

valid if it were valid had this Law been in force at the time it was done.
 19. (a) This Law shall come into force on the 21st Tamuz, 5712 (14th July, 1952).

(b) Even before that day, the Minister of the Interior may make regulations as to declarations under section 2 (c) (2).

42. Italy

NATIONALITY ACT OF 13 JUNE 1912.¹

Article 1. Is a citizen by birth:

(1) The son of an Italian citizen;

(2) The son of a mother who is an Italian citizen if his father is unknown or is neither an Italian citizen nor a citizen of any other State, or if that person does not follow the citizenship of the alien father in conformity with the law of the country of which the father is a citizen;

(3) A person born in the kingdom if both parents are unknown or are neither Italian citizens nor citizens of any other State, or if that person does not follow the citizenship of his alien parents in conformity with the law of the country of which they are citizens.

A child of unknown parents found in Italy shall, until the contrary be proved, be deemed to have been born in the kingdom.

Article 2. If during the minority of a person who is not *sui juris* that person is acknowledged by his father or by his mother, or if his parental relationship is established by a judicial decision, then that acknowledgment or decision shall determine that person's citizenship in conformity with the provisions of this Act.

For this purpose, the father's citizenship shall prevail even if his acknowledgment, or the judicial decision establishing parental relationship with the father, is given subsequently to acknowledgment by the mother.

If the person to whom the acknowledgment or the judicial decision relates has attained the age of majority or is *sui juris*, he shall retain his citizenship, but within one year from the date of the said acknowledgment or decision he may make a declaration to the effect that he opts for the citizenship which is derived from parental relationship.

The provisions of this article shall be applicable also to a person whose paternity or maternity is established pursuant to article 193² of the Civil Code.

Article 3. An alien who was born in the kingdom, or whose parents had at the date of his birth been resident in the kingdom for not less than ten years, shall become an Italian citizen:

¹ As amended by Royal Legislative Decree No. 1997 of 1 December 1934. Translation by the Secretariat of the United Nations.

² Now article 279, which reads as follows:

"*Article 279.* In the circumstances listed in the preceding article (Prohibition of investigation of paternal or maternal relationship) and whenever a claim for a judicial decision of paternity is barred, an illegitimate child shall be entitled to maintenance, provided that

"(1) a paternal or maternal relationship is implicitly established by an order of a civil or criminal court; or

"(2) such relationship derives from a marriage which has been annulled; or

"(3) such relationship is evidenced by an unambiguous declaration executed by the parents in writing."

(1) If he enters military service in the kingdom or accepts employment in the service of the Government.

(2) If on attaining the age of twenty-one years he is resident in the kingdom and within one year after attaining that age opts for Italian citizenship.

(3) If he has been resident in the kingdom for not less than ten years, and does not declare, within the period mentioned in paragraph (2), his desire to retain foreign citizenship.

The provisions contained in this article shall also be applicable to an alien whose father or whose mother or whose father's father was an Italian citizen by birth.

Article 4.¹ Italian citizenship, including the enjoyment of political rights, may, subject to a hearing of the case by the Council of State, be granted to:

(1) An alien who has served the Italian State for three years, even though this service was rendered abroad;

(2) An alien who has been resident in the kingdom for not less than five years;

(3) An alien who has been resident in the kingdom for two years and has rendered distinguished services to Italy or has contracted marriage with a woman who is an Italian citizen;

(4) A person who has been resident in the kingdom for six months and who could, but for his failure to make the relevant declaration within the prescribed time-limit, have become an Italian citizen by virtue of legislative provisions.

In exceptional cases and in special circumstances, the Government shall have discretionary power to grant Italian citizenship to persons who do not fulfil the conditions laid down in paragraphs (1) to (4) of this article.

Article 5. The royal decree granting Italian citizenship shall have no effect if the person to whom the said citizenship is granted does not take the oath of allegiance to the King and does not swear to observe the statutes and the other laws of the State.

Article 6. (Repealed by Royal Legislative Decree No. 1997 of 1 December 1934.)

