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INTRODUCTION

This Supplement is designed to bring up to date the volume of the *United Nations Legislative Series* entitled "*Laws Concerning Nationality*" (ST/LEG/SER.B/4 and Add. 1 and 2, Sales No. 1954. V. 1) published in 1954. The first part of the Supplement reproduces the texts of provisions of national legislation which have been supplied by Governments in response to a circular note addressed to them by the Secretary-General on 29 January 1958. The second part contains texts of treaties concerning nationality registered with the United Nations.

INTRODUCTION

Le présent supplément constitue une mise à jour du volume de la *Série législative des Nations Unies* intitulé *Laws concerning nationality* (Lois relatives à la nationalité) (ST/LEG/SER.B/4 et Add. 1 et 2, n° de vente: 1954. V. 1), qui a été publié en 1954. La première partie du supplément contient le texte des dispositions législatives nationales que les gouvernements ont communiqué au Secrétaire général en réponse à une note circulaire qu'il leur avait adressée le 29 janvier 1958. La seconde partie contient le texte des traités relatifs à la nationalité qui ont été enregistrés à l'Organisation des Nations Unies.

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**FIRST PART
NATIONAL LEGISLATION**

**PREMIÈRE PARTIE
LÉGISLATION NATIONALE**

Australia

(a) NATIONALITY AND CITIZENSHIP ACT NO. 85 OF 1953. AN ACT TO AMEND THE NATIONALITY AND CITIZENSHIP ACT 1948-1952¹

1. (1) This Act may be cited as the Nationality and Citizenship Act 1953.

(2) The Nationality and Citizenship Act 1948-1952 is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Nationality and Citizenship Act 1948-1953.

2. Section five of the Principal Act is amended:

(a) By omitting from sub-section (1) the definition of "Australia" and inserting in its stead the following definition: "Australia" includes the Territories of the Commonwealth that are not trust territories;" and

(b) By inserting in sub-section (1), after the definition of "Territory", the following definition: "'the approved form' means a form approved by the Minister";

3. Section twelve of the Principal Act is amended by omitting from sub-sections (2) and (3) the words "prescribed form" and inserting in their stead the words "approved form".

4. Section fourteen of the Principal Act is amended by omitting from sub-section (2) the words "prescribed form" and inserting in their stead the words "approved form".

5. Section fifteen of the Principal Act is amended:

(a) By inserting after sub-section (2A) the following sub-section:

"(2B) Where a person served as a member of a unit of the armed forces of a foreign country in the war that commenced on the third day of September, One thousand nine hundred and thirty-nine, or any other war in which Australia became engaged after that date and before the second day of September, One thousand nine hundred and forty-five, his service as such a member for a period during which the unit was under the command of a person who:

"(a) Was a British subject; and

"(b) Was appointed to this command in pursuance of a joint decision of the Governments of two or more of the Allied Powers,

shall, for the purposes of sub-section (2) of this section, be deemed to have been service under the Government of a country to which section seven of this Act applies";

(b) By omitting sub-section (3) and inserting in its stead the following sub-section:

¹ See pp. 13, 29 and 30 of the 1954 volume (ST/LEG/SER. B/4) for the texts of Act No. 83, 1948, and of amending Acts No. 58, 1950, and No. 70, 1952.

“(3) Notwithstanding anything contained in the preceding provisions of this Division, the Minister may, upon application in the approved form and if he considers that there are circumstances which justify his so doing, grant a certificate of naturalization as an Australian citizen to an alien or a protected person:

“(a) Who is not of full age; or

“(b) Who is of full age but, before becoming of full age:

“(i) Made the application under this sub-section; or

“(ii) Made a declaration of intention to apply for the grant of a certificate of naturalization as an Australian citizen in accordance with sub-section (1) of the last preceding section”; and

(c) By omitting from sub-sections (4) and (5) the words “prescribed form” and inserting in their stead the words “approved form”.

6. Section sixteen of the Principal Act is amended by omitting sub-section (1) and inserting in its stead the following sub-sections:

“(1) A person to whom a certificate of naturalization has been granted under this Division shall be an Australian citizen by naturalization:

“(a) In the case of a person who has attained the age of sixteen years—as from the date upon which:

“(i) He takes an oath of allegiance; or

“(ii) In the case of a person who conscientiously objects to take an oath, he makes an affirmation of allegiance,

in the manner provided by this section and in accordance with the form contained in the Second Schedule to this Act; or

“(b) In the case of a person who has not attained that age—as from the date upon which the certificate is granted.”

“(1A) An oath of allegiance referred to in the last preceding sub-section shall

“(a) Be taken or made before a Judge or Magistrate holding office under the law of the Commonwealth or of a State or Territory or before a person, or a person included in a class of persons, approved by the Minister; and

“(b) If the Minister has made arrangements in pursuance of section forty-one of this Act for it to be taken or made in public, be taken or made in accordance with those arrangements, unless the Minister otherwise permits.”

7. (1) Section twenty-five of the Principal Act is amended by inserting after sub-section (4) the following sub-section:

“(4A) In determining, for the purposes of paragraph (b) of the last preceding sub-section, whether a person would, but for his death, have become an Australian citizen under this section, it shall be assumed that if he had lived he would have continued to be ordinarily resident in the place where he was ordinarily resident immediately before his death, but that nothing else which could have affected his eligibility for Australian citizenship would have occurred between the date of his death and the date of commencement of this Act.”

(2) The amendment effected by the last preceding sub-section shall be deemed to have come into operation on the twenty-sixth day of January, One thousand nine hundred and forty-nine.

8. Section thirty-two of the Principal Act is amended by omitting from sub-section (1) the words "prescribed form" and inserting in their stead the words "approved form".

9. Section forty-one of the Principal Act is repealed and the following section inserted in its stead:

"41. The Minister may make arrangements for the oath or affirmation of allegiance referred to in section sixteen of this Act to be taken or made in public and to be accompanied by proceedings designed to impress upon applicants the responsibilities and privileges of Australian citizenship."

10. Section fifty-three of the Principal Act is amended by inserting in paragraph (c) after the word "allegiance", the words "and the making of an affirmation of allegiance".

11. The Second Schedule to the Principal Act is repealed and the following Schedule inserted in its stead:

"SECOND SCHEDULE

"OATH OF ALLEGIANCE

"I, A.B., swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law, and that I will faithfully observe the laws of Australia and fulfil my duties as an Australian citizen.

"AFFIRMATION OF ALLEGIANCE

"I, A.B., solemnly and sincerely promise and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law, and that I will faithfully observe the laws of Australia and fulfil my duties as an Australian citizen."

(b) NATIONALITY AND CITIZENSHIP ACT NO. 1 OF 1955. AN ACT TO AMEND THE NATIONALITY AND CITIZENSHIP ACT 1948-1953

. . .

1. (1) This Act may be cited as the Nationality and Citizenship Act 1955.

(2) The Nationality and Citizenship Act 1948-1953¹ is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Nationality and Citizenship Act 1948-1955.

2. Except as otherwise provided in this Act, this Act shall come into operation on the day on which it receives the Royal Assent.

3. Section seven of the Principal Act is amended by omitting from sub-section (2) the word "Newfoundland".

¹ Act No. 83, 1948, as amended by No. 58, 1950; No. 70, 1952; and No. 85, 1953, see footnote 1 above.

4. Section twelve of the Principal Act is amended:

(a) By omitting from paragraph (b) of sub-section (1) the words "the application" and inserting in their stead the words "the grant of the certificate"; and

(b) By omitting sub-sections (2) and (3) and inserting in their stead the following sub-sections:

"(2) Notwithstanding anything contained in the last preceding sub-section, the Minister may, upon application in the approved form, grant a certificate of registration as an Australian citizen to a person who is a citizen of a country to which section seven of this Act applies or an Irish citizen and satisfies the Minister:

"(a) That he or she is not of full age;

"(b) That she is the wife or widow, or that he is the husband or widower, of an Australian citizen or of a person who would, but for his or her death, have become an Australian citizen under section twenty-five of this Act; or

"(c) That he or she was formerly an Australian citizen or was born in Australia.

"(3) The Minister may, upon application in the approved form, include in a certificate of registration, either at the time of granting the certificate or by later amending the certificate, the name of a child who has not attained the age of sixteen years and of whom the grantee is the responsible parent or guardian."

5. (1) Section fourteen of the Principal Act is repealed and the following section inserted in its stead:

"14. (1) An alien or protected person may, not earlier than one year after his entry into Australia or New Guinea, make a declaration in the approved form of his intention to apply for the grant to him of a certificate of naturalization as an Australian citizen.

"(2) An alien or protected person may apply in the approved form for the grant to him of a certificate of naturalization as an Australian citizen.

"(3) An application under the last preceding sub-section may be made whether or not the applicant has previously made a declaration under sub-section (1) of this section, but shall not be made more than six months before the earliest date on which the Minister, under the provisions of the next succeeding section, could become empowered to grant the certificate."

(2) An application for the grant of a certificate of naturalization duly made before the date of commencement of this section in accordance with the section repealed by this section and pending at that date shall be deemed to have been duly made under the section inserted in the Principal Act by this section.

6. Section fifteen of the Principal Act is amended:

(a) By omitting from paragraph (b) of sub-section (1) the words "the application" and inserting in their stead the words "the grant of the certificate"; and

(b) By omitting sub-sections (4) and (5) and inserting in their stead the following sub-sections:

“(4) Notwithstanding anything contained in the last preceding section or in sub-section (1) of this section, the Minister may, upon application in the approved form, grant a certificate of naturalization as an Australian citizen to an alien who satisfies him:

“(a) That she is the wife or widow, or that he is the husband or widower of an Australian citizen or of a person who would, but for his or her death, have become an Australian citizen under section twenty-five of this Act; or

“(b) That he or she was formerly an Australian citizen or was born in Australia.

“(5) Except in the cases to which the Minister considers that, by reasons of special circumstances, this sub-section should not apply, a certificate of naturalization shall not be granted before the expiration of six months after the date of the application.

“(6) The Minister may, upon application in the approved form, include in a certificate of naturalization, either at the time of granting the certificate or by later amending the certificate, the name of a child who has not attained the age of sixteen years and of whom the grantee is the responsible parent or guardian.”

7. Section twenty-five of the Principal Act is amended by inserting in sub-section (4A), after the word “of” (first occurring) the words “sub-section (2) of section twelve or sub-section (4) of section fifteen of this Act or”.

8. (1) Section twenty-nine of the Principal Act is amended by inserting after the word “twenty-one” the words “or who is or has been the wife of a person to whom such a certificate was granted”.

(2) The amendment made by the last preceding sub-section shall be deemed to have come into operation on the day on which the Nationality and Citizenship Act 1948 came into operation.

9. Section thirty-one of the Principal Act is repealed.

10. Section thirty-six of the Principal Act is amended by omitting sub-section (1).

11. Section thirty-seven of the Principal Act is amended by omitting from sub-section (1) the words “or has advertised his intention to apply”.

12. After section forty of the Principal Act the following section is inserted:

“40A. (1) The Minister may, either generally or in relation to a particular matter or class of matters, by writing under his hand, delegate any of his powers and functions under this Act (except this power of delegation).

“(2) A power or function so delegated may be exercised or performed by the delegate either generally, or with respect to the matter, or to matters included in the class of matters, specified in the instrument of delegation, as the case may be.

“(3) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Minister.”

13. Section forty-six of the Principal Act is repealed and the following section inserted in its stead:

“46. (1) A certificate of naturalization or a certificate of registration granted by the Minister (including a delegate of the Minister) may be issued by a person authorized in writing by the Minister to issue such certificates.

“(2) A document purporting to be a certificate of naturalization or a certificate of registration, and purporting to bear the printed or stamped signature of the Minister and to be issued by a person by authority of the Minister shall, unless it is proved not to have been issued by authority of the Minister (including a delegate of the Minister), be deemed to be a certificate of naturalization or a certificate of registration, as the case may be, granted under this Act.

“(3) A certificate of registration, a certificate of naturalization or an order under this Act may be proved in legal proceedings by the production of a copy of the original certificate or order certified by the Minister, or by a person authorized in writing by the Minister to give such certificates, to be a true copy.”

Belgique ¹

LOI DU 30 DÉCEMBRE 1953 RELATIVE A LA DÉCHÉANCE DE LA NATIONALITÉ BELGE DU CHEF DE CONDAMNATION PAR DÉFAUT POUR INFRACTION CONTRE LA SÛRETÉ DE L'ÉTAT, COMMISE ENTRE LE 26 AOÛT 1939 ET LE 15 JUIN 1949 ¹

Article 1er. — Est déchu de plein droit de la nationalité belge, à l'expiration du délai d'opposition, celui qui a été condamné par arrêt ou jugement prononcé par défaut non frappé d'opposition et demeuré inexécuté sur sa personne, à une peine criminelle pour infraction ou tentative d'infraction, commise entre le 26 août 1939 et le 15 juin 1949 et prévue par le chapitre II, livre II, titre 1^{er}, du Code pénal ou par les articles 17 et 18 du Code pénal militaire.

