

as far as acquisition and loss of German nationality are concerned. Article 3, paragraph 2, of the Bonn Constitution (*Grundgesetz für die Bundesrepublik Deutschland*) which became effective on 24 May 1949, enunciated the principle that men and women shall have equal rights.

This did not mean, however, that any legislative provision in conflict with article 3, paragraph 2 of the Bonn Constitution was deprived of its effectiveness immediately. Article 117, paragraph 1, laid down that any such provision should remain in force until it was adjusted to article 3, paragraph 2, but not beyond 31 March 1953.

The Government of the Federal Republic of Germany made preparations to have the Parliament pass legislation to make the adjustments contemplated in article 117, paragraph 1, before April 1, 1953. This could not, however, be accomplished; therefore, all provisions containing a discrimination of women became ineffective automatically on 1 April 1953.

The appropriate Governmental authorities are continuing their efforts to introduce adjusting legislation in order to clarify the legal situation and to remove any doubts as to which provisions must be considered as having ceased to be operative. For the guidance of the authorities dealing with questions of nationality, the Ministry of the Interior recently issued the following recommendations regarding the Nationality Act of 22 July 1913:

- (1) s. 3, No. 3: Will cease to be operative as from 1 April 1953.
- (2) s. 6: Will cease to be operative as from 1 April 1953.
- (3) s. 17, No. 6: Will cease to be operative as from 1 April 1953.
- (4) s. 16, No. 2: As from 1 April 1953, the wife has to make the application herself; a simultaneous application by the husband is no longer required.
- (5) s. 18, also in connexion with s. 25, No. 1: Same as s. 16, No. 2.
- (6) s. 23, No. 2: Will cease to be operative as from 1 April 1953.
- (7) s. 19, also in connexion with s. 25, No. 1: With regard to applications for the release and naturalization of minors the parent other than the one filing the application shall be heard; it is not necessary, however, that this parent agree to the filing of the application.

As will be gathered from the foregoing, the most important changes are that a German woman no longer loses her German nationality by marriage to an alien or a stateless person, and that an alien woman no longer acquires German nationality by marriage to a German national.

30. Greece

- (a) ACT NO. 391 OF 29 OCTOBER 1856¹ AS AMENDED BY THE LEGISLATIVE DECREE OF 13 SEPTEMBER 1926, WHICH WAS CONFIRMED BY THE ORDER OF 12 AUGUST 1927.

BOOK I. CONCERNING PERSONS

SECTION I. THE ENJOYMENT, LOSS AND RECOVERY OF CIVIL RIGHTS

Chapter I. The enjoyment of civil rights

Article 14. A person is a Greek national if:

- (a) At the time of that person's birth his father was a Greek national;

¹ Translation by the Secretariat of the United Nations.

(b) He was born out of wedlock and at the time of his birth his mother was a Greek national;

(c) He was born in Greece of unknown parents or of parents of unknown nationality;

(c) 2 (a) He was born in Greece, is resident in Greece and does not possess a foreign nationality;

(d) He was born out of wedlock and at the time his mother was an alien and his father was a Greek national, provided that he is duly recognized by his father;

(e) His father or his mother was born in Greece or had been resident in Greece for not less than five years before that person's birth, provided that that person is himself resident in Greece at the time of attaining the age of majority as defined by Greek law and provided further that he does not renounce Greek nationality by a declaration made before the municipal or communal authority of the place of his domicile in the year following his attainment of majority. In any such case he shall append to the declaration a certificate from the competent authority stating that he has retained the nationality of the parents. This provision shall not apply to any person born in Greece of alien parents who are resident in Greece in connexion with a public office remunerated by the Greek or a foreign State;

(f) He was born in Greece of alien parents and if, under the law applicable to the parents, he does not follow the nationality which they possessed at the time of his birth.

Article 15. An alien who has attained the age of majority as defined by the law of the country of which he is a national may acquire Greek nationality by naturalization.

A person who wishes to apply for naturalization shall make a declaration before the authorities of the place in which he proposes to establish his residence, and after the date of the declaration he shall be resident in Greece for two years if of Greek ethnic origin and for three years if of other origin; upon the expiry of this period, and after obtaining a certificate from the competent authority to the effect that he has not committed any of the offences mentioned in article 22 of the Penal Code, he shall take the oath of allegiance before the competent prefect.

