

Pakistan sub-continent outside those territories with the intention of residing permanently in those territories"; and  
 (c) The proviso shall be omitted.

4. In clause (a) of the proviso to section 5 of the said Act, after the words "no Pakistan Consulate or Mission in that country" the words "at the prescribed Consulate or Mission or" shall be inserted.

5. In subsection (1) of section 6 of the said Act, for the words "before the commencement of this Act migrated" the words "after the commencement of this Act and before the first day of January 1952 has migrated" shall be substituted.

6. In subsection (1) of section 10 of the said Act, for the words "Commonwealth citizen" the words "British subject" shall be substituted at both places.

7. In section 14 of the said Act:

(a) In subsection (1), the words and commas "within one year of the commencement of this Act or within six months of attaining twenty-one years of his age, whichever is later," shall be omitted;

(b) After subsection (1), the following new subsection shall be inserted, namely:

"(1A) Nothing in subsection (1) applies to a person who has not attained twenty-one years of his age.";

(c) In subsection (2), for the words "this section" the words, brackets and figure "subsection (1)" shall be substituted.

8. In section 16 of the said Act:

(a) In subsection (2), after the words "certificate of naturalisation" the words and figures "under the Naturalisation Act, 1926" shall be inserted; and

(b) In subsection (4):

(i) After the words "seven years" the words "beginning not earlier than the commencement of this Act"; and

(ii) After the words "no Pakistan Consulate or Mission" the words "at the prescribed Consulate or Mission or" shall be inserted.

9. In section 20 of the said Act, for the words "citizen of a Commonwealth country" the words "Commonwealth citizen or a British protected person" shall be substituted.

## 60. Panama

### (a) CONSTITUTION OF 1 MARCH 1946.<sup>1</sup>

#### TITLE II. NATIONALITY AND ALIENS

*Article 8.* A person may be a Panamanian national by birth in accordance with the provisions of this Constitution, or may become a Panamanian national by naturalization.

*Article 9.* A person is a Panamanian national by birth if:

(a) His father or his mother is a Panamanian national and he was born in the territory of the Republic; or

<sup>1</sup> Translation by the Secretariat of the United Nations.

(b) He was born in the national territory to an alien father and an alien mother and, after attaining full age, declares in writing to the Executive that he opts for Panamanian nationality and positively and irrevocably renounces his parents' nationality and produces evidence of his material and moral incorporation in the national life; or

(c) He was born to unknown parents in national territory not subject to limitations of jurisdiction; or

(d) Having been born outside the territory of the Republic to parents of whom one is a Panamanian national, he is domiciled in Panama; provided that he may not exercise any right conferred by this Constitution or by statute exclusively on Panamanian nationals by birth unless he has been domiciled within the Republic during the two immediately preceding years; or

(e) He acquired that status under the Constitution of 1904 or the Amending Instrument of 1928.

*Article 10.* A person is a Panamanian national by naturalization if:

(a) He has resided as an alien for five consecutive years in the territory of the Republic and after attaining full age has declared his desire to become a Panamanian national by naturalization and has expressly renounced his original or any other nationality and proved that he knows the Spanish language and the elements of the geography, history and political structure of Panama;

(b) He has resided as an alien for three consecutive years in the territory of the Republic and has children born in Panama to a Panamanian father or mother or has a Panamanian spouse, and has made the declaration and proved that he has the knowledge required by the preceding paragraph;

(c) Being by birth a national of Spain or of an independent American nation, he fulfils the conditions required for the naturalization of a Panamanian national in his State of origin.

*Article 11.* A person naturalized on the entry into force of this Constitution shall retain nationality for the succeeding five years but shall lose it if thereafter he does not prove that he knows the Spanish language and the elements of the geography, history and political structure of Panama.

A Panamanian national by naturalization or a person born in Spain or in an independent American nation shall be exempt from this requirement if before the entry into force of this Constitution he has performed some official duty in the Republic, or has been in accordance with statute a candidate for popular election to a public office.

*Article 12.* It is the duty of the State to endeavour methodically and constantly by all suitable means to incorporate into the intellectual, moral and political life of the nation all groups of persons born in the Republic but not recognizing allegiance towards it; and also to provide means by which persons intending to become Panamanian nationals by naturalization may be assisted to acquire a national sentiment.

