

en plus des dispositions édictées pour elles au paragraphe 3 de cet article, quitter l'Iran dans un délai d'un an, à défaut de quoi les autorités compétentes ordonneront leur expulsion ainsi que la vente de leurs biens. Si lesdites personnes voulaient ultérieurement rentrer en Iran, elles devront obtenir une autorisation spéciale du Conseil des Ministres et ce pour une seule fois et pour une durée déterminée.

Article 989. Tout sujet iranien qui, après l'année solaire 1280 et contrairement aux prescriptions légales, aurait acquis une nationalité étrangère restera reconnu Iranien et la nationalité étrangère ainsi acquise sera nulle et non avenue. Néanmoins, tous ses biens immobiliers seront mis en vente sous la surveillance du Procureur Impérial du lieu et le prix lui en sera remis, déduction faite des frais de vente. Il sera, de plus, privé du droit d'être ministre, sous-secrétaire d'Etat, membre d'un corps législatif, d'un conseil provincial, départemental ou municipal, et d'exercer toute autre fonction gouvernementale.

Article 990. Tout sujet iranien dont le père ou lui-même aurait, conformément à la loi, acquis une nationalité étrangère et désirerait être réintégré dans sa nationalité d'origine, y sera admis aussitôt qu'il en aura fait la demande, à moins que le Gouvernement juge inopportune sa réintégration.

Article 991. Un règlement approuvé par le Conseil des Ministres déterminera les modalités d'exécution de la loi sur la nationalité et fixera les frais à payer (droits de chancellerie) pour les demandes de naturalisation, de l'acquisition d'une nationalité étrangère ou de la conservation de la nationalité d'origine.

39. Iraq

(a) NATIONALITY LAW OF OCTOBER 9, 1924.¹

Article 1. This Law shall be called "The Iraq Nationality Law".

It prescribes the conditions under which Iraq nationality may be acquired and lost.

Preliminary—Definitions

Article 2. In this law the following expressions shall have the following meanings:

(1) "Iraq National" means a person possessing Iraq nationality either by birth, naturalization or otherwise.

(2) "Alien" is any person other than an Iraq national.

(3) "Disability" means the status of being a married woman, or a minor, lunatic or idiot.

(4) The age of majority shall be taken to be eighteen years calculated according to the Solar calendar in the case of Iraqis, and shall be determined, in the case of aliens, by the laws of the State of which they are nationals.

(5) The term "habitually resident in Iraq" shall be deemed to include every person who has had his usual place of residence in Iraq since the twenty-third day of August, 1921.

¹ Flournoy and Hudson, A Collection of Nationality Laws, New York, 1929, pp. 348-351.

Throughout the law the masculine shall include the feminine where there is nothing repugnant thereto in the context.

PART I. IRAQ NATIONALITY

Article 3. All persons who on the 6th day of August, 1924, were Ottoman subjects and were habitually resident in Iraq are hereby declared to have ceased to be Ottoman subjects and to have acquired Iraq nationality on that date.

Article 4. Any person who has become an Iraq national by virtue of Article 3 hereof and who has attained his majority on or before the 6th day of August, 1926, may on or before the said 6th day of August, 1926, by written declaration to be made as hereinafter provided, state his option for Turkish nationality. Provided that such person shall not for the purposes of this law be deemed to have ceased to be an Iraq national unless and until he has obtained a certificate from such officer as may be prescribed by regulation under this law, that he has transferred his place of residence from Iraq in accordance with the provisions of Article 6 hereof.

Article 5. Any person who has attained his majority and who by virtue of Article 3 becomes an Iraq national and differs in race from the majority of the population of Iraq may in manner prescribed in Article 4 hereof opt for the nationality of one of the States in which the majority of the population is of the same race as the person exercising the right to opt, subject to the consent of that State.

Article 6. Any person who has exercised the right to opt in accordance with Article 4 or 5 shall be bound to transfer his place of residence from Iraq within twelve months from the date of option and shall thereupon cease to be an Iraq national. He shall be entitled to remove from Iraq free of export duty all movable property owned by him in Iraq, and to retain all immovables owned by him herein.

Article 7. Any Ottoman subject who has obtained his majority and who, although not habitually resident in Iraq, is a native of Iraq, may on or before the 6th day of August, 1926, by written declaration as hereinafter provided, opt for Iraq nationality, and he shall thereupon with the consent of the Iraq Government acquire Iraq nationality, provided that where necessary an agreement on the subject has been concluded between the Iraq Government and the Government of the country where the person is resident.

Article 8. The following persons shall be deemed to be Iraq nationals:

(a) Any person wherever born, whose father was at the time of that person's birth an Iraq national, and was either born in Iraq or obtained his Iraq nationality by naturalization or by virtue of Articles 3, 4, or 5 hereof,

(b) Any person born in Iraq who has attained his majority and whose father was born in Iraq and was at the time of that person's birth ordinarily resident in Iraq.

