

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.

NATURALIZATION

Article 3. (1) One who is not a Japanese national (hereinafter referred to as "an alien") may acquire Japanese nationality by naturalization.

(2) The permission of the Attorney-General shall be obtained for naturalization.

Article 4. The Attorney-General shall not permit the naturalization of an alien unless he or she fulfils all of the following conditions:

(1) That one has had a domicile in Japan for five or more years consecutively;

(2) That one is twenty years of age or more and a person of full capacity according to the law of his or her native country;

(3) That one is a man or woman of upright conduct;

(4) That one has property or ability enough to lead independent living;

(5) That one has no nationality, or one's acquisition of Japanese nationality will cause the loss of one's nationality;

(6) A person who, since the enforcement of the Constitution of Japan has never plotted or advocated, or formed or belonged to a political party or other organization which has plotted or advocated the overthrow of the Constitution of Japan or the Government existing thereunder.

Article 5. With respect to an alien who falls under any one of the following items, and has presently a domicile in Japan, the Attorney-General may permit the naturalization of the alien even when the said alien does not fulfil the condition mentioned in item (1) of the preceding article.

(1) One who is the husband of a Japanese national and has a domicile or residence in Japan consecutively for three years or more;

(2) One who is the child of one who was a Japanese national (excluding child by adoption) and has a domicile or residence in Japan consecutively for three years or more;

(3) One who is born in Japan and has a domicile or residence in Japan consecutively for three years or more, or whose father or mother (excluding father and mother by adoption) was born in Japan;

(4) One who has had a residence in Japan consecutively for ten years or more.

Article 6. With respect to an alien who falls under any one of the following items, the Attorney-General may permit the naturalization of the alien even when the said alien does not fulfil the conditions indicated in items (1), (2) and (4) of Article 4:

(1) The wife of a Japanese national;

(2) A child (excluding child by adoption) of a Japanese national who has a domicile in Japan;

(3) A child by adoption of a Japanese national, who has been domiciled in Japan for one or more years consecutively and who was a minor according to the law of its native country at the time of the adoption;

(4) One who has lost Japanese nationality (excluding one who has lost Japanese nationality after one's naturalization in Japan) and who has a domicile in Japan.

Article 7. With respect to an alien who has especially rendered meritorious service to Japan, the Attorney-General may, notwithstanding the provision of Article 4, permit the naturalization of the alien with the approval of the Diet.

LOSS OF NATIONALITY

Article 8. A Japanese national shall lose his or her Japanese nationality when he or she acquires a foreign nationality at his or her own will.

Article 9. A Japanese national who has acquired a foreign nationality by reason of his or her birth in the foreign country shall lose Japanese nationality retroactively as from the time of birth, unless the Japanese national manifests his or her volition to reserve his or her Japanese nationality according to the provisions of the Family Registration Law. (Law No. 224 of 1947.)

Article 10. (1) A Japanese national having a foreign nationality may renounce his or her Japanese nationality.

(2) The renunciation of nationality shall be made by notifying the Attorney-General.

(3) Whoever has renounced his or her nationality shall lose Japanese nationality.

PROCEDURE FOR RENUNCIATION OF NATIONALITY

Article 11. The application for permission of naturalization, or the notification of renunciation of nationality, shall be made by the legal representative in his or her behalf, if the person who intends to become naturalized or renounce nationality is under fifteen years of age.

Article 12. The Attorney-General shall, when he has permitted naturalization or accepted notification of renunciation of nationality, announce to that effect by public notice in the Official Gazette.

2. The naturalization or renunciation of nationality shall come into effect as from the day of the public notice under the preceding paragraph.

Article 13. Other than those provided for in the preceding two Articles, the procedures concerning naturalization and renunciation of nationality shall be prescribed by the Attorney-General.

SUPPLEMENTARY PROVISION

1. This Law shall come into force as from July 1, 1950.

2. The Nationality Law (Law No. 66 of 1899) shall be abolished.

3. The application for permission of naturalization or the applications for permission of restoration of nationality made under the provisions of the old Nationality Law before the enforcement of this Law, shall be regarded as applications for permission of naturalization made under the provisions of this Law.

4. The application for permission of renunciation of nationality made before the enforcement of this Law under the provisions of the old Nationality Law shall be regarded as the notifications of renunciation of nationality made under the provisions of this Law.

5. A child whose parent was naturalized in Japan prior to the enforcement of this Law and who has acquired Japanese nationality under the provision of article 15, paragraph 1, of the old Nationality Law shall be regarded as having been naturalized in Japan with respect to the application of the provisions of article 6, item (4). The same shall apply to one who, prior to the enforcement of this Law, was adopted by a Japanese national or became the incoming husband (*nyufu*) of a Japanese national.