*Article 13.* Colombian nationals who took part in the independence movement shall be Panamanian nationals by operation of the Constitution and shall need no naturalization certificate.

*Article 14.* An alien who wishes to acquire Panamanian nationality may apply to the Executive, which shall issue to him a provisional certificate valid for one year. If on the expiry of that period he confirms his application

and no fact affording ground for rejecting the same has come to the notice of the Executive, a permanent certificate shall be issued to him.

Any application for a naturalization certificate may be rejected in the interests of morals, security or public health, or on the ground of physical or mental disability.

The rights of persons who obtain provisional certificates shall be laid down by statute.

The application for nationality of a person who, because he belongs to a certain State or region, is debarred for economic or social reasons from entering the Republic shall be rejected.

*Article 15.* Panamanian nationality once acquired may be lost only by express or tacit renunciation.

Express renunciation shall take the form of a written declaration made by the national to the Executive to the effect that he wishes to relinquish Panamanian nationality.

Tacit renunciation is made if the national:

- (1) Acquires the nationality of a foreign country, or
- (2) Accepts employment from another Government without the permission of the Executive, though this provision shall not apply to employment on work in which the Republic has a common interest with another nation, or
- (3) Enters the service of an enemy State.

Nationality may be recovered only through reinstatement by the National Assembly.

*Article 16.* Panamanian nationals and aliens alike shall, while in the territory of the Republic, live in accordance with the Constitution and the statutes and respect and obey the authorities.

*Article 17.* A Panamanian national by naturalization shall not be compelled to take up arms against the country in which he was born.

*Article 18.* The capacity and recognition of, and in general all other matters affecting, companies and other bodies corporate shall be governed by Panamanian statute.

(b) ACT NO. 8 OF 11 FEBRUARY 1941<sup>1</sup> CONCERNING THE NATURALIZATION OF ALIENS AND THE RECOGNITION OF PANAMANIAN NATIONALITY BY BIRTH.

*Article 1.* The President of the Republic shall issue a certificate of Panamanian naturalization to an alien who comes within the terms of article 14 of the National Constitution<sup>2</sup> and who, not being a member of a race

<sup>1</sup> Translation by the Secretariat of the United Nations.

<sup>2</sup> Articles 13, 14 and 15 of the Constitution of 2 January 1941 read as follows:

“Article 13 (transitional). The President of the Republic may grant the status of Panamanian national by birth to a child born within the jurisdiction of the Republic of a father or mother who is a member of a race falling within the prohibited entry schedule, provided that he can prove that he belonged to a home established within the jurisdiction of the Republic during the whole of his minority or during that part of it which has elapsed and that his language of use is Spanish. This provision shall also apply where one of the parents falls within the prohibited entry schedule and the other is not a Panamanian by birth. The President of the Republic may exercise this

whose immigration is prohibited by the Constitution or by statute, applies for naturalization according to the procedure laid down in this Act; nevertheless, the President may refuse a certificate for reasons of public health, morality or security.

*Article 2.* An alien who wishes to obtain a naturalization certificate shall apply to the President of the Republic in writing through the Ministry of Foreign Affairs, and shall state in his application the following particulars:

(a) His free and spontaneous desire to acquire Panamanian nationality by naturalization;

(b) His place of birth and the State of which he is reputed a citizen or subject;

(c) His age;

(d) His length of residence in the Republic;

(e) Whether he is single or married, and if married the name, nationality and place of residence of his wife and the names of all children born within the jurisdiction of the Republic; copies of the corresponding registration certificates, or the appropriate documents according to the law of his country of origin, should be attached.

*Article 3.* The original nationality of an alien who applies for a naturalization certificate shall be certified by a birth certificate or certificate of baptism or the passport with which he entered the country, or any other authentic document issued by the competent authorities of his country of origin.

*Article 4.* The period of residence referred to in article 14<sup>1</sup> of the Constitution must be continuous and shall be attested by the evidence of five

prerogative only if the person concerned submits his application within a period of three months from the date on which the present constitutional amendment comes into force.

“Article 14. The following persons may be Panamanian by naturalization provided that they do not fall within the category of prohibited immigrants:

“(1) Foreigners, single or married, who have resided within the jurisdiction of the Republic for more than 5 years; foreigners, married, who have resided for more than 3 years within the jurisdiction of the Republic and have had children born of their marriage within the Republic of Panama; and foreigners married to a Panamanian man or woman, provided that they have resided within the jurisdiction of the Republic for more than 2 years.

