

18. Costa Rica

(a) CONSTITUTION OF 7 NOVEMBER 1949.¹

TITLE II. SOLE CHAPTER: COSTA RICANS

Article 13. The following persons are Costa Ricans by birth:

- (1) Every person born to a Costa Rican father or mother in the territory of the Republic;
- (2) Every person born abroad to a Costa Rican-born father or mother and registered as Costa Rican in the civil register at the instance of the Costa Rican parent during his minority or at his own instance before he attains the age of twenty-five years;
- (3) Every person born in Costa Rica to alien parents and registered as Costa Rican at the instance of either of his parents during his minority or at his own instance before he attains the age of 25 years;
- (4) Every child of unknown parents who is found in Costa Rica.

Article 14. The following persons shall be Costa Ricans by naturalization:

- (1) Every person who has acquired that status by virtue of earlier legislation;
- (2) Every national of another Central American country who is of good conduct, and has resided in the Republic for at least one year, and makes a declaration before the civil registrar that he intends to become Costa Rican;
- (3) Every Spaniard or Latin American by birth who obtains the appropriate certificate from the civil registrar, if he has been domiciled in the country during the two years preceding his application;
- (4) Every Central American, Spaniard or Latin American not so by birth, and every other alien, who has been domiciled in Costa Rica for not less than five years immediately preceding his application for naturalization, if the statutory requirements are satisfied;
- (5) Every alien woman who on marrying a Costa Rican loses her nationality and declares her intention to become a Costa Rican;
- (6) Every person to whom the Legislative Assembly grants honorary Costa Rican nationality.

Article 15. An applicant for naturalization shall be required first to furnish evidence that he has been of good behaviour and is in employment or has some reputable means of livelihood, and to give an undertaking that he will ordinarily reside in the country.

For purposes of naturalization, domicile means regular and actual residence in and ties with the national community in accordance with statutory requirements.

Article 16. A person shall lose his status as a Costa Rican:

- (1) If he adopts another nationality;
- (2) If, being a Costa Rican by naturalization, he voluntarily absents himself from the territory of the Republic for more than six consecutive years and cannot prove that he has maintained his ties with the country.

¹ Constitution of the Republic of Costa Rica, official edition, 1949. Translation by the Secretariat of the United Nations.

Article 17. Loss of status as a Costa Rican shall not extend to a spouse or children. Acquisition of nationality shall extend to children under age in accordance with statutory requirements.

Article 18. Costa Ricans shall observe the Constitution and the laws, serve and defend their country, and contribute toward public expenditure.

(b) ALIENS AND NATURALIZATION ACT OF 29 APRIL 1950.¹

Article 1. The following persons are Costa Ricans by birth:

- (1) Every person born to a Costa Rican father or mother in the territory of the Republic;
- (2) Every person born abroad to a Costa Rican-born father or mother and registered as Costa Rican in the civil register at the instance of the Costa Rican parent during his minority or at his own instance before he attains the age of twenty-five years;
- (3) Every person born in Costa Rica to alien parents and registered as Costa Rican at the instance of either of his parents during his minority or at his own instance before he attains the age of twenty-five years;
- (4) Every child of unknown parents who is found in Costa Rica.

Article 2. The following persons shall be Costa Ricans by naturalization:

- (1) Every person who has acquired that status by virtue of earlier legislation;
- (2) Every national of another Central American country who is of good conduct, and has resided in the Republic for at least one year, and makes a declaration before the civil registrar that he intends to become Costa Rican;
- (3) Every Spaniard or Latin American by birth who obtains the appropriate certificate from the civil registrar, if he has been domiciled in the country during the two years preceding his application;
- (4) Every Central American, Spaniard or Latin American not so by birth, and every other alien, who has been domiciled in Costa Rica for not less than five years immediately preceding his application for naturalization, if the statutory requirements are satisfied;
- (5) Every alien woman who on marrying a Costa Rican loses her nationality and declares her intention to become a Costa Rican;
- (6) Every person to whom the Legislative Assembly grants honorary Costa Rican nationality.

Article 3. A person shall lose his status as a Costa Rican:

- (1) If he adopts another nationality;
- (2) If, being a Costa Rican by naturalization, he voluntarily absents himself from the territory of the Republic for more than six consecutive years and cannot prove that he has maintained his ties with the country.

Article 4. Loss of status as a Costa Rican shall not extend to a spouse or children, who shall continue to possess Costa Rican nationality unless they lose it under article 16 of the Constitution. Acquisition of status as a Costa Rican shall not extend to a spouse, who shall retain his nationality unless he applies for naturalization according to this law. Acquisition of Costa Rican nationality by a parent shall extend to minor children domiciled

¹ *La Gaceta*, No. 102, 10 May 1950, p. 845. Translation by the Secretariat of the United Nations.

in Costa Rica at the time of the acquisition, and the instrument drawn up by the civil registrar shall therefore state the first names and surnames of such children, the place and date of their birth, and their domicile. Upon attaining majority and at any time before attaining the age of twenty-five years such a child may appear before the civil registrar and renounce Costa Rican nationality. If he does not so renounce it within that period he shall remain a naturalized Costa Rican.

