

22. Dominican Republic

(a) CONSTITUTION OF 10 JANUARY 1947.¹

NATIONALITY

Article 8. The following persons are Dominican nationals:

1. Persons who at present possess Dominican nationality by virtue of former constitutions and laws.

2. All persons who were born in the territory of the Republic, with the exception of the legitimate children of aliens who are resident in the Republic as diplomatic representatives or in transit through the Republic.

3. Any person born abroad of Dominican parents, provided that he has not acquired foreign nationality in accordance with the laws of the country of his birth, or, if he has acquired that nationality, that upon attaining the age of majority for the purpose of political rights, or at the latest within one year after attaining the age of majority for civil purposes, as defined in Dominican legislation, he makes a sworn statement before a public official commissioned by the Executive Power, declaring his intention to retain Dominican nationality.

4. Persons naturalized according to the law.

Paragraph. No Dominican may claim the possession of a foreign nationality, whether acquired through naturalization or otherwise. The law may prescribe penalties for persons who, being Dominicans, claim the possession of a foreign nationality. Nevertheless, a Dominican woman married to an alien may acquire the nationality of her husband.

(b) NATURALIZATION ACT NO. 1683 OF 16 APRIL 1948.²

CHAPTER I. ORDINARY NATURALIZATION

Article 1. The following persons may acquire Dominican nationality by naturalization:

(a) An alien who has attained his majority and has received permission to establish domicile in the Republic in accordance with article 13 of the Civil Code, provided that no application for naturalization shall be entertained until at least three years have elapsed since he established domicile therein;

(b) An alien who can prove at least ten years uninterrupted residence in the Republic;

Paragraph I. Interruptions for not more than one year for foreign travel may be taken into account in the period of residence in the country, provided that the person in question intends to return and that the total period of actual residence exceeds seven years;

Paragraph II. Residence abroad in the course of employment by a diplomatic mission or otherwise in the service of the Dominican Government may be taken into account in the aforesaid period of ten years, provided that the residence abroad does not exceed five years;

¹ Translation by the Secretariat of the United Nations.

² As amended by Acts 2092, 2303, 2665 and 3355. Translation by the Secretariat of the United Nations.

(c) An alien who can prove at least five years of uninterrupted residence in the country, provided that he has established and maintained an industrial undertaking or undertakings in a town or rural area, or that he owns real property anywhere in the Republic;

(d) An alien who has resided in the country for two years or more without interruption, provided that he has married a Dominican woman and is married to her at the time of applying for naturalization;

(e) An alien who has received permission from the Executive Authority to establish residence in accordance with article 13 of the Civil Code, on the expiry of at least two years of such residence and provided that he can prove that he has a piece of land of at least thirty hectares under cultivation.

Paragraph III. The Executive Power shall have the power to grant Dominican nationality, with no residence requirement or payment of taxes or fees, to any alien woman who, at the time of contracting marriage with a Dominican national, had retained her foreign nationality in the circumstances described in article 12 of the revised Civil Code.

Article 2. All aliens engaged for technical or special service in the armed forces of the Republic may obtain naturalization without fulfilling the requirements and conditions laid down in this chapter after six months' residence in the country, and shall be exempted from the payment of the fees and dues mentioned hereinafter.

Article 3. A woman married to an alien who becomes a naturalized Dominican may obtain naturalization without being required to reside permanently in the country, provided that she makes the necessary application together with her husband and is in the country when such application is made.

After her husband has been naturalized, she may be naturalized without further formalities, provided that she is resident in the country at the date of application and that the application is authorized by the husband. Such authorization is not required if, on applying for naturalization, the wife can show that under the laws of her own country she does not require her husband's authorization for the purpose of acquiring a different nationality.

In either case, the necessary fees must be paid.

Paragraph I. The children of a naturalized person who are over the age of eighteen may be naturalized after not more than one year's residence in the country, provided that they apply for such naturalization jointly with the mother.

Article 4. Children under the age of eighteen years who are unmarried, legitimate, legitimized or recognized natural children automatically acquire Dominican nationality by virtue of the naturalization of the father. On reaching their majority and for one year thereafter, such persons may, however, renounce Dominican nationality by signing a statement drawn up by a public official and transmitted to the Executive Authority to the effect that they wish to retain the nationality of their country of origin. Notice of such statements shall be published in the *Gaceta Oficial* and each case shall be recorded in the registers referred to hereinafter.