Article 7. Save as otherwise expressly stipulated in international treaties, an Italian citizen who was born and is resident in a foreign country in which he is treated as a citizen of that country by birth, shall nevertheless retain Italian citizenship unless he renounces Italian citizenship on attaining the age of majority or on becoming *sui juris*.

Article 8. A person shall cease to be an Italian citizen if he:

(1) Of his own will acquires a foreign citizenship and establishes or has established his residence abroad;

(2) Having acquired a foreign citizenship independently of his own will, declares that he renounces Italian citizenship, and establishes or has established his residence abroad;

In the circumstances indicated in paragraphs (1) and (2), the Government may waive the requirement of removal to a foreign country.

(3) Having accepted employment in the service of a foreign Government, or having entered the military service of a foreign Power, he remains in that service even though directed by the Italian Government to

¹ Amended by Royal Legislative Decree No. 1997 of 1 December 1934.

discontinue the said employment or to leave the said service within a specified period.

If a person ceases to be an Italian citizen by virtue of a provision in this article, he shall not thereupon be relieved of his military service obligations, except in so far as he may qualify for the benefit of special legislation.

Article 9. If a person has ceased to be an Italian citizen in pursuance of articles 7 and 8, he may recover Italian citizenship if he:

(1) Performs military service in the kingdom or accepts employment in the service of the State;

(2) Declares to renounce the citizenship of the State of which he is a citizen, or proves that he has discontinued the employment or left the military service abroad which he had previously, and despite a direction by the Italian Government, held or entered; provided that in either case he has established, or establishes within one year from the date of the renunciation, his residence in the kingdom;

(3) Having ceased to be an Italian citizen owing to the acquisition of foreign citizenship, has been resident in the kingdom for two years.

Nevertheless, in the cases contemplated in paragraphs (2) and (3), the person in question shall not recover Italian citizenship if the Government orders that he shall not recover the same. This order may be made by the Government for serious reasons, and in conformity with the expressed opinion of the Council of State, within three months from the fulfilment of the conditions stipulated in the said paragraphs (2) and (3), if the foreign citizenship most recently acquired be that of a European country, or within six months in other cases.

A person may recover Italian citizenship even if he does not fulfil the condition governing residence in the kingdom, provided that not less than two years previously he ceased to be resident in the State of which he is a citizen and transferred his residence to some other foreign country but did not acquire the latter's citizenship. For the purpose of recovering Italian citizenship in these circumstances the person concerned shall first obtain the permission of the Government.

Article 10. A married woman cannot assume a citizenship different from her husband's, even if there is a personal separation between them.

An alien woman who marries an Italian citizen acquires Italian citizenship. She shall retain the said citizenship during her widowhood, unless she recovers her original citizenship by remaining abroad or transferring her residence to a foreign country.

If a woman who is an Italian citizen marries an alien, she shall cease to be an Italian citizen if her husband possesses a citizenship which she may acquire by the marriage. In the event of the dissolution of the marriage, she shall recover Italian citizenship if she resides in, or returns to, the kingdom and if in either case she makes a declaration to the effect that she wishes to recover Italian citizenship. Residence in the kingdom for more than two years after the dissolution of the marriage, if there are no children of that marriage, shall be tantamount to a declaration as aforesaid.

Article 11. If the husband, being an Italian citizen, acquires a foreign citizenship, the wife, if residing in the conjugal home, shall cease to be an Italian citizen if she acquires the citizenship of her husband; nevertheless,

she may recover Italian citizenship in conformity with the provisions of the preceding article.

If the husband, being an alien, acquires Italian citizenship, the wife shall acquire Italian citizenship if living in the conjugal home.

If, however, husband and wife are legally separated, and there are no children of their marriage who would, in pursuance of the following article, acquire their father's new citizenship, the wife may make a declaration to the effect that she wishes to retain her own citizenship.

Article 12. If a person acquires or recovers Italian citizenship, his minor children, if not *sui juris*, shall likewise acquire Italian citizenship unless, being resident abroad, they retain their foreign citizenship in conformity with the law of the State whose citizenship they possess. Nevertheless, if born of a person who is a foreign citizen by birth and who has become a citizen any such child who acquired Italian citizenship under the foregoing provisions may, within one year after attaining the age of majority or becoming *sui juris*, opt for the citizenship of origin.