Article 9. Any person born in Iraq whose father is an alien may, within one year after attaining his majority, state by declaration as hereinafter provided his desire to become an Iraq national and he shall thereupon be deemed to be an Iraq national. Provided that the declarant while resident in any country other than Iraq has not acquired any foreign

nationality and that there is no provision in the law of the country where he has resided, which prevents him from making such a declaration.

PART II. NATURALIZATION

Article 10. Any person not under disability who fulfils the following conditions may apply as hereinafter provided for the grant of a certificate of naturalization as an Iraq national:

(i) That he has had his usual place of residence in Iraq after attaining his majority for the three years immediately preceding his application.

(ii) That he is of good character.

(iii) That he intends to reside in Iraq.

Article 11. The Minister of Interior shall have absolute discretion to grant or refuse an application for a certificate of naturalization as he thinks most conducive to the public good and no appeal shall lie from his decision.

The Minister of Interior may, if he considers that special circumstances render it desirable, dispense with the condition of three years' previous residence.

Article 12. Subject to the provisions of this law a person to whom a certificate of naturalization has been granted shall be deemed to be an Iraq national for all purposes.

PART III. LOSS OF IRAQ NATIONALITY

Article 13. An Iraq national who becomes voluntarily naturalized in any foreign State shall thereupon cease to be an Iraq national, but his new nationality shall not be recognized in Iraq unless the Iraq Government shall have granted an authorization in this behalf, and if at any time thereafter he shall return to Iraq, the Iraq Government shall have the right to regard him as an Iraq national or to expel him from Iraq.

Article 14. Any person who has become an Iraq national in pursuance of Article 8 of this Law may within one year of attaining his majority by declaration made in the form hereinafter provided, renounce his Iraq nationality and shall thereupon cease to be an Iraq national.

Article 15. If an Iraq national shall enter the civil or military service of a foreign State and shall not give up such service, if called upon to do so by the Iraq Government, the Minister of Interior may by notice in the Official Gazette declare that such person has lost his Iraq nationality.

Article 16. An Iraq national who loses his Iraq nationality shall not thereby be discharged from any obligation arising from any act done by him before he ceased to be an Iraq national.

PART IV. NATIONAL STATUS OF MARRIED WOMEN AND MINOR CHILDREN

Article 17. The wife of an Iraq national shall be deemed to be an Iraq national and subject to the provisions of Article 19 hereof; the wife of an alien shall be deemed to be an alien.

(i) Provided that a woman who has acquired Iraq nationality by marriage may within three years after the death of her husband or dissolution of the marriage renounce her Iraq nationality by declaration made in the form hereinafter provided and shall hereupon cease to be an Iraq national.

(ii) Provided also that a woman who has lost Iraq nationality by marriage, may resume it by declaration made in the form hereinafter provided within three years from the death of her husband or the dissolution of her marriage.

Article 18. (1) If an alien acquires Iraq nationality his minor children shall thereupon become Iraq nationals.

(2) If an Iraq national ceases to be an Iraq national his minor children shall thereupon cease to be Iraq nationals. Provided that a minor child who has ceased to be an Iraq national under the provisions of this paragraph may within two years after attaining his majority, resume Iraq nationality by declaration made in the form hereinafter provided.

Article 19. If a widow or divorced woman who is an alien, marry an Iraq national, her children born before she became an Iraq national shall not by reason only of such marriage acquire Iraq nationality.

Article 20. The Minister of Interior may propose regulations for carrying into effect the objects of this law generally, and in particular for levying fees in respect of declarations and documents under this law, and may issue instructions with respect to the following matters:

(a) The form and registration of certificates of naturalization.

(b) The form and registration of declarations of option for Turkish nationality and declarations of acquisition, resumption, retention and renunciation of Iraq nationality.

Article 21. This Law shall be deemed to be in force from the 6th day of August, 1924.

Article 22. The Ministers of Interior and Justice are charged with the execution of this Law.

(b) NATIONALITY (AMENDMENT) LAW OF FEBRUARY 25, 1925.¹

Article 1. This Law shall be called "The Iraq Nationality Amendment Law, 1925".

Article 2. Article 13 of the Iraq Nationality Law, 1924, is deleted and the following substituted:

"*Article 13.* An Iraq national who becomes voluntarily naturalized in any foreign State, shall thereupon cease to be an Iraq national. Provided that if he shall at any time thereafter have his usual place of residence in Iraq for the period of one year he shall, if he continues to reside in Iraq, be regarded while in Iraq as an Iraq national."

Article 3. Article 14 is amended by the insertion of the following words after the words "his majority": "or if he shall have reached his majority on or before 6 August, 1925, then before the 6th August, 1926".

Article 4. In Article 17 of the said Law the words "subject to the provisions of Article 19 hereof" are deleted.

Article 5. In Article 19 the words "before she became an Iraq national" are deleted and the words "before the said marriage" substituted.

¹ Flournoy and Hudson, A Collection of Nationality Laws, New York, 1929, pp. 351-352.

