

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.

Article 8. An alien shall be a Guatemalan national by naturalization if:

- (1) He has obtained a naturalization certificate in accordance with law; or
- (2) He obtains a naturalization certificate after the statutory period of domicile and residence in the country; or
- (3) Being a Spanish or Ibero-American national by birth, he establishes domicile in the country and declares before a competent authority his desire to be a Guatemalan national; or
- (4) Being a woman married to a Guatemalan national, she opts for Guatemalan nationality.

A person shall on naturalization expressly renounce all other former nationality.

The State may revoke naturalization when to do so appears necessary for the defence of its institutions.

Article 9. A Guatemalan national shall be a citizen if:

- (1) He is a male over eighteen years of age, or
- (2) She is a woman over eighteen years of age and can read and write.

To elect, to stand for election, and to seek public office are rights and duties inherent in citizenship.

Suffrage shall be obligatory and secret for male citizens who can read and write, optional and secret for female citizens, and optional and public for illiterate male citizens.

Every male aged eighteen years or more who can read and write shall cause his name to be registered in the civic register during the year in which he obtains citizenship. Women and illiterate males shall be entitled to be so registered. An illiterate male may exercise the suffrage six months after registration.

For the purpose of registration in the civic register a person able to read and write shall appear before the proper authority with his identity documents and sign the entry. An illiterate male shall present the said documents and shall also be accompanied by two reputable citizens resident in the vicinity as witnesses, who shall attest the applicant's civic capacity and his desire to exercise the right of suffrage.

No one may compel a female citizen or an illiterate male to be registered in the civic register or to vote, nor compel any citizen to vote for any particular person. Any public officer or servant and any employer contravening any provision of this paragraph shall be liable to imprisonment and fine, and shall be deprived of his civic rights and disqualified from public office for the period prescribed by statute.

An illiterate male may be elected only to municipal office.

Article 10. No person, even if he be a citizen, may hold any office in the State unless he possesses the requisite capacity and integrity, which shall be determined by statute.

Article 11. An alien may be appointed to a public office tenable only by a citizen, and shall in such case become naturalized and shall acquire Guatemalan citizenship.

Article 12. Guatemalan nationality shall be forfeited:

- (1) By naturalization in a foreign country, except
 - (a) Another Central-American country, or
 - (b) Spain or an Ibero-American country granting reciprocity, or in virtue of a statute or an international treaty;

(2) By voluntary service rendered in time of war to enemies of Guatemala or their allies and amounting to treason against the fatherland;

(3) By a naturalized Guatemalan citizen who resides for five consecutive years in his country of origin or who absents himself from the Republic for ten years;

(4) By a naturalized Guatemalan citizen who denies in any public instrument that he is a Guatemalan national, or who applies for or uses a foreign passport;

(5) By revocation of a naturalization certificate issued in accordance with statute.

Article 13. Guatemalan nationality shall be recovered:

(1) Where naturalization has been obtained in a foreign country, by entering the territory of the Republic for the purpose of establishing domicile;

(2) In a case to which paragraph (2) of the preceding article applies, by executive order, which may be made after the expiry of a period one and one-half times the length of the sentence.

A naturalized person forfeiting Guatemalan nationality may in no case recover it.

Article 14. Citizenship is suspended:

(1) By a warrant of arrest issued in the case of an offence punishable by correctional imprisonment and which is notailable under bond; this shall not apply to political offences;

(2) By final sentence of conviction issued in the case of an offence;

(3) By a disability in pursuance of a judgment; or

(4) In the other cases provided for by this Constitution.

Article 15. Suspension of citizenship ceases:

(1) By a decree of freedom which revokes that of imprisonment;

(2) By a stay of proceedings;

(3) By a final verdict of acquittal;

(4) By having served the sentence, when rehabilitation is not necessary;

(5) By amnesty; or

(6) By rehabilitation.

Article 16. Citizenship is lost:

(1) By loss of nationality.

(2) By assisting another country or a foreigner against Guatemala in any diplomatic claim or before an international tribunal;

(3) In the other cases provided for in this Constitution.

Article 17. Citizenship is recovered:

(1) By residence in the territory of the Republic during the time determined by law after the recovery of nationality;

(2) By administrative decision in the case of the second clause of the preceding article; or

(3) In accordance with the law in other cases.

