

bourgeois ne tenant pas leur nationalité d'un auteur luxembourgeois au jour de leur naissance et qui ont acquis la nationalité luxembourgeoise avant la promulgation de la présente loi.

X. TEXTES DE LOIS ABROGÉS

Article 41. Sont abrogées la loi du 23 avril 1934 sur l'indigénat ainsi que toutes les autres dispositions contraires à la présente loi.

52. Mexico

(a) ARTICLE 30 OF THE CONSTITUTION OF 5 FEBRUARY 1917 AS AMENDED BY DECREE OF 18 JANUARY 1934.¹

Article 30. Mexican nationality is acquired by birth or naturalization.

(A) The following persons are Mexican nationals by birth:

(I) Persons born within the territorial limits of the Republic, irrespective of the nationality of their parents;

(II) Persons born in foreign countries of Mexican parents; of a Mexican father and alien mother; of a Mexican mother and unknown father; and

(III) Persons who were born on board Mexican war or merchant vessels or aircraft.

(B) The following persons are Mexican nationals by naturalization:

(I) Aliens who obtain naturalization papers from the Ministry of Foreign Affairs; and

(II) Alien women who marry Mexican nationals and live or establish domicile within the territorial limits of the Republic.

(b) NATIONALITY AND NATURALIZATION ACT OF 5 JANUARY 1934 AS AMENDED BY DECREES OF 18 SEPTEMBER 1939, 30 DECEMBER 1940 AND 28 DECEMBER 1949.¹

CHAPTER I: MEXICANS AND ALIENS

Article 1. The following persons are Mexican nationals by birth:

(I) Persons born within the territorial limits of the Republic, irrespective of the nationality of their parents;

(II) Persons born in foreign countries of Mexican parents; of a Mexican father and alien mother; of a Mexican mother and unknown father; and

(III) Persons who were born on board Mexican war or merchant vessels or aircraft.

Article 2. The following persons are Mexican nationals by naturalization:

I. Any alien who obtains a certificate of naturalization from the Ministry of Foreign Affairs in accordance with this Act.

II. An alien woman who contracts marriage with a Mexican national and who has or establishes her domicile within the national territory. After she has submitted an application embodying the disclaimers and renunciations and the pledge referred to in articles 17 and 18 of this Act, the Ministry of Foreign Affairs shall in each case issue the corresponding declaration. An alien woman who acquires Mexican nationality

¹ Translation by the Secretariat of the United Nations.

in this way shall retain this nationality even after the dissolution of the marriage.

Article 3. Mexican nationality is lost by any person who:

(I) Voluntarily acquires a foreign nationality, it being understood that the act is not considered voluntary if the said nationality was acquired by law, by the simple fact of residence, or as a prerequisite to obtaining work or to retaining a post acquired previously, the decision to be left to the discretion of the Ministry of Foreign Affairs;

(II) Accepts or employs titles of nobility which imply allegiance to a foreign State;

(III) Being a Mexican national by naturalization, resides continuously for five years in his country of origin;

(IV) Being a Mexican national by naturalization, represents himself as an alien in any public instrument, or obtains and uses a foreign passport.

Loss of Mexican nationality only affects the person who has lost it.

Article 4. A Mexican woman who marries an alien does not lose her nationality by reason of such marriage.

Article 5. Corporate bodies which are constituted in accordance with the laws of the Republic and maintain their legal domicile in its territory possess Mexican nationality.

Article 6. The term "alien" means any person who does not possess Mexican nationality under the terms of the present Act.

CHAPTER II. ORDINARY NATURALIZATION

Article 7. An alien who complies with the requirements of the present Act may acquire Mexican nationality.