Les personnes visées au premier alinéa qui ont fait l'objet d'une condamnation, publiée avant le 1^{er} juillet 1946 conformément à l'article 9 de l'arrêté-loi du 26 mai 1944, sont, sauf opposition déclarée recevable, réputées déchues de la nationalité belge à la date du 31 décembre 1946.

Article 2. — Lorsque le jugement ou l'arrêt entraînant la déchéance de nationalité par application de l'article 1^{er} est devenu définitif, il est transcrit

¹ Par une communication en date du 8 mai 1958, le Ministre des affaires étrangères de Belgique a indiqué qu'« en raison des modifications qui sont intervenues dans les lois régissant la nationalité belge depuis qu'ont été rassemblés les textes qui figurent dans l'ouvrage *Laws concerning Nationality* édité en 1954, les articles 18 *ter*, *quater* et *quinquies* et la disposition transitoire V des lois sur l'acquisition, la perte et le recouvrement de la nationalité, telles qu'elles ont été coordonnées par l'arrêt royal du 14 décembre 1932 et ultérieurement complétées par les arrêtés-lois des 6 mai 1944, 7 septembre 1946 et 27 février 1947, doivent être retirés de cette coordination.

« Ces dispositions, d'ailleurs modifiées, ont été reprises dans la loi du 30 décembre 1953. »

par extrait dans le registre indiqué à l'article 22 des lois coordonnées sur la nationalité par l'officier de l'état civil du domicile ou de la résidence du condamné en Belgique, ou, à défaut, par l'officier de l'état civil de Bruxelles.

Mention est faite en marge de l'acte de naissance et, éventuellement, de l'acte d'option ou de naturalisation du condamné.

Il est publié par extrait au *Moniteur belge* avec mention de la transcription. Les nos 8 et 9 de l'article 18 *bis* des lois coordonnées sur la nationalité sont applicables aux déchéances de nationalité résultant des dispositions de l'article 1^{er}.

Article 3. — Lorsqu'une condamnation prononcée par défaut a déjà fait l'objet de la transcription et de l'émargement prévus par l'article 2 et que l'opposition formée par le condamné a été déclarée recevable, l'officier de l'état civil portera, en marge des actes contenant la transcription et l'émargement, une mention constatant l'inopérance du jugement ou de l'arrêt en ce qui concerne la déchéance de la nationalité.

Il sera procédé à cette formalité sur le vu d'une expédition, transmise à l'officier de l'état civil par l'auditeur militaire ou l'auditeur général, du jugement ou de l'arrêt constatant la recevabilité de l'opposition.

Article 4. — Dès l'entrée en vigueur de la présente loi, est relevé de plein droit de la déchéance, même si l'opposition a été déclarée irrecevable, celui qui s'est mis volontairement à la disposition de la justice ou qui a été appréhendé pour subir sa peine.

Celui qui ultérieurement, mais dans le délai de vingt ans à compter de la décision judiciaire qui le frappe, se mettra volontairement à la disposition de la justice ou sera appréhendé, sera relevé de plein droit de la déchéance dès le jour où il se présentera ou sera appréhendé, même si l'opposition qu'il formerait venait à être déclarée irrecevable.

Article 5. — Dans les cas visés à l'article 4, l'officier de l'état civil portera en marge de l'acte contenant transcription du jugement ou de l'arrêt entraînant déchéance de nationalité, ainsi que des actes émargés en conséquence de la condamnation, une mention constatant que le condamné est relevé de la déchéance de nationalité ainsi que la date du recouvrement de la nationalité.

Il sera procédé à cette formalité sur avis du Ministre de la justice.

Article 6. — La femme étrangère, épouse d'un déchu auquel est applicable le bénéfice de l'article 4, est admise à souscrire une déclaration acquisitive de la nationalité belge de son mari.

Cette déclaration ne peut être souscrite qu'après deux ans de résidence habituelle en Belgique. Elle doit l'être dans l'année qui suit l'accomplissement de cette condition et, pour la femme qui satisfait déjà à cette condition, dans l'année de l'entrée en vigueur de la présente loi.

Cette déclaration est souscrite et instruite conformément aux dispositions de l'article 10 des lois coordonnées sur la nationalité.

Article 7. — L'article 5 des lois coordonnées sur la nationalité n'est pas applicable en cas d'agrégation de la déclaration acquisitive de la nationalité belge, souscrite conformément à l'article 6.

Article 8. — Les articles 18 *ter*, 18 *quater* et 18 *quinquies*, ainsi que la disposition transitoire V des lois sur l'acquisition, la perte et le recouvrement de la nationalité, coordonnées par l'arrêté royal du 14 décembre 1932 et complé-

tées par les arrêtés-lois des 6 mai 1944, 7 septembre 1946 et 27 février 1947, sont abrogés.

Cambodge ¹

a) KRÂM N° 913-NS DU 30 NOVEMBRE 1954 ²

ARTICLE 2. — L'article 21 du Code civil est abrogé et remplacé comme suit:

Article 21 (nouveau). — La nationalité cambodgienne est le lien à la fois spirituel et politique qui unit une personne physique ou morale à l'état cambodgien. La loi cambodgienne est seule compétente pour déterminer les conditions d'acquisition et de perte de nationalité cambodgienne. En particulier toute acquisition par un Cambodgien d'une nationalité étrangère en violation des dispositions légales cambodgiennes est rigoureusement opposable aux autorités cambodgiennes.

La loi ne reconnaît tant pour l'acquisition de la nationalité et pour sa perte, que pour l'exercice des droits civils et politiques, aucune distinction fondée sur l'origine raciale exacte ou supposée des citoyens ou sur leurs opinions philosophiques ou religieuses.

Notamment aucune distinction n'est faite en faveur ou au préjudice des Cambodgiens appartenant aux minorités ethniques habitant le territoire du Royaume, tels les Malais, Chams, Birmans, Laos, Kha, Kouy, Phnong, Por, Stieng, etc. . . . ainsi qu'en faveur ou au préjudice des Cambodgiens de race tagale, de ceux originaires des Philippines et sans autre nationalité que la cambodgienne, des anciens ressortissants thaïlandais demeurés sur les territoires rétrocédés au Cambodge par le Traité du 23 mars 1907.

ARTICLE 3. — Les articles 22, 23, 24, 25 et 26 du Code civil sont abrogés à compter de la promulgation du présent Krâm et ainsi remplacés:

¹ Dans une lettre du 30 mai 1958 reçue du Ministère des affaires étrangères du Royaume du Cambodge, il est indiqué ce qui suit:

« La première codification moderne relative à la nationalité cambodgienne résulte des articles 21 à 27 du Code civil mis en vigueur par ordonnance royale n° 17 du 25 février 1920.

« Ces règles ont été profondément modifiées en 1934. La personnalité internationale du Royaume se trouvait alors (en vertu de l'article 4 de la convention du 11 août 1863) absorbée dans celle de la France. Au regard du droit international les Cambodgiens, sujets du Roi, étaient des nationaux français. Au regard du droit français interne, ils étaient des protégés français. L'ordonnance royale n° 66 du 5 juin 1934 en modifiant les articles 21 à 27 du Code civil avait pour but, par conséquent, d'harmoniser les textes cambodgiens relatifs à la nationalité cambodgienne, avec les textes français de 1930 et 1933 (notamment le décret du 24 août 1933) qui définissaient pour l'Indochine les conditions d'acquisition et de perte de la qualité de citoyens, sujets ou protégés français.

« Aux lendemains de l'indépendance, le Krâm n° 913-NS du 30 novembre 1954 a supprimé dans les textes relatifs à la nationalité cambodgienne, désormais de droit international, toute mention au protectorat et défini les conditions nouvelles d'acquisition et de perte de cette nationalité. »

² *Journal officiel*, 10^e année, n° 48, jeudi 2 décembre 1954.

Article 22 (nouveau). — 1°: — Est Cambodgien quel que soit le lieu de sa naissance:

- a) L'enfant légitime né de père cambodgien;
- b) L'enfant légitime né de mère cambodgienne;
- c) L'enfant naturel lorsque sa filiation est légalement établie à l'égard d'un auteur de nationalité cambodgienne.

2°: — Est Cambodgien lorsqu'il est né au Cambodge:

- a) L'enfant né d'un père né lui-même au Cambodge;
- b) L'enfant né d'une mère elle-même née au Cambodge;
- c) L'enfant né de parents inconnus. Tout enfant nouveau-né trouvé au Cambodge est censé y être né.

Article 23 (nouveau). — L'étrangère, épouse légitime d'un Cambodgien, devient de plein droit, et nonobstant toute stipulation contraire, cambodgienne à compter du jour de son mariage.

La Cambodgienne ne perd en aucun cas sa nationalité du fait de son mariage avec un étranger.

Article 24 (nouveau). — Le contentieux de la nationalité relève des tribunaux civils compétents pour connaître ainsi qu'il est dit ci-après des actions en revendication, renonciation et déchéance de la nationalité cambodgienne.

Le Ministère public est toujours partie principale et doit obligatoirement et à peine de nullité conclure par écrit.

Article 24 bis. — Peuvent renoncer à la nationalité cambodgienne:

1°. L'épouse d'origine étrangère d'un Cambodgien, lorsque son mariage est dissous par veuvage ou divorce à condition d'établir qu'aucun enfant n'est né du mariage et en outre que sa loi d'origine ne l'avait jamais privée de sa nationalité d'origine du fait de son mariage, ou lui redonne cette nationalité du fait de son veuvage ou divorce.

2°. L'individu né au Cambodge d'une mère également née au Cambodge à condition d'établir:

- a) La nationalité étrangère de son père et de sa mère;
- b) Que la loi nationale de son père ou de celle de sa mère lui donne l'une de ces nationalités soit de plein droit du fait de sa filiation, soit du fait de sa renonciation à la nationalité cambodgienne;
- c) Que son père n'était pas né lui-même au Cambodge.

3°. L'individu né au Cambodge de parents inconnus lorsque sa filiation est ultérieurement établie à l'égard de ses auteurs et qu'il peut faire les mêmes preuves que l'individu né au Cambodge d'une mère née elle-même au Cambodge.

Toutefois, sans préjudice aucun de sa nationalité cambodgienne, cet individu, ou, quand il est mineur, la personne physique ou morale ayant autorité sur lui ou en ayant la garde pourra demander au Tribunal de lui donner acte par jugement que l'un de ses auteurs, demeuré légalement inconnu, avait une autre nationalité que la cambodgienne. La procédure est celle de l'article 26 nouveau du Code civil. Le Tribunal pourra, à toutes fins, indiquer la nationalité que cet auteur possédait de notoriété publique.

Article 24 ter. — Peuvent revendiquer la nationalité cambodgienne :

1°. Tout individu de race cambodgienne domicilié au dehors du Royaume et qui revient au Cambodge dans l'intention de s'y fixer ;

2°. Tout individu né antérieurement à la promulgation du présent Krâm et dont l'un des auteurs au moins était Cambodgien ou métis cambodgien, lorsque les textes en vigueur au moment de sa naissance ne lui donnaient pas *de plano* la nationalité cambodgienne.

3°. Tout individu né au Cambodge avant la promulgation du présent Krâm et dont l'un des auteurs était lui-même né au Cambodge.

Le revendiquant devra en outre prêter le serment imposé aux naturalisés en y remplaçant le mot « naturalisation » par celui de « revendication ».

Le Tribunal pourra en outre munir l'intéressé, sur sa demande, d'un nom patronymique à consonances cambodgiennes. La revendication a pour effet de donner la nationalité cambodgienne non seulement à l'intéressé mais encore à ses enfants mineurs au moment de cette revendication et à son conjoint sauf le droit de ce dernier de faire, dans les six mois du jour où il aura eu connaissance de la revendication, opposition en ce qui le concerne aux effets de la renonciation à revendication. Cette opposition se fait dans les mêmes formes que la nationalité cambodgienne, le jugement en donnant acte est soumis à la même publicité. Elle n'est possible qu'à charge pour l'opposant d'établir que la revendication faite par son conjoint ne l'a pas privé de sa nationalité.

Article 25 (nouveau). — Perd sa nationalité, le Cambodgien qui, avec l'autorisation du Gouvernement, acquiert par naturalisation une nationalité étrangère. La perte de la nationalité cambodgienne est effective le jour où la nationalité étrangère est accordée.

Toutefois cette perte de nationalité est sans effet sur le conjoint et les enfants qui restent cambodgiens.