Article 18. A Guatemalan national shall:

(1) Serve and defend the fatherland;

- (2) Work for the civic, cultural, economic and social advancement of the country;
- (3) As prescribed by statute, pay taxes;
- (4) Observe and cause to be observed the Constitution of the Republic;
- (5) Obey all statutes and regulations;
- (6) Respect the authorities.

Article 19. It shall become the strict duty of an alien as soon as he enters the territory of the Republic to respect the authorities, pay taxes, and obey the law, to the protection of which he shall become entitled.

Article 20. No Guatemalan national or alien shall in any instance sustain a claim against the Government for any compensation for loss or damage caused to his person or property by civil strife.

(b) LEGISLATIVE DECREE NO. 2010 OF 26 MAY 1934 AMENDING
ARTICLE 97 OF THE CIVIL CODE.

Article 97. By marriage the woman adds her husband's surname to her own and keeps her nationality, unless she wishes to adopt her husband's. In this case she must expressly state this in her marriage certificate.

(c) ALIENS ACT NO. 1781 OF 25 JANUARY 1936 AS AMENDED.¹

I

SOLE CHAPTER. DEFINITION OF ALIENS

Article 1. For the purposes of this Act, the following persons are considered aliens:

- (a) Persons born outside the territory of Guatemala of parents who are not Guatemalans;
- (b) Children born in wedlock outside Guatemala of an alien father and a mother who, although a Guatemalan, is not a Guatemalan by origin;
- (c) Guatemalans who have adopted a foreign nationality, unless they return to Guatemala with the object of settling in the country permanently;
- (d) Persons born outside Guatemala of parents who have adopted a foreign nationality;
- (e) A Guatemalan woman who has clearly stated in her marriage certificate that she renounces her nationality and adopts that of her husband;
- (f) The children of diplomatic agents, even if born in Guatemalan territory.

Article 2. Guatemalan vessels are declared to be Guatemalan territory for the purpose of determining the nationality of persons born on board.

Article 3. If a person who is a Guatemalan national by birth has adopted a foreign nationality, he shall *ipso facto* recover Guatemalan nationality from the time when he enters the country with the intention of settling there and shall recover his citizenship twenty-four hours thereafter.

¹ As amended by Decrees 2153 (1938), 10 (1944) and 281 (1946). Translation by the Secretariat of the United Nations.

Evidence of the intention to settle in the country may be adduced either by an express declaration in writing made before the Department of External Relations, or it may be inferred from actions which clearly imply such an intention.

A naturalized Guatemalan who adopts a foreign nationality shall be subject to the general rules governing naturalization.

Article 4. The children of a Guatemalan father or the children born out of wedlock of a Guatemalan mother shall, if born in a foreign country, acquire Guatemalan nationality as from the time when they begin to reside in the Republic; they shall acquire Guatemalan nationality irrespective of this condition if they are entitled to Guatemalan nationality under the law of their place of birth, or if they had the right to choose and opted for Guatemalan nationality. If a child born as mentioned above wishes to enjoy Guatemalan citizenship, he must, within the year following his coming of age, make a declaration before the Guatemalan consular agent, who shall enter his name in the register and report the case immediately to the Department of External Relations. The Department shall communicate the information to the appropriate civil registry.

Article 5. A Guatemalan woman married to an alien who did not retain her nationality upon marriage, may recover Guatemalan nationality provided that she makes a declaration in proper form, before the Secretariat of External Relations of Guatemala or before a Guatemalan diplomatic or consular agent in the place of her residence stating her wish to do so.

An alien woman married to a Guatemalan in whose marriage certificate it is not stated that she has adopted her husband's nationality may, at any time, be considered a Guatemalan citizen if she is domiciled in Guatemala and if she makes a declaration in proper form as laid down in the previous paragraph. If she becomes a widow or if the marriage is dissolved, she shall keep her Guatemalan nationality unless she makes an express declaration to the contrary, in proper form as aforesaid.

In the cases covered by this article, Guatemalan diplomatic or consular officials shall proceed as described in the preceding article.

Article 6. A Guatemalan who, without the permission of the Government of Guatemala, enters the service of a foreign country as a member of the armed forces or in a similar capacity shall forfeit Guatemalan nationality, but may recover it under the conditions laid down in article 3 of this Act.

Article 7. Natural-born Guatemalan nationals, the children of aliens, who emigrate and live outside Guatemala and who wish to retain Guatemalan nationality are required to prove on attaining their majority that they have discharged and are discharging the duties which nationality places upon them, and for that purpose must return to the Republic and reside therein for not less than five years.