Paragraph. Similarly, they may acquire Dominican nationality as a result of the naturalization of the mother if there is no father, or if the mother has custody of the children although the father is living.

Article 5. An applicant who is married or over the age of eighteen years shall not be required to wait until the age of twenty-one years to apply for naturalization provided that he has the authorization of his parents or, if he has no parents, of his legal guardian.

CHAPTER II. FORMALITIES IN CONNEXION WITH ORDINARY NATURALIZATION

Article 6. Applications for naturalization shall be made to the Executive Authority through the Secretary of State for the Interior and Police, and must be accompanied by all the documents required by this Act.

Paragraph I. Such documents are: (a) a certificate of good conduct issued by the President of the Administrative Council if the applicant resides in the District of Santo Domingo, or by the Governor, if he resides in a province; (b) a certificate, issued by the Attorney General of the judicial district concerned, stating that the applicant has not been convicted of an offence; (c) a birth certificate accompanied by a certified translation when the original is in any other language than Spanish; (d) a copy of the applicant's identity card certified by the official issuing it.

Paragraph II. If it is materially impossible to obtain a birth certificate, the authorities may accept in lieu thereof a special certificate sworn before a court of first instance and countersigned by seven adults who shall testify to the best of their knowledge to the nationality consistently assumed by the applicant and his approximate age.

Paragraph III. If the applicant has acquired a nationality other than his original nationality, he shall, in his application, give a brief explanation of that fact.

Article 7. Although all the formalities and requirements laid down by this Act have been fulfilled, the Executive Authority may, if it sees fit, refuse to grant naturalization, it being understood that this discretionary power shall not extend to cases where nationality is reacquired under the conditions hereinafter described.

Article 8. If naturalization is granted, the relevant decree shall be published in the *Gaceta Oficial* immediately after payment of the required publication fee.

Paragraph. If the publication fee is not paid within six months, the decree shall not be published and shall be considered as not having been issued.

Article 9. After publication of the notice in the *Gaceta Oficial*, the President of the Administrative Council, if the applicant resides in the District of Santo Domingo, or the Civil Governor, if he resides in a province, shall administer an oath to the naturalized citizen in which he pledges loyalty to the Republic and shall present him with a copy certified by the competent official and the Secretary, to which shall be attached a photograph of the naturalized person and the members of his family naturalized with him.

Article 10. The Ministries for the Interior and Police and of Foreign Affairs shall each keep a register of all decrees issued under this Act.

Article 11. A record shall be made of the certified copy delivered and the relevant oath, as provided for in article 9, a copy of which shall be sent to the Ministries for the Interior and Police and of Foreign Affairs for their files.

Paragraph. The Ministry for the Interior and Police shall cause the oath to be published in the *Gaceta Oficial*. Its publication shall be subject to payment of the required fee.

Article 12. Persons using false certificates or other false documents or papers belonging to others in applying for naturalization shall be liable to a term of imprisonment of not less than six months nor more than two years. The same penalty shall be imposed on persons issuing false certificates with a view to helping others to obtain naturalization.

Paragraph I. Naturalization obtained with the help of false documents or papers belonging to others shall be cancelled by the Executive Authority when the sentence handed down on the case becomes final.

Paragraph II. The Executive shall have the authority to cancel any naturalization if the naturalized person transfers his residence abroad within one year following naturalization or if the naturalized person leaves the country and does not return within ten years.

CHAPTER III. CONDITIONAL NATURALIZATION OF IMMIGRANTS

Article 13. Aliens over twenty-one years of age who come to the Dominican Republic to take up farming or any other productive occupation in the agricultural settlements of the State under special agreements regulating and guaranteeing their conduct, and who are established as settlers, may be granted the privilege of naturalization subject to the formalities, conditions and restrictions laid down in this Act.

Article 14. In such cases, the application must be accompanied by a certificate issued by the director of the agricultural settlement in which the applicant resides and countersigned by the Secretary of State for Agriculture, Animal Husbandry and Rural Settlement, stating that the applicant is a member of the given settlement and a person of good conduct.

Article 15. The provisions of articles 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act shall apply to this category of applicants as well as to the wives and children of aliens residing in the agricultural settlements of the State.

