

*Section 21.* Regulation and blanks.—The Secretary of Justice shall issue the necessary regulations for the proper enforcement of this Act. Naturalization certificate blanks and other blanks required for carrying out the provisions of this Act shall be prepared and furnished by the Solicitor General, subject to the approval of the Secretary of Justice.

*Section 22.* Repealing clause.—Act Numbered Twenty-nine hundred and twenty-seven as amended by Act Numbered Thirty-four hundred and forty-eight, entitled “The Naturalization Law”, is repealed: *Provided*, That nothing in this Act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing or matter, civil or criminal, done or existing before the taking effect of this Act, but as to all such prosecutions, suits, actions, proceedings, acts, things or matters, the laws, or parts of laws repealed or amended by this Act are contained in force and effect.

*Section 23.* Date when this Act shall take effect.—This Act shall take effect on its approval.

(d) REPUBLIC ACT NO. 530 OF 16 JUNE 1950 MAKING ADDITIONAL PROVISIONS FOR NATURALIZATION.

*Section 1.* The provisions of existing laws notwithstanding, no petition for Philippine citizenship shall be heard by the Courts until after six months from the publication of the application required by law, nor shall any decision granting the application become executory until after two years from its promulgation and after the court, on proper hearing, with the attendance of the Solicitor General or his representative, is satisfied, and so finds, that during the intervening time the applicant has (1) not left the Philippines, (2) has dedicated himself continuously to a lawful calling or profession, (3) has not been convicted of any offense or violation of Government promulgated rules, (4) or committed any act prejudicial to the interest of the nation or contrary to any Government announced policies.

*Section 2.* After the finding mentioned in section one, the order of the court granting citizenship shall be registered and the oath provided by existing laws shall be taken by the applicant, whereupon, and not before, he will be entitled to all the privileges of a Filipino citizen.

*Section 3.* Such parts of Act Numbered Four hundred seventy-three as are inconsistent with the provisions of the present Act are hereby repealed.

*Section 4.* This Act shall take effect upon its approval, and shall apply to cases pending in court and to those where the applicant has not yet taken the oath of citizenship;

*Provided*, however, that in pending cases where the requisite publication under the old law has already been complied with, the publication herein required shall not apply.

## 64. Poland

### (a) NATIONALITY ACT <sup>1</sup> OF 8 JANUARY 1951.

#### CHAPTER I. POLISH NATIONALS

*Article 1.* A Polish national cannot be at the same time a national of another State.

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

*Article 2.* From the date of the entry into force of this Act Polish nationals shall be persons who:

1. Possess Polish nationality under existing law;
2. Have entered the People's Republic of Poland as repatriated persons;
3. Have obtained confirmation of their Polish ethnic origin under the Act of 28 April 1946 concerning the Polish nationality of persons of Polish ethnic origin domiciled in the recovered territories (*Dziennik Ustaw*, No. 15, item 106), or under the Decree of 22 October 1947 concerning the Polish State nationality of persons of Polish ethnic origin resident in the territory of the former Free City of Danzig (*Dziennik Ustaw*, No. 65, item 378), or under the relevant legislative provisions previously in force.

*Article 3.* The competent authorities may recognize as Polish nationals persons who do not fulfil the conditions laid down in the preceding article but have been domiciled in Poland since 9 May 1945, or since before that date, unless they came to Poland as aliens bound by a definite allegiance and have been treated as aliens.

*Article 4.* A person shall not be a Polish national if, although he had Polish nationality on 31 August 1939, he resides permanently abroad and:

1. As a result of changes in the frontier of the Polish State has acquired the nationality of another State in accordance with an international convention; or
2. Is of Russian, Byelorussian, Ukrainian, Lithuanian, Latvian, or Esthonian ethnic origin; or
3. Is of German ethnic origin, unless his spouse has Polish nationality and is domiciled in Poland.

*Article 5.* 1. A marriage contracted by a Polish national with a person who does not possess Polish nationality shall not affect the nationality of the spouses.