Article 5. A former Costa Rican who has lost his nationality may recover it:

(1) If he lost it in the circumstances described in article 3 (1); if he was a Costa Rican by birth, then by express renunciation of his new nationality made in person or through a specially authorized representative before the civil registrar, who shall register him as a naturalized Costa Rican; and if he was a naturalized Costa Rican, then by making a fresh application and satisfying the other requirements for naturalization; or

(2) If he lost it in the circumstances described in article 3 (2), and satisfies the original requirements, then by applying for and obtaining naturalization again. If, however, his severance of connexion had given rise to a declaration of loss or cancellation of naturalization, and was not wilful or was due to causes beyond his control, he may apply in writing to the registrar for rescission of the declaration, appending any supporting documentary evidence. The registrar may, if he sees fit, require further particulars and evidence. He shall allow the State eight days in which to respond to the application, and the State shall, if it objects thereto, furnish any evidence in its possession bearing on the ideology and record of the applicant. After hearing the objection, or after the time-limit therefor has expired, the registrar shall make an order, which shall be subject to appeal within five days to the next higher authority. An order upholding the cancellation shall in no case afford ground for a claim against the State for compensation, notwithstanding that the previous loss or cancellation of status as a Costa Rican has been declared illegal, but submission of the initial application shall be deemed to have imported a waiver of all redress against the State.

Article 6. Where under the law of the country to which a husband belongs his Costa Rican wife may not acquire his nationality, she shall retain Costa Rican nationality without alteration; but where under such law she loses her nationality she may, if the marriage is dissolved and she returns to Costa Rica, again become a Costa Rican by birth or by naturalization, whichever her status was before the marriage. In any case a Costa Rican woman shall, if she has an option, state clearly in the marriage instrument what her future nationality is to be, so that the registrar may note it in the relevant entry in the marriage register. In order to recover Costa Rican nationality it shall be sufficient for her to renounce the nationality of her husband, for which purpose she shall appear before the registrar either in person or by a representative holding a special authority granted in Costa Rica.

Article 7. A child under the age of twenty years one of whose parents is Costa Rican by birth and who has lost his nationality owing to some act of his Costa Rican parent may, upon attaining majority and before attaining the age of twenty-five years, claim status as a Costa Rican by birth by making before the registrar, either in person or through a specially authorized representative, a declaration supported by suitable evidence.

If at the time of attaining majority he is resident in the Republic and holds any public office, he shall without further requirement be deemed to be a Costa Rican by birth. The same shall apply to a child under age whose mother is a Costa Rican by birth and who has lost his nationality through acknowledgment by an alien father.

Article 8. A person desiring to acquire or retain Costa Rican nationality may benefit by the rule according to which a child is deemed for all purposes favourable to him to have been born at the moment of conception.

Article 9. In the case referred to in article 13 (2) of the Constitution the Costa Rican parent may, during the minority of his child, apply to the registrar in person or by a specially authorized representative for the registration of his child as a Costa Rican by birth.

Article 10. In the case referred to in article 13 (3) of the Constitution either parent may, during the minority of the child, apply to the registrar in person or by a specially authorized representative for the registration of the child as a Costa Rican by birth. In this case and in the case mentioned in the preceding article the registrar shall, on production of the birth certificate, make the proper entry and deliver a certificate thereof to the applicant.

Where an applicant over twenty-one and under twenty-five years of age himself opts for Costa Rican nationality, the same procedure shall be followed.

Article 11. Any alien may be naturalized in the Republic if he first satisfies the civil judge of his judicial area or a civil judge of San José, after service of notice on the Law Officers' Department, that:

- (1) He is over twenty-one years of age;
- (2) He has been domiciled in Costa Rica for the period required by article 14 of the Constitution for the relevant group of nationalities;
- (3) He is and has been of good conduct and practises a trade or profession or holds property or assets or is in possession of other visible means of livelihood and is able to provide for himself and his family, if any;
- (4) He declares on oath that he intends to continue to reside regularly and permanently in the Republic, and at the same time renounces his nationality; and
- (5) Being a taxpayer, he is not in arrears with the payment of any tax, and throughout his stay in the country has not been convicted of any offence (*delito*) or sentenced more than once for any default or contravention.

Production of his current residence papers shall constitute sufficient evidence that he satisfies requirement (1), and to establish his nationality. To prove that he satisfies requirements (2) and (3) he shall produce a statement by four witnesses of good repute, and may also produce any other documentary evidence in his possession. To prove that he satisfies requirement (4) he shall appear in person before the judge to make the declaration on oath and renounce his former nationality. To prove that he satisfies requirement (5) he shall produce the proper receipts or certificates from the offices concerned, and a certificate from the Registry of Offenders stating that during his stay in the country he has not been punished for any offence or sentenced more than once for any default or contravention.