Article 16. Naturalization granted under the provisions of this chapter is subject to the condition that the naturalized person is of good conduct, respects and complies with the Constitution and laws of the Republic, refrains from any illegal activity or acts contrary or hostile to the Government of the Republic or to friendly foreign Governments and devotes himself to the work for which he has been admitted into the country. Consequently, naturalization may be cancelled if the naturalized person is the author of or accomplice to a crime or offence; if he engages in propaganda or acts contrary or hostile to the Government of the Republic or to friendly foreign Governments; and if he ceases to comply with his obligations as a settler.

Article 17. Naturalization shall be cancelled by a decree which shall briefly indicate the reasons for cancellation.

Paragraph. If within five years from the date of naturalization the naturalized person has given no grounds for the cancellation thereof, his naturalization shall become definitive.

CHAPTER IV. NATURALIZATION BY PRESIDENTIAL PREROGATIVE

Article 18. The President of the Republic may, as a special privilege, grant Dominican nationality by decree to such aliens as he considers

worthy of exemption from the usual Dominican naturalization formalities because of services rendered to the Republic.

Article 19. Aliens who obtain Dominican nationality in the above manner shall not be bound to fulfil any requirement or to comply with any formality for the relevant decree to become operative.

Paragraph. Upon publication, the decree shall be recorded in the registers provided for in article 10 of this Act.

Article 20. This type of naturalization shall not be granted to more than five persons in any one calendar year.

Article 21. A decree granting naturalization by presidential prerogative under this Act or under earlier legislation relating to naturalization may be cancelled by the President of the Republic and shall be null and void if the person in whose behalf it was issued should commit an act of ingratitude or an act detrimental to the dignity of the Republic or its institutions.

Paragraph. The cancellation shall be recorded in the registers as provided in article 10 of this Act.

CHAPTER V. REACQUISITION OF NATIONALITY

Article 22. A woman who is Dominican by birth or origin, who marries an alien and has thereby acquired her husband's nationality either voluntarily or by naturalization, or who has acquired that nationality as a result of her marriage in virtue of legislation enacted prior to Act 485 of 15 January 1944 as amended by article 19 of the Civil Code, may have her Dominican nationality restored either while she is married or after the dissolution of her marriage, provided that she has stated her intention in this respect to the Ministry for the Interior and Police and simultaneously establishes residence in the country if she has not done so previously.

Article 23. If the marriage is not dissolved, a statement of intention made as aforesaid shall be referred to the Executive Authority who may decide that it shall have no effect and that the woman shall retain her husband's nationality.

Article 24. A notice published in the *Gaceta Oficial* shall confirm the fact that effect has been given to the statement mentioned above.

Article 25. The fact shall be recorded in the registers provided for in article 10 of this Act.

CHAPTER VI. OPTING FOR DOMINICAN NATIONALITY

Article 26. Persons born abroad who opt for Dominican nationality in virtue of article 8, paragraph 3, of the Constitution, shall transmit their application to the Executive Authority through the Ministry for the Interior and Police, if they are in the Republic, or through the Dominican consul nearest to their place of residence if they are not in the Republic, within the time-limit fixed in the aforementioned text. After ascertaining that the application is in good and due form, the Ministry for the Interior and Police shall publish the necessary notification in the *Gaceta Oficial* and the fact shall be recorded in the registers provided for in article 10 of this Act.

Paragraph I. The President of the Republic may provisionally grant Dominican nationality by naturalization to a person under the age of

eighteen years who was born abroad of a Dominican father or mother and who under the law of the country of his birth acquired the nationality of that country, the application to be submitted to the President through the Secretariat of State for the Interior and Police if that person is in the Republic, and through the Secretariat of State for Foreign Affairs if in a foreign country. The application, accompanied by the relevant documentary evidence, shall be made by the father or mother of that person or, failing them, by the trustee or guardian who must be of Dominican nationality. Upon attaining the age of eighteen years the person in question may definitively opt for Dominican nationality in the manner prescribed in article 8, paragraph 3, of the Constitution. The formalities shall be exempt from all dues or fees. The grant of nationality in these cases shall not require any formalities other than publication of a notice in the *Gaceta Oficial* and registration with the said Secretariats of State.