Article 16. The Crown is empowered to grant to an alien who has applied for naturalization the full enjoyment of civil rights during the period of residence prescribed in the foregoing article; in any such case the provisions of Greek law shall be fully applicable to the said alien.

Article 17. If at the time of applying for naturalization an alien has children under the age of majority, these children shall be Greek nationals as from the date on which his naturalization becomes effective; nevertheless, within one year after attaining the age of majority, the said children may, by satisfying the requirements stipulated in article 14, paragraph (e), renounce Greek nationality.

The wife of a person who acquires Greek nationality by naturalization shall herself *ipso facto* acquire Greek nationality through her husband's naturalization, though if she was of foreign origin she may renounce the said nationality by making a declaration within one year after his naturalization before the municipal or communal authority of her place of domicile.

In any such case, she shall attach to her declaration a certificate issued by the competent authority stating that she retains her nationality of origin.

Article 18. If during the two-year (or three-year) period of residence mentioned in article 15 a child is born to the applicant, that child shall acquire Greek nationality through the naturalization of the father.

Article 19. If a person was born out of wedlock, then, if his mother was at the time a Greek national and his father an alien, and if his father recognizes him, that person may acquire Greek nationality pursuant to the provisions of article 17; in similar circumstances, a person who was born in Greece of a mother who was at the time an alien, may likewise acquire Greek nationality pursuant to the said provisions.

Article 20. A person who was born of parents who have renounced Greek nationality may at any time acquire the said nationality by satisfying the requirements of article 17.

Article 21. An alien woman who marries a Greek national acquires Greek nationality through that marriage.

Article 22. If an alien renders distinguished services to Greece, or introduces an important invention or industry into Greece, or establishes bodies or undertakings serving the public interest, or makes an exceptional contribution to the country's intellectual life, that alien may be naturalized by special legislation.

Chapter II. The renunciation and recovery of civil rights

Article 23. A person shall cease to be a Greek national if:

(a) He acquires by naturalization the nationality of a foreign country. For this purpose the prior permission of the Greek Government, to be given through the Ministry of Foreign Affairs after consideration of the relevant circumstances, shall be required; nevertheless, this permission shall be withheld in any case in which the applicant is liable to military service or has been convicted of an offence against military law or if a prosecution is pending against him for a criminal offence; or

(b) He accepts without the permission of the Crown employment in the service of a foreign Government and fails, after being directed by the Greek Government to relinquish the said employment within a specified period, to comply with this direction.

In any case in which the acceptance of such employment involves, pursuant to the law of that foreign country, the acquisition of that country's nationality, or in which a Greek national acquires a foreign nationality of his own free will in conformity with a legislative provision of the foreign country concerned, then in any such circumstances as aforesaid the provisions of paragraph (a) shall apply.

Article 24. If a person renounces Greek nationality, his wife and children shall nevertheless retain their Greek nationality.

Article 25. If a woman who is a Greek national marries an alien, she shall not cease to be a Greek national unless she acquires her husband's nationality through the marriage. If the husband acquires Greek nationality by naturalization, or if the marriage is dissolved by divorce or by his death, she may recover Greek nationality on becoming resident in Greece and on making a declaration before the municipal authorities of the place in which she proposes to reside.

Article 26. If a person is naturalized in a foreign country with the permission of the Crown, he shall recover Greek nationality if, on returning to Greece, he makes a declaration before the competent authorities stating

his intention to recover the said nationality and if he establishes his residence in Greece.

Article 27. A person who has renounced Greek nationality may at any time recover the said nationality if, on returning to Greece, he makes the necessary declaration before the competent authorities, remains resident in Greece for a period of six months and takes the oath of allegiance before the prefect.

Article 28. A person who has entered foreign military service without the permission of the Crown may recover Greek nationality if, on returning to Greece, and after obtaining the permission of the Crown, he fulfils the conditions governing the naturalization of aliens.

Article 29. The enactments relating to the criminal law shall contain regulations specifying in what circumstances a person who has been convicted of a criminal offence may be deprived of civil rights.

(b) ACT NO. 1242 (b) OF 1919 CONCERNING ELEMENTARY EDUCATION.¹

Article 8. A Greek refugee who satisfies the statutory requirements may likewise be appointed to a post in (secondary or) elementary education. Not later than three months from the date of his appointment his name shall be entered in the register of males of a commune or municipality, and he shall be deemed to be a Greek national as soon as he has taken the oath of public service (Act No. 564, article 5).