IV

SOLE CHAPTER. NATURALIZATION

Article 58. Persons born in any of the other Central American republics who express the direct desire before the competent authorities to acquire Guatemalan nationality and who satisfy the conditions laid down by law shall be regarded as natural Guatemalan nationals. Where no such

reciprocity exists, the declaration referred to above shall have the effect of conferring on any such Central American Guatemalan nationality by naturalization.

Article 59. Aliens who, having resided in the country for the period required by the law, obtain naturalization certificates, and also persons who obtained naturalization certificates previously in accordance with the existing statutory requirements are naturalized Guatemalans.

Article 60. An alien may become naturalized in Guatemala, unless disqualified by an express legislative provision, and the Department of External Relations may accept or reject the applications of aliens for Guatemalan naturalization.

Article 61. Naturalization may be explicit, tacit or presumptive.

Article 62. Certificates of naturalization may be in the form of a grant or of a declaration.

If the former, naturalization is granted by express terms, and if the latter, the persons concerned are declared to have been naturalized in accordance with the law in consequence of the performance of certain acts, that is to say, they are declarations of tacit naturalization.

Article 63. A declaratory certificate of tacit naturalization is retroactive in its effects to the date of the legal instrument which produced the change of nationality; a concessive certificate of nationality takes effect only as from the day on which it is delivered.

Article 64. Naturalization may be obtained provided that the conditions set forth in either of the following cases have been satisfied:

1. Uninterrupted residence in the territory of the Republic for the five years prior to the date on which proceedings are started; or proof that the applicant is domiciled in the country, and has resided there for periods amounting in all to ten years or more.

2. Proof that the applicant, if he has resided in the country for less than five years and more than two, has definitive ownership of some real property and possesses capital invested in real estate or industrial enterprises to the value of more than 20,000 quetzals.

The Executive is empowered to waive these conditions:

If the alien has resided in the country for two years and has rendered the country important services or contributed to its development culturally, scientifically or in some other way which, in the opinion of the Executive, deserves to be taken into account.

When the application for naturalization is submitted to the political chief at the applicant's place of domicile, the applicant must prove that he has been of good conduct and that he has an income, occupation, art, trade or other respectable means of subsistence. These matters may be proved by documentary evidence or oral testimony and the Directorate-General of Police must also report on the matter. When the dossier is complete and the statutory notices have been published, the political chief shall refer the case to the Department of External Relations; and when the application has been examined, the President of the Republic may, if the required conditions have been satisfied, issue an order granting naturalization. A copy of this order shall be sent to the Civil Registry so that the appropriate entry may be made.

Spaniards and Ibero-Americans are exempted from the requirement of five years' and two years' residence respectively and may apply for

naturalization at any time, on submitting a simple declaration to the effect that they wish to settle in the country.

Article 65. Certificates of naturalization shall not be granted to the subjects of nations at war with Guatemala; to persons who have been convicted of serious offences; and to persons whose entry or residence in the country are considered undesirable by the law.

Article 66. The Department of External Relations shall not issue passports to naturalized aliens before a year has elapsed since the date of the corresponding entry in the Civil Register.

Article 67. Tacit naturalization takes place when an alien accepts public office or duties for which the possession of nationality is required by law.

Article 68. Naturalized persons acquire all the rights and assume all the obligations of Guatemalans, subject in the case of rights to the limitations established by law.

Article 69. The effects of naturalization are purely individual so far as the person who applied for it is concerned and both wife and adult children must apply individually in case they wish to acquire naturalization. The minor children of a naturalized person who were not Guatemalans may, when they come of age, opt for the nationality of their parents or retain the nationality to which they are entitled.

Article 70. A naturalized alien who absents himself from the country for more than two years shall forfeit the rights conferred on him by naturalization unless he obtains permission from the Department of External Relations to prolong his absence from the country. Such permission may be granted only for a further two years, on the expiry of which the naturalized person must return to the Republic and reside therein for a period of not less than five years. The consular agents of the Republic may not endorse or renew the passports of naturalized aliens who have not obtained this permission. If the Department of External Relations is not given sufficient explanation of the cause of the absence or of the reason for which prolongation is requested, it may issue an order cancelling the naturalization, and such order shall be noted in the Civil Register and at the consulate where the person concerned has registered as a Guatemalan.