Article 25 bis. — Peut être, par jugement du Tribunal civil de Phnom-Penh, déclaré déchu de la nationalité cambodgienne, sans préjudice s'il y a lieu des sanctions pénales que prononcera le Tribunal répressif compétent :

1°. Le Cambodgien qui, sans autorisation, prend volontairement du service dans les forces armées ne relevant pas du Gouvernement Cambodgien. Cette autorisation peut résulter, entre autres, d'un traité international ;

2°. Le Cambodgien qui conserve des fonctions publiques étrangères malgré l'injonction du Gouvernement de les résigner dans un délai déterminé.

L'action en déchéance est intentée par le Procureur du Roi près le Sala Lukhun de Phnom-Penh agissant exclusivement sur l'ordre écrit du Ministre de la justice.

L'intéressé dûment convoqué peut présenter soit oralement, soit par écrit, par le canal d'un avocat, ses explications. Le Tribunal ne peut que vérifier si les conditions de déchéance sont bien remplies, dans l'affirmative prononcer la déchéance, dans la négative débouter le Ministère public. Ses décisions sont susceptibles de toutes les voies de recours ouvertes par le Code de procédure en matière civile.

Article 26 (nouveau). — L'action en renonciation ou revendication est intentée par l'intéressé qui saisit le Procureur du Roi de son domicile, ou en cas de domicile à l'étranger celui de Phnom-Penh, d'une requête écrite donnant toute précision.

Après telle enquête qu'il jugera opportune le Procureur du Roi saisit avec ses requisitions le Tribunal qui doit statuer dans un délai qui n'excède pas quatre mois depuis le dépôt de la demande.

Le Tribunal n'a aucun pouvoir pour apprécier l'opportunité de la renonciation ou revendication. Il ne peut que vérifier si l'intéressé en remplit les conditions et lui donner acte de sa renonciation ou revendication, ou le débouter purement et simplement.

La décision du Tribunal est susceptible de toutes les voies de recours ouvertes par le Code de procédure en matière civile.

Article 26 bis. — Les décisions judiciaires en matière de déchéance, les jugements donnant acte d'une renonciation, d'une revendication ainsi que dans ce dernier cas du prononcé du serment prévu à l'article 24 *ter* ci-dessus seront enregistrés gratis au Bureau de l'enregistrement à Phnom-Penh. Ils seront en outre publiés par extrait au *Journal officiel*. Enfin, copie en restera affichée pendant trois mois au Tribunal et à la Sala-Khet de la province où le Tribunal a son siège.

ARTICLE 4. — Il est ajouté au chapitre premier du titre premier du Code civil, un article 27 ainsi conçu :

Article 27. — La renonciation n'a effet qu'en ce qui concerne le renoncement lui-même.

La déchéance n'a effet que vis-à-vis du déchu. Elle n'affecte pas la qualité de Cambodgien du conjoint et des enfants. Le déchu ne peut recouvrer sa nationalité cambodgienne que par naturalisation.

La nationalité cambodgienne peut également s'acquérir par naturalisation suivant la législation en vigueur.

b) KRÂM N° 904-NS DU 27 SEPTEMBRE 1954 ³

. . .

Article 1^{er}. — La naturalisation n'est jamais de droit. Elle constitue une faveur qui doit toujours être demandée et peut être, quel que soit le titre du requérant, discrétionnairement refusée.

Article 2. — Tout étranger peut demander à être admis au nombre des sujets de Sa Majesté le Roi du Cambodge, sous les conditions suivantes :

1°. Ne pas être dans l'un des cas où la revendication de cette nationalité peut être faite ;

2°. Etre de bonnes vie et mœurs ;

3°. Justifier d'une assimilation suffisante de la langue cambodgienne ;

4°. Justifier d'une résidence sur le territoire du Royaume pendant les cinq années qui précèdent le dépôt de la demande ;

5°. Résider au Cambodge au moment du dépôt de la demande ;

6°. Ne pas constituer de par son état physique ou mental un danger ou une charge pour la nation.

Article 3. — Le stage de cinq ans prévu à l'article 2 est ramené à deux ans :

1°. Pour tous les étrangers nés au Cambodge ;

2°. Pour les étrangers mariés à une Cambodgienne.

³ *Journal officiel*, 10^e année, n° 40, jeudi, 7 octobre 1954.

Article 4. — Peut être naturalisé sans autres conditions que celles prévues au 5° et 6° de l'article 2, sauf au cas d'infirmité contractée au service du Cambodge :

1°. Toute personne titulaire d'un diplôme d'études supérieures au moins égal aux termes des accords culturels à la licence ;

2°. Toute personne ayant rendu des services importants au pays tels que l'introduction au Cambodge d'industries ou d'inventions utiles, la création d'établissements industriels ou exploitations agricoles ; en bref celui qui a rendu au Cambodge un service exceptionnel ou dont la naturalisation présente pour le Cambodge un intérêt incontestable.

Article 5. — Par exception, peut être naturalisé sans condition, l'étranger qui, en temps de guerre, a volontairement contracté du service militaire dans les forces armées cambodgiennes et auquel une distinction égale au moins à la citation à l'ordre du bataillon aura été décernée pour acte de courage devant l'ennemi.

Article 6. — L'étranger qui désire se faire naturaliser adressera une requête en ce sens à Sa Majesté le Roi sous couvert du Gouverneur de la Ville ou de la Province.

Le Gouverneur fera procéder à une enquête administrative qui portera sur le point de savoir si le requérant réunit les conditions requises de résidence au Cambodge et de moralité. Il désignera un médecin qui examinera le requérant. Des circulaires conjointes des ministres de la justice, de l'intérieur et de la santé publique fixeront les modalités d'application du présent article.

Article 7. — Le Gouverneur transmet dans les trois mois la requête et le dossier avec son avis au Ministre de la justice. La naturalisation résulte d'un Kret. Elle entraîne de droit la naturalisation du conjoint et des enfants mineurs sauf droit du conjoint à la renonciation dans les conditions fixées par l'article 24 *ter* du Code civil et si en outre il n'avait pas fait une demande jointe de naturalisation.

Article 8. — Le rejet de la demande de naturalisation résulte de l'exercice d'un pouvoir discrétionnaire, mais ne peut être prononcée que par Kret.

Article 9. — Le Kret de naturalisation peut être assorti de dispositions donnant au nouveau naturalisé un nom patronymique à consonances cambodgiennes.

Article 10. — L'acquisition de la nationalité cambodgienne est effective à partir du jour où le requérant, auquel l'agrément de sa demande sera signifiée par le Procureur du Roi de sa résidence qui le cite en même temps à la plus prochaine audience civile, aura prêté devant le Tribunal le serment suivant :

« Je jure fidélité, amour et dévouement à ma PATRIE CAMBODGIENNE
 « à sa Constitution et à ses lois. Je m'engage à me comporter en
 « loyal citoyen dévoué et fidèle sujet de Sa Majesté le Roi, à accepter
 « toutes les conséquences de ma naturalisation, et défendre, s'il
 « le faut au prix de ma vie, la liberté, l'intégrité et l'honneur du Cam-
 bodge. »

Article 11. — Ce serment est prêté dans les formes prescrites par le Code de procédure en matière pénale. Le Tribunal ne peut sous aucun prétexte

refuser de le recevoir. Il en donne acte au naturalisé par jugement, enregistré gratis au Bureau de l'enregistrement à Phnom-Penh et dont copie restera affichée pendant trois mois à la Sala-khèt au Tribunal, à la Salakhum de la résidence du naturalisé. »

Canada

(a) THE CANADIAN CITIZENSHIP ACT (CHAPTER 33, R.S.C. 1952, AS AMENDED IN 1953 AND 1954) ¹

1. This Act may be cited as the Canadian Citizenship Act, 1946, c. 15, s.1.

INTERPRETATION

2. In this Act,

(a) "alien" means a person who is not a Canadian citizen, Commonwealth citizen, British subject or citizen of the Republic of Ireland;

(b) "Canadian Citizen" means a person who is a Canadian citizen under this Act;

(bb) "Canadian domicile" means Canadian domicile as defined in the laws respecting immigration that are or were in force at the time the Canadian domicile of a person is relevant under this Act;

(c) "Canadian ship" means a Canadian ship as defined in the Canadian Shipping Act, and includes an aircraft registered in Canada under the Aeronautics Act and regulations made thereunder;

(d) "certificate of citizenship" means a certificate of citizenship granted or issued under this Act;

(e) "certificate of naturalization" means a certificate of naturalization granted under any Act that was in force in Canada at any time before the 1st day of January, 1947;

(f) "Clerk" or "Clerk of the Court" includes all officers exercising the functions of prothonotary, registrar or clerk of any court having jurisdiction under this Act, and, where a person is designated by the Governor in Council to act as a court for the purposes of this Act, means any such officer approved by the Minister and available to assist the said person as his clerk or, if no such officer is so approved, means the said person;

(g) "country of the British Commonwealth" means for the purposes of this Act a country listed in the First Schedule or a country declared for the purposes of this Act to be a country of the British Commonwealth of Nations by proclamation issued under this Act, and includes, in the case of any such country, all colonies, dependencies or territories thereof;

(h) "Court" means any Superior, Circuit, County or District Court, and includes in the Province of Quebec any district magistrate, and, in the Northwest Territories and in the Yukon Territory, any stipendiary magistrate or any other person designated by the Governor in Council under this Act;

(i) "disability" means the incapacity of a minor, a lunatic or an idiot;

(j) Repealed, 1952-53, c. 23, s. 12 (4).

¹ Text as published in Office Consolidation 1954.

(k) "foreign" as applied to a country, does not include a country listed in the First Schedule or the Republic of Ireland; as applied to a government, does not include the government of such country or Republic; and as applied to a nationality, does not include the nationality of such country or Republic;

(l) "Minister" means the Minister of Citizenship and Immigration;

(m) "minor" means a person who has not attained the age of twenty-one years;

(mm) "place of domicile" means the place in which a person has his home or in which he resides or to which he returns as his place of permanent abode and does not mean a place in which he stays for a mere special or temporary purpose;

(n) "responsible parent" means the father, but where the father is dead, or where the custody of a child has been awarded to his mother by order of a court of competent jurisdiction, or where a child was born out of wedlock and resides with the mother, "responsible parent" means the mother. 1946, c. 15, s. 2; 1950, c. 29, s. 1.

3. Where a person is required to state or declare his national status, any person who is a Canadian citizen under this Act shall state or declare himself to be a Canadian citizen and his statement or declaration to that effect is a good and sufficient compliance with such requirement. 1946, c. 15, s. 3.

PART I

Natural-born Canadian citizens

*4. (1) A person born before the 1st day of January, 1947, is a natural-born Canadian citizen, if

(a) He was born in Canada or on a Canadian ship and was not an alien on the 1st day of January, 1947; or

(b) He was born outside of Canada elsewhere than on a Canadian ship and was not, on the 1st day of January, 1947, an alien and either was a minor on that date or had, before that date, been lawfully admitted to Canada for permanent residence and his father, or in the case of a person born out of wedlock, his mother:

(i) Was born in Canada or on a Canadian ship and was not an alien at the time of that person's birth,

(ii) Was, at the time of that person's birth, a British subject who had Canadian domicile,

(iii) Was, at the time of that person's birth, a person who had been granted, or whose name was included in, a certificate of naturalization, or

* *Note:* ss. (2), of sec. 13 of chap. 23 of the Statutes of 1952-1953 reads as follows:

"This section shall be deemed to have come into force on the 1st day of January, 1947, but any declaration of retention of Canadian citizenship that has been filed pursuant to sec. 6 of chap. 15 of the Statutes of 1946 by a person who was a Canadian citizen under paragraph (b) of section 4 of that Act shall have the same effect as if it had been filed under this section."

(iv) Was a British subject who had his place of domicile in Canada for at least twenty years immediately before the 1st day of January, 1947, and was not, on that date, under order of deportation.

(2) A person who is a Canadian citizen under paragraph (b) of subsection (1) and was a minor on the 1st day of January, 1947, ceases to be a Canadian citizen upon the date of the expiration of three years after the day on which he attains the age of twenty-one years or on the 1st day of January, 1954, whichever is the later date, unless he

(a) Has his place of domicile in Canada at such date; or

(b) Has, before such date and after attaining the age of twenty-one years, filed, in accordance with the regulations, a declaration of retention of Canadian citizenship.

5. (1) A person born after the 31st day of December, 1946, is a natural-born Canadian citizen,

(a) If he is born in Canada or on a Canadian ship, or

(b) If he is born outside of Canada elsewhere than on a Canadian ship, and

(i) His father, or in the case of a child born out of wedlock, his mother, at the time of that person's birth, is a Canadian citizen, and

(ii) The fact of his birth is registered, in accordance with the regulations, within two years after its occurrence or within such extended period as the Minister may authorize in special cases.