Article 8. An alien who wishes to become a naturalized Mexican shall submit, in duplicate, to the Ministry of Foreign Affairs a petition declaring his desire to acquire Mexican nationality and his willingness to renounce his foreign nationality. With this petition he shall submit the following documents, or communicate them not later than six months thereafter:

(a) A certificate issued by the local authorities stating the duration of the petitioner's continuous and uninterrupted residence in the country, such residence in no case to be less than two years prior to the petition;

(b) A certificate issued by the Migration Authorities stating that the petitioner entered the country legally;

(c) A medical certificate of good health;

(d) A document proving that the petitioner is at least eighteen years of age;

(e) Four photographs, two full-face and two profile;

(f) A statement, signed by the petitioner, specifying his last regular place of residence abroad before he entered the country.

The document referred to in (a) may be replaced by other evidence satisfactory to the Ministry of Foreign Affairs.

After the foregoing requirements have been complied with, the Ministry of Foreign Affairs shall confirm that the petition has been submitted and shall return the duplicate thereof to the petitioner, with the date of submission noted thereon, and shall retain the original in its files. If the petitioner does not comply with all the formalities required by the foregoing paragraphs within six months from the date of its submission of the relevant petition, the latter shall be deemed not to have been submitted.

Article 9. Three years after the submission of the petition referred to in article 8, if the period of residence prior to the petition was less than five years, and provided that the petitioner has not interrupted the said residence in the country, he may apply to the Federal Government, through the district judge competent for his place of residence, for the grant of a certificate of naturalization. Should he fail to apply to the Ministry of Foreign Affairs within the eight years next thereafter following, the said petition shall cease to have effect, and in order to obtain naturalization the petitioner shall be required to recommence the process. If the petitioner, when submitting his petition for naturalization, proved in accordance with the next preceding article that he has resided in the country for five years or more, he may apply to the district judge one year after making the petition referred to in the said article with a view to a petition for the grant of a certificate of naturalization.

Article 10. Absence from the country, where such absence does not exceed six months during the respective periods of three years and one year or, if longer, where it was by permission of the Ministry of Foreign Affairs, shall not interrupt the residence required by the last preceding article.

Article 11. Together with the application referred to in article 9, the petitioner shall submit a statement containing the following particulars:

- (a) Full name;
- (b) Civil status;
- (c) Place of residence;
- (d) Profession, trade or occupation;
- (e) Place and date of birth;
- (f) Names and nationality of parents;
- (g) If married, the full name of the spouse;
- (h) Place of residence of spouse;
- (i) Nationality of spouse;
- (j) Full names, place and date of birth of children, if any;
- (k) Place of residence of children.

He must also submit a further health certificate signed by a physician authorized by the Department of Health.

Article 12. The petitioner shall produce to the district judge evidence of the following facts:

- I. That he has resided in the Republic for not less than five years, or six years, as the case may be, and that he has not interrupted such relations;
- II. That his conduct has been good during the period of his residence;
- III. That he has in Mexico a profession, industry, occupation or private income sufficient for his livelihood;
- IV. That he can speak Spanish;
- V. That his income tax is paid up to date, or that he is exempt from such tax.

The petitioner shall enclose with his initial written application the duplicate of the petition referred to in article 8, or a certified copy thereof issued by the Ministry of Foreign Affairs.

Article 13. A district judge who receives an application for naturalization shall immediately advise the Ministry of Foreign Affairs, to which he shall submit a single copy of the application and of all the documents presented, and shall see that copies of the application and of the statement referred

to in article 11 are posted for a period of 30 days in the court rooms of his district.

Article 14. As soon as it receives notice from the district judge that naturalization proceedings have been initiated, the Ministry of Foreign Affairs shall cause an extract of the application and of the information referred to in article 11 to be published three times, at the petitioner's expense, in the *Diario Oficial* and in another periodical of wide circulation.

Article 15. The district judge shall, in the presence of representatives of the public prosecutor and the Ministry of Foreign Affairs, receive the evidence submitted on the points referred to in article 12. He shall also receive any evidence offered by the public prosecutor's office.

Article 16. After hearing the representative of the public prosecutor, the judge shall analyse the evidence presented, making such comments as may be necessary, and shall in each case transmit the original file to the Ministry of Foreign Affairs.