“(2) Immigrants who establish themselves in the country and devote themselves to the work of agriculture, stock-raising, breeding of birds and other similar or derivative industries and declare their desire to acquire Panamanian nationality.

“(3) Foreigners who took part in the independence movement of 1903.

“*Additional Clause.* The law shall regulate the details.

“Article 15. Persons covered by the preceding article shall be required to apply for a certificate of naturalization to the President of the Republic, who may refuse the same for reasons of public health, morality or security.

“He may also refuse a certificate of naturalization to persons belonging to States whose constitutions or laws allow the retention of the nationality of origin even after acquisition of the nationality of another State.”

Article 275 of the Constitution of 1 March 1946 reads as follows:

“All laws contrary to this Constitution are repealed.

“All laws, legislative decrees, decrees, regulations, orders and any other provisions in force at the date of promulgation of this Constitution shall continue to be in force unless they are contrary to this Constitution or the laws which may later be enacted.”

<sup>1</sup> See footnote to article 1 *supra*.

credible witnesses given before a circuit judge, and by a residence card or personal identity card. Such evidence shall be valid only if the witness states how the facts came to his knowledge. The judge receiving the aforesaid evidence may reject any evidence which in his opinion is not credible, and shall also certify the good character of each witness.

*Article 5.* On receiving an application, the Minister of Foreign Affairs shall examine it to see whether it is complete and complies with the provisions of this Act, and may order any enquiry he may see fit to verify the facts stated.

*Article 6.* If the application complies fully with the provisions of this Act, the President of the Republic shall grant a provisional naturalization certificate which shall be valid for one year, and on its expiry shall grant a permanent certificate if the application has been confirmed in writing and if no sufficient reason for rejecting it has come or been brought to his notice during the year.

*Article 7.* The alien shall confirm the application within four months after the expiry of the provisional certificate, failing which his claim to a permanent naturalization certificate shall lapse.

*Article 8.* An alien who obtains a provisional naturalization certificate may hold a public post conferring no authority or jurisdiction, and may obtain a Panamanian passport for a period not exceeding the period of validity of the certificate, and may be admitted as a Panamanian national to an enterprise, industry or commercial firm and shall enjoy all other rights, except political rights, granted to Panamanian nationals by the Constitution and statutes.

*Article 9.* Permits granted under Act No. 5 of 1934 shall be treated for the purposes of this Act as provisional certificates and their holders shall enjoy the rights mentioned in the preceding article.

*Article 10.* An alien who has signed the permit referred to in Act No. 5 of 1934 may, on waiving the term required by the permit for the issue of a permanent certificate, obtain a provisional naturalization certificate on application to the President of the Republic through the Ministry of Foreign Affairs.

*Article 11.* An immigrant within the meaning of Article 14<sup>1</sup> of the Constitution shall not be required to produce any evidence other than evidence showing:

- (a) His nationality of origin;
- (b) The date on which he entered the country;
- (c) That he has settled in the country and is engaged in farming, stock-breeding or other similar or related industries, all of which facts shall require proof by a certificate from the Head of the Section of Agriculture or of Agricultural Industries of the Ministry of Agriculture and Trade.

*Article 12.* An alien who took part in the independence movement of 1903 and who before or after the promulgation of the Constitution of 1904 expressed in any form the wish to acquire Panamanian nationality, may apply for a naturalization certificate to the President of the Republic through the Ministry of Foreign Affairs. If such an application is accompanied by evidence of the facts set forth above, the President shall issue a naturalization certificate.

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<sup>1</sup> See footnote to article I *supra*.

*Article 13.* A person to whom article 13<sup>1</sup> (transitional) of the Constitution applies and who desires to obtain recognition as a Panamanian national by birth in accordance therewith shall attach to his application;

(a) His certificate of birth or, if he was born before the establishment of the Civil Register, his certificate of baptism;

(b) Three statements made by credible witnesses before a circuit judge, attesting that he belonged throughout his minority, or such part of it as has elapsed, to a family established within the jurisdiction of the Republic, and that his usual language is Spanish.