(c) ACT NO. 4324 OF 1930 CONCERNING ARMY RECRUITMENT.²

PART I. VOLUNTARY ENLISTMENT AND RE-ENLISTMENT

Article 3. In time of mobilization or war any number of volunteers may, by virtue of an order issued on the motion of the Minister of the Army, be recruited in the various arms and units of the Army from age groups not liable to military service, from reserve classes that have not been called up, and from among aliens of Greek origin, which last-named persons may if they so desire acquire Greek nationality by application to the prefect (*nomarchi*) without further formality, and shall then be registered in the commune or municipality of their choice.

Persons so recruited shall undertake thereby to serve in the Army for the duration of the period of mobilization or war.

(d) LEGISLATIVE DECREE NO. 1391 OF 6 OCTOBER 1938 ON THE STATUS OF PETTY OFFICERS, SEAMEN, AND BOYS OF THE GREEK NAVY.³

QUALIFICATIONS FOR THE VOLUNTARY ENLISTMENT OF BOYS UNDER
COMPULSORY SERVICE AGE IN THE GREEK NAVY

General qualifications

Article 8. No person shall be accepted as a volunteer unless he possesses the following qualifications, to be confirmed by the certificates specified in brackets after each:

¹ Official Gazette No. 189, 27 August 1919, p. 1384. Translation by the Secretariat of the United Nations.

² Official Gazette No. 65, 28 February 1930. Translation by the Secretariat of the United Nations.

³ Official Gazette No. 635, 11 October 1938. Translation by the Secretariat of the United Nations.

(a) He shall be a Greek national. (Extract from the Register of Males.)
 A person whose parents were at the time of his birth Greek nationals but who has not yet acquired Greek nationality may enlist, and shall thereby acquire Greek nationality. (Extract from the Official Register in respect of the parents, or certificate of the proper consular or communal authority.)

(e) LEGISLATIVE DECREE NO. 2280/1940 OF 2 APRIL 1940¹ TO
 AMEND AND SUPPLEMENT THE ACT RELATING TO NATIONALITY.

CHAPTER I. GENERAL PROVISIONS

Article 1. Article 14 of Act No. 391 of 1856, as supplemented by statutory regulation of 13/15 September 1926² and amended by the Order of 12/13 August 1927,³ is hereby amended in its paragraph 1 (e) to read:

“*Article 14.* A person is a Greek national if:

“

“(e) he was born in Greece of parents who at the time of his birth were aliens, provided that his father or his mother was born in Greece or had been resident in Greece for not less than five years before his birth, that he is himself resident in Greece at the time of attaining the age of majority as defined by Greek law, that he applies for naturalization within one year from the attainment of his majority, and that the Minister of Internal Affairs approves his application. Article 17 shall also apply to the wife and children of any person so naturalized. Any person born before 1 November 1913 in one of the territories incorporated in the State on that date shall be deemed to have been born in Greece.”

Article 2. The provisions relating to naturalization in:

(a) The Act of 1856, article 15, paragraph 2, and

(b) The Order⁴ of 10/11 September 1925, article 2, as amended by the Order⁵ of 5/28 May 1926 confirmed by the Order⁶ of 15/19 October 1927, and finally amended and confirmed by Acts 3441 and 3442 of 1927, shall be replaced by the following words:

“A person who wishes to become a Greek national by naturalization shall be required to submit an application to the municipal or communal authority of the place where he proposes to establish his residence. Thereafter, if not of Greek ethnic origin, he shall be required to be resident in Greece for three years. The Minister of Foreign Affairs shall have discretion to reject or accept the application for naturalization, which must be accompanied by supporting documents. The naturalized person shall take the oath of allegiance before the competent prefect or the consular authorities, who shall be empowered thereto in each particular case by the Minister of Internal Affairs.”

¹ Official Gazette, 1940, vol. 117, No. 1, 2 April. Translation by the Secretariat of the United Nations.

² Published in Volume 551.

³ Published in Volume 595.

⁴ Published in Volume 503.

⁵ Published in Volume 538.

⁶ Published in Volume 601, Statute Book.

Article 3. After article 15 of the Civil Code of 1856, there shall be inserted the following article 15 (a):

“1. A person resident abroad whose nationality is in doubt but who is of Greek ethnic origin may acquire Greek nationality by naturalization by submitting an application to the competent Greek consular authority which shall transmit the application to the Minister of Internal Affairs, who shall decide thereon.