Article 17. Through the intermediary of the judge, the petitioner shall submit to the Ministry of Foreign Affairs a petition in which he applies for the grant of a certificate of naturalization and in which he shall expressly disclaim his original nationality and all subjection, obedience and allegiance to any foreign government, more particularly to the government of which he has hitherto been a subject; renounce any protection extraneous to the laws and authorities of Mexico and any rights granted to aliens by treaties or by international law; and pledge allegiance, obedience and submission to the laws and authorities of the Republic. These disclaimers and renunciations and this pledge shall be confirmed in the presence of the judge in the case of ordinary naturalization.

Where it appears that the alien, when making the disclaimers and renunciations and giving the pledge referred to in this article, did so with mental reservations, fraudulently, or without the real, definite and permanent intention to remain bound by them, he shall be liable to all the penalties which are now or hereafter will become applicable under this Act or any other enactment.

Article 18. If the alien applying for naturalization holds any title of nobility conferred by any foreign Government, he must expressly renounce the right to possess or use it.

Article 19. Upon receipt of the file, the Ministry of Foreign Affairs shall, if it sees fit, issue naturalization papers to the applicant.

CHAPTER III. PRIVILEGED NATURALIZATION

Article 20. A married woman whose husband acquires Mexican nationality after the conclusion of the marriage shall have the right likewise to obtain Mexican nationality, provided that she maintains or establishes her domicile in the Republic and applies expressly to the Ministry of Foreign Affairs, making the disclaimers referred to in articles 17 and 18 of the present Act. The Ministry of Foreign Affairs shall issue the necessary declaration.

Article 21. The following persons may be naturalized by the special procedure described in this chapter:

I. Aliens who establish within the national territory industries, businesses or enterprises which are useful to the country or which produce outstanding social benefits;

II. Aliens having legitimate children born in Mexico;

III. An alien any of whose ascendants in the direct line within the first or second degree of consanguinity is a Mexican national by birth;

IV. An alien whose wife is a Mexican national by birth;

V. Settlers who establish themselves in the country, in accordance with the laws governing settlement;

VI. Mexican nationals by naturalization who lose their Mexican nationality owing to residence in their country of origin;

VII. Aliens of Latin American or Spanish origin who establish residence in the Republic.

Article 22. The aliens referred to in paragraph I of the preceding article may apply directly to the Minister of Foreign Affairs for naturalization papers, provided that they can prove, by whatever means the Ministry may prescribe, that the provision in question applies to them and that they are domiciled in the country.

Article 23. The aliens referred to in article 21 paragraph II may apply to the Ministry of Foreign Affairs direct for naturalization papers, provided that they can prove that they have legitimate children born in the national territory, that they are domiciled in Mexico, and that they have resided in the country without interruption for at least two years immediately prior to the application; except that in the case of legitimated children, the two-year residence period must have begun after the date of legitimation.

Article 24. A person within the terms of article 21, paragraph III, may obtain naturalization on satisfying the Ministry of Foreign Affairs that:

(a) One of his ascendants in the direct line within the first or second degree of consanguinity is a Mexican by birth;

(b) He has established residence in the national territory;

(c) He can speak Spanish.

Article 25. An alien married to a Mexican woman may become naturalized by submitting evidence direct to the Ministry of Foreign Affairs to show:

(a) That he is married to a Mexican woman;

(b) That the marriage is still in effect; and

(c) That since his marriage he has resided in the country without interruption for at least two years prior to his application.

Article 26. Settlers who establish themselves in the country may obtain naturalization by applying direct to the Ministry of Foreign Affairs and producing to that Ministry evidence of their status as settlers and of their residence, as settlers in national territory, for not less than two years immediately preceding their application for naturalization.

Article 27. A person who became an alien in the circumstances referred to in article 21, paragraph VI, may obtain naturalization by submitting evidence to show that he is domiciled in the Republic and that his residence in his country of origin was involuntary. In such cases the decision rests with the Ministry of Foreign Affairs.