(1a) A person who is a Canadian citizen under paragraph (b) of subsection (1) ceases to be a Canadian citizen upon the date of the expiration of three years after the day on which he attains the age of twenty-one years, unless he

(a) Has his place of domicile in Canada at such date; or

(b) Has, before such date and after attaining the age of twenty-one years, filed, in accordance with the regulations, a declaration of retention of Canadian citizenship.

(2) Subsection (1) does not apply to a person if, at the time of that person's birth, his responsible parent

(a) Is an alien who has not been lawfully admitted to Canada for permanent residence and

(b) is

(i) A foreign diplomatic or consular officer or a representative of a foreign government accredited to Her Majesty,

(ii) An employee of a foreign government attached to or in the service of a foreign diplomatic mission or consulate in Canada, or

(iii) An employee in the service of a person referred to in sub-paragraph (i). 1950, c. 29, s. 2.

6. A person who has ceased to be a Canadian citizen by virtue of subsection (2) of section 4 or subsection (1a) of section 5 may, in accordance with the regulations, file a petition for resumption of Canadian citizenship and shall, if the petition is approved by the Minister, be deemed to have resumed Canadian citizenship as of the date of such approval or as of such

other earlier or later date as the Minister may fix in any special case, and the Minister may issue a certificate of citizenship accordingly.

7. Every foundling, who is or was first found as a deserted infant in Canada, shall, until the contrary is proved, be deemed to have been born in Canada. 1946, c. 15, s. 7.

8. Where a child is born after the death of his father, the child shall, for the purposes of this Part, be deemed to have been born immediately before the death of the father. 1946, c. 15, s. 8.

PART II

Canadian citizens other than natural-born

9. (1) A person, other than a natural-born Canadian citizen, is a Canadian citizen, if that person

(a) Was granted, or the name of that person was included in, a certificate of naturalization and was not an alien on the 1st day of January, 1947;

(b) Was, immediately before the 1st day of January, 1947, a British subject who had Canadian domicile;

(c) Was a British subject who had his place of domicile in Canada for at least twenty years immediately before the 1st day of January, 1947, and was not, on that date, under order of deportation; or

(d) Being a woman other than a woman who comes within paragraph (a), (b) or (c),

(i) Before the 1st day of January, 1947, was married to a man who, if this Act had come into force immediately before the marriage, would have been a natural-born Canadian citizen as provided in section 4 or a Canadian citizen as provided in paragraph (a), (b) or (c), and

(ii) On the 1st day of January, 1947, was a British subject and had been lawfully admitted to Canada for permanent residence.

(2) A person who is a Canadian citizen under subsection (1) shall be deemed, for the purposes of section 19, to have become a Canadian citizen,

(a) Where he was granted, or his name was included in, a certificate of naturalization, on the date of the certificate;

(b) Where he is a Canadian citizen by reason of being a British subject who had Canadian domicile, on the date he acquired Canadian domicile;

(c) Where he is a Canadian citizen by reason of being a British subject who had his place of domicile in Canada for at least twenty years immediately before the 1st day of January, 1947, on the 1st day of January, 1927; and

(d) In the case of a woman to whom paragraph (d) of subsection (1) applies, on the date of the marriage or on which she became a British subject or on which she was lawfully admitted to Canada for permanent residence, whichever is the latest date.

(3) For the purposes of this section, a certificate of naturalization, granted under any Act in force in Canada before the 1st day of January, 1915, subject to the qualification described in section 24 of the Naturalization Act, chapter 77 of the Revised Statutes of Canada, 1906, or a qualification to a like effect, shall be deemed never to have been subject to that qualification. 1950, c. 29, s. 4.

10. (1) The Minister may, in his discretion, grant a certificate of citizenship to any person who is not a Canadian citizen and who makes application for that purpose and satisfies the Court that,

(a) He has attained the age of twenty-one years, or he is the spouse of and resides in Canada with a Canadian citizen;

(b) He has resided in Canada for a period of at least one year immediately preceding the date of his application;

(c) The applicant has

(i) Acquired Canadian domicile,

(ii) Served outside of Canada in the armed forces of Canada in a war in which Canada was or is engaged or in connection with any action taken by Canada under the United Nations Charter, the North Atlantic Treaty or other similar instrument for collective defence that may be entered into by Canada,

(iii) Been lawfully admitted to Canada for permanent residence and is the wife of a Canadian citizen, or

(iv) Had a place of domicile in Canada for at least twenty years immediately before the 1st day of January, 1947, and was not, on that date, under order of deportation;

(d) He is of good character;

(e) He has an adequate knowledge of either the English or the French language, or, if he has not such adequate knowledge, he has resided continuously in Canada for more than twenty years;

(f) He has an adequate knowledge of the responsibilities and privileges of Canadian citizenship; and

(g) He intends to have his place of domicile permanently in Canada.

(2) Notwithstanding the provisions of subsection (1), the Minister may, in his discretion, grant a certificate of citizenship to any person who is a British subject and who makes to the Minister a declaration that he desires such certificate and who satisfies the Minister that he possesses the qualifications prescribed by paragraphs (b), (c), (d), (e), (f) and (g) of subsection (1); but in any case where, in the opinion of the Minister, there is a doubt as to whether the applicant possesses the said qualifications, the Minister before granting such a certificate may refer the declaration and the material in support thereof to the Court in the judicial district in which the declarant resides, and the declaration shall thereupon be dealt with as an application under subsection (1).

(3) The Minister may, in his discretion, grant a certificate of citizenship to a woman, upon her application therefor, who

(a) By virtue of any law of Canada in force at any time before the 1st day of January, 1947, had, by reason only of her marriage to an alien or the acquisition by her husband of a foreign nationality, ceased to be a British subject; and

(b) If this Act had come into force immediately before the said marriage or acquisition, would have been a natural-born Canadian citizen or a Canadian citizen other than a natural-born Canadian citizen;

and, from the date of taking the oath of allegiance, the applicant shall, without affecting the nationality or citizenship she had prior to that date,

be deemed to be a natural-born Canadian citizen or a Canadian citizen other than a natural-born Canadian citizen, according as she would under paragraph (b) have been a natural-born Canadian citizen or a Canadian citizen other than a natural-born Canadian citizen.

(4) The Minister may, in his discretion, grant a certificate of citizenship to a person who was

(a) A natural-born Canadian citizen under section 4 or 5;

(b) A British subject who was born in Canada or on a Canadian ship; or

(c) A British subject who was born elsewhere than in Canada or on a Canadian ship and whose father, or in the case of a person born out of wedlock, whose mother:

(i) Was born in Canada or on a Canadian ship and was not an alien at the time of that person's birth;

(ii) Was, at the time of that person's birth, a British subject who had Canadian domicile,

(iii) Was, at the time of that person's birth, a person who had been granted, or whose name was included in, a certificate of naturalization, or

(iv) Was a British subject who had his place of domicile in Canada for at least twenty years immediately before the 1st day of January, 1947, and was not, on that date, under order of deportation,

and who ceased to be a Canadian citizen or a British subject, as the case may be, by naturalization outside of Canada or for any reason other than marriage, if such person applies for a certificate of citizenship and satisfies the Minister that he possesses the qualifications prescribed by paragraphs (b), (d), (e), (f) and (g) of subsection (1).

(5) The Minister may, in his discretion, grant a certificate of citizenship to a minor child of a person who is a Canadian citizen other than a natural-born Canadian citizen, on the application of the said person

(a) If the said person is the responsible parent of the child; and

(b) If the child has been lawfully admitted to Canada for permanent residence and, where he is fourteen or more years of age, has an adequate knowledge of either the English or the French language.

(6) Any period during which an applicant for a certificate of citizenship has served in the armed forces of Canada or was employed outside of Canada in the public service of Canada or of a province thereof, otherwise than as a locally engaged person, shall be treated as equivalent to a period of residence in Canada for the purposes of subsections (1), (2) and (4).

(7) No period during which an applicant for a certificate of citizenship was confined in or an inmate of any penitentiary, gaol, reformatory, prison, or asylum for the insane, in Canada, shall be counted as a period of residence in Canada for the purposes of subsections (1), (2) and (4). 1950, c. 29, s. 5.

11. (1) Where a doubt, whether on a question of fact or of law, has arisen as to whether a person is or is not a Canadian citizen, the Minister may, in his discretion, upon application, resolve such doubt and issue a certificate of citizenship as proof that such person is a Canadian citizen and the issuing of such certificate shall not be deemed to establish that the

person to whom it is issued was not previously a natural-born or other than natural-born Canadian citizen.

(2) The Minister may, in his discretion, upon application, grant a certificate of citizenship to a person who has been lawfully admitted to Canada for permanent residence and who, at any time in a province of Canada pursuant to the law of that province then in force,

(a) Has been adopted, if the adopter or, in the case of a joint adoption, the male adopter is a Canadian citizen; or

(b) Has been legitimized, if the person legally recognized as the father of the legitimated person by such legitimation is a Canadian citizen.

(3) Without restricting the operation of subsection (2), the Minister may, in his discretion, upon application, grant a certificate of citizenship to a minor in any special case whether or not the conditions required by this Act have been complied with and whether or not the case comes within subsection (2). 1950, c. 29, s. 6.

12. A certificate of citizenship granted to any person under this Part, other than to a minor under the age of fourteen years, shall not take effect until the applicant has taken the oath of allegiance set forth in the Second Schedule, and thereupon the said person shall become a Canadian citizen. 1946, c. 15, s. 12.

13. Except as provided by this Act in the case of minors, a certificate of citizenship shall not be granted to any person under a disability. 1946, c. 15, s. 13.

14. An applicant whose application has been rejected by the Court or by the Minister may make another application under section 10 after the expiration of a period of two years from the date of such rejection. 1950, c. 29, s. 7.

PART III

Loss of Canadian citizenship

15. (1) A Canadian citizen, who, when outside of Canada and not under a disability, by any voluntary and formal act other than marriage, acquires the nationality or citizenship of a country other than Canada, thereupon ceases to be a Canadian citizen.

(2) Subsection (1) does not apply where the nationality citizenship acquired is that of a country at war with Canada at the time of the acquisition, but, in such a case, the Minister may, in his discretion, order that the Canadian citizen shall cease to be a Canadian citizen and he shall be deemed to have ceased to be a Canadian citizen either at the date of the said acquisition or at the date of the order as the Minister may therein direct. 1950, c. 29, s. 8.

16. Where a natural-born Canadian citizen, at his birth or during his minority, or any Canadian citizen on marriage, became or becomes under the law of any other country a national or citizen of that country, if, after attaining the full age of twenty-one years, or after the marriage, he makes, while not under disability, and still such a national or citizen, a declaration renouncing his Canadian citizenship, he thereupon ceases to be a Canadian citizen. 1950, c. 29, s. 8.

17. (1) A Canadian citizen, who, under the law of another country, is a national or citizen of such country and who serves in the armed forces of such country when it is at war with Canada, thereupon ceases to be a Canadian citizen.

(2) This section does not apply to a Canadian citizen who, under the law of another country, became a national or citizen of such country when it was at war with Canada. 1950, c. 29, s. 8.

*18. (1) Subject to subsection (2) and (3), a person who, since becoming a Canadian citizen, has resided outside of Canada for a period to ten consecutive years ceases to be a Canadian citizen upon the expiration of such period.

(2) This section does not apply to

(a) A Canadian citizen who

(i) Is a natural-born Canadian citizen, or

(ii) Has served outside of Canada in the armed forces of Canada in a war in which Canada was or is engaged or in connection with any action taken by Canada under the United Nations Charter, the North Atlantic Treaty or other similar instrument for collective defence that may be entered into by Canada and has been honourably discharged from such armed forces;

(b) Residence out of Canada for any of the following objects namely,

(i) To serve in the public service of Canada or of a province thereof;

(ii) As a representative or employee of a firm, business, company or organization, religious or otherwise, established in Canada or of an international agency of an official character in which Canada participates,

(iii) On account of ill-health or disability,

(iv) As the spouse or minor child of and for the purpose of being with a spouse or parent who is a Canadian citizen residing out of Canada for any of the objects or causes specified in subparagraphs (i), (ii) or (iii), or

(v) For the purpose of being with a spouse who is a person described in paragraph (a).

(3) An officer authorized in the regulations to do so may, in such form and for such period as is prescribed by the regulations, extend the Canadian citizenship of a person who would cease to be a Canadian citizen upon the expiration of the ten-year period described in subsection (1) if such person, before the expiration of such period or an extension thereof under this subsection, satisfies the officer that

(a) His absence from Canada was of a mere temporary nature; and

(b) He intends in good faith to return to Canada for permanent residence as a Canadian citizen,

and subsection(1) does not apply until the expiration of the period of extension so given.

