

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.

(a) A legitimate child of a man of Hungarian nationality, including any such child who, in accordance with the relevant statutory provisions, is deemed to have been legitimated through the subsequent marriage of his parents;

(b) An illegitimate child of a man of Hungarian nationality acknowledged to be his child by a fully valid declaration (Act XXIX of 1946, article 10) or if that man has been declared to be that child's father by a valid judgment (Act XXIX of 1946, article 17);

(c) An illegitimate child of a woman of Hungarian nationality, if the child does not fall under the provisions of paragraph (b).

2. If the subsequent marriage or the fully valid acknowledgment of paternity or the entry into effect of a judgment declaring paternity occurs after the entry into force of this Act and if at that time the child possesses a nationality other than Hungarian and has attained his majority, then the provisions of paragraph 1 above shall not apply to such child unless within one year from that time he makes a declaration addressed to the Minister of the Interior stating that he wishes to follow the Hungarian nationality of his father. Any person residing abroad may file such declaration with the Hungarian representative abroad having jurisdiction for the place of residence of such person.

Article 3. 1. Hungarian nationality by marriage is acquired by any woman of non-Hungarian nationality who marries a Hungarian national.

2. The woman shall retain her Hungarian nationality acquired in accordance with the provisions of paragraph 1 upon the death of her husband or if the Court dissolves the marriage or grants a judicial separation of the spouses.

Article 4. The Minister of the Interior may naturalize any non-Hungarian national

(a) Who has had his permanent residence in Hungary without interruption for three years prior to making his application, and

(b) Whose naturalization does not appear to be detrimental to the interests of the State.

Article 5. The Minister of the Interior may also, in cases where the conditions stipulated in article 4, paragraph (a), are not fulfilled, naturalize a non-Hungarian national who is living in Hungary or wants to settle in this country if his ascendant was a Hungarian national and naturalization appears to be desirable owing to special circumstances.

Article 6. The Government, on an application made by the party and on the proposal of the Minister of the Interior, may also in cases where the conditions stipulated in article 4, paragraph (a), are not fulfilled, naturalize a non-Hungarian national who is living in Hungary or wants to settle in this country if his naturalization is likely substantially to further the interests of the State.

Article 7. An application made under articles 4 to 6 in respect of a person who is not or not fully *sui juris* may be filed by the legal representative of that person.

Article 8. 1. The naturalization of a husband shall apply to his wife living with him in marriage at the time of the filing of the application for naturalization.

2. The effects of the naturalization of the parent shall apply to his child under parental power, irrespective of whether the child be legitimate or illegitimate.

Article 9. 1. An application for naturalization with the supporting documents required for the decision of the case shall be filed with the head of the municipal authority of the applicant's place of residence, or, if he is resident abroad, with the Hungarian representative abroad having jurisdiction for the place of residence or directly with the Minister of the Interior.

2. The head of the municipal authority (Hungarian representative abroad) shall consider whether the documents submitted in support of the application constitute sufficient evidence; if necessary, he shall ask the applicant for supplementary particulars; the said authority shall obtain from authorities, offices or private persons any necessary information and thereafter shall transmit the entire documentary material together with his opinion and statement of reasons to the Minister of the Interior.

Article 10. 1. If the Minister of the Interior sees fit to grant naturalization, he shall issue the corresponding certificate.

2. In the certificate of naturalization there shall be enumerated all dependent persons to whom the effects of the naturalization apply.

3. The naturalized person acquires Hungarian nationality as from the day on which the certificate of naturalization is issued.

4. No fee may be charged in respect of a grant of naturalization.

5. If by virtue of article 5 more than one person applies for naturalization, all the persons concerned may submit a joint application. In such case the application, its enclosures and the certificate of naturalization shall be exempt from stamp duty. The Minister of the Interior may grant further facilities with regard to the procedure.

CHAPTER II

Loss of Hungarian nationality

Article 11. Hungarian nationality may be lost by:

1. Marriage,
2. Legitimation, acknowledgment of paternity or judgment establishing paternity,
3. Release, or
4. Deprivation.

Article 12. A woman contracting marriage with a foreign national shall lose her Hungarian nationality unless she does not acquire by such marriage the nationality of her husband. This provision shall also be applied to any woman who has married a non-Hungarian national before the entering into force of this Act.

