

« Cette déclaration comportera renonciation à leur nationalité étrangère et adoption de la nationalité haïtienne.

Néanmoins, il est laissé au Président de la République, pour des motifs relevant de sa souveraine appréciation, la faculté d'autoriser la réception de cette déclaration par le Parquet compétent, lorsque l'intéressé n'a pu la faire à temps, par suite de circonstances indépendantes de sa volonté. »

Article 2. Le présent Décret-Loi abroge toutes lois ou dispositions de lois, tous Décrets-Lois ou dispositions de Décrets-Lois qui lui sont contraires et sera exécuté à la diligence du Secrétaire d'Etat de la Justice.

(k) LOI DU 24 FÉVRIER 1947.

Article 1er. L'article 17 de la Loi du 22 août 1907 sur la nationalité est ainsi modifié:

« *Article 17.* La qualité de citoyen se perd:

- 1) Par la naturalisation en pays étranger.
- 2) Par l'abandon de la patrie au moment d'un danger imminent.
- 3) En cas de conflit de nationalité, par le choix manifeste ou la jouissance active d'une nationalité étrangère.
- 4) Par l'acceptation non autorisée de fonctions publiques ou de pensions conférées par un gouvernement étranger.
- 5) Par tous services rendus aux ennemis de la République ou par transactions faites avec eux.
- 6) Par la condamnation contradictoire et définitive à des peines perpétuelles à la fois afflictives et infamantes. »

Article 2. La présente Loi abroge toutes lois ou dispositions de Lois, tous Décrets-Lois ou dispositions de Décrets-Lois qui lui sont contraires et sera exécutée à la diligence des Secrétaires d'Etat des Relations Extérieures et de la Justice.

33. Honduras

(a) CONSTITUTION ¹ OF 28 MARCH 1936.

TITLE II. NATIONALITY AND SOVEREIGNTY

Chapter I. Honduran nationals

Article 6. A person may be a Honduran national by birth or by naturalization.

Article 7. A person shall be a Honduran national by birth if:

- (1) Not being a child of a diplomatic agent or of an alien in transit, he was born in the national territory; or
- (2) Having been born abroad to a Honduran father or mother, he starts to reside in Honduras, or is a Honduran national by the law of the country of his birth or, being entitled to do so, opts for Honduran nationality; or otherwise as provided by treaty.

Article 8. A Honduran national born in the national territory may not, while there resident, have any nationality other than Honduran.

¹ Translation by the Secretariat of the United Nations.

Article 9. Neither matrimony nor its dissolution affect the nationality of husband, wife, or their children.

Article 10. A person originating in another republic of Central America shall, to the extent of any reciprocity granted by that country, be deemed to be a Honduran national by birth if, after one year's residence in Honduras, he makes before the competent authority a written declaration of his desire to be a Honduran national and complies with the legal requirements.

Article 11. A person shall be a naturalized Honduran if:

(1) Being a Spaniard or a Latin American, he has resided in Honduras for two years; or

(2) Being otherwise an alien, he has resided in Honduras for more than four consecutive years.

In each case the applicant shall be required to renounce his nationality before the competent authority and to declare his desire to adopt Honduran nationality; or

(3) He obtains a naturalization certificate by decree of the National Congress.

Article 12. Honduran nationality shall be forfeited:

(1) By voluntary naturalization in a foreign country; or

(2) By revocation of a naturalization certificate; or

(3) By serving in time of war an enemy of Honduras or that enemy's allies.

Article 13. Nationality lost under item (3) of the preceding article may be restored by legislative decree.

Article 14. Every Honduran national shall be obliged to defend the fatherland, to respect its authorities, and to contribute to the support and the moral and material growth of the nation.

(b) ALIENS ACT OF 1 MARCH 1946,¹ AS AMENDED BY DECREE NO. 60 OF 8 FEBRUARY 1951 (ENACTED BY DECREE NO. 81).

CHAPTER I

Aliens

Article 1. The term "alien" means:

1. Any person who was not born in the territory of the Republic and has not been lawfully naturalized in the Republic according to law.

2. Any person who was born abroad of a Honduran father or mother, so long as he is not resident in Honduras; this provision shall not apply however, in the case of any such person to whom the law of the country of his birth attributes Honduran nationality. Any such person as aforesaid shall likewise be deemed to be an alien if, under the said law, he is entitled to elect his nationality but fails to opt for Honduran nationality within one year after attaining his majority. The provisions of this paragraph may be amended by treaties.