Article 6. Article 20 is deleted and the following substituted:

“The amount of fees to be paid in respect of any application, declaration or grant under this Law shall be prescribed, from time to time, by Royal Irada.

“The Minister of Interior may by notification in the Official Gazette, make regulations generally for carrying into effect the objects of this Law, and in particular with respect to the following matters:

“(a) The form and registration of certificates of naturalization.

“(b) The form and registration of declarations of option under Articles 4 and 5 hereof, and declarations of acquisition, resumption, or renunciation of Iraq nationality.”

Article 7. This Law shall come into force from the date of its publication in the Official Gazette.

Article 8. The Ministers of the Interior and Justice are charged with the execution of this law.

(c) ORDINANCE NO. 81 OF 28 OCTOBER 1926¹ FOR THE AMENDMENT OF THE NATIONALITY LAW, 1924.

Article 1. (A) This Ordinance shall be called “Ordinance for the Amendment of the Iraq Nationality Law, 1924”, No. 81 of 1926.

(B) It shall come into force from the date of its publication in the Government Gazette.

Article 2. Article 4 of the Iraq Nationality Law shall be amended as follows:

A—The words “on or before the said 6th day of August 1926”, shall be substituted by “on or before the 17th July, 1927”.

B—The following shall be added to the end of the Article “and subject to the condition that the Turkish Government agrees to the change of Nationality”.

Article 3. Articles 5 and 6 of the Law shall be altered in the light of the amendment of date mentioned in Article 2 (A) of this Ordinance.

Article 4. Article 7 of the Law shall be altered by the substitution of the words “the 17th day of July, 1927” for “the 6th day of August, 1926”.

(d) ORDINANCE NO. 62 OF 15 AUGUST 1933 FOR THE CANCELLATION OF IRAQ NATIONALITY.

Article 1. The Council of Ministers may decide the cancellation of Iraq Nationality conferred upon any Iraqi not related to a family normally resident in Iraq before the World War, if he commits or attempts to commit an act considered to be dangerous to the security and safety of the State.

Article 2. The Minister of Interior may order the deportation ex-Iraq of any person deprived of Iraq Nationality in accordance with Article 1, should he deem his deportation necessary in the interest of public security and comfort.

¹ Flournoy and Hudson, A Collection of Nationality Laws, New York, 1929, pp. 358-359.

(e) LAW NO. 1 OF 4 MARCH 1950. SUPPLEMENT TO ORDINANCE ON CANCELLING OF IRAQ NATIONALITY NO. 62 OF 15 AUGUST 1933.

Article 1. The Council of Ministers may cancel the Iraqi nationality of the Iraqi Jew who willingly desires to leave Iraq for good, pending putting his signature on a special form in the presence of the official whom the Minister of Interior designates.

Article 2. The Iraqi Jew who leaves Iraq, or tries to leave Iraq illegally, shall forfeit the Iraqi nationality by a decision of the Council of Ministers.

Article 3. The Iraqi Jew who had previously left Iraq illegally, shall be considered as if he had left Iraq for good, unless he comes back within a period of two months from enforcing this Law, and he shall forfeit his Iraqi nationality from the date of the expiry of this period.

Article 4. The Minister of Interior is charged with issuing orders to expel everyone who has forfeited his Iraqi nationality in accordance with the first and second Articles, unless he is duly convinced, according to satisfactory reasons, that his provisional staying in Iraq is a judicial or legal necessity, or to safeguard the rights of a third party which are officially documented.

Article 5. This Law shall be in force for one year from the date of its enforcing, and it is permissible to terminate it any time within this period by a Royal Irada published in the Official Gazette.

40. Ireland

(a) CONSTITUTION OF 1937.

Article 9. 1. (1) On the coming into operation of this Constitution any person who was a citizen of Saorstát Éireann immediately before the coming into operation of this Constitution shall become and be a citizen of Ireland.

(2) The future acquisition and loss of Irish nationality and citizenship shall be determined in accordance with law.

(3) No person may be excluded from Irish nationality and citizenship by reason of the sex of such person.

2. Fidelity to the nation and loyalty to the State are fundamental political duties of all citizens.

(b) NATIONALITY AND CITIZENSHIP ACT NO. 13 OF 1935.

An Act to provide for and regulate for all purposes, municipal and international, the acquisition by birth or otherwise of citizenship of Saorstát Éireann, and the forfeiture or loss of such citizenship, and to provide for divers matters connected with the matters aforesaid. [10th April, 1935.]

Be it enacted by the Oireachtas of Saorstát Éireann as follows:

1. In this Act:

The expression "the Minister" means the Minister for Justice; the word "legation" includes the office of a High Commissioner; the word "citizen" when used in relation to Saorstát Éireann includes (save where precluded by the context) a person who is a citizen of Saorstát Éireann by virtue of article 3 of the Constitution¹ and when used in relation to

¹ *Article 3.* Every person, without distinction of sex, domiciled in the area of the jurisdiction of the Irish Free State (Saorstát Éireann) at the time of