Article 13. 1. An illegitimate child who acquires the foreign nationality of his father by *ex gratia* legitimation or by the subsequent marriage of his parents or by acknowledgment by his father or by a judicial declaration of paternity shall lose his Hungarian nationality.

2. The provisions of paragraph 1 shall not apply to a person who has attained his majority and whose permanent place of residence is in Hungary at the time of the *ex gratia* legitimation or of the subsequent marriage or of the acknowledgment of paternity or of the entry into effect of the judgment establishing paternity.

Article 14. 1. The Minister of the Interior upon application made by the party may release from allegiance to Hungary any person who:

- (a) Is not in arrears with any tax or other public dues;
- (b) Is not subject to a sentence imposed by a Hungarian Court in a criminal cause.

2. A man who is over the age of seventeen years but under the age of forty-two may not be released from allegiance except with the approval of the Minister of National Defence.

3. In the case of a person who is not or not fully *sui juris* an application under paragraph 1 may—subject to the prior consent of the guardianship authority—be filed by his legal representative.

4. The provisions of article 12, paragraph 2 of Act I of 1946 shall remain unaffected.

Article 15. The provisions of articles 8 and 9 and of article 10, paragraphs 1, 2 and 4 referring to naturalization shall be applied *mutatis mutandis* to the procedure of release, with the difference that a reference to the certificate of release shall be substituted for any reference to a certificate of naturalization and that the person released shall lose Hungarian nationality as from the day on which the certificate of release is issued.

Article 16. 1. The Minister of the Interior may deprive of his Hungarian nationality a person who has without the permission of the Government entered the public service of another country.

2. The decision of the Minister of the Interior shall be published in the Official Gazette. The decision shall become operative on the date of such publication.

Article 17. 1. The Government on a proposal made by the Minister of the Interior may deprive of his Hungarian nationality a person who:

(1) Accepts from the Government of any foreign State or from any organ thereof or from a foreign political organization, without the permission of the Hungarian Government, any office or mandate of a political character or becomes a member of a foreign organization having a political character or takes part in the activity of such an organization; or

(2) On going abroad contravenes or evades the statutory provisions relating to departure from the country.

2. The decision of the Government shall extend to the wife and minor children of a man deprived of his nationality if the decision contains a statement to this effect.

3. The property of a person deprived of his Hungarian nationality by virtue of this article shall be confiscated. The provisions of articles 6 to 8 of Act XXVI of 1948 shall be applied to the confiscation *mutatis mutandis*.

4. The decision of the Government shall be published in the Official Gazette. The decision shall become operative on the date of such publication.

5. Act XXVI of 1948 to deprive of Hungarian nationality certain persons resident abroad and to confiscate their property shall not be affected by the provisions of paragraph 1.

CHAPTER III

Re-naturalization

Article 18. 1. A person who has lost Hungarian nationality may on his application be re-naturalized.

2. The provisions of articles 4, 7, 8, 9 and 10 of this Act relating to naturalization shall—with the differences mentioned in articles 19 and 20—be applied *mutatis mutandis* to re-naturalization.

Article 19. 1. The Minister of the Interior may also re-naturalize, in the absence of the requirements set out in article 4, paragraph (a):

(1) A person who has lost his Hungarian nationality by release, absence or the acquisition of a foreign nationality through naturalization if such person resides or wishes to settle in Hungary and re-naturalization is motivated by circumstances deserving special consideration;

(2) A woman who has lost her Hungarian nationality through marrying a non-Hungarian national if:

(a) She has become a widow; or

(b) Her marriage has been dissolved by a judicial decision valid in Hungarian law; or

(c) She has been living for more than one year in Hungary separated from her husband.

2. In applying paragraph 1, item (2) (b), a judicial separation shall be deemed to constitute a dissolution of the marriage if the marriage cannot be dissolved according to the law of the country of the husband.

Article 20. The Government, on the proposal of the Minister of the Interior, may also re-naturalize in the absence of the requirements set out in paragraph (a) of article 4 a person who has been deprived of Hungarian nationality by virtue of article 16 or article 17.

CHAPTER IV

Miscellaneous

Article 21. Until proved to be a foreign national a person shall be considered to be a Hungarian national if he:

1. Was born after the completion of the registration of Hungarian citizens (article 33) on the territory of Hungary;

2. Was found in Hungary as descending from parents unknown and is being or has been brought up in Hungary.

Article 22. 1. A woman who lost her Hungarian nationality by marriage shall recover her Hungarian nationality if her marriage is annulled by a judicial decision which is valid in Hungarian law. The re-acquisition of Hungarian nationality shall take place on the date on which the judicial decision becomes effective.

