

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the following provisions shall cease to be operative: The provisions of Act L of 1879, in so far as they have not been repealed, Act IV of 1886, Article 24 of Act XVII of 1922, Article 66, paragraph 2 of Act II of 1939 and also article 66, paragraph 4 of the said Act, the paragraph in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 Any reference contained in a statutory provision to a provision repealed by this Act shall be construed as if it were a reference to the corresponding provision of this Act.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.

Article 3. An alien born in Iceland and domiciled there continuously since his birth may, if he has attained the age of twenty-one but has not yet attained the age of twenty-three years, acquire Icelandic nationality by notifying the Ministry of Justice in writing of his desire to do so. If he is stateless or proves that he will lose his foreign nationality on acquiring Icelandic nationality, he may give such notice on attaining the age of eighteen years.

If Iceland is at war a national of an enemy State, or a stateless person whose nationality immediately before he became stateless was that of an enemy State, may not acquire Icelandic nationality under this article.

Article 4. If a person who acquired Icelandic nationality by birth and had been domiciled in Iceland until he attained the age of eighteen years has lost Icelandic nationality, he may recover Icelandic nationality by notifying the Ministry of Justice in writing of his desire to do so, provided that he has been domiciled in Iceland for the two years immediately preceding this notice. If he is a national of another country, such notice will be effective only if he proves that by giving it he loses his foreign nationality.

Article 5. If a man acquires Icelandic nationality under article 3 or 4, any children born to him in wedlock shall, if they are unmarried, under the age of eighteen years and resident in Iceland, acquire Icelandic nationality at the same time, unless they have been placed in the custody of their mother after their parents' divorce or judicial separation.

The provision in the first paragraph under which a child born in wedlock acquires the said nationality together with his father shall likewise apply in respect of:

- (1) A child born out of wedlock and his mother, unless his father is an alien and has custody of him;
- (2) A child born in wedlock and his widowed mother;
- (3) A child born in wedlock and his divorced or judicially separated mother, if she has custody of him.

Article 6. Nationality may be granted by statute in conformity with the Constitution.

Before an application for nationality is submitted to the Althing, the Ministry of Justice shall receive a report thereon from the chief of police and from the local authority of the applicant's place of residence.

Except in so far as this Act otherwise provides, the provisions of article 5 shall apply to the children of a person who acquires nationality under this Act.

Article 7. A person shall cease to be an Icelandic national if:

- (1) He acquires a foreign nationality by application or express consent;
- (2) He acquires a foreign nationality by entering the public service of another State;
- (3) Being unmarried and under the age of eighteen years, he becomes a foreign national because his parents having custody of him, or one of his parents having custody of him either alone or together with the other parent who is not an Icelandic national, have or has acquired a foreign nationality in the manner described in paragraph (1) or (2) above;
- (4) Being unmarried and under the age of eighteen years, he becomes a foreign national through the marriage of his parents with each other; nevertheless, if he resides in Iceland he shall not cease to be an Icelandic national unless he leaves Iceland before he attains the age of eighteen years and is at that time a national of another country.

Article 8. An Icelandic national who was born abroad and has never been domiciled in Iceland, and has never stayed in Iceland for any purpose which raises the presumption that he wishes to be an Icelandic citizen, shall cease to be an Icelandic national on attaining the age of twenty-two years. On application the President may, however, permit him to retain Icelandic nationality.

The children of a person who ceases to be an Icelandic national by virtue of this article shall also cease to be Icelandic nationals if they had originally become Icelandic nationals through him.

Article 9. The President may release from allegiance to Iceland a person who has become or wishes to become a foreign national; but if the person has not already become a foreign national, he shall be required to prove that he will become a foreign national within a specified time.

Article 10. The Minister of Justice shall settle any dispute as to whether a person has acquired Icelandic nationality at the passing of this Act or is qualified to acquire Icelandic nationality by declaring his desire to do so. An order on such a matter shall be subject to appeal to the court.

The Minister of Justice may issue regulations for giving effect to this Act.

A declaration made under this Act to the effect that a person wishes to become an Icelandic national may be made only by the person himself, and not by a person having custody of him or exercising parental authority over him.

Where no other age-limit is specified in this Act, a person who has attained the age of eighteen years shall, even if in the custody of another person, be entitled to make a declaration under this Act concerning his nationality.

Article 11. A minor under the age of eighteen years who would have possessed Icelandic nationality if the provisions of article 1 (2) had been in effect before the entry into force of this Act, and who neither is nor has been a national of another country, shall acquire Icelandic nationality on the entry into force of this Act.

A woman who under the legislation previously in force ceased to be an Icelandic national by marrying a foreign national or by acquiring a foreign nationality either by marriage or because her husband acquired the same, but who would have retained Icelandic nationality if the provisions of this Act had then been in force, may recover Icelandic nationality by notifying the Ministry of Justice in writing before 31 December 1957 of her wish to do so.

A woman who attains the age of twenty-two years before 1 January 1956 and is or has been married at that date shall not cease to be an Icelandic national by virtue of article 8, first paragraph, before the end of 1956.

If a person who has become a national of another country but retained Icelandic nationality by virtue of the second sentence of article 5 of Act No. 64 of 28 January 1935 ceases to reside in Iceland, he shall not cease to be an Icelandic national unless he still possesses the nationality of another country and would lose or would have lost Icelandic nationality under article 7 of this Act if it had been in force previously.

If after the entry into force of this Act circumstances occur by reason of which he is entitled to become, or may cease to be, an Icelandic national,

then, in such circumstances, this Act shall apply as if it had been in force previously.

Article 12. This Act shall enter into force on 1 January 1953.

At the same time Act No. 64 of 28 January 1935 concerning nationality and the acquisition and loss of nationality shall be repealed.

36. India

CONSTITUTION OF 26 NOVEMBER 1949.

Article 5. At the commencement of this Constitution every person who has his domicile in the territory of India and:

- (a) Who was born in the territory of India; or
- (b) Either of whose parents was born in the territory of India; or
- (c) Who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement, shall be a citizen of India.

Article 6. Notwithstanding anything in Article 5, a person who has migrated to the territory of India from the territory now included in Pakistan shall be deemed to be a citizen of India at the commencement of this Constitution if:

(a) He or either of his parents or any of his grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted); and

(b) (i) In the case where such person has so migrated before the nineteenth day of July, 1948, he has been ordinarily resident in the territory of India since the date of his migration, or

(ii) In the case where such person has so migrated on or after the nineteenth day of July, 1948, he has been registered as a citizen of India by an officer appointed in that behalf by the Government of the Dominion of India on an application made by him therefor to such officer before the commencement of this Constitution in the form and manner prescribed by that Government:

Provided that no person shall be so registered unless he has been resident in the territory of India for at least six months immediately preceding the date of his application.

Article 7. Notwithstanding anything in Articles 5 and 6, a person who has after the first day of March, 1947, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India:

Provided that nothing in this article shall apply to a person who, after having so migrated to the territory now included in Pakistan, has returned to the territory of India under a permit for resettlement or permanent return issued by or under the authority of any law and every such person shall for the purposes of clause (b) of Article 6 be deemed to have migrated to the territory of India after the nineteenth day of July, 1948.

Article 8. Notwithstanding anything in Article 5, any person who or either of whose parents or any of whose grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted), and who is ordinarily residing in any country outside India as so defined shall be deemed to be a citizen of India if he has been registered as a