3. Any person whose country of origin is one of the other republics of Central America if, after one year's residence in Honduras, he does

¹ La Gaceta, No. 12, 853 of 22 March 1946. Translation by the Secretariat of the United Nations.

not make a declaration in writing before the competent authority expressing the wish to be regarded as a Honduran national.

4. Any Spaniard, and any Latin American, who has been resident in Honduras for two years, and any person possessing some other nationality who has been resident in Honduras for more than four consecutive years, if he does not make a declaration before the competent authority renouncing his nationality and expressing the wish to adopt Honduran nationality.

5. Any Honduran is naturalized in another country who transfers his residence to that country.

6. Any person whose certificate of naturalization is withdrawn.

7. Any Honduran who renders services to enemies of Honduras and its allies in time of war. In this case, Honduran nationality may be recovered (if recoverable at all) by legislative decree.

8. Any person, even though born in Honduras, whose father was a diplomatic representative, or whose parents were aliens in transit, at the time of the birth. The term "alien in transit" means any alien who happens to be in the territory of the Republic or who comes to the country as a visitor, provided that he does not stay in the country for more than three months from the date of his entry and that at the time of his application to the Honduran consulates for the necessary documents he declared that he was travelling as a visitor. Similarly, aliens who enter with a special permit authorizing them to stay for more than three months but who do not intend to settle in the country shall be deemed to be in transit.

Article 2. The nationality of bodies corporate and foundations shall be governed by the law of the country in which they are constituted. Consequently, all such bodies which are not constituted in accordance with the laws of the Republic shall be deemed to be alien and may not carry on their activities in the country unless they have first satisfied the requirements of Honduran legislation.

CHAPTER II

Expatriation

Article 3. In the same way as Hondurans may expatriate themselves by becoming naturalized in another country, by virtue of their right of self-determination, so aliens may acquire Honduran nationality in conformity with the laws of the Republic.

Article 4. Naturalization obtained in a foreign country shall not exempt a criminal from any extradition proceedings, trial or penalties to which he may be liable under treaties, international agreements or the law of Honduras.

Article 5. A Honduran, so long as he resides in the Republic, shall be incapable, even by acquiring a foreign nationality, of avoiding the duties which he owes under the Constitution and legislation of Honduras.

Article 6. A person who has been naturalized in Honduras shall be entitled, even while abroad, to the same protection as Hondurans by birth, so far as his person and property are concerned.

Article 7. For the purpose of protecting Hondurans resident abroad, the Executive Power shall employ the procedures and methods laid down in treaties and, in the absence of express provisions, the principles of international law.

CHAPTER III

Honduran nationality by reason of origin

Article 8. In conformity with article 10 of the Constitution, a person whose country of origin is one of the other Republics of Central America shall be deemed to be a Honduran by birth if, after one year's residence in the country, he expresses the wish to be a Honduran by a declaration made in writing before the competent authority and fulfils the statutory requirements, provided that the country of origin grants reciprocal treatment to Hondurans.

Article 9. The declaration referred to in the foregoing article shall be made by any such person as aforesaid before the Political Governor of the *departamento* (administrative area) in which he resides and the declarant shall produce evidence proving that he was born in one of the Central American Republics, has been resident in Honduras for more than one year, is of good repute and has not been convicted of any offence.

Article 10. Upon receipt of the information concerning the points last above mentioned, the Governor shall transmit it to the Department of State for Foreign Affairs where the competent authorities shall verify the existence and extent of the reciprocity stipulated above and in the Constitution. The said Department shall give a ruling in the light of the evidence produced.

CHAPTER IV

Naturalization

Article 11. If the applicant is a Spaniard or Latin American who has resided in Honduras for two years, or a person of some other nationality who has resided in the country for more than four consecutive years, he shall make a declaration in writing before the Political Governor of the *departamento* of his residence expressing the wish to adopt Honduran nationality; in addition, he shall expressly renounce his nationality and produce evidence of the length of his residence, and show that he is of good repute and has not been convicted of any offence.

Article 12. In the application for naturalization, the person concerned shall also renounce all submission, obedience and allegiance to any other government, and especially to the government of the country of which he has been a national, as well as to any protection other than that extended by the laws and authorities of Honduras and to any right conferred on aliens by treaties or international law; in addition, he shall make a solemn declaration promising allegiance and obedience to the laws and authorities of Honduras.

Article 13. Upon receipt of the information concerning the points referred to in article 11, the Governor shall transmit the original documents to the Department of State for Foreign Affairs, which shall then give its ruling according to law.