If a person ceases to be an Italian citizen, his minor children, if not *sui juris* and if living with the parent who has *patria potestas* or legal guardianship¹ over them, shall, on condition that they acquire a foreign citizenship, likewise cease to be Italian citizens.

The provisions contained in this article shall also be applicable in cases where the father has died and the mother has *patria potestas* or legal guardianship and possesses a citizenship different from that of the father. They shall not, however, be applicable in cases where the mother has *patria potestas* and changes her citizenship in consequence of a new marriage, in which event the citizenship of all the children born of the previous marriage shall not be affected.

Article 13. The acquisition or recovery of Italian citizenship in all the above-mentioned cases shall take effect from the day following the date on which all the prescribed conditions and formalities were fulfilled.

The applications and declarations relating to the acquisition or recovery of Italian citizenship shall be exempt from any charges or dues.

Article 14. A person who is resident in the kingdom and does not possess either Italian citizenship or the citizenship of another State, shall be subject to Italian laws as far as civil rights and military service are concerned.

Article 15. The territory of the Italian colonies shall be deemed to be territory of the kingdom for the purposes of this Act, save as otherwise stipulated in the legislative provisions applicable to the said colonies.

Article 16. Any declaration referred to in this Act may be made before the officer of civil status (*ufficiale dello stato civile*) of the commune in which the declarant has established or intends to establish his residence, or before a royal diplomatic or consular officer abroad.

The authority to receive such declarations may be extended by the Government of the King to other public officials.

TEMPORARY PROVISIONS

Article 17. Upon the enactment of this Act, articles 4 to 15 of the Civil Code, article 36 of the Emigration Act of 31 January 1901 (No. 23),

¹ The new Civil Code contains no provisions concerning legal guardianship.

the Act of 17 May 1906 (No. 217), and all other provisions inconsistent with this Act, shall cease to be operative.

Nevertheless, nothing herein contained shall affect the legislative provisions relating to the grant of Italian citizenship by royal decree, including the grant of political rights to persons of Italian origin who are not citizens of the kingdom.

The provisions of international conventions shall not be affected by this Act.

Article 18. If a person acquired Italian citizenship prior to the commencement of this Act but did not acquire political rights, he may obtain the said rights by royal decree, if the Council of State makes a favourable recommendation and if the conditions stipulated in article 4 are fulfilled.

Article 19. Citizenship acquired before the effective date of this Act may only be modified by reason of occurrences subsequent to such date.

If at the date of the commencement of this Act a person's citizenship status differs from that which he would possess by virtue of the provisions enacted herein, he may, within one year from the said date, opt for either Italian or the foreign citizenship to which he is potentially entitled pursuant to these provisions.

A person who is entitled to opt for Italian or a foreign citizenship by virtue of any of the foregoing articles may make the declaration of option within one year from the date of the commencement of this Act, even if the prescribed time-limit has elapsed, unless he was entitled to make such a declaration under previous legislation and failed to make it.

Article 20. After consultation with the Council of State, the Government will enact, by royal decree, the regulations to give effect to this Act, which shall enter into force on 1 July 1912.

43. Japan

NATIONALITY LAW OF 4 MAY 1950.¹

PURPOSE OF THIS LAW

Article 1. The conditions necessary for being a Japanese national shall be determined by the provisions of this Law.

ACQUISITION OF NATIONALITY BY BIRTH

Article 2. A child shall, in any of the following cases, be a Japanese national when:

- (1) At the time of its birth, the father is a Japanese national;
- (2) The father who died prior to the birth of the child was a Japanese national at the time of his death;
- (3) The mother is a Japanese national if the father is unknown or has no nationality;
- (4) Both parents are unknown or have no nationality, in cases where the child is born in Japan.

¹ Act No. 147 of 4 May 1950 published in the Official Gazette English edition. Extra. No. 418 of 4 May 1950.