compulsory military service in his country of origin, unless he left the said country before reaching the age of twenty years.

Article 7. Application for a naturalization certificate shall be made to the Executive Power through the Governor of the *Departamento* in which the applicant resides, by means of a memorandum in which the applicant shall declare the State of which he is a native and the Government of which he is a subject; and if he has minor children under his paternal power, the name, age and sex of each such child.

Article 8. If the Ministry of Foreign Affairs, after receiving a report on the subject by the Governor of the *Departamento*, considers that a person has performed important services for the country, or brought distinguished talents to it, or introduced useful industries or inventions, or set up important industrial establishments or agricultural undertakings in the national territory, then that person may obtain a naturalization certificate even though he does not fulfil all the conditions stipulated in articles 4 and 6.

Article 9. Spanish Americans by birth, who apply for registration as Colombians to the municipality of the place where they reside, must also prove, in addition to good repute while residing in national territory, that they fulfil the conditions stipulated in paragraphs (a) and (f) of article 6.

Article 10. When Spanish Americans apply for registration as Colombians under article 8 of the Constitution, a document shall be drawn up on ordinary paper which shall be signed by them and by the President and Secretary of the municipal authority in question and which shall state the following: (a) the State of which the applicant is a native and the Government of which he considers himself to be a subject; (b) that he has sworn on oath before the Governor, after the latter has received the naturalization certificate signed by the person in whom the Executive Power is vested, or has solemnly affirmed, if his religion does not permit him to take an oath, that he renounces forever all allegiance to any other Government and that he will uphold and respect the Constitution and the laws of the Republic; (c) the number, names, age and sex of his dependent children to whom the naturalization is to be extended.

Article 11. A municipal authority shall not act to give effect to the provisions of the foregoing article unless empowered to do so by the Government, to which the said authority shall previously have explained the applicant's circumstances as prescribed in article 9.

Article 12. When an application for a naturalization certificate is submitted to a Governor, together with the supporting documentary evidence, he shall examine it and if he finds that none of the required particulars has been omitted, he shall transmit it to the Ministry of Foreign Affairs with a recommendation in which he may advise either that the application should be granted or that it should be dismissed, and with the attestation that the five witnesses who have testified to the applicant's circumstances are persons of recognized integrity. Failing that, that is if any of the required particulars have been omitted, he shall see to it that the documents are duly completed, any omissions noted being made good, so that the application may be dealt with in the normal manner.

Article 13. The Executive Power, having considered the applicant's memorandum, the supporting documentary evidence and the Governor's opinion and attestation, shall state (after consultation with the Foreign Affairs Advisory Committee), whether it admits the application and, if so, shall grant the naturalization certificate and send it to the applicant through the Governor of the *Departamento* in question.

Article 14. On receipt of a naturalization certificate granted by the Government, the Governor shall transmit the certificate to the chief political authority in the District in which the alien who made the application resides. The latter shall be summoned to appear before the said official and in the presence of the official and his secretary shall swear on oath, or, if his religion does not permit him to swear on oath, solemnly affirm: (1) that, as a Colombian by adoption, he will uphold, obey and respect the Constitution and the laws of the Republic; (2) that he renounces absolutely and perpetually all allegiance to his country of origin or to any other country of which he was previously a national; and (3) that he similarly renounces forever any rights and privileges which might derive from such allegiance or nationality.

The oath or affirmation bearing the signatures of the person naturalized, of the official before whom the oath or affirmation was made and of the secretary witnessing the document, shall be endorsed on the naturalization certificate.

Article 15. When these formalities have been satisfied, the naturalization certificate shall be returned to the Governor who shall order the full text

of the certificate and of the oath or affirmation to be copied and registered in a book to be kept for this purpose by the office of each Governor. Each registration or entry in the book shall have its corresponding serial number and shall be headed by the name of the naturalized person. This registration and entry shall be authorized by the signature of the Governor and his Secretary and shall be noted on the naturalization certificate with the date on which the authentic copy was made and the page of the book on which the certificate is registered. Immediately upon completion of these formalities, the Governor shall return the naturalization certificate to the official who is to deliver it to the applicant, and shall communicate to the Ministry of Foreign Affairs a copy of the oath or affirmation made by the applicant so that the particulars thereof may be noted in the register of the names of naturalized persons to be kept in the said Ministry.