“2. All supporting documents, all available information concerning the applicant, and an opinion from the consul concerning the evidence produced in support of the application shall be transmitted therewith. The application shall name the commune or the town in which the applicant wishes to be registered. On approval by the Minister the naturalized person may take the oath of allegiance before the consul.”

Article 4. The first paragraph of article 17 of the Civil Code of 1856, replaced by the Decree of 13/15 September 1926 and amended by the Order of 12/13 August 1927, shall be replaced by the following words:

“If at the time of applying for naturalization an alien has children under the age of majority, these children shall be Greek nationals as from the date on which his naturalization becomes effective; nevertheless, any such child, if not of Greek ethnic origin, may within one year after attaining the age of majority renounce Greek nationality by making a declaration before the municipal or communal authority of his place of residence, provided that this renunciation shall require the approval of the Minister of Internal Affairs.”

Article 5. After article 23 of the Civil Code of 1856 there shall be inserted the following article 23 (a):

“If a Greek national who is not of Greek ethnic origin has for not less than five years been using a foreign passport or other foreign identity document, he may be deprived of Greek nationality by an order made by the Minister of Internal Affairs after consultation with the Nationality Council.”

Article 6. After article 28 of the Civil Code of 1856 there shall be inserted the following article 28 (a):

“1. A person who was formerly an alien and who has acquired Greek nationality

“(a) By naturalization; or

“(b) Pursuant to paragraph (e) inserted in article 14 of the Civil Code of 1856 by the Order of 13/15 September 1926, amended by the Decree of 12/13 August 1927 and replaced by article 1 of this Decree; or

“(c) Pursuant to the Decree of 12/13 August 1927, article 5; or

“(d) By marriage to a Greek national,

and the wife and minor children of a person mentioned in sub-paragraph (a) hereof, may be declared to have forfeited Greek nationality.

“2. Such forfeiture shall be announced by an order made by the Minister of Internal Affairs after consultation with the Nationality Council, a senior police officer to be designated by the competent Minister as an additional member of the Council for the purpose of such proceedings.”

“3. A person to whom this article applies may be declared to have forfeited Greek nationality if he:

“(a) Has done anything that prejudices the public peace or the internal or external security of the State or the established social order;

“(b) In furthering the interests of a foreign State, has committed any act that is incompatible with Greek nationality and prejudicial to the interests of Greece;

“(c) Has committed the offence of desertion.

“4. The rules to be observed in the investigation of, and in the production of evidence relating to, any of the aforesaid acts, shall be laid down in a Royal Order.”

Article 7. Article 5 of the Decree of 12/13 August 1927 shall be repealed on the entry into force of this Decree, subject to the proviso that persons who at the time of its entry into force have completely and in fact fulfilled their military obligations or are serving in the armed forces, but not persons rejected as unfit, shall retain Greek nationality.

CHAPTER II. SPECIAL PROVISIONS

Article 8. 1. An alien of Greek ethnic origin who is resident in Greece at the entry into force of this Decree, having come to Greece before 31 December 1934 from a region designated in a joint order made by the Ministers of Internal Affairs and of Foreign Affairs, and having the nationality of the State to which that region belongs, shall be entitled to hold a permit, renewable every two years, to reside in Greece.

2. If a residence permit has not been issued by the competent authority within two months from the date of submission of the application therefor, the previous permit issued to the applicant shall be deemed to have been extended automatically for two years; but if the public interest should so require the competent authority may refuse to issue a residence permit or may revoke one already issued.

3. Such refusal or revocation shall be notified in writing to the applicant, who may within twenty days after receiving such notice appeal to the competent Minister, and may remain in Greece during the time allowed for the appeal and until a decision thereon has been given by the Minister.

4. Aliens of Greek ethnic origin who came to Greece on or after 1 January 1935 shall be subject to the statutory provisions now in force, but the provisions of the foregoing paragraphs may be extended to apply to them by a joint order made by the Ministers of Foreign Affairs and of Internal Affairs in each particular case.

Article 9. 1. In all cases where a permit to reside in Greece is issued under the preceding article a permit to work shall also be issued, subject to the conditions laid down in existing statutory provisions.

2. Of the professions which may be practised only by Greek nationals, the Minister of Internal Affairs, the Minister of Labour and any other Minister concerned shall specify by a joint order those professions for the practice of which the competent Minister may issue licences.