2. A woman who has acquired Hungarian nationality by marriage shall lose such nationality if her marriage is annulled by a judicial decision which is valid in Hungarian law. The loss of the nationality shall take place on the date on which the judicial decision becomes effective; nevertheless she shall retain her Hungarian nationality if within one year from the date on which the judicial decision became effective she makes a declaration addressed to the Minister of the Interior stating her wish to retain her Hungarian nationality.

Article 23. A Hungarian national who is at the same time a national of another State shall be considered to be a Hungarian national until such time as he loses his Hungarian nationality by virtue of this Act.

Article 24. The Minister of the Interior shall be empowered to issue a certificate stating that a particular possesses or has lost Hungarian nationality

or that, according to the evidence available, the person is not a Hungarian national.

CHAPTER V

Article 25. 1. If on the entry into force of the Trianon Peace Treaty, ratified by Act XXXIII of 1921, a person remained, pursuant to the provisions of the said Treaty relating to nationality, a national of Hungary or retained or acquired Hungarian nationality by an option of nationality exercised under article 63 or article 64 of the said Peace Treaty, that person is hereby recognized to be a Hungarian national.

2. The Hungarian nationality of a person recognized as a Hungarian national by virtue of paragraph 1 shall extend to his wife and children and to the wife of any male child of that person.

3. The provisions of this article shall not apply to a person who lost his nationality owing to circumstances occurring after the entry into force of the said Trianon Peace Treaty or after the exercise of the said option of nationality.

Article 26. 1. With effect from 20 January 1945, a person who was formerly a Hungarian national shall be recognized as a Hungarian national if he had lost Hungarian nationality through the invalidation of the statutory provisions referred to in the Armistice Convention concluded in Moscow on 20 January 1945 and ratified by Act V of 1945 and if both on 1 January 1948 he was, and on the date of the entry into force of this Act he is, resident in Hungary.

2. The provisions of paragraph 1 shall apply by virtue of the statutory provisions mentioned therein to a person who was formerly a Hungarian national and who lost Hungarian nationality if he was made a prisoner of war or deported or obliged to leave Hungary on account of his Socialist (Communist, Social-Democrat), anti-fascist or democratic views and if he settled after 1 January 1948, but within six months after the cessation of the reason of his forced absence, in the present territory of Hungary.

Article 27. 1. Irrespective of the provisions of articles 25 and 26, a person shall be recognized as a Hungarian national if on 1 January 1948 his permanent place of residence was in Hungary, if he is not proved to be a foreign national and if both he and that parent whose nationality is determined by descent under article 2 were born within the frontiers of Hungary as existing prior to 26 July 1921.

2. The provisions of paragraph 1 shall also apply to a person who settled in Hungary as a consequence of the forced absence defined in article 26, paragraph 2, after 1 January 1948 but within six months after the cessation of the reason of the said forced absence.

3. The provisions of paragraph 1 shall also apply to a person who prior to 1 September 1939 had to seek employment abroad as a consequence of an economic crisis in the capitalistic economic system or as a consequence of unemployment and who by 1 January 1948 had not returned to Hungary, if that person applies within one year from the entry into force of this Act to the Minister of the Interior for the recognition of his Hungarian nationality. If abroad, the applicant shall submit this application through the Hungarian representative having jurisdiction for his place of residence or, in default of a place of residence, for his place of sojourn. The said Minister shall determine whether the conditions governing the recognition of Hungarian nationality under this paragraph are fulfilled.

Article 28. 1. The Minister of the Interior may, on an application made by the person concerned, in any case in which the conditions stipulated in article 4, paragraph (a) have not been fulfilled, naturalize any person who was born within the frontiers of Hungary as existing prior to 26 July 1921 if the permanent place of residence of that person was on 15 September 1947 in Hungary and is in Hungary at the time when application for naturalization is made and naturalization is desirable owing to special circumstances.

2. The provisions of article 7 shall apply in any case arising under this article.

Article 29. The provisions of article 19, paragraph 1 (1), shall apply if the applicant lost Hungarian nationality not for any of the reasons mentioned therein but as a consequence of the provisions on nationality of the Trianon Peace Treaty ratified by Act XXXIII of 1921 or as a consequence of the invalidation of the statutory provisions mentioned in article 26, paragraph (1), of this Act.