Article 14. No certificate of naturalization shall be granted to any subject or citizen of any nation with which Honduras is in a state of war.

Article 15. Similarly, a certificate of naturalization shall not be granted to any person who is held, or has been declared by a court in any other

country, to be a pirate, or a slave trader or white slave trafficker, or guilty of arson, counterfeiting, forging of bank notes or other documents representing money, or of public or commercial securities, or guilty of murder, parricide, rape, kidnapping or larceny, nor to any person who is regarded, pursuant to statute, as undesirable for admission into or residence in the country.

Article 16. Any certificate of naturalization obtained by an alien by fraud or in violation of legislative provisions shall be null and void.

Article 17. The Department of State for Foreign Affairs may withdraw the certificate of naturalization of any person who absents himself from the country for more than five consecutive years or who becomes unworthy of Honduran nationality by reason of duly proved serious misconduct. A naturalized person who loses Honduran nationality for any reason whatsoever shall be unable to recover the said nationality except by a decree of the National Congress.

Article 18. The naturalization of an alien in Honduras shall take effect on the day following that on which he receives the ruling declaring him to be naturalized.

A declaratory order concerning Honduran nationality by reason of origin, obtained by a person whose country of origin is one of the other Republics of Central America, shall take effect in the same way.

Rights vested or acquired in or by the person concerned in the former country shall be governed by the law of that country, but future rights shall be governed by the law of Honduras.

CHAPTER V

Registration and its effects

Article 19. The register of aliens shall be kept by the Department of State for Foreign Affairs and shall contain the name, marital status, occupation, domicile and nationality of every alien, the name and nationality of his parents, the place of birth of the person registered, the name of his wife, the names of his children who are under the age of eighteen years, and a certificate stating that the fingerprints of the registered person have been taken.

Article 20. Every alien who is over the age of eighteen years and resident in the country shall be required to register. This provision shall not, however, apply to aliens in transit or to aliens who hold a special permit authorizing them to stay in the country for more than three months but who do not propose to settle therein. The registration fee shall be five *lempiras*, payable in the form of fiscal stamps affixed to the relevant certificate.

Any alien to whom the foregoing paragraph applies shall be required, before registration, to appear, if in the capital, at the Central Identification Section, and if in a *departamento*, at the fingerprint offices, so that his fingerprints may be taken and the relevant certificate issued to him.

An alien who has settled in the country and fails to comply with the duty to register within three months after his arrival in the country shall be liable to a fine of 10 to 100 *lempiras*, to be imposed by administrative proceedings, or to expulsion from the Republic at the discretion of the Executive Power.

Article 21. For the purposes of the said registration every alien shall, in the capital, apply to the Department of State for Foreign Affairs and, in the *departamentos* to the political authority, in both cases producing evidence of his nationality by means of any of the following documents:

1. A certificate from his country's diplomatic or consular representative accredited in the Republic, provided that the certificate states that the person concerned is a national of the country on whose behalf the representative is acting.

2. The passport duly attested with which the applicant entered the Republic.

3. A certificate of naturalization duly attested: only in cases where sufficient evidence is produced to show that this document has been destroyed or lost, or that this document is not required under the law of the country in which it would otherwise have been issued, shall other equally authentic evidence be admissible to show that the person concerned lawfully obtained the naturalization which he claims to have obtained.

Article 22. If application is made in a *departamento*, the Governor shall transmit the application together with the supporting documents to the Department of State for Foreign Affairs which shall, if it sees fit, register the applicant and, if so, issue the relevant certificate.

Article 23. Evidence of registration shall take the form of a certificate issued and signed by the Secretary of State for Foreign Affairs, who shall be the only person competent to issue such certificates; registration shall constitute a legal presumption that the alien possesses the nationality which he claims, though this presumption is rebuttable.

Article 24. No authority or official shall recognize any person as possessing a particular foreign nationality unless that person produces his registration certificate. This certificate shall not enable its owner to claim any right or facility to which it entitles him, if the benefit of the right or facility in question accrued before the date of registration.

Article 25. The legal status of a registered alien shall be affected in the case of a state of war existing between Honduras and the country of which he is a national.

34. Hungary

NATIONALITY ACT LX OF 24 DECEMBER 1948.¹

CHAPTER I

Acquisition of Hungarian nationality

Article 1. The titles under which Hungarian nationality is acquired are the following:

1. Descent,
2. Marriage, and
3. Naturalization.

Article 2. 1. Hungarian nationality is acquired by descent by the following:

¹ Text based on the English translation received from the Minister of Hungary, Washington.