3. The Minister of Internal Affairs and the Minister concerned shall specify by joint order the functions and posts in the State service and in statutory corporations to which aliens of Greek ethnic origin referred to in article 8 may be appointed. Persons appointed to such posts shall thereby acquire Greek nationality, and persons already serving therein shall be deemed to have acquired Greek nationality upon their appointment.

4. The Ministers mentioned in paragraph 2 shall by joint order make regulations for the issue of the permits and licences referred to in para-

graphs 1 and 2, and generally for giving effect to the provisions of those paragraphs.

Article 10. Aliens of Greek ethnic origin who fulfil the prescribed conditions shall acquire Greek nationality on admission to any military school.

Persons already attending such a school and persons who, having attended and passed out of such a school, are on the entry into force of this Decree serving in the army, shall be deemed to have acquired Greek nationality on their admission to such a school.

Article 11. Former Turkish nationals of Greek ethnic origin who, without the permission of the Turkish Government, acquired some other nationality

(a) Before 30 January 1923 if they are persons to whom article 7 of the Lausanne Convention of 30 January 1923 on the exchange of populations applies, or

(b) Before 23 July 1930 if they are persons to whom article 28 of the Ankara Convention of 10 June 1930 applies, shall not, even if they have abandoned their property in Turkey, be deemed to have acquired Greek nationality.

Article 12. For the purpose of the acquisition of Greek nationality a refugee from Russia of Greek ethnic origin who arrived in Greece before the end of 1937 shall be deemed to be a person covered by the Resolution of 14/23 April 1925 of the Fourth Constituent Assembly held in Athens.

Article 13. A person not of Greek nationality who wishes to enrol in a school of any grade in Greece shall be required to produce a certificate of nationality from the competent authorities of the State of which he is a national or from its consular authorities in Greece or, failing such a certificate, a certificate from the Minister of Internal Affairs to the effect that he does not possess Greek nationality.

Article 14. The said Minister may request the Nationality Council for an advisory opinion on any matter related to nationality in addition to the cases in which he may do so under existing legislative provisions.

Article 15. An appeal against an order of the Committee on Nationality and Eligibility for Exchange or of the Exchange Advisory Council, or an application for review of a declaration of nationality, submitted to the Ministry of Internal Affairs by a private person shall not be admitted unless accompanied by a receipt from the State Treasury for the sum of 200 drachmae.

Article 16. The following enactments shall be repealed on the entry into force of this Decree:

(a) Act No. 734 of 7/14 June 1916 relating to the State registration of persons of Greek ethnic origin resident abroad, and

(b) Act No. 3098 of 17/24 July 1924 relating to the acquisition of Greek nationality by refugees of Greek ethnic origin from Asia Minor and Thrace.

(f) ACT NO. 580 OF 7 SEPTEMBER 1943 TO AMEND AND SUPPLEMENT THE LAW RELATING TO NATIONALITY. ¹

Having regard to the Communication of the Head of the Government to the Greek People, of 7 April 1943, it is hereby enacted as follows:

¹ Official Gazette No. 302, 10 September 1943. Translation by the Secretariat of the United Nations.

Article 1. 1. Every application for the recovery of Greek nationality in any of the circumstances specified in articles 25, 26 and 27 of the Civil Code of 1856 shall, without prejudice to the provisions thereof, be subject to the discretionary approval of the Minister of the Interior.

2. The provisions of the preceding paragraph shall, pending publication of the relevant regulations by the Ministry of the Interior, likewise apply to declarations of option to recover Greek nationality made between 1938 and the coming into force of this Act.

Article 2. 1. Paragraphs 1, 2, 3 and 4 of article 28 (a) of the Civil Code, as supplemented by article 6 of Act No. 2280 of 1940, shall be replaced by the following words:

- (1) Any person being a Greek national
 - (a) By naturalization; or
 - (b) Pursuant to article 14 (c) 2(a) of the Civil Code, 1856, inserted therein by the Decree of 12/13 August 1927; or
 - (c) Pursuant to article 14 (e) of the said Civil Code, inserted by the Order of 13/15 September 1926, amended by the Decree of 12/13 August 1927, and replaced by article 1 of Legislative Decree No. 2280 of 1940; or
 - (d) Pursuant to article 14 (f) of the said Civil Code, inserted by article 1 of the Order of 13/15 September 1926; or
 - (e) Pursuant to article 17 of the said Civil Code; or
 - (f) Pursuant to Act No. 1524 of 1918; or
 - (g) Pursuant to Act No. 4415 of 1929; or
 - (h) By marriage to a Greek,

and the spouse and children of any person mentioned in sub-paragraphs (a) to (g) hereof, may be declared to have forfeited Greek nationality.