Article 28. A person within the terms of article 21, paragraph VII, may obtain naturalization by applying direct to the Ministry of Foreign Affairs and satisfying the said Ministry that:

(a) He is a national of a Latin American country or of Spanish or Latin American origin;

(b) He has established residence in the national territory and is domiciled therein.

Article 29. An alien who applies for naturalization by one of the privileged procedures described in this chapter shall submit to the Ministry of Foreign Affairs the statement referred to in article 11 and make the disclaimers and renunciations mentioned in articles 17 and 18, as applicable.

When all the requirements stipulated in the preceding articles have been fulfilled, according to the circumstances, the Ministry of Foreign Affairs shall, if it sees fit, grant the certificate of naturalization.

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CHAPTER V. PENAL PROVISIONS

Article 36. Any person who attempts, in violation of the terms of this Act, to obtain naturalization papers without being entitled thereto, or who presents false information, testimony or documents, shall be liable to imprisonment for two to five years and a fine of 100 to 500 pesos. If such a person actually obtains naturalization papers, the penalty shall be doubled.

Article 37. If any person whatsoever falsifies or alters naturalization papers he shall be liable to imprisonment for two to ten years and a fine of 200 to 1,000 pesos.

Article 38. Any person who makes use of naturalization papers issued to another as though they were his own, or who makes use of naturalization papers which have been falsified or altered, shall be liable to the penalty mentioned in the preceding article.

Article 39. Any individual or public official who issues a certificate attesting to false facts, to be used in an application for naturalization, shall be liable to imprisonment for two to five years and a fine of 100 to 500 pesos.

Article 40. Witnesses who make false declarations in connexion with the naturalization procedure shall be liable to imprisonment for two to five years and a fine of 100 to 500 pesos.

Article 41. Any person who aids or abets another in obtaining naturalization papers in violation of the terms of this Act shall be liable to imprisonment for two to five years and a fine of 100 to 500 pesos.

CHAPTER VI. GENERAL PROVISIONS

Article 42. Mexican citizenship acquired by naturalization shall take effect on the day following the issue of naturalization papers, except in the case referred to in article 20 of the present Act.

Article 43. Children under the paternal authority of an alien who acquires Mexican nationality shall, if they reside in the national territory, be regarded as naturalized by virtue of a declaration of the Ministry of Foreign Affairs, without prejudice to their right to opt for their nationality of origin within one year after attaining their majority.

Adoption does not entail any change of nationality for the adopted child.

Article 44. Persons of Mexican birth who lose or have lost their nationality can recover it with the same status, provided that they reside and are domiciled in the national territory, and that they notify the Ministry of Foreign Affairs of their desire to recover the said nationality. In the event of the recovery of Mexican nationality by either of the parents, minor children shall follow the nationality of the father if he has parental authority over them, and that of the mother if she has exclusive parental authority.

Article 45. An applicant for naturalization may not be represented by another person in naturalization proceedings unless he gives the latter special powers containing renunciations and declarations which, under the terms of articles 17 and 18, he must make in person; but in no case can such powers excuse the alien from compliance with the requirement of residence in Mexico.

Article 46. A certificate of naturalization shall not be granted to any person who has been sentenced to imprisonment by Mexican courts for a wilful offence or to any person who has been sentenced by foreign courts to imprisonment for a wilful offence punishable under ordinary law and regarded as an offence by Mexican law.

Article 47. Naturalization obtained in violation of the present Act shall be null and void.

Article 48. If it is discovered that naturalization papers have been issued by the Ministry of Foreign Affairs without the applicant's having fulfilled all the requirements of the law, or have been issued to a person who is not eligible for naturalization, the Ministry of Foreign Affairs shall, after notifying the possessor of the papers, issue a statement that the said papers are null and void, without prejudice to the application to the guilty parties of the penalties prescribed in the relevant chapter of this Act.

Article 49. For the purposes of this Act, the renting or leasing of property shall be regarded as alienation of property, if the period of time covered by the lease exceeds ten years.