Article 12. The applicant shall then apply for naturalization to the registrar, either in person or by a specially authorized representative, bringing with him his statement certified by the court. All documents shall be certified as prescribed by statute. In the provinces of Guanacaste,

Puntarenas and Limon the special authority may be granted before a judge or mayor in the form set forth in article 1053 of the Code of Civil Procedure.

Article 13. The registrar shall order publication of a notice informing the public of the application for naturalization and stating a time-limit of ten working days during which objections to the application may be filed by members of the public. During this period the Ministry of Public Security and any other authority may file with the registrar notice of opposition, with reasons, supported by documentary evidence.

Article 14. If any objection or notice of opposition is filed against the application, the applicant shall have eight days in which to file a reply; and any evidence offered by him against the objection shall be accepted or the competent court shall be instructed to decide thereon. After the time-limit for reply has expired or the evidence has been accepted, the registrar shall announce his decision to grant or withhold naturalization. An appeal against his decision shall lie to the Supreme Court of Elections within five days from the date of notification of the decision, which shall, in like manner with any other decision of the registry, be notified to the parties in a certified note addressed to the prescribed office or to the residence of each party.

Article 15. Naturalization shall not be granted:

(1) To an applicant found to belong to a nation with which Costa Rica is at war;

(2) To an applicant proved to have acted as a social, political or religious agitator inside or outside the country, or to have been sentenced abroad for any such activity or for swindling, robbery, arson, falsification of currency or securities or for an offence of equal or greater gravity as measured by the penalties set forth in the relevant Costa Rican codes.

Article 16. When the decision has become final, the change of nationality shall be recorded by an entry made in a special register and signed by the Senior Civil Registrar and by the applicant or his specially authorized representative. The certificate of naturalization shall then be issued, signed by the President of the Supreme Court of Elections and by the Senior Civil Registrar.

The entry and the naturalization certificate shall each be accompanied by a photograph of the applicant, and the certificate shall in addition bear a revenue stamp to the value of 100 colones cancelled with the seal of the court. For a Central American by birth the value of the stamp shall be 10 colones. One-half of the proceeds from this stamp duty shall, as under the previous law, be paid at the end of each month to the Orphanage and the other half to the Refuge Home of San José in like manner as the proceeds of the charge for the certification of signatures are paid to the Carlos Maria Ulloa Home.

Article 17. Change of nationality shall not have retroactive effect.

Article 18. Naturalization obtained by an alien by fraud in breach of the requirements of this Act shall be void by operation of law; in consequence whereof, if at any time it is established that a naturalized person, when applying for or obtaining his certificate, gave a false particular or had previously been convicted of an offence referred to in article 15 (2) hereof, or that his purpose in becoming naturalized was to spread totalitarian doctrines or methods contrary to the democratic system, then the

civil registrar shall, acting on information laid before his officers and at the instance of the Law Officers' Department and after due notice to the person affected, if the charge is proved proceed to cancel the naturalization certificate. An appeal from his decision shall lie to the Supreme Court of Elections within five days after notification.

. . .
Article 23. Provisions of treaties relating to citizenship, aliens, naturalization, and the rights and duties of aliens shall continue in force.

Article 24. Act No. 25 of 13 May 1889 as amended is hereby repealed.

Article 25. This Act shall enter into force on publication.

Transitional clause. An application for naturalization pending on the entry into force of this Act shall, unless the applicant is prejudiced thereby, continue to be dealt with according to the provisions of statute and regulation in force when it was submitted.

19. Cuba

CONSTITUTION OF 4 APRIL 1952.¹

TITLE II. NATIONALITY

Article 8. Citizenship implies duties and rights, the proper exercise of which shall be regulated by statute.

Article 9. Every Cuban is obliged:

(a) To serve the country with arms, in the cases and in the manner established by statute;

(b) To contribute to the public expenses in the manner and amount directed by statute;

(c) To comply with this Constitution and with the laws of the Republic, to behave as a good citizen, and to inculcate this practice in his own children and those under his care by instilling in them the purest spirit of patriotism.

Article 10. Every citizen is entitled:

(a) To reside in his country without being subjected to discrimination or extortion of any kind, regardless of his race, class, political opinions or religious belief;

(b) To vote in accordance with statute at all elections and referenda called in the Republic;

(c) To receive the benefits of social assistance and public co-operation, subject in the former case to proof that he is destitute;

(d) To perform public functions and hold public office;

(e) To enjoy the priority prescribed by this Constitution and by statute with respect to employment.

Article 11. Cuban citizenship is acquired by birth or by naturalization.

Article 12. The following persons are Cubans by birth:

(a) Every person born in the territory of the Republic otherwise than to an alien in the service of his government.

(b) Every person born in foreign territory to a Cuban father or mother, by virtue solely of taking up residence in Cuba.

¹ *Ley Constitucional para la República de Cuba*, pub. Editora Continental, S.A., 1952. Translation by the Secretariat of the United Nations.