

a declaration before the Civil Registrar within six months after attaining the age of twenty-one years.

*Article 8.* Children of full age of persons in the class to which article 1 applies shall on taking an oath be deemed to be nationals of San Marino.

*Article 9.* A person to whom citizenship is granted under article 1 or under articles 4 and 8 shall be required to take the prescribed oath of allegiance within three months from the date of the grant.

In any case citizenship shall be deemed for all legal purposes to be acquired only on the date on which the oath is taken.

*Article 10.* All other cases not provided for herein shall be decided by vote of the Grand General Council after due consideration and consultation with the commission hereinbefore referred to.

## 68. Saudi Arabia

### NATIONALITY ORDINANCE OF 5 DECEMBER 1938.<sup>1</sup>

High Royal Decree No. 7/1/47 of the 13th Shawal, 1357 A.H.<sup>2</sup> has been issued<sup>3</sup> sanctioning the following Ordinance:

*Article 1.* This Ordinance may be cited as the Saudi Arabian Nationality Ordinance, No. 3.

*Article 2.* This Ordinance supersedes the Ordinance of 22.3.1345 A.H.<sup>4</sup> entitled the Hidjazi Nationality Ordinance and the Ordinance of 25.9.1349<sup>5</sup> entitled the Hidjazi-Nadji Nationality Ordinance.

*Article 3.* All actions and acts heretofore done according to the preceding two Ordinances from the dates of their publication up to the coming into force of this Ordinance shall be lawful, valid and unrevocable.

*Article 4.* For the purposes of this Ordinance the following expressions shall have the meanings respectively assigned to them, that is to say:

(a) "Saudi National" means a person owing allegiance to His Majesty the King in accordance with the terms of this Ordinance.

(b) "Qaser" means a minor, lunatic or imbecile.

<sup>1</sup> The explanatory note attached to the English text of the Ordinance received from the Saudi Arabian Delegation to the United Nations reads as follows:

"(1) Though Article 8 of the Nationality Ordinance gives every foreigner the right to petition Government for naturalization, actually a non-Moslem has never been naturalized, because if he becomes a Saudi Arabian he will have the right to travel anywhere in the country including the Holy Towns of Mecca and Medina, which non-Moslems are not allowed to visit.

"(2) The three years residence requirement for acquiring nationality (Article 8 (a)) has been reduced by Royal Decree No. 3/1/2/5058 of 31.12.1949 to six months in respect of the Palestine Refugees. This privilege has also been extended to Palestinians holding Jordanian passports. (Royal Instructions issued on 21.3.53.)

"(3) As there is no English word equivalent to the Arabic word "Qaser" used in the Definition Article to denote a person incapable of managing his affairs because of his not arriving at full age or because of mental deficiency, the Arabic word, which covers the three terms "minor, lunatic and imbecile" has been used. ... The word has not been used elsewhere in the Ordinance."

<sup>2</sup> Anno hegirac.

<sup>3</sup> Corresponding to 5 December 1938 A.D.

<sup>4</sup> 1926 A.D.

<sup>5</sup> 1931 A.D.

(c) "The age of majority" is the completion of the eighteenth lunar year.

(d) "Naturalized Saudi" means a person who acquires the Saudi Arabian Nationality in accordance with the respective provisions of this Ordinance.

(e) "Foreigner" means a person who is not a Saudi national.

*Article 5.* Every Ottoman subject who was residing in the Kingdom of Saudi Arabia before the Great War or who was residing therein on 22.3.1345 A.H.<sup>1</sup> and had no documents proving his being a national of a foreign state shall be a Saudi national.

*Article 6.* Every person born inside or outside the Kingdom of Saudi Arabia of Saudi parents or of a Saudi father shall be a Saudi national.

*Article 7.* Every person born in the territory of the Kingdom of Saudi Arabia or its territorial waters or on board its ships or airplanes shall be a Saudi national; provided that those born to foreign parents shall have the right to opt for their parents' original nationality within one year following the date of obtaining the age of majority. Their right to opt shall lapse if they fail to notify the Government within the prescribed period.

*Article 8.* Every foreigner who has attained the age of majority may submit a petition to be naturalized as a Saudi Arabian provided he possesses the following qualifications:

(a) He, immediately preceding the date of filing petition, has resided continuously for three years,

(b) He has some means of subsistence,

(c) He is of good moral character,

(d) He has not been convicted of a crime or sentenced to at least one year's imprisonment,

(e) He declares his intention to reside permanently in the Kingdom of Saudi Arabia,

(f) That naturalization shall not be granted unless a high authorization has been obtained; and

(g) He must attach to his petition the permanent residence permit, the Saudi Arabian identity card and the official documents in his possession,

Provided that naturalization shall in all cases be within the discretion and subject to the approval of the Government, whether the above qualifications are possessed or not.

*Article 9.* The Saudi Arabian nationality may be granted by means of a Royal Decree to every petitioner who is expected to do some good service to the Kingdom of Saudi Arabia.

*Article 10.* No Saudi national shall be allowed to acquire any other nationality except with the express permission of the Royal Government of Saudi Arabia. A foreign nationality acquired by a Saudi national without permission shall be void and in such a case the Government may deprive him of residence in the territory of the Kingdom of Saudi Arabia or prevent him from returning to it.