Final provisions

Article 111. The legitimate children of a German citizen who were born in Guatemala during the period of validity of the Treaty of Peace, Friendship, Commerce and Navigation concluded with Germany in 1887, which expired on 15 March 1916, must, in order to be registered, present documents delivered in Germany by the appropriate authorities showing that they have performed military service in their country in accordance with article X, paragraphs 2 and 3, of the said Treaty; these documents must be endorsed by the German Legation. They must also produce their birth certificates. Both requirements are essential if they wish to be registered as aliens.¹

Article 112. The provisions of this Act shall in no way affect the immunities and guarantees which international law and the treaties and

¹ Legislative Decree No. 7, 8 November 1887. *Recopilación de Tratados Internacionales*, volume 61.

conventions concluded by the Government provide in respect of diplomatic representatives and the consular corps, or any rights which in the said treaties may be granted in particular to aliens who are nationals of a specified nation.

Article 113. Executive Decree No. 491 of 21 February 1894 and Legislative Decree No. 245 of 30 April 1894 are repealed *in toto*; as are also the various amendments to those Decrees and all provisions inconsistent with this Act.

(d) DECREE NO. 2391 ¹ OF 11 JUNE 1940 CONCERNING NATURALIZATION.

Article 1. The acquisition of Guatemalan nationality by naturalization entails the renunciation and absolute relinquishment by the naturalized person of the political ties which connected him with his country of origin or with any other foreign country. The express renunciation of the applicant's nationality shall be a prerequisite for the grant of Guatemalan naturalization.

Article 2. Naturalized Guatemalans who have not yet expressly renounced their nationality of origin must do so before the Department of External Relations within two months following the date on which this law comes into force. If they fail to do so, the Department of External Relations shall take steps to cancel the naturalization order.

Naturalized Guatemalans who are outside the country must renounce their nationality of origin as prescribed by this article within the two months following the date of their re-entry into the national territory.

Article 3. Naturalized Guatemalans and persons who have acquired Guatemalan nationality by the other means provided for by law must refrain from performing acts or making statements which imply a political tie with their country of origin. Offences against this provision shall be punished by cancellation of Guatemalan nationality and expulsion from the national territory.

Article 4. The acts or statements to which the preceding article refers shall include the use of an alien passport, membership of foreign political parties and the propagation or systematic dissemination of the ideas or policies of foreign political parties which are in conflict with the constitutional principles on which the country's institutions are based.

(e) POLITICAL STATUTE OF 10 AUGUST 1954 ²

CHAPTER II. NATIONALITY AND CITIZENSHIP

Article 9. A person shall be a Guatemalan national by birth if:

(a) 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

¹ Translation by the Secretariat of the United Nations.

² *Diario Oficial* No. 15 of 11 August 1954. Translation by the Secretariat of the United Nations.

(b) 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

He was born in Guatemala to alien parents in transit and opts for Guatemalan nationality on attaining his majority, being legally entitled to do so.

This provision shall not apply to children of diplomatic representatives or of persons holding offices rendering them legally comparable thereto;

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

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

(d) Being a Central American national, he expresses a desire to be deemed to be a Guatemalan national by birth; provided that he is domiciled in Guatemala and the constitution of his country of origin provides for reciprocity.

An alien shall be a Guatemalan national by naturalization if:

(a) He has obtained a naturalization certificate in accordance with law; or

(b) He obtains a naturalization certificate after the statutory period of domicile and residence in the country;

(c) Being a woman married to a Guatemalan national, she opts for her husband's nationality.

A person shall on naturalization expressly renounce all other former nationality. A naturalization certificate may be revoked in accordance with law or if a security measure so requires.

Article 13. Guatemalan nationality shall be forfeited:

(a) By naturalization in a foreign country;

(b) By voluntary service rendered in time of war to enemies of Guatemala or their allies and amounting to treason against the fatherland;

(c) By the voluntary use of a foreign passport;

(d) By a naturalized Guatemalan national who resides for two or more consecutive years outside the territory of Guatemala;

(e) By revocation of the naturalization certificate.

Nationality shall be recovered in accordance with the Aliens Act.

32. Haïti

(a) CONSTITUTION DU 25 NOVEMBRE 1950.

Article 5. Les règles relatives à la nationalité sont déterminées par la loi.

Les étrangers peuvent acquérir la nationalité haïtienne en se conformant aux règles établies par la loi.

Les étrangers naturalisés Haïtiens ne sont admis à l'exercice des droits politiques que dix ans à partir de la date de leur naturalisation.