(2) Such forfeiture shall be announced by an order made by the Minister of Internal Affairs after consultation with the Nationality Council.

(3) A person to whom this article applies may be declared to have forfeited Greek nationality if he:

- (a) Has done anything that prejudices the public peace or the internal or external security of the State or the established social order;
- (b) In furthering the interests of a foreign State, has committed any act that is incompatible with Greek nationality and prejudicial to the interests of Greece;

(c) Fails to perform a military duty;

(d) Acquires a foreign nationality without the permission of the Government;

(e) Has been declared unworthy of the privilege of Greek nationality.

(4) Regulations governing procedure and evidence in the foregoing circumstances shall be established by Royal Decree.

Article 3. At the end of the fourth section of paragraph 3 of Article 19 of Legislative Decree No. 1488 of 1938 concerning the Organization of the Administrative Services of the Ministry of the Interior, the following words shall be appended: "or, if he is unable to attend, by such other professor or lecturer of the Faculty of Law as the Minister of the Interior may appoint".

(g) ROYAL DECREE NO. 315 OF 19 APRIL 1947
 CONCERNING THE RECOGNITION OF PERSONS AS GREEK NATIONALS. ¹

Sole Article. (1) A person who has rendered important services to Greece or served in the Greek Army during the period of hostilities between 28 October 1940 and 16 August 1945 may be recognized as a Greek national by joint order of the Ministers of Foreign Affairs and of Internal Affairs, made after consultation with the Nationality Council and on a resolution of the Council of Ministers.

(2) The provisions now in force concerning the wife and minor children of a person who acquires Greek nationality by naturalization shall apply to the wife and minor children of a person recognized as a Greek national under paragraph (1).

(h) DECREE NO. 37 OF 6 DECEMBER 1947 TO DEPRIVE OF GREEK NATIONALITY PERSONS WHO COMMIT ABROAD ACTS PREJUDICIAL TO THE NATIONAL INTEREST. ²

Article 1. If a Greek national who is temporarily or permanently resident abroad is proved to have committed acts prejudicial to the national interest during the present rebellion, or to have supported in any way whatsoever the guerrilla warfare being waged against the State, he may be deprived of Greek nationality.

Article 2. On the application of the Ministers of Foreign Affairs, Justice, Internal Affairs and Public Order, a committee consisting of one Councillor of State or member of the Supreme Court as chairman, one director of the Ministry of Foreign Affairs and one prefect of police, all designated by the appropriate Ministers, shall determine whether the acts committed by the person in question constitute acts prejudicial to the national interest. The Committee shall assemble the papers and evidence necessary for its decision and shall transmit the documents with its recommendation to the Nationality Council attached to the Ministry of Internal Affairs.

Within ten days after the transmission of the documents the Nationality Council shall give its decision, and if it decides that the acts in question are prejudicial to the national interest a Royal Decree may be issued on the application of the Ministers of Justice and of Foreign Affairs to deprive the person concerned of Greek nationality. The opinion of the committee referred to in the preceding paragraph concerning the alleged acts of the person concerned shall not be binding on the Council. The period within which an appeal may be lodged shall begin to run from the date of the publication of the Royal Decree in the Official Gazette; a stay of execution of the said Decree may not be granted. The Council of State shall rule on the appeal within a time-limit of one month.

Article 3. A person deprived of Greek nationality under the provisions of this Decree may not return to Greece, and shall if arrested on Greek soil be prosecuted as an alien liable to expulsion, without prejudice to his liability under the Penal Code and under the provisions of Act No. 4310

¹ Official Gazette, No. 78 of 19 April 1947. Translation by the Secretariat of the United Nations.

² Official Gazette No. 267 of 7 December 1947. Translation by the Secretariat of the United Nations.

of 1929 concerning the settlement and movement of aliens in Greece, etc., as amended by subsequent legislation.

Article 4. This Decree shall enter into force on publication in the Official Gazette.