*Article 11.* The nationality of any Saudi national who accepts service in the armed forces of any foreign government without previous permission of the Government may be revoked by Royal Decree; provided that before issuing the Royal Decree such Saudi national shall have three months' notice warning him of the consequences of his action. A Saudi national

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<sup>1</sup> 1926 A.D., the date of publication of the first Nationality Ordinance.

whose nationality has been revoked may be prevented from returning to the country or residing therein.

*Article 12. (a)*<sup>1</sup> A foreign woman who is married to a Saudi Arabian national acquires the Saudi nationality if she does not insist on her original nationality for a period of one year following the date of contracting marriage. She may retain her husband's nationality after he divorces her or after he dies during the existence of the marital relation, though she has no child of his, provided the laws of her country so permit. If she has Saudi children of his she does in no way lose her nationality.

*(b)* Subject to Rules 132 and 133 of the Sharia Courts Procedure Rules,<sup>2</sup> a Saudi Arabian woman does not lose her Saudi nationality by marrying a foreigner unless she is permitted to leave the Saudi Arabian Kingdom with her husband (in accordance with the respective Ordinance) and she makes a declaration of acquiring her husband's nationality; provided she may have the right to opt for her Saudi Arabian nationality if the contract of marriage has been terminated.

*(c)*<sup>3</sup> A foreign woman who is married to a foreigner may acquire Saudi nationality if she submits a petition and fulfils the requirements of article 5 or article 8 of this Ordinance and provided her husband approves her petition.

*Article 13.* The minor children of a Saudi national who acquires another nationality, if residing outside the territory of the Kingdom of Saudi Arabia, may on attaining the age of majority, opt unconditionally for the Saudi Arabian nationality and they shall thereupon acquire the full rights of the Saudis without exception.

*Article 14.* Every person who has completed the period for continuous residence which is required for acquiring the Saudi Arabian nationality and then leaves the Kingdom of Saudi Arabia before acquiring the nationality and absents himself for a continuous period exceeding twelve months shall lose his right and the previous period shall be disallowed. If he wishes to become naturalized as a Saudi national he must renew his residence.

*Article 15.* Saudi Arabian nationality may be revoked in respect of a person naturalized within five years following the date of such naturalization in the following cases:

*(a)* If he made fraudulent, misrepresentative or false statements in his petition for Saudi Arabian nationality,

*(b)* If he is convicted of crime and sentenced by a judicial court to at least three years imprisonment, or

*(c)* If he commits some act against the public safety of the Kingdom of Saudi Arabia or if he has become an undesirable person because of his immoral conduct.

*Article 16.* Every provision of this Ordinance applicable to a Saudi national shall equally apply to a naturalized Saudi.

*Article 17.* Approval of naturalization of persons shall be an exclusive right of the Viceroy.

*Article 18.* Petitions for naturalization made within the Kingdom shall be made to the governors who in turn shall submit them to the Viceroy's Office.

<sup>1</sup> As amended.

<sup>2</sup> Prohibiting a foreigner taking his Saudi wife outside Saudi Arabia against her will.

<sup>3</sup> Added.

*Article 19.* Declarations and petitions concerning naturalization made outside the Kingdom shall be made to the diplomatic representatives who in turn shall submit them to the authority concerned.

*Article 20.* Naturalization fees, the form of certificate of naturalization and all relating matters shall be in accordance with special regulations.

## 69. Union of South Africa

SOUTH AFRICAN CITIZENSHIP ACT, NO. 44 OF 29 JUNE 1949.

### PART I. DEFINITIONS

1. (1) In this Act, unless the context otherwise indicates:
- (i) "alien" means a person who is not a South African citizen, a citizen of a Commonwealth country or a citizen of the Republic of Ireland; (xi)
  - (ii) "Commonwealth country" means a country other than the Union which is a member of the Commonwealth and includes Southern Rhodesia; (iv)
  - (iii) "father", in relation to an illegitimate child, includes the mother of that child; (vii)
  - (iv) "Minister" means the Minister of the Interior; (iii)
  - (v) "minor" or "minor child" means a person who has not attained the age of twenty-one years; (ii)
  - (vi) "prescribed" means prescribed by regulations made under this Act; (ix)
  - (vii) "prior law" means the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926 (Act No. 18 of 1926), or any law repealed by that Act; (x)
  - (viii) "responsible parent", in relation to a child, means the father of that child or, if the custody of that child has been awarded to the mother by the order of a competent court, or the father is dead, or the child is illegitimate and resides with the mother, the mother of that child; (viii)
  - (ix) "the United Kingdom and Colonies" includes the Channel Islands and the Isle of Man; (i)
  - (x) "Union" includes any part of South Africa now included in the Union and (except in sections *two* and *five*) also the territory of South-West Africa; (v)
  - (xi) "Union national" means a person who, immediately prior to the date of commencement of this Act, was a Union national in terms of the Union Nationality and Flags Act, 1927 (Act No. 40 of 1927), or the Nationalization and Amnesty Act, 1932 (Act No. 14 of 1932), and "Union nationality" has a corresponding meaning. (vi)
- (2) For the purposes of this Act:
- (a) A person born aboard a registered ship or aircraft shall be deemed to have been born at the place where the ship or aircraft is registered, and a person born aboard an unregistered ship or aircraft belonging to the Government of any country shall be deemed to have been born in that country;
  - (b) The United Kingdom and Colonies shall be deemed to constitute one country.