

<i>Provisions amended</i>	<i>Extent of amendmen</i>
Section 26	In subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.
Section 28	In subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.
Section 33	In subsection (3) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.
Section 41	In subsection (2) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.

71. Spain

CIVIL CODE, ARTICLES 17 TO 28 ¹

(as amended by the Act of 9 December 1931).

PART I

Spaniards and aliens

Article 17. The following persons are Spanish nationals:

1. A person born in Spanish territory;
2. A person whose father or mother is a Spanish national, even if that person was born outside Spain;
3. An alien who has obtained naturalization papers;
4. A person who, although not in possession of such papers, has acquired the status of resident in any town in the Kingdom.

Article 18. While under parental authority, a minor follows the nationality of his parents.

The benefit of article 17, paragraph 1, shall not extend to a child born in Spanish territory of alien parents unless the latter makes a declaration in the manner and before the officials specified in article 19 to the effect that they opt ² on behalf of the child for Spanish nationality and renounce any other nationality.

Article 19. If a person was born in a Spanish possession of an alien parent, that person shall within one year after attaining his majority or becoming *sui juris*, make a declaration stating whether he wishes to claim the Spanish nationality granted to him by article 17.

If he is present in the Kingdom he shall make this declaration before the official in charge of the civil registry of the town in which he resides; if he is resident abroad he shall make the declaration before one of the

¹ Translation by the Secretariat of the United Nations.

² If a person is called up for military service by the Spanish authorities and voluntarily performs such service, this voluntary act shall be deemed to constitute an option for Spanish nationality in any case in which an option is necessary. (Royal Ordinance of 9 September 1887.)

consular or diplomatic agents of the Spanish Government, and a person in a country in which the Government has no agent, shall apply to the Minister of State in Spain.

Article 20. A person who is naturalized in a foreign country, or accepts employment in the service of another Government, or enters the armed service of a foreign Power without the King's permission, shall cease to be a Spanish national.¹

Article 21. If a person ceases to be a Spanish national by being naturalized in a foreign country, he may recover it, upon returning to the Kingdom, by making a declaration before the official in charge of the civil registry of the place of domicile which he elects, so that the appropriate entry may be made, and by renouncing the protection of the flag of that foreign country.

Article 22. A married woman follows the condition and nationality of her husband.

If a woman who is a Spanish national marries an alien she may, upon the dissolution of the marriage, recover Spanish nationality by complying with the requirements laid down in the preceding article.²

Article 23. If a person ceases to be a Spanish national by accepting employment in the service of another Government, or by entering the armed service of a foreign Power without the King's permission, that person cannot recover Spanish nationality until the disability has been removed by royal dispensation.³

Article 24. If a person who was born abroad of a Spanish father or mother ceases to be a Spanish national because his parents cease to be Spanish nationals, he may likewise recover Spanish nationality by satisfying the requirements laid down in article 19.

Article 25. An alien who has obtained naturalization papers or acquired the status of resident in any town in the Monarchy shall not be eligible for the benefits of Spanish nationality unless he first renounces his former nationality, takes an oath of allegiance to the constitution of the Monarchy, and registers as a Spanish national in the civil register.⁴

¹ Mere renunciation of Spanish nationality, without the acquisition of another nationality, is not sufficient cause, under Spanish law, for immediate loss of Spanish nationality and is not required to be recorded in the register. (*Royal Ordinance of 15 March 1900.*)

² An entry of recovery of Spanish nationality made in a consular register is void, since under articles 21 and 22 of the Civil Code an alien's widow, if potentially a Spanish national, must return to the Kingdom and make the appropriate declaration and produce the necessary documents before the official in charge of the civil registry of the place of domicile she elects. (*Royal Ordinance of 4 December 1914; cf. Royal Ordinance of 15 May 1920.*)

³ The Royal Decree of 27 June 1919 and the Royal Ordinance of 25 November 1919 laid down rules governing the grant of royal dispensations enabling Spanish nationals who had served in the French armed forces during the European War to recover their Spanish nationality.

Under a Decree of 11 February 1946, persons who had ceased to be Spanish nationals by virtue of this article because they served in the armed forces of the belligerent nations from 7 September 1939 to 7 May 1945, may recover Spanish nationality by complying with the formalities laid down in the Decree.

⁴ The Royal Decree of 20 December 1924, supplementing this article, provides that a person of Spanish origin who is protected as though he were

Article 26. If a Spanish national transfers his residence to a foreign country in which he is deemed to be a national solely by reason of his residence therein, he shall, if he wishes to retain his Spanish nationality, make a declaration to this effect before the Spanish diplomatic or consular agent, who shall register him in the register of Spanish residents, together with his spouse, if he is married, and children, if any.

Article 27. An alien shall possess in Spain the rights conferred on Spanish nationals by the civil laws, save as otherwise provided in article 2 of the Constitution of the State or in international treaties.

Article 28. A corporation, foundation or association recognized by law and domiciled in Spain possesses Spanish nationality if deemed to be a body corporate within the meaning of this Code.

An Association which is domiciled abroad shall be entitled in Spain to such treatment and rights as may be determined by treaties or special legislation.

72. Sweden

(a) CITIZENSHIP ACT NO. 382 OF 22 JUNE 1950.¹

Article 1. The following persons shall be deemed to be Swedish citizens by birth:

1. Any child born in wedlock whose father is a Swedish citizen;
2. Any child born in wedlock in Sweden, of whose parents only the mother is a Swedish citizen, provided that the father is not a citizen of any state or that the child does not acquire the father's citizenship by birth;
3. Any child born out of wedlock whose mother is a Swedish citizen.

Any foundling that has been come upon in Sweden shall be deemed to be a Swedish citizen until the contrary be discovered to be the case.

Article 2. When a Swedish man marries an alien woman and they have had a child previously to their marriage, such child shall become a Swedish citizen, provided that it be unmarried and has not yet attained the age of eighteen years.

Article 3. An alien who was born in Sweden and has been uninterruptedly domiciled there may at any time after completing his twenty-first year but before completing his twenty-third year, acquire Swedish citizenship by notification in writing to the provincial government of the province in which is situated the parish where he or she is registered, stating his or her desire to become a Swedish citizen. An alien who is not a citizen of any state or proves that he would lose his foreign citizenship by acquiring Swedish citizenship may make such notification upon attaining the age of eighteen years.

Should Sweden be at war, the provisions of the first paragraph of this article shall not apply to any citizen of an enemy state or to any person who has been a citizen of such a state but has lost such citizenship without acquiring the citizenship of another state.

a Spanish national by the Agents of Spain abroad may be naturalized, within the time limit and under the conditions stipulated, without having to return to Spain, the naturalization papers being registered in the diplomatic or consular registers.

¹ Translation made at the instance of the Royal Swedish Ministry for Foreign Affairs, Swedish Official Gazette (1950-382).