2. A change in the nationality of one of the spouses shall not affect the nationality of the other spouse.

#### CHAPTER II. ACQUISITION OF POLISH NATIONALITY

*Article 6.* A child acquires Polish nationality if:

1. His father and mother are Polish nationals; or
2. One of his parents is a Polish national and the other is unknown or of unknown or indeterminate nationality.

*Article 7.* A child born or found in Poland acquires Polish nationality if his parents are both unknown or their nationality is unknown or indeterminate.

*Article 8.* 1. A child born in Poland to parents of whom one is a Polish national and the other a national of another State acquires Polish nationality unless his father and mother, by joint declaration made before a competent authority within one month from his birth, choose for him the nationality of the foreign State of which the other spouse is a national and the law of that State permits acquisition of its nationality in that manner.

2. If the parents are unable to agree, either of them may within one month from the child's birth apply to the court to settle the dispute.

3. A child who has acquired a foreign nationality in the manner described in paragraphs 1 and 2 above may at the end of his thirteenth year opt for Polish nationality by a declaration made before the competent authority.

*Article 9.* The provisions of the preceding article shall also apply to children born abroad to parents of whom one is a Polish national and the other a national of another State if the law of that State applies the same rules as that article to the nationality of children born in Poland to parents not possessing the same nationality.

*Article 10.* 1. Polish nationality may be granted to an alien on his application.

2. The grant of Polish nationality may be made subject to the production of evidence of release from a foreign nationality.

3. Persons who enter Poland as repatriated persons in the manner prescribed by the competent authorities acquire Polish nationality by operation of law.

#### CHAPTER III. LOSS OF POLISH NATIONALITY

*Article 11.* 1. A Polish national may not acquire foreign nationality until he has obtained the permission of the Polish authorities to change his nationality.

2. Permission granted to parents to change nationality shall extend to children under their parental authority.

3. Permission to change nationality granted to one parent shall extend to the children under his parental authority if the other parent is not a Polish national or, being a Polish national, consents before the competent authority to the change of the children's nationality. If the other parent objects to a change in the children's nationality or if there is substantial impediment to agreement between the parents, the question shall be decided by a court.

4. The permission shall not extend to children over the age of thirteen years without their consent.

5. A person who acquires a foreign nationality under the provisions of paragraphs 1 to 4 shall lose Polish nationality.

*Article 12.* 1. A Polish national who is resident abroad may be deprived of Polish nationality if he has:

- (a) Failed in his duty of loyalty to the Polish State;
- (b) Acted against the vital interests of the People's Poland;
- (c) Left the territory of the Polish State unlawfully after 9 May 1945;
- (d) Refused to return to Poland at the summons of the competent authority;
- (e) Evaded compulsory military service; or
- (f) Been sentenced abroad for an ordinary offence or is a recidivist.

2. If a person is deprived of Polish nationality by virtue of the foregoing provisions, his children, if under the age of thirteen years and resident abroad, shall likewise lose Polish nationality.

#### CHAPTER IV. PROCEDURE

*Article 13.* 1. Every grant and every deprivation of Polish nationality shall form the subject of an order made by the Council of State.

2. An order of the Council of State to deprive a person of Polish nationality shall be made on a motion by the President of the Council of Ministers.

3. Every order to deprive a person of Polish nationality shall be published in the *Monitor Polski*.

*Article 14.* The Council of Ministers shall designate by decree the authority competent in all matters concerning nationality which do not fall within the competence of the Council of State.

CHAPTER V. TRANSITIONAL AND FINAL PROVISIONS

*Article 15.* 1. Orders made before 1 September 1939 under the Act of 31 March 1938 concerning loss of Polish nationality (*Dziennik Ustaw*, No. 22, item 191) shall be unenforceable against persons domiciled in Poland at the entry into force of this Act.

2. The Council of State may reinstate in Polish nationality a person who is domiciled abroad if that person was deprived of the said nationality by an order as referred to in the preceding paragraph and was not reinstated before the entry into force of this Act.

*Article 16.* The provisions of this Act shall also apply to the nationality of children born or found in Poland before the date of the entry into force of this Act.

*Article 17.* 1. This Act supersedes existing legislative provisions relating to nationality.