Article 50. The federal law alone can modify or abridge the civil rights enjoyed by aliens; hence, this Act, and the relevant provisions of the Civil Code and of the Code of Civil Procedure of the Federal District, have a federal character and shall be obligatory throughout the Union.

Article 51. In any case where any alien seeks to exercise a right based only on his status as such, the authorities may require him to furnish full proof of his nationality, which shall be submitted to the Ministry of Foreign Affairs.

Article 52. A person to whom the legislation of one or more foreign States attributes two or more nationalities other than Mexican nationality shall, for all purposes in the Republic, be deemed to have one nationality only, which shall be that of the country in which he maintains his principal habitual residence; or if he is a resident of none of the countries of which he is a national, he shall be considered as having the nationality of the country with which, in the circumstances, he appears to have the closest ties.

Article 53. A person who possesses Mexican nationality according to Mexican law and to whom at the same time some other State attributes a foreign nationality may disclaim Mexican nationality by a declaration addressed to the Ministry of Foreign Affairs either directly or through a Mexican diplomatic or consular representative, provided that he makes the declaration in writing and fully satisfies the following conditions, that is to say that:

- (a) He has attained the age of majority;
- (b) Some foreign State regards him as its national;
- (c) He is domiciled abroad;
- (d) If he owns immovable property in Mexican territory, he makes the disclaimer required by article 27, paragraph 1, of the Constitution.

The option referred to in this article of disclaiming Mexican nationality shall not be exercisable at a time when Mexico is at war.

Article 54. Mexican nationality may also be renounced by the children, born in the territory of the Republic, of *consuls de carrière* and other foreign officials who do not enjoy diplomatic immunity, and who are in the public service of their Governments, if such children make an application to that effect, upon attaining their majority, to the Ministry of Foreign Affairs, and provided that, in accordance with the national law of their parents, they retain the parents' nationality.

Article 55. An infant found in Mexican territory is presumed to have been born in Mexico; this presumption is rebuttable.

Article 56. For all purposes of nationality, the Ministry of Foreign Affairs shall be empowered to require the production of such additional evidence as it may deem desirable in cases in which the birth certificates produced by petitioners were not prepared within the time-limits specified by the relevant legislation.

Article 57. For the purposes of the issue of certificates of Mexican nationality, applicants shall be bound according to the circumstances of their case, to make to the Ministry of Foreign Affairs the disclaimers and renunciations and to give the pledge referred to in articles 17 and 18 of this Act.

Article 58. The Executive is authorized to make regulations for the purpose of giving effect to this Act.

53. Monaco

(a) ORDONNANCE SUR LA NATIONALITÉ DU 8 JUILLET 1877.

Article 1. L'article 9 du Code civil est modifié par l'addition du paragraphe suivant:

"Est sujet du Prince tout individu né dans la Principauté d'un étranger qui lui-même y est né, à moins que, dans l'année qui suivra l'époque de sa majorité telle qu'elle est fixée par le Code civil, il ne réclame la qualité d'étranger, par une déclaration faite devant l'autorité municipale; ses enfants seront nécessairement sujets du Prince".

Article 2. Tous individus qui, après leur majorité, ont leur domicile dans la Principauté depuis dix années sont admis à solliciter la qualité de sujets du Prince et pourront l'obtenir par ordonnance souveraine.

Toutefois la naturalisation sera accordée sans condition à toute personne que le Prince jugera digne de cette faveur.

Article 3. Le bénéfice de l'article 2 de l'ordonnance du 1^{er} avril 1822 qui accorde la qualité de sujet du Prince à tout individu qui, après sa majorité, a son domicile dans la Principauté depuis dix ans, pourra être réclaté par lui pendant un an à partir d'aujourd'hui en déclarant devant l'autorité municipale son intention de fixer définitivement son domicile dans la Principauté.

Article 4. L'article 2 de l'ordonnance du 1^{er} avril 1822 est abrogé.

Article 5. Notre Secrétaire d'Etat, Notre avocat général et Notre gouverneur général sont chargés, chacun en ce qui le concerne, de l'exécution de la présente ordonnance.