(i) ACT NO. 517 OF 3 JANUARY 1948 CONCERNING THE NATIONALITY OF PERSONS RESIDING OR ORIGINATING IN THE DODECANESE.¹

Article 1. Persons of Italian nationality who were resident in the Dodecanese on 10 June 1940 and their children born after that date shall become Greek subjects.

Article 2. (1) All persons referred to in article 1 who are over the age of 18 years, and married persons of any age, may, if their ordinary language is Italian, opt for Italian nationality within one year from the entry into force of the Treaty of Peace with Italy of 10 February 1947.

(2) This option shall be exercised by declaration made before the competent Greek communal or municipal administrative authority or, if the person entitled to opt is resident abroad, before the competent Greek consular authority.

(3) Persons who opt for Italian nationality shall transfer their residence to Italy within one year from the date on which they exercise their option.

(4) A married woman shall not be bound by her husband's option.

(5) All unmarried children under the age of 18 years shall be automatically bound by the option of their father or, if he is dead, by the option of their mother.

(6) The right of an unmarried person under the age of 18 years without father or mother, as mentioned in article 19, paragraph 2, of the Treaty of Peace with Italy, to opt for Italian nationality shall be exercised by his guardian.

(7) Persons who opt for Italian nationality and leave Greek territory under the foregoing paragraphs shall retain their Italian nationality and shall be deemed not to have acquired Greek nationality.

Article 3. Italian nationals of Greek ethnic origin and of the Orthodox Christian confession who or whose ancestors were born in the Dodecanese, and who were resident in Greece or established their residence there within one year thereafter and have not acquired Greek nationality by virtue of articles 1 and 4 of this Act, shall automatically become Greek nationals.

Article 4. (1) An Italian national of Greek ethnic origin and of the Orthodox Christian confession who was, or whose parents were, born in the Dodecanese and who is living abroad may acquire Greek nationality by naturalization if he applies to the competent Greek consular authority within one year from the entry into force of this Act and if his application is accepted and he takes the oath of allegiance before the said authority. He shall indicate in his application the municipality or commune in whose general register and register of males he wishes his name to be entered.

(2) If a person to whom the foregoing paragraph applies lives at a long distance from the office of a consular authority he may send his

¹ Official Gazette No. 7 of 9 January 1948. Translation by the Secretariat of the United Nations.

application to that authority by registered post. The consular authority on receipt of the application may permit him to take the oath of allegiance before the priest of the Greek parish or before the head of the Greek community or before two witnesses who shall be Greek nationals.

(3) The wife and minor children of a naturalized person shall become Greek nationals in virtue of his naturalization.

Article 5. The application of all the provisions of existing statutes relating to Greek nationality and to competence and jurisdiction in matters of nationality shall be extended to the Dodecanese.

Article 6. Regulations for giving effect to this Act shall be made by Royal Order.

This Act, having been passed by the Fourth Constituent Assembly and ratified by Us this day, shall be published in the Official Gazette and have the force of a law of the State.

31. Guatemala

(a) CONSTITUTION ¹ OF 11 MARCH 1945

TITLE II

Nationality and citizenship

Article 5. Guatemalans shall be classified as nationals by birth and nationals by naturalization.

Article 6. A person shall be a national by birth if:

(1) He was born in the territory of the Republic to a Guatemalan father or mother, or to unidentified parents, or to parents of unknown nationality; or

(2) He was born in the territory of the Republic to alien parents, and either parent at his birth or during his minority, or he himself during his minority, became domiciled in the country; or, having been born in Guatemala to alien parents in transit other than a diplomatic representative or a person holding an office legally comparable thereto, he opts for Guatemalan nationality on attaining his majority, being legally entitled to do so; or

(3) Having been born abroad to a father or mother who was a Guatemalan national by birth, he becomes domiciled in Guatemala, or is not an alien by the law of the country of his birth, or, being entitled to do so, opts for Guatemalan nationality.

A person opting for Guatemalan nationality shall be deemed to renounce and shall renounce expressly all other nationality.

Article 7. A national by origin of any other of the Republics constituting the United Provinces of Central America shall, on acquiring domicile in Guatemala (unless he expressly reserves his nationality) or, without acquiring domicile, on declaring before a competent authority his desire to be a Guatemalan national, shall be deemed to be a Guatemalan national by birth.

In either case he shall retain his nationality of origin.

¹ Translation by the Secretariat of the United Nations.