* *Note:* ss. 2 of sec. 19 of chap. 23 of the Statutes of 1952-1953 reads as follows: "This section shall be deemed to have come into force on the 1st day of January, 1947."

(4) A person who has ceased to be a Canadian citizen under this section may, in accordance with the regulations, file a petition for resumption of Canadian citizenship and shall, if the petition is approved by the Minister, be deemed to have resumed Canadian citizenship as of the date of such approval or as of such earlier or later date as the Minister may fix in any special case, and the Minister may issue a certificate of citizenship accordingly.

19. (1) The Governor in Council may, in his discretion, order that any person other than a natural-born Canadian citizen shall cease to be a Canadian citizen if, upon a report from the Minister, he is satisfied that the said person either

(a) Has, during any war in which Canada is or has been engaged, unlawfully traded or communicated with the enemy or with a subject of an enemy state or has been engaged in or associated with any business which to his knowledge is carried on in such manner as to assist the enemy in such war;

(b) Has obtained a certificate of naturalization or of Canadian citizenship by false representation or fraud or by concealment of material circumstances;

(c) Has, since becoming a Canadian citizen or being naturalized in Canada, been for a period of not less than six years ordinarily resident out of Canada and has not maintained substantial connection with Canada;

(d) Has, since becoming a Canadian citizen or being naturalized in Canada, been for a period of not less than two years ordinarily resident in a foreign country of which he was a national or citizen at any time prior to his becoming a Canadian citizen or being naturalized in Canada and has not maintained substantial connection with Canada;

(e) If out of Canada, has shown himself by act or speech to be disaffected or disloyal to Her Majesty; or

(f) If in Canada, has, by a court of competent jurisdiction, been convicted of any offence involving disaffection or disloyalty to Her Majesty.

(2) The Governor in Council may, in his discretion, order that any person shall cease to be a Canadian citizen if, upon a report from the Minister, he is satisfied that such person has, when not under a disability,

(a) When in Canada and at any time after the 1st day of January, 1947, acquired the nationality or citizenship of a foreign country by any voluntary and formal act other than marriage;

(b) Taken or made an oath, affirmation or other declaration of allegiance to a foreign country; or

(c) Made a declaration renouncing his Canadian citizenship.

(3) The Minister before making a report under this section shall cause notice to be given or sent to the last known address of the person in respect of whom the report is to be made, giving him an opportunity of claiming that the case be referred for such inquiry as is hereinafter specified and if said person so claims in accordance with the notice, the Minister shall refer the case for inquiry accordingly.

(4) An inquiry under this section shall be held by a commission constituted for the purpose by the Governor in Council upon the recommendation

of the Minister, presided over by a person appointed by the Governor in Council who holds or has held high judicial office, and shall be conducted in such manner as the Governor in Council shall order; but any such inquiry may, if the Governor in Council thinks fit, instead of being held by such commission, be held by the superior court of the province in which the person concerned resides, and the practice and procedure on any inquiry so held shall be regulated by rules of court.

(5) The members of any commission appointed under this section shall have all such powers, rights and privileges as are vested in any superior court or in any judge thereof on the occasion of any action in respect of

(a) Enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise, and the issue of a commission or a request to take evidence abroad;

(b) Compelling the production of documents; and

(c) Punishing persons guilty of contempt;

and a summons signed by one or more members of the commission may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(6) Where the Governor in Council, under this section, directs that any person cease to be a Canadian citizen, the order shall have effect from such time as the Governor in Council may direct and thereupon the said person shall cease to be a Canadian citizen. 1950, c. 29, s. 8; 1951, c. 12, s. 1.

20. (1) Where the responsible parent of a minor child ceases to be a Canadian citizen under section 15, 16 or 17, the child thereupon ceases to be a Canadian citizen if he is or thereupon becomes, under the law of any country other than Canada, a national or citizen of that country.

(2) Where the responsible parent of a minor child ceases to be a Canadian citizen under section 18 or 19, the Governor in Council may, in his discretion, direct that the said child shall cease to be a Canadian citizen if he is or thereupon becomes, under the law of any country other than Canada, a national or citizen of that country.

(3) Where the Minister, in his discretion, permits a person, who as a minor child ceased to be a Canadian citizen, to make a declaration in accordance with the regulations, that he wishes to resume Canadian citizenship and the said person makes the declaration within one year after attaining the age of twenty-one years or within such longer period as the Minister may allow in special circumstances, such person, upon the acceptance of his declaration by the Minister, again becomes a Canadian citizen. 1950, c. 29, s. 8.

PART IV

Status of Canadian citizens and recognition of British subjects

21. A Canadian citizen is a British subject. 1946, c. 15, s. 26.

22. A Canadian citizen other than a natural-born Canadian citizen is subject to the provisions of this Act, entitled to all rights, powers and privileges and is subject to all obligations, duties and liabilities to which a natural-born Canadian citizen is entitled or subject and, on and after becoming a

Canadian citizen, subject to the provisions of this Act, has a like status to that of a natural-born Canadian citizen. 1946, c. 15, s. 27.

23. (1) Every person who, under an enactment of a country listed in the First Schedule, is a citizen of that country, has in Canada the status of a British subject.

(2) Every person having in Canada the status of a British subject may be known as a British subject or as a Commonwealth citizen; and in this Act and in any other enactment or instrument, the expression "British subject" and the expression "Commonwealth citizen" have the same meaning.

(3) Any law of Canada, including this Act, and any regulation made under the authority of any law of Canada shall, unless it otherwise provides, have effect in relation to a citizen of the Republic of Ireland who is not a British subject in like manner as it has effect in relation to a British subject. 1950, c. 29, s. 10.

PART V

Status of aliens

24. (1) Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural-born Canadian citizen; and a title to real and personal property of every description may be derived through, from or in succession to an alien in the same manner in all respects as through, from or in succession to a natural-born Canadian citizen.

(2) This section does not operate so as to

(a) Qualify an alien for any office or for any municipal parliamentary or other franchise;

(b) Qualify an alien to be owner of a Canadian ship;

(c) Entitle an alien to any right or privilege as a Canadian citizen except such rights and privileges in respect of property as are hereby expressly given to him; or

(d) Affect an estate or interest in real or personal property to which any person has or may become entitled either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the 4th day of July, 1883, or in pursuance of any devolution by law on the death of any person dying before that day. 1946, c. 15, s. 29.

25. An alien is triable at law in the same manner as if he were a natural-born Canadian citizen. 1946, c. 15, s. 30.

PART VI

Procedure and evidence

26. An application for a certificate of citizenship shall be made to the Court in the judicial district in which the applicant resides or as otherwise prescribed by regulation. 1946, c. 15, s. 31.

27. An application for a certificate of citizenship shall be filed with the Clerk of the Court and shall be posted by the Clerk in a conspicuous place in his office, or as otherwise prescribed by regulation, continuously for a

period of at least three months before the application is heard by the Court. 1946, c. 15, s. 32.

28. At any time after the filing of an application for a certificate of citizenship and previous to the hearing of the application, any person objecting to the granting of the certificate to the applicant may file in the Court an opposition in which shall be stated the grounds of his objection. 1946, c. 15, s. 33.

29. The applicant for a certificate of citizenship shall produce to the Court such evidence as the Court may require that he is qualified and fit to be granted a certificate under the provisions of this Act, and shall personally appear before the Court for examination unless it is established to the satisfaction of the Court that he is prevented from so appearing by some good and sufficient cause. 1946, c. 15, s. 34.

30. If the Court decides that the applicant for a certificate of citizenship is a fit and proper person to be granted such certificate and possesses the required qualifications, a certified copy of the decision shall be transmitted by the Clerk of the Court to the Minister together with the application and such other papers, documents and reports as may be required by regulation. 1946, c. 15, s. 35.

31. When the Minister receives a decision of the Court under section 30 and thereupon, in his discretion, grants a certificate of citizenship, he shall send the certificate to the Clerk of the Court by whom such decision was forwarded, or as otherwise prescribed by regulation, and upon the applicant taking the oath of allegiance, the Clerk shall deliver the certificate to the applicant after having endorsed thereon the date of the taking of the oath of allegiance which date shall be the date of the certificate of citizenship. 1950, c. 29, s. 12.

32. The Minister, with the approval of the Governor in Council, shall take such measures as to him may appear fitting to provide facilities to enable applicants for certificates of citizenship to receive instruction in the responsibilities and privileges of Canadian citizenship. 1946, c. 15, s. 37.

33. The Court, in the conduct of proceedings under this Act, shall, by appropriate ceremonies, impress upon applicants the responsibilities and privileges of Canadian citizenship. 1946, c. 15, s. 38.

PART VII

General

34. (1) The Governor in Council may make regulations generally for carrying into effect the purposes and provisions of this Act, and in particular with respect to the following matters:

(a) The forms of and manner of registration of declarations, certificates or other documents required to be used under this Act or deemed necessary for carrying out its purposes;

(b) The time within which the oath of allegiance is to be taken after the grant or issue of a certificate of citizenship;

(c) The persons before whom the oath of allegiance may be taken and the persons before whom any declarations under this Act may be made;

(d) The form in which the taking of oaths of allegiance is to be attested and the registration thereof;

(e) The persons by whom certified copies of oaths of allegiance may be given; and the proof in any legal proceeding of any such oath;

(f) The imposition and application of fees in respect of any registration authorized to be made by this Act or any Act heretofore in force in Canada and in respect of the making of any declaration or the grant or issue of any certificate authorized to be made, granted or issued by this Act or any Act heretofore in force in Canada, and in respect of the administration or registration of any oath;

(g) The expedient and fitting procedure to be followed in the conduct of proceedings before the Court to impress upon applicants the responsibilities and privileges of Canadian citizenship;

(h) The manner of proof of any qualification required for the grant of a certificate of citizenship under this Act;

(i) The manner of proof of Canadian citizenship and the issuing of certificates for such purpose;

(j) The registration of births of persons born outside of Canada and the extension of certificates of citizenship;

(k) The surrender and cancellation of certificates of citizenship or certificates of naturalization where the holder thereof has ceased to be a Canadian citizen or British subject by reason of revocation or otherwise under this Act or under an Act that was in force in Canada at any time before the 1st day of January, 1947, as the case may be; and

(1) For the delivery up and retention of certificates of citizenship or certificates of naturalization for the purpose of determining whether the holder thereof is entitled thereto.

(2) The Governor in Council may

(a) Authorize the issue of a proclamation declaring that any part of Her Majesty's dominions not listed in the First Schedule is a country of the British Commonwealth for the purposes of this Act, and

(b) Designate, in any part of Canada, any court or person to act as a Court for the purposes of this Act and any such court or person so designated shall be deemed to be a Court for all purposes under this Act. 1946, c. 15, s. 39; 1950, c. 29, s. 14.

35. Any declaration made under this Act or under any Act heretofore in force may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be a true copy by the Minister or by any person authorized by him in that behalf, without proof of such authorization, and the production of the declaration or copy shall be evidence of the contents thereof and of the person therein named as declarant having made the declaration at the date therein mentioned. 1946, c. 15, s. 40.

36. A certificate of citizenship or a certificate of naturalization may be proved in any legal proceeding by the production of the original certificate or of any copy thereof certified to be a true copy by the officer or persons authorized to issue such certificate of citizenship or such certificate of naturalization or by any person authorized by such officer or person in that behalf, without proof of such authorization. 1946, c. 15, s. 41.

37. Entries made in any register in pursuance of this Act or under any Act heretofore in force may be proved by such copies and certified in such manner as may be directed by the Minister, and the copies of any such entries shall be evidence of any matters, by this Act or by any regulation of the Governor in Council or of the Minister, authorized to be inserted in the register. 1946, c. 15, s. 42.

38. (1) Where any questions arise under this Act as to whether

(a) Any person was lawfully admitted to Canada for permanent residence; or

(b) Any person has or had Canadian domicile,
the Minister shall decide the question and the decision of the Minister is final and conclusive for the purposes of this Act.

(2) Where it appears from the immigration records maintained in the Department of Citizenship and Immigration that a person was or was not lawfully admitted to Canada for permanent residence, that fact shall, for the purposes of this Act, be accepted as prima facie evidence that such person was or was not lawfully admitted to Canada for permanent residence, as the case may be.

(3) Where it does not appear from the records referred to in subsection (2) that a person either was or was not lawfully admitted to Canada for permanent residence, no decision shall be made under this section that such person was lawfully admitted to Canada for permanent residence unless he submits proof satisfactory to the Minister from which it may be inferred that he was lawfully admitted to Canada for permanent residence.