2. The following enactments are hereby expressly repealed:

(i) The Polish Nationality Act of 20 January 1920 (*Dz. U.R.P.* No. 7, item 44), as subsequently amended;

(ii) The Act of 26 September 1922 governing the right of nationals of the former Austrian Empire or the former Kingdom of Hungary to opt for Polish nationality, and the right of former nationals of those States possessing Polish nationality to opt for another nationality (*Dz. U.R.P.* No. 88, item 791);

(iii) The Act of 31 March 1938 concerning loss of Polish nationality (*Dz. U.R.P.* No. 22, item 191);

(iv) The Act of 28 April 1946 concerning the Polish nationality of persons of Polish ethnic origin domiciled in the recovered territories (*Dz. U.R.P.* No. 15, item 106);

(v) Decree of 22 October 1947 concerning the Polish State nationality of persons of Polish ethnic origin resident in the territory of the former Free City of Danzig (*Dz. U.R.P.* No. 65, item 378);

(vi) Articles 110 and 111 of the Conscription Act of 4 February 1950 (*Dz. U.R.P.* No. 6, item 46).

(b) DECREE OF THE COUNCIL OF MINISTERS OF 15 JANUARY 1951 CONCERNING JURISDICTION OF AUTHORITIES IN MATTERS OF CITIZENSHIP.<sup>1</sup>

Pursuant to article 14 of the Polish Nationality Act of 8 January 1951, it is hereby decreed as follows:

*Article 1.* Except for matters placed within the exclusive jurisdiction of the Council of State by article 10 (1) and (2), article 11 (1), article 12 and article 15 (2) of the aforesaid Law, jurisdiction in matters of nationality shall be exercised by authorities as follows:

(1) In matters concerning recognition as a Polish national (article 3 of the Act): by the Provincial People's Council, or the City People's Council of Warsaw or Lodz.

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

(2) On all other matters: by the District People's Council, or the Municipal People's Council in a town classed as a municipal district, or a borough people's council in Warsaw or Lodz.

*Article 2.* (1) The territorial jurisdiction of a people's council shall be determined in accordance with the following factors in the order given:

- (a) The domicile of the person concerned,
- (b) His place of residence,
- (c) His last-known domicile or place of residence.

(2) Where none of the aforesaid factors applies, the Warsaw City People's Council (article 1 (1)) or the Warsaw Central Borough People's Council (article 1 (2)) shall have jurisdiction.

*Article 3.* The President of the Council of Ministers shall give effect to this Decree.

*Article 4.* This Decree shall enter into force on the date of its publication.

## 65. Portugal

### STATUTORY PROVISIONS GOVERNING PORTUGUESE NATIONALITY. <sup>1</sup>

#### I. ACQUISITION OF NATIONALITY

*Article 18 of the Civil Code.* The following persons are Portuguese nationals:

(1) A person born in Portuguese territory of a Portuguese father or, if born out of wedlock, of a Portuguese mother;

(2) A person born in Portuguese territory of an alien father (provided that the father is not in the service of his own country), unless that person, if he has reached the age of majority or is *sui juris*, makes a declaration in his own name, or, if a minor, makes a declaration through his lawful representative, to the effect that he does not wish to be a Portuguese national;

(3) A person born abroad of a Portuguese father (even though the father was banished from Portuguese territory) or, if born out of wedlock, of a Portuguese mother, if that person establishes his domicile in Portuguese territory or, having attained the age of majority or being *sui juris*, makes a declaration in his own name (or, being a minor, through his lawful representative) to the effect that he wishes to be a Portuguese national;

(4) A person born in Portuguese territory of unknown parents, or of parents whose nationality is not known;

(5) A person born in foreign territory of a Portuguese father whose residence in the said territory is attributable to service on behalf of Portugal;

(6) An alien woman who marries a Portuguese national;

(7) Naturalized aliens.

1. The declaration required under paragraph (2) above shall be made before the municipal authority of the place of residence; the declaration required under paragraph (3) above shall be made before the competent Portuguese consular representative or before the competent foreign authority.

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