CHAPTER VII. FEES AND DUES

Article 27. Aliens applying for Dominican naturalization shall enclose, together with their application and the documents required under this Act, a naturalization fee fixed on the basis of the economic category indicated on their personal identity cards, and in accordance with the following table of rates:

<i>Economic category</i>		<i>Fee</i>
Holders of Identity Card marked 500	\$DR	1,000 \$DR
Holders of Identity Card marked 400	\$DR	850 \$DR
Holders of Identity Card marked 300	\$DR	750 \$DR
Holders of Identity Card marked 200	\$DR	600 \$DR
Holders of Identity Card marked 100	\$DR	450 \$DR
Holders of Identity Card marked 75	\$DR	350 \$DR
Holders of Identity Card marked 50	\$DR	300 \$DR
Holders of Identity Card marked 25	\$DR	200 \$DR
Holders of Identity Card marked 10	\$DR	100 \$DR
Holders of Identity Card marked 5	\$DR	75 \$DR
Holders of Identity Card marked 3	\$DR	50 \$DR
Holders of Identity Card marked 2	\$DR	30 \$DR
Holders of Identity Card marked 1	\$DR	20 \$DR
Holders of Identity Card marked 0.50	\$DR	10 \$DR

Paragraph I. The above-mentioned fees shall be sent together with the application in the form of a certified cheque or shall be deposited with the appropriate Collector of Inland Revenues, in which case the receipt issued by the Collector shall be attached to the application.

Paragraph II. Fees received in this way shall be paid into the National Treasury if naturalization is granted or refunded to the applicant if naturalization is refused.

Paragraph III. For the purposes of the present article, applicants shall attach a certificate from the Director-General of Income Tax, or from such other revenue official as is designated by the Executive Power, stating the value of any securities or property they own and the amount of their income, together with an affidavit attesting the correctness of that statement. Any false statement made by an applicant for the purpose of obtaining either the certificate or the affidavit shall be considered as perjury and punished as such.

Article 28. Applications for the reacquisition of Dominican nationality shall be subject to a fixed fee of ten pesos for inland revenue stamps to be affixed to the application.

Article 29. Except for the case mentioned in the foregoing article, the fees provided for in this chapter shall not include fees which may be payable for documents.

CHAPTER VIII. EXEMPTIONS AND REDUCTIONS

Article 30. Naturalization by presidential prerogative and naturalization of aliens rendering technical or special services in the armed forces shall be exempt from fees or dues.

Article 31. Married women and children applying for naturalization together with the husband shall be required to pay only one-half of the fees provided for in this Act.

Article 32. When application for naturalization is made by persons who are nationals of Latin-American countries by birth or origin, the fees and dues provided for in this Act shall be reduced by one-half.

Article 33. The present Act repeals and replaces Acts No. 1227 of 4 December 1929, No. 1029 of 14 November 1935, No. 1083 of 1 April 1936, No. 64 of 3 February 1939, No. 508 of 25 July 1941, No. 484 of 15 January 1944, No. 961 of 3 August 1945, and No. 1144 of 5 April 1946 published in issue No. 6424 of the *Gaceta Oficial* of 10 April 1946, and all other legislation contrary to its provisions.

(c) CIVIL CODE.

*Article 12.*¹ A foreign woman who marries a Dominican shall acquire her husband's status, unless the law of her country authorizes her to retain her nationality, in which case she shall have the option of stating in the marriage record that she declines Dominican nationality.

Article 19. A Dominican woman who marries an alien and who wishes to acquire her husband's nationality, provided the law of his country permits it, shall expressly state that wish, which shall be noted in the marriage record. If she wishes to acquire her husband's nationality after the marriage has taken place, she must do so through naturalization.

23. Ecuador

(a) CONSTITUTION OF 31 DECEMBER 1946.²

TITLE II. NATIONALITY

Article 9. A person may be an Ecuadorian national by birth or by naturalization. A person shall be an Ecuadorian national by birth:

(1) If he was born in the national territory and

(a) Both his parents are Ecuadorian nationals, or aliens domiciled in Ecuador at his birth, or unknown; or

¹ As amended by Act No. 3354 of 3 August 1952. Translation by the Secretariat of the United Nations.

² Translation by the Secretariat of the United Nations.