39. (1) A person who was a British subject on the 1st day of April, 1949, and

(a) Was born in Newfoundland,

(b) Was naturalized under the laws of Newfoundland, or

(c) Had Newfoundland domicile on the said 1st day of April, is a Canadian citizen.

(2) A person who is a Canadian citizen by virtue of paragraph (a) of subsection (1) is a natural-born Canadian citizen.

(3) A person who is a Canadian citizen by virtue of paragraph (b) of subsection (1) shall be deemed to have been naturalized under the laws of Canada, and a certificate of naturalization issued under the laws of Newfoundland shall be deemed to have been issued under the laws of Canada at the date thereof.

(4) A person who is a Canadian citizen by virtue of paragraph (c) of subsection (1), shall be deemed to have become a Canadian citizen on the day he acquired Newfoundland domicile.

(5) For the purposes of this Act, residence in Newfoundland shall be deemed to be residence in Canada and Newfoundland domicile means domicile in Newfoundland for at least five years. 1949, c. 6, s. 46.

40. Where a person ceases to be a Canadian citizen, a Commonwealth citizen or a British subject, he shall not thereby be discharged from any obligation, duty of liability in respect of any act or thing done or omitted before he ceased to be a Canadian citizen, a Commonwealth citizen or a British subject. 1950, c. 29, s. 17.

41. A person who

(a) For any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular;

(b) Uses another person's certificate of citizenship or certificate of naturalization to personate that other person; or

(c) Knowingly permits his certificate of citizenship or certificate of naturalization to be used to personate himself;

is guilty of an offence and is liable on summary conviction in respect of each offence to imprisonment, with or without hard labour, for a term not exceeding three months. 1950, c. 29, s. 17.

42. A person who violates a provision of this Act or the regulations for which violation no other fine or imprisonment is provided in this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment. 1950, c. 29, s. 17.

43. Where, in any Act of the Parliament of Canada or any order or regulation made thereunder, any provision is made applicable in respect of

(a) A "natural-born British subject" it shall apply in respect of a "natural-born Canadian citizen";

(b) A "naturalized British subject" it shall apply in respect of a "Canadian citizen other than a natural-born Canadian citizen"; or

(c) A "Canadian national" it shall apply in respect of a "Canadian citizen";

under this Act, and where in any Act, order or regulation aforesaid any provision is made in respect of the status of any such person as a Canadian national or British subject it shall apply in respect of his status as a Canadian citizen or British subject under this Act. 1946, c. 15, s. 45.

44. (1) Notwithstanding the repeal of the Naturalization Act and the Canadian Nationals Act, this Act is not to be construed or interpreted as depriving any person who is a Canadian national, a British subject or an alien as defined in the said Acts or in any other law in force in Canada of the national status he possessed on the 1st day of January, 1947.

(2) This Act is to be construed and interpreted as affording facilities for any person mentioned in subsection (1) if he should so desire to become a Canadian citizen if he is not a natural-born Canadian citizen as defined in this Act, and if he possesses the qualifications for Canadian citizenship as defined in this Act.

(3) Naturalization proceedings that were commenced under the Naturalization Act but not completed before the 1st day of January, 1947, may be continued as proceedings for a grant of a certificate of citizenship under this Act and, for this purpose, an application for naturalization under the Naturalization Act and regulations shall be deemed to have the same effect as an application for the grant of a certificate of citizenship under this Act.

(4) Every certificate of citizenship granted after the 1st day of January, 1947, pursuant to an application for naturalization made before that date is valid unless it is or has been revoked or the holder thereof otherwise ceases or has ceased to be a Canadian citizen. 1946, c. 15, s. 46; 1950, c. 29, s. 19.

FIRST SCHEDULE

Australia.	Pakistan.
Canada.	Southern Rhodesia.
Ceylon.	Union of South Africa.
India.	United Kingdom.
New Zealand.	1950, c. 29, s. 21.

SECOND SCHEDULE

Oath of Allegiance

I, A.B., swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her Heirs and Successors, according to law, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen.

(b) AMENDMENT TO THE CANADIAN CITIZENSHIP ACT OF 7 JUNE, 1956
(4-5 ELIZABETH II, CHAPTER 6)

1. (1) Paragraph (f) of section 2 of the Canadian Citizenship Act is repealed and the following substituted therefor:

“(f) “Clerk” or “Clerk of the Court” includes all officers exercising the functions of prothonotary, registrar or clerk of any court having jurisdiction under this Act, and, where a person is designated to act as a court for the purposes of this Act, means any such officer approved by the Minister and available to assist the designated person as his clerk or any other person nominated by the Minister to be the Clerk of the Court and, if no such officer is so approved or no other person is so nominated, means the designated person”;

(2) Paragraph (h) of section 2 of the said Act is repealed and the following substituted therefor:

“(h) “Court” means any superior, circuit, county or district court and includes in the province of Quebec, any district magistrate, and any court or person designated under subsection (2) of section 34 to act as a court for the purposes of this Act”;

2. Section 9 of the said Act is amended by adding thereto the following subsection:

“(4) An Indian as defined in the Indian Act, or a person of the race of aborigines commonly referred to as Eskimos, other than a natural-born Canadian citizen, is a Canadian citizen if that person

“(a) Had a place of domicile in Canada on the 1st day of January, 1947, and

“(b) On the 1st of January, 1956, had resided in Canada for more than ten years,

and such person is deemed, for the purposes of section 19, to have become a Canadian citizen on the 1st day of January, 1947”.

3. (1) Subsection 4 of section 10 of the Act is amended by deleting the word “or” at the end of paragraph (b) and placing this word as the last word

of paragraph (c) and by adding a new paragraph immediately after paragraph (c) as follows:

“(d) A British subject by virtue of a certificate of naturalization as defined in the Naturalization Act, chapter 138 of the Revised Statutes of Canada, 1927”;

(2) Subsections (5) and (6) of section 10 of the said Act are repealed and the following substituted therefor:

“(5) The Minister may, in his discretion, grant a certificate of citizenship to a minor child of a person who is a Canadian citizen other than a natural-born Canadian citizen if

“(a) The application is made by the responsible parent of the child or by a person authorized by the regulations, and

“(b) The child has been lawfully admitted to Canada for permanent residence and, where he is fourteen or more years of age, has an adequate knowledge of either the English or the French language.

“(6) Any period during which an applicant for a certificate of citizenship

“(a) Has served in the armed forces of Canada,

“(b) Was employed outside of Canada in the public service of Canada or of a province, otherwise than as a locally engaged person, or

“(c) Was the wife of a person described in paragraph (a) or (b) and was residing with him while he was serving or was employed as described in those paragraphs,

shall be treated as equivalent to a period of residence in Canada for the purposes of subsections (1), (2) and (4)”.

(3) Section 10 of the said Act is further amended by adding thereto the following subsections:

“(8) Subparagraph (i) of paragraph (c) of subsection (1) does not apply to a person who has resided continuously in Canada for a period of one year immediately preceding the 1st day of June, 1956, and had been admitted to Canada for permanent residence, prior to the 31st day of December, 1956 and, in addition, has also resided in Canada for a further period of not less than four years during the six years immediately preceding the 1st day of June, 1953.

“(9) Any of the following persons, namely

“(a) A person serving or employed as described in subsection (6),
or

“(b) The wife or child of such person,

who has been granted an immigrant visa by a Canadian Immigration Officer shall, for the purposes of this section, be deemed to have been lawfully admitted to Canada for permanent residence.”

4. Section 26 of the said Act is repealed and the following substituted therefor:

“26. An application under subsection (1) of section 10 for a certificate of citizenship shall be made to the court in the judicial district in which the applicant resides or as otherwise prescribed by regulation.”

5. Section 28 of the said Act is repealed and the following substituted therefor:

“28. At any time after the filing of an application for a certificate of citizenship and previous to the hearing of the application, any person objecting to the granting of the certificate to the applicant may file in the Court, or otherwise as prescribed in the regulations, an opposition in which shall be stated the grounds of his objection.”

6. Sections 30, 31 and 32 of the said Act are repealed and the following substituted therefor:

“30. If the Court decides that the applicant for a certificate of citizenship is a fit and proper person to be granted such certificate and possesses the required qualifications, the decision shall be transmitted by the Clerk of the Court to the Minister in accordance with the regulations.

“31. When a Court has made a decision under section 30, a certificate of citizenship may in the discretion of the Minister be granted to the applicant, and the certificate shall be delivered to the applicant and the oath of allegiance taken by him as prescribed by regulation.

“32. The Minister shall take such measures as to him may appear fitting to provide facilities to enable applicants for certificates of citizenship to receive instruction in the responsibilities and privileges of Canadian citizenship.”

7. Paragraph (b) of subsection (2) of section 34 of the said Act is repealed and the following substituted therefor:

“(b) Designate any court or person in any part of Canada to act as a Court for the purposes of this Act and any court or person so designated, shall be deemed to be a Court for all purposes under this Act, and

“(c) Designate any officer of the Canadian Forces outside of Canada to act as a Court for the purposes of dealing with applications under subsection (1) of section 10 made by persons serving in the armed forces of Canada outside of Canada, and any officer so designated shall be deemed to be a Court under this Act for such purpose.”

Dominican Republic

(a) CONSTITUTION OF THE DOMINICAN REPUBLIC,
PROCLAIMED ON 1ST DECEMBER 1955¹

. . .

PART IV. POLITICAL RIGHTS

Section I

NATIONALITY

Article 12. The following persons are Dominican nationals:

1. Persons who enjoy that status at present by virtue of previous constitutions and laws;

¹ Translation by the United Nations Secretariat.

2. Persons born in the territory of the republic, with the exception of legitimate children of aliens residing in the republic as diplomatic representatives or passing through the country;

3. Persons born abroad of a Dominican father or mother, provided they have not acquired a foreign nationality in accordance with the laws of the country of birth, or, if they have done so, declare their intention of retaining Dominican nationality by transmitting to the executive a sworn statement made in the presence of a competent official after reaching voting age and at the latest within a year of coming of age under civil law, both ages as specified in Dominican legislation;

4. Naturalized persons. The law shall specify the requirements and procedure for naturalization, and shall establish a special system for aliens who are deemed to justify waiving the naturalization formalities required in the Dominican Republic.

Paragraph. A Dominican national may not claim the status of an alien by reason of naturalization or on any other grounds. The law may prescribe penalties to be imposed on Dominican nationals claiming to possess a foreign nationality. A Dominican woman married to an alien may, however, acquire the nationality of her husband.

Section II

CITIZENSHIP

Article 13. Dominican nationals of both sexes over eighteen years of age, as well as those who have not yet reached that age, but are or have been married, are citizens.

Article 14. Citizens have the following rights:

- (1) The right to vote; and
- (2) Eligibility for elective office subject to the limitations set forth in this constitution.

Article 15. The following circumstances entail loss of rights of citizenship:

- (1) Taking up arms against the republic or lending assistance in any attack upon it;
- (2) Participation in any act or operation designed to overthrow the legally constituted government or making attempts against the person of the chief of State or of any dignitary who, according to the law, enjoys the same prerogatives;
- (3) Sentence for a criminal offence, until rehabilitation;
- (4) Judicial interdiction, until such time as it is revoked;
- (5) Acceptance, without prior authorization by the executive, of office or employment in Dominican territory with a foreign government; or
- (6) Adoption of a foreign nationality.

Paragraph. In the last two cases, right of citizenship may be regained if the law so provides, and in such manner as the law may indicate.

. . .

(b) ACT NO. 4063 OF MARCH 1955 AMENDING CERTAIN ARTICLES
OF THE NATURALIZATION ACT NO. 1683 ¹

Article 1. Articles 1, 6 and 27 of the Naturalization Act No. 1683 of 16 April 1948 ² (the first of which was amended by Act No. 3355 of 3 August 1952 and the last by Act No. 2092 of 27 August 1949) shall be amended to read as follows:

Article 1. Dominican nationality by naturalization may be granted to any alien of full age who:

(a) Has obtained authorization to establish domicile in the Republic in accordance with article 13 of the Civil Code, on condition that six months have elapsed since the grant of such authorization;

(b) Can prove at least two years' uninterrupted residence in the Republic;

(c) Can prove at least six months' uninterrupted residence in the country, on condition that he has established and maintained an industrial undertaking in an urban or rural area or owns immovable property in the Republic;

(d) Has resided in the country without interruption for six months or more, on condition that he has contracted marriage with a Dominican woman and is married to her at the time of applying for naturalization;

(e) Has received authorization from the Executive Authority to establish domicile in accordance with article 13 of the Civil Code, on condition that at least three months have elapsed since the grant of such authorization and he can prove that he has a parcel of land of not less than thirty hectares under cultivation.