*Paragraph 1.* An application may be made on behalf of a minor by his father or, if he has no father, by his mother or, if he has neither, by his guardian. A single application shall be made in respect of all children or wards under age.

*Paragraph 2.* A joint application may also be made by brothers and sisters of the whole blood who are of full age.

*Paragraph 3.* If the person left the country before 2 January 1941, an application for recognition may be made on his behalf by an agent appointed for that purpose.

*Article 14.* The permanent naturalization certificate shall be sent by the Minister of Foreign Affairs to the governor of the province in which the applicant resides, in order that the governor may require the applicant to take an oath affirming that:

(a) As a Panamanian national by naturalization he will obey, fulfil and uphold the Constitution and statutes of the Republic;

(b) He renounces all civil and political allegiance to the country of his birth or to any other country of which he is reputed a citizen or subject;

(c) He also renounces all rights and privileges which may derive from such allegiance or dependency.

*Article 15.* After the procedure referred to in the preceding article has been completed, the governor shall deliver the certificate to the applicant and advise him that he should register his name in the Civil Register, failing which the certificate will not be valid.

*Article 16.* The original text of the oath shall be sent to the Ministry of Foreign Affairs, and one copy shall be filed in the governor's office.

*Article 17.* A register of naturalized persons shall be kept at the Ministry of Foreign Affairs, and each entry shall give the following particulars:

(a) The registration number;

(b) The number and date of the naturalization certificate;

(c) The name and age of the naturalized person, his place of birth, the State of which he was reputed a citizen or subject, and his length of residence in Panama;

(d) His marital status, and, if married, the name and nationality of his wife, and the names of all children born within the jurisdiction of the Republic;

(e) The proceedings in which the oath referred to in article 14 was taken.

*Paragraph*—Each entry in the register shall be signed by the Secretary of the Ministry of Foreign Affairs.

*Article 18.* The register referred to in the preceding article shall include only the names of aliens who obtain permanent naturalization certificates.

<sup>1</sup> See footnote to article 1 *supra*.

*Article 19.* Copies of all naturalization certificates, both provisional and permanent, shall be deposited at the Ministry of Foreign Affairs. Copies of permanent certificates shall be certified by the Secretary of the Ministry.

*Article 20.* A naturalization certificate and the copy intended for the files of the Ministry of Foreign Affairs shall each have a photograph of the naturalized person attached to it by permanent fasteners.

*Article 21.* For the purposes of article 15 (2) of the Constitution the Ministry of Foreign Affairs shall take the necessary steps to obtain accurate information concerning States the constitution or legislation of which permits retention of their nationality by a person acquiring the nationality of another State.

*Article 22.* If a Panamanian woman marries an alien she shall retain Panamanian nationality unless she renounces it. In the latter case, if the marriage is dissolved, she shall on production of proper evidence recover Panamanian nationality on making an application through the Ministry of Foreign Affairs.

*Article 23.* All permanent naturalization certificates shall bear one or more stamps to the amount of 25 balboas (B/25.00), which shall be cancelled by the Secretary of the Ministry of Foreign Affairs.

*Article 24.* No registration fee shall be payable in respect of an order made by the Executive in pursuance of article 13 of this Act.

*Article 25.* Chapters III and IV of Title II, Book I of the Administration Code (2), and Acts No. 26 of 1930 and No. 5 of 1934, (3) and (4) are hereby repealed.

*Article 26.* This Act shall enter into force upon its promulgation.

## 61. Paraguay

### CONSTITUTION OF 10 JULY 1940.<sup>1</sup>

#### NATIONALITY AND CITIZENSHIP

*Article 38.* A person is a Paraguayan national if:

- (1) He was born in Paraguayan territory; or
- (2) He was born abroad of Paraguayan parents one of whom was in the service of the Republic; or
- (3) He was born abroad and one of his parents was at the time a Paraguayan national, on condition that he is domiciled and has been for ten consecutive years resident in Paraguay.

A person who is a Paraguayan national and a citizen is under a duty to perform military service and to take up arms in defence of the country and of this Constitution.

*Article 39.* All citizens have the duty of suffrage on attaining the age of eighteen years, subject to the disqualifications as provided for in the following article.

*Article 40.* Suffrage of a citizen is suspended:

- (1) For physical or mental incapacity of a nature such as to prevent free and considered action;

<sup>1</sup> Translation by the Secretariat of the United Nations.