Article 16. Each entry in the Register of Naturalizations kept by the Ministry of Foreign Affairs shall give the following particulars: (1) the number of the naturalization certificate and the date on which it was granted; (2) the name and age of the naturalized person; his nationality by birth; the Government of which he was, or considered himself to be, a subject, and the time during which he has resided in the Republic; (3) whether he is married or single, and, if he is married, the name of his wife and the names, ages and sex of his children under the age of twenty-one years who, pursuant to the Act, are to be naturalized by reason of the naturalization of the head of the family; (4) the name of the Governor through whom the naturalized person applied and the date of the application; (5) the date and number of the document in which the Governor notified the swearing of the oath (or the making of the affirmation); the date on which the oath was sworn or the affirmation made, and the authority before whom it was sworn or made.

Article 17. The municipal authority shall transmit to the Ministry of Foreign Affairs, through the Governor of the *Departamento*, both the empowering instrument required by article 11 of this Act and an authorized copy of the oath or affirmation mentioned in article 14. A copy of this oath or affirmation shall be entered in the corresponding register of the office of the Governor and in the register of the Ministry. A list or index of the names of naturalized persons in alphabetical order together with the number of the relevant entry and of the page on which they are to be found shall be placed at the end of each of these books.

Article 18. Naturalization certificates shall be executed on stamped paper and bear stamps to the value of twenty pesos (\$20).

Article 19. The Government may refuse a naturalization certificate to any alien who, having surrendered his nationality of origin and accepted another, applies for Colombian nationality to replace the second nationality, even if he fulfils the other conditions governing naturalization.

Article 20. Children under the age of twenty-one years who become naturalized by reason of their father's naturalization, shall lose Colombian nationality if the father loses it.

Article 21. The State of which the naturalized person was a national shall be informed of his naturalization through the diplomatic channel. In addition, a notice shall be published in the *Diario Oficial* in respect of every naturalization certificate granted by the Executive Power.

The same procedure shall be followed in the case of the review of a naturalization certificate.

Article 22. A naturalization certificate granted by the President of the Republic shall be subject to review in the following cases: (a) if it was granted on the basis of false documents; (b) if the witnesses on whose statements the alien relied in applying for naturalization were untruthful in respect of one or more of the particulars required for the purpose of obtaining naturalization; (c) if it is discovered that, before settling in Colombia, the naturalized alien committed in another country an offence constituting grounds for his extradition.

Article 23. The Council of State shall be empowered to review naturalization certificates, but only if the Attorney-General, having been duly authorized by the Government, so requests.

Article 24. The reason or reasons on which the request for review is based shall be stated in the request; it shall be the subject of a ruling by summary procedure, the party concerned being summoned to appear.

Article 25. The party concerned shall be summoned in person if he resides in the country and his residence is known. If not, he shall be summoned by an announcement to be published in the *Diario Oficial* stipulating the time-limit within which he is to appear.

If the party concerned is absent, he shall be given a time-limit of three months after publication of the summons in the *Diario Oficial* within which to appear personally or through an attorney; upon the expiry of this time-limit and after the appointment of a curator *ad litem*, the proceedings shall continue until a ruling is rendered.

Article 26. A review may be requested not only in the case of naturalization certificates granted after the commencement of this Act, but also in the case of certificates granted prior thereto; however, in no case may a review be requested after ten years have elapsed after the date of the certificate.

Article 27. The decision shall be communicated to the Ministry of Foreign Affairs, whether the request for review is refused or granted, and in the latter case the naturalization certificate shall be declared cancelled and inoperative thereafter.

Article 28. If a person obtained a naturalization certificate by unlawful means, the decision to cancel the certificate shall not exempt him from any penalties to which he may have become liable under national legislation by reason of anything done by him for the purpose of obtaining the said certificate.

If a person charged by reason of the foregoing provision is abroad, the Government may, in conformity with the treaties in force and with the principles and practices of international law, request his extradition in order to bring him to trial.

Article 29. Articles 16, 17, 18, 19, 20, 21, 22 and 23 of Act 145 of 1888; subsection 23 of article 13 of Act 20 of 1923; and Act 16 of 1931 are hereby repealed.