Paragraph I. Interruptions of residence for foreign travel for a period not exceeding one year shall be taken into account in computing the period of residence in the country, on condition that there is an intention to return. A period of foreign residence of not more than one year in connexion with a mission or other official business of the Dominican Republic shall also be thus taken into account.

Paragraph II. The Executive Authority shall have the power to grant Dominican nationality, without any residence requirement or the payment of taxes or fees, to any alien woman who, at the time of contracting marriage with a Dominican national, had retained her foreign nationality in the circumstances described in article 12, as amended, of the Civil Code.

Article 6. Applications for naturalization shall be made to the Executive Authority through the Secretary of State for the Interior, Police and Communications and shall be accompanied by the following documents: (a) a certificate showing that the applicant has no criminal record, issued by the public law officer of the competent judicial district; and (b) a birth certificate which, if not drawn up in the Spanish language, shall be accompanied by a certified translation. If it is materially impossible to obtain a birth certificate, there may be presented in lieu thereof a special certificate drawn up before a magistrate and signed by three persons of full age who certify

¹ Published in *Gaceta Oficial*, No. 7811 of 9 March 1955. Translation by the Secretariat of the United Nations.

² For text see the 1954 volume, ST/LEG/SER.B/4, p. 126.

that they are acquainted with the applicant and know his nationality and approximate age.

Paragraph I. If the applicant has acquired a nationality other than his nationality of origin, the application shall contain a brief explanation of that fact.

Article 27. An alien applying for Dominican naturalization shall enclose together with his application and the documents required under this Act, a Treasury fee of \$RD 10, which shall cover all taxes, including the documents tax.

Paragraph I. The aforementioned fee shall be deposited with the appropriate inland revenue office, and the receipt obtained shall be enclosed with the application.

Paragraph II. The amount of the said fee shall be paid into the national Treasury if naturalization is granted, or shall be refunded to the applicant if naturalization is refused.

Article 2. Article 29 of the aforesaid Naturalization Act No. 1683 of 16 April 1948 is hereby repealed.

(c) ACT NO. 4536 OF 12 SEPTEMBER 1956 CONCERNING WITHDRAWAL OF THE LICENCE TO PRACTICE FROM PROFESSIONAL PERSONS OF DOMINICAN NATIONALITY WHO ACQUIRE A FOREIGN NATIONALITY ¹

Whereas by virtue of the Constitution of the Republic a Dominican national may not claim the status of an alien by reason of naturalization or on any other grounds, and the law may prescribe penalties to be imposed upon Dominican nationals claiming to possess foreign nationality;

Whereas Act No. 29 of 4 July 1942 prescribes severe penalties for Dominican nationals who invoke, claim or allege the possession of a foreign nationality for the purpose of concealing their status as Dominican nationals or evading the duties deriving therefrom or of benefiting in any manner from the protection of the foreign nationality which they directly or indirectly invoke;

Whereas persons acting in the aforesaid manner reveal a total lack of love for their country and consequently do not deserve to retain the advantages conferred upon them,

Now, therefore, the National Congress, on behalf of the Republic, has passed the following Act:

Article 1. A professional person of Dominican nationality who acquires a foreign nationality by naturalization shall be deprived, by order of the Executive Authority, of the licence to practice that has been granted to him in conformity with Act No. 111 of 3 November 1942 and the amendments thereto.

Article 2. The provisions of Act No. 29 of 4 July 1942 shall be observed in the execution of this Act.

Article 3. The provisions of this Act shall not apply to a Dominican woman who, married to an alien, acquires the nationality of her husband.

¹ Published in *Gaceta Oficial*, No. 8029 of 22 September 1956. Translation by the Secretariat of the United Nations.

(d) ACT NO. 13 OF 3 MAY 1942 PRESCRIBING PENALTIES FOR DOMINICAN NATIONALS WHO CLAIM A FOREIGN NATIONALITY ¹

Having regard to the supplementary paragraph of article 8 of the Constitution of the Republic to the effect that penalties may be prescribed for persons who, being Dominican, claim the possession of a foreign nationality,

The National Congress, on behalf of the Republic, has passed the following act as an emergency measure:

Article 1. A Dominican national who by a written or verbal declaration invokes, claims or alleges the possession of a foreign nationality for the purpose of concealing his status as a Dominican national or evading the duties deriving therefrom or of benefiting in any manner from the protection of the foreign nationality which he directly or indirectly invokes shall be punished by imprisonment for a term of not less than six months nor more than two years or by a fine of not less than \$RD 200 nor more than \$RD 2,000, or by both such penalties, according to the gravity of the offence.

The courts competent to take cognizance of the offence may in their sentence deprive the offender of his right to exercise any or all of the civic, civil or family rights referred to in article 42 of the Penal Code.

Article 2. The penalties prescribed by this Act shall not apply to a Dominican woman who, married to an alien, acquires the nationality of her husband.

(e) ACT NO. 3926, OF 18 SEPTEMBER 1954

By this Act, Article 19 of the Civil Code ² is supplemented by the following new paragraph:

“If the procedure of naturalization is not applicable because under the law of the husband’s country she acquires his nationality by reason of the marriage, she must make a declaration before the Secretary of State for the Interior, Police and Communications, to the effect that she opts for the nationality of her husband.” ³

Federation of Malaya

CONSTITUTION OF FEDERATION OF MALAYA ⁴

PART III

CITIZENSHIP

Chapter 1. Acquisition of Citizenship

14. (1) Subject to clause (2), the following persons are citizens by operation of law, that is to say:

¹ Published in *Gaceta Oficial*, No. 5757 of 2 June 1942. Translation by the Secretariat of the United Nations.

² For text, see the 1954 volume, ST/LEG/SER.B/4, p. 132.

³ *Gaceta Oficial* No. 7747, of 22 September 1954. Translation by the United Nations Secretariat.

⁴ The text of the Constitution may be found in the United Kingdom *Statutory Instruments 1957, No. 1533* (Federation of Malaya Independence Order in Council).

(a) Every person who, immediately before Merdeka Day, was a citizen of the Federation by virtue of any of the provisions of the Federation of Malaya Agreement, 1949, whether by operation of law or otherwise;

(b) Every person born within the Federation on or after Merdeka Day;

(c) Every person born outside the Federation on or after Merdeka Day whose father is a citizen at the time of the birth and either was born within the Federation or is at the time of the birth in service under the Government of the Federation or of a State;

(d) Every person born outside the Federation on or after Merdeka Day whose father is a citizen at the time of the birth, if the birth is registered at a Malayan Consulate within one year of its occurrence, or within such longer period as the Federal Government may in any particular case allow.

(2) A person is not a citizen by virtue of paragraph (b) of Clause (1) if, at the time of his birth, his father, not being a citizen of the Federation, possesses such immunity from suit and legal process as is accorded to an envoy of a sovereign power accredited to the Yang di-Pertuan Agong, or if his father is then an enemy alien and the birth occurs in a place under occupation by the enemy.

15. (1) Subject to Article 18, any woman who is married to a citizen is entitled, upon making application to the registration authority, to be registered as a citizen.

(2) Subject to Article 18, any person under the age of twenty-one years whose father is a citizen or, if deceased, was a citizen at the time of his death, is entitled, upon application made to the registration authority by his parent or guardian, to be registered as a citizen if that authority is satisfied that he is ordinarily resident in the Federation and is of good character.

(3) The reference in this Article to a woman who is married is a reference to a woman whose marriage has been registered in accordance with any written law in force in the Federation, including any such law in force before Merdeka Day.

16. Subject to Article 18, any person of or over the age of eighteen years who was born in the Federation before Merdeka Day is entitled, upon making application to the registration authority, to be registered as a citizen if he satisfies that authority:

(a) That he has resided in the Federation, during the seven years immediately preceding the date of the application, for periods amounting in the aggregate to not less than five years;

(b) That he intends to reside permanently therein;

(c) That he is of good character; and

(d) Except where the application is made within one year after Merdeka Day, that he has an elementary knowledge of the Malay language.

17. Subject to Article 18, any person of or over the age of eighteen years who was resident in the Federation on Merdeka Day is eligible, subject to the provisions of the Second Schedule, to be registered as a citizen upon making application to the registration authority if he satisfies that authority:

(a) That he has resided in the Federation, during the twelve years immediately preceding the date of the application, for periods amounting in the aggregate to not less than eight years;

(b) That he intends to reside permanently therein;

(c) That he is of good character; and

(d) Except where the application is made within one year after Merdeka Day and the applicant has attained the age of forty-five years at the date of the application, that he has an elementary knowledge of the Malay language.

18. (1) No person of or over the age of eighteen years shall be registered as a citizen under Article 15, 16 or 17 until he has taken the oath set out in the First Schedule.

(2) Except with the approval of the Federal Government, no person who has renounced or has been deprived of citizenship under this Constitution, or who has renounced or has been deprived of federal citizenship or citizenship of the Federation before Merdeka Day under the Federation of Malaya Agreement, 1948, shall be registered as a citizen under any of the said Articles.

(3) A person registered as a citizen under any of the said Articles shall be a citizen by registration from the day on which he is so registered.

(4) For the purpose of any application for registration under any of the said Articles, a person shall be deemed to be of good character unless, within the period of three years immediately preceding the date of the application:

(a) He has been convicted by a competent court in any country of a criminal offence for which he was sentenced to death; or

(b) He has been detained under a sentence of imprisonment of twelve months or more imposed on him on his conviction of a criminal offence (whether during or before the said period) by such a court, and in either case has not received a free pardon in respect of the offence.

19. Subject to Article 21, the Federal Government may, upon application made by any person of or over the age of twenty-one years, grant a certificate of naturalization to that person if satisfied:

(a) That he has resided in the Federation, during the twelve years preceding the date of the application, for periods amounting in the aggregate to not less than ten years;

(b) That he intends, if the certificate is granted, to reside permanently therein;

(c) That he is of good character; and

(d) That he has an adequate knowledge of the Malay language.

20. (1) Subject to Article 21, the Federal Government shall, upon application made by any person in accordance with clause (2), grant a certificate of naturalization to that person if satisfied:

(a) That he has served satisfactorily for a period of not less than three years in full-time service, or for a period of not less than four years in part-time service, in such of the armed forces of the Federation as may be prescribed by the Federal Government for the purposes of this Article; and

(b) That he intends, if the certificate is granted, to reside permanently in the Federation.

(2) An application under this Article may be made either while the applicant is serving in such service as aforesaid or within the period of five

years, or such longer period as the Federal Government may in any particular case allow, after his discharge.

(3) References in this Article to service in the armed forces of the Federation include references to service before Merdeka Day; and in calculating for the purposes of this Article the period of full-time service in such forces of a person who has served both in full-time and in part-time service therein, any two months of part-time service shall be treated as one month of full-time service.

21. (1) A certificate of naturalization shall not be granted to any person under Article 19 or 20 until he has taken the oath set out in the First Schedule.

(2) A person to whom a certificate of naturalization is granted under either of the said Articles shall be a citizen by naturalization from the date on which the certificate is so granted.

22. If any new territory is admitted to the Federation in pursuance of Article 2, Parliament may by law determine what persons are to be citizens by reason of their connexion with that territory and the date or dates from which such persons are to be citizens.

Chapter 2. Termination of citizenship

23. (1) Any citizen of or over the age of twenty-one years and of sound mind who is also a citizen of another country may renounce his citizenship of the Federation by declaration registered by the registration authority, and shall thereupon cease to be a citizen.

(2) A declaration made under this Article during any war in which the Federation is engaged shall not be registered except with the approval of the Federal Government, but except as aforesaid the registration authority shall register any declaration duly made thereunder.

(3) This Article applies to a woman under the age of twenty-one years who has been married as it applies to a person of or over that age.

24. (1) If the Federal Government is satisfied that any citizen has at any time after Merdeka Day acquired by registration, naturalization or other voluntary and formal act (other than marriage) the citizenship of any country outside the Federation, the Federal Government may by order deprive that person of his citizenship.

(2) If the Federal Government is satisfied that any citizen has at any time after Merdeka Day voluntarily claimed and exercised in a foreign country any rights available to him under the law of that country, being rights accorded exclusively to its citizens, the Federal Government may by order deprive that person of his citizenship.

(3) Where provision is in force under the law of any Commonwealth country for conferring on citizens of that country rights not available to other Commonwealth citizens, clause (2) shall apply, in relation to those rights, as if that country were a foreign country.

(4) If the Federal Government is satisfied that any woman who is a citizen by registration under clause (1) of Article 15 has acquired the citizenship of any country outside the Federation by virtue of her marriage to a person who is not a citizen, the Federal Government may by order deprive her of her citizenship.