Article 30. 1. Irrespective of the provisions of articles 25, 26 and 27 of this Act, those former Hungarian nationals who, on account of their Socialist (Communist, Social-Democrat), anti-fascist or democratic political conviction, attitude or activity, including any activity in furtherance of the revolutions of the years 1918 and 1919, have gone abroad either by their own desire or owing to some ministerial measure, shall be Hungarian nationals if they have returned to Hungary before 15 September 1948 even if by virtue of other statutory provisions relating to nationality they had lost their Hungarian nationality.

2. The provisions of paragraph 1 hereof shall also be applicable to the wife and children of a person who has gone abroad in the circumstances described.

Article 31. 1. If by virtue of the provisions of article 3, first paragraph, of Act IV of 1939 a woman was unable to acquire Hungarian nationality by her marriage, she shall by virtue of this Act be deemed to have acquired Hungarian nationality by her marriage.

2. If by virtue of the provision referred to in paragraph 1 above a person was unable to acquire Hungarian nationality even though legitimated by his father, that person shall be deemed by virtue of this Act to have acquired Hungarian nationality by legitimation.

Article 32. 1. In the circumstances described in article 39, paragraph 1, of Act XXIX of 1946, Hungarian nationality may be acquired after the entry into force of this Act by *ex gratia* legitimation.

2. The provisions of article 2, paragraph 2, shall apply *mutatis mutandis*.

CHAPTER VI

Final provisions

Article 33. 1. All Hungarian nationals shall produce evidence of their nationality for the purpose of registration. By reference to the particulars registered, a register of nationality shall be prepared.

2. A person whose name appears in the register of nationality shall be treated as a Hungarian national until the contrary has been proved.

3. The Minister of the Interior shall by order make the rules which are to govern registration and the preparation of the register; the rules relating

to Hungarian nationals resident abroad shall be made in consultation with the Minister of Foreign Affairs.

Article 34. Any provision relating to nationality contained in an international agreement shall be considered legally effective in Hungary even if it is at variance with the provisions of this Act.

Article 35. For the purposes of this Act, an Honorary Consul shall not be considered to represent Hungary abroad unless the Minister of Foreign Affairs, in consultation with the Minister of the Interior, has authorized him to deal with matters relating to nationality.

Article 36. 1. On the entry into force of this Act (paragraph 1 of article 37) all statutory provisions contrary thereto shall cease to be operative.

2. In particular the following provisions shall cease to be operative: The provisions of Act L of 1879, in so far as they have not been repealed, Act IV of 1886,

Article 24 of Act XVII of 1922,

Article 66, paragraph 2 of Act II of 1939 and also article 66, paragraph 4 of the said Act, the paragraph in question having become inapplicable by virtue of article 12, paragraph 2, Act I of 1946, and article 66, paragraph 6 of the said Act,

Act XIII of 1939,

Article 9 of Act XIV of 1939,

Order No. 5.070/1945 of the Prime Minister,

Article 7 of Order No. 9.590/1945 of the Prime Minister.

3. Any reference contained in a statutory provision to a provision repealed by this Act shall be construed as if it were a reference to the corresponding provision of this Act.

Article 37. 1. The Minister of the Interior shall by order appoint the date of the entry into force of this Act.

2. By order made under paragraph 1 the Minister may postpone the entry into force of article 21, 1, and of article 33, in respect of which special orders may be issued subsequently.

35. Iceland

NATIONALITY ACT OF 23 DECEMBER 1952.¹

Article 1. A person acquires Icelandic nationality by birth:

(1) If he was born in wedlock and his father was at the time an Icelandic national;

(2) If he was born in wedlock in Iceland of a mother who was at the time an Icelandic national and if either his father had no nationality or he did not acquire his father's nationality by birth;

(3) If he was born out of wedlock of a mother who was at the time an Icelandic national. A foundling child found in Iceland shall be deemed in the absence of proof to the contrary to be an Icelandic national.

Article 2. If a person was born out of wedlock and if at the time his father was an Icelandic national and his mother an alien, then, if he is unmarried and under the age of eighteen years, that person acquires Icelandic nationality on his parents' marriage.

¹ Translation by the Secretariat of the United Nations.