25. (1) Subject to clause (3), the Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 17 or a citizen by naturalization if satisfied:

(a) That he has shown himself by act or speech to be disloyal or disaffected towards the Federation;

(b) That he has, during any war in which the Federation is or was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business which to his knowledge was carried on in such manner as to assist an enemy in that war; or

(c) That he has, within the period of five years beginning with the date of the registration or the grant of the certificate, been sentenced in any country to imprisonment for a term of not less than twelve months or to a fine of not less than five thousand dollars or the equivalent in the currency of that country, and has not received a free pardon in respect of the offence for which he was so sentenced.

(2) Subject to clause (3), the Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 17 or a citizen by naturalization if satisfied that he has been ordinarily resident in foreign countries for a continuous period of seven years and during that period has neither:

(a) Been at any time in the service of the Federation or of an international organization of which the Federal Government was a member; nor

(b) Registered annually at a Malayan Consulate his intention to retain his citizenship.

(3) No person shall be deprived of citizenship under this Article unless the Federal Government is satisfied that it is not conducive to the public good that that person should continue to be a citizen; and no person shall be deprived of citizenship under clause (1) if, as the result of the deprivation, he would not be a citizen of any country outside the Federation.

26. (1) Subject to clause (3), the Federal Government may by order deprive of his citizenship any citizen by registration or by naturalization if satisfied that the registration or certificate of naturalization:

(a) Was obtained by means of fraud, false representation or the concealment of any material fact; or

(b) Was effected or granted by mistake.

(2) Subject to clause (3), the Federal Government may by order deprive of her citizenship any woman who is a citizen by registration under clause (1) of Article 15 if satisfied that the marriage by virtue of which she was registered has been dissolved, otherwise than by death, within the period of two years beginning with the date of the marriage.

(3) No person shall be deprived of citizenship under this Article unless the Federal Government is satisfied that it is not conducive to the public good that that person should continue to be a citizen; and no person shall be deprived of citizenship under paragraph (b) of clause (1) unless the notice required by Article 27 is given within the period of twelve months beginning with the date of the registration or of the grant of the certificate, as the case may be.

(4) Except as provided by this Article, the registration of a person as a citizen or the grant of a certificate of naturalization to any person shall not be called in question on the ground of mistake.

27. (1) Before making an order under Article 24, 25, or 26, the Federal Government shall give to the person against whom the order is proposed to be made notice in writing informing him of the ground on which the order is proposed to be made and of his right to have the case referred to a committee of inquiry under this Article.

(2) If any person to whom such notice is given applies to have the case referred as aforesaid the Federal Government shall, and in any other case the Federal Government may, refer the case to a committee of inquiry consisting of a chairman (being a person possessing judicial experience) and two other members appointed by that Government for the purpose.

(3) In the case of any such reference, the committee shall hold an inquiry in such manner as the Federal Government may direct, and submit its report to that Government; and the Federal Government shall have regard to the report in determining whether to make the order.

28. (1) For the purposes of the foregoing provisions of this Chapter:

(a) Any person who before Merdeka Day became a federal citizen or a citizen of the Federation by registration as a citizen or in consequence of his registration as the subject of a Ruler, or by the grant of a certificate of citizenship, under any provision of the Federation of Malaya Agreement, 1948, or of any State law shall be treated as a citizen by registration and, if he was not born within the Federation, as a citizen by registration under Article 17;

(b) A woman who before that day became a federal citizen or a citizen of the Federation by registration as a citizen, or in consequence of her registration as the subject of a Ruler, under any provision of the said Agreement or of any State law authorizing the registration of women married to citizens of the Federation or to subjects of the Ruler shall be treated as a citizen by registration under clause (1) of Article 15;

(c) Any person who before that day was naturalized as a federal citizen or a citizen of the Federation under the said Agreement or became a federal citizen or a citizen of the Federation in consequence of his naturalization as the subject of a Ruler under any State law shall (subject to clause (2)) be treated as a citizen by naturalization, and references in those provisions to the registration or naturalization of a citizen shall be construed accordingly.

(2) No person born within the Federation shall be liable by virtue of this Article to be deprived of citizenship under Article 25.

Chapter 3. Supplemental

29. (1) In accordance with the position of the Federation within the Commonwealth, every person who is a citizen of the Federation enjoys by virtue of that citizenship the status of a Commonwealth citizen in common with the citizens of other Commonwealth countries.

(2) Any existing law shall, except so far as Parliament otherwise provides, apply in relation to a citizen of the Republic of Ireland who is not also a Commonwealth citizen as it applies in relation to a Commonwealth citizen.

30. (1) The registration authority may, on the application of any person with respect to whose citizenship a doubt exists, whether of fact or of law, certify that that person is a citizen.

(2) A certificate issued under this Article shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that the person to whom it relates was a citizen on the date of the certificate, but without prejudice to any evidence that he was a citizen at an earlier date.

31. Until Parliament otherwise provides, the supplementary provisions contained in the Second Schedule shall have effect for the purposes of this Part.

. . .

PART XII

GENERAL AND MISCELLANEOUS

. . .

160. (1) . . .

(2) In this Constitution, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:

. . .

“Citizen” means a citizen of the Federation;

. . .

“Commonwealth country” means the United Kingdom, Canada, Australia, New Zealand, the Union of South Africa, India, Pakistan, Ceylon, Ghana and any other country declared by Act of Parliament to be a Commonwealth country and “part of the Commonwealth” has the meaning assigned to it by Article 155 (2);

. . .

“Existing law” means any law in operation in the Federation or any part thereof immediately before Merdeka Day;

. . .

“Merdeka Day” means the thirty-first day of August, nineteen hundred and fifty-seven;

. . .

“The Federation” means the Federation established under the Federation of Malaya Agreement, 1957;

. . .

Finland

ACT OF 9 MAY 1941 CONCERNING THE ACQUISITION AND LOSS OF FINNISH CITIZENSHIP ¹

Note: The second paragraph of Article 4 of this Act should read as follows:

A married person shall not be admitted to Finnish citizenship unless his spouse joins in his application. Nevertheless, a married alien may be

¹ For the text of this Act see the 1954 volume, ST/LEG/SER.B/4, p. 149.

admitted to Finnish citizenship upon application if the other spouse is a Finnish citizen, or if the spouses live apart by reason of separation resulting from a breach in their relations, or if the other spouse has been missing for at least three years, or if there are other special circumstances present.¹

Article 10 was amended by the law of 23 July 1943 (*Finnish Law Series 609/1943*) to include the following paragraph as the second paragraph:

When the country is in a state of war, a Finnish citizen who has attained the age of sixteen but is under the age of forty and who is not totally exempted from military service on account of ill-health, can, however, be released from his Finnish citizenship only by a decision of the President of the Republic.^{2 3}

Federal Republic of Germany

(a) THIRD SETTLEMENT OF NATIONALITY QUESTIONS ACT OF 19 AUGUST 1957⁴

The Federal Diet, with the approval of the Federal Council, has enacted the following law:

FIRST SECTION

AMENDMENT OF THE NATIONALITY ACT

Article I

Article 3, number (3), and article 6 of the Nationality Act of 22 July 1913⁵ (*Reichsgesetzblatt*, page 583), which ceased to be operative on 31 March 1953, shall be replaced by the following provisions:

1. Article 3, paragraph (3):

“(3) By declaration (article 6, paragraph (2))”

2. Article 6:

“Article 6

“(1) An alien woman who marries a German may claim naturalization provided that the marriage subsists and that the husband has German nationality. If the marriage is dissolved by death or by divorce in which the wife is not the guilty party, she shall remain entitled to claim naturalization until the expiry of one year after her husband's death or after the divorce, in which she is the innocent party, has become final.

“(2) If the marriage is contracted before a German registrar, the alien woman may also acquire German nationality by lodging with the registrar,

¹ Revised translation provided by the Permanent Representative of Finland to the United Nations.

² English text provided by the Permanent Representative of Finland to the United Nations.

³ See « Décret du 9 mai 1941 sur l'application de la loi du 9 mai 1941 sur l'acquisition et la perte de la nationalité finlandaise », printed by *Valtioneuvoston Kirjapaino*, Helsinki, 1954.

⁴ *Bundesgesetzblatt* I, page 1251: Translation by the United Nations Secretariat.

⁵ See 1954 volume (ST/LEG/SER.B/4), p. 178.

at the time of the marriage, a declaration that she wishes to become a German national.

“(3) Minors shall be placed on the same footing as persons of full age.

“(4) No fee shall be charged for proceedings under paragraphs (1) and (2) above.”

Article II

(1) If a woman who being an alien, married a German national between 1 April 1953 and the date of the entry into force of this Act may claim naturalization in accordance with article 6, paragraph 1, of the Nationality Act as amended by this Act.

(2) A woman who contracted a marriage as described in paragraph 1 above may declare within a peremptory time-limit of one year that she wishes to be regarded as having acquired German nationality with retroactive effect from the date of marriage. The declaration shall be made to the competent naturalization authority in writing and in officially certified form, or it may be made orally and registered with that authority and shall result in the retroactive acquisition of German nationality by the declarant and by any persons who might have derived German nationality from her. If the declarant died before the entry into force of this Act or dies before the expiring of the peremptory time-limit for the making of declarations, article 21 of the Settlement of Nationality Questions Act of 22 February 1955 (*Bundesgesetzblatt I*, page 65) shall apply *mutatis mutandis*.¹ The right to make the declaration shall also exist if the alien wife was naturalized before the entry into force of this Act.

(3) Article 6, paragraphs 3 and 4 of the Nationality Act as amended by this Act shall apply.

SECOND SECTION

AMENDMENT OF THE SETTLEMENT OF NATIONALITY QUESTIONS ACT

*Article III*²

. . .

¹ Article 21 of the Settlement of Nationality Questions Act of 22 February 1955 reads as follows:

“If a person entitled to disclaim German nationality dies before the expiry of the statutory time-limit without having exercised his right to disclaim German nationality or having renounced that right, any person related to him in the ascending and descending line or the surviving spouse shall, on furnishing *prima facie* proof of a legal interest, be entitled to apply to the competent probate court within the statutory time-limit for authority to exercise the right on behalf of the deceased or to renounce it. Before ruling on the application, the court shall give all persons entitled to make such application an opportunity to appear before it, in the absence of compelling reasons to the contrary. The proceedings shall be conducted in accordance with the provisions of the Non-contentious Matters Act of 17 May 1898 (*Reichsgesetzblatt*, page 189).”

² Article III amends article 12 of the Settlement of Nationality Questions Act of 22 February 1955 (*Bundesgesetzblatt I*, page 65).

THIRD SECTION

FINAL PROVISIONS

Article IV

In accordance with article 13, paragraph 1 of the Third Transition Act of 4 January 1952 (*Bundesgesetzblatt I*, page 1), this Act shall also apply to *Land Berlin*.

Article V

This Act shall enter into force on the day following the date of its promulgation.¹

Grèce

DÉCRET-LOI N° 3370 DU 30 SEPTEMBRE 1955²

Article unique

Est promulgué le Code de la nationalité hellénique par la Commission instituée en vertu de l'article premier de la loi n° 3129/1955 relative à l'institution d'une Commission pour la modification, le complément et la codification des dispositions sur la nationalité, lequel Code est comme suit:

CHAPITRE A

ACQUISITION DE LA NATIONALITÉ HELLÉNIQUE

I. — PAR LA NAISSANCE

Article premier

Est Grec depuis la naissance:

- a) Celui qui est né de père grec;
- b) Celui qui est né de mère grecque si son père est apatride;
- c) Celui qui est né de mère grecque et de père non légitime;
- d) Celui qui est né en Grèce et n'a pas acquis par la naissance une nationalité étrangère.

II. — PAR LÉGITIMATION

Article 2

Celui qui a été légitimé comme fils d'un Grec avant d'avoir 21 ans accomplis devient Grec à partir de sa légitimation.

III. — PAR RECONNAISSANCE

Article 3

Celui qui a été reconnu fils d'un Grec par reconnaissance volontaire ou par pleine reconnaissance judiciaire avant d'avoir 21 ans accomplis devient Grec à partir de la reconnaissance.

¹ The Act was promulgated on 23 August 1957.

² Dans sa note du 16 juin 1958, à laquelle le texte français de ce décret a été annexé, le Représentant permanent de la Grèce auprès de l'Organisation des Nations Unies a souligné que ledit décret « constitue une codification de la législation en vigueur en matière d'acquisition, de perte et de recouvrement de la nationalité hellénique ».

IV. — PAR MARIAGE

Article 4

1. La femme étrangère qui a épousé un Grec devient Grecque sauf si, au cas où elle conserverait la nationalité qu'elle possédait au moment de la célébration du mariage, elle déclare avant la célébration ne pas vouloir acquérir la nationalité hellénique. La déclaration est faite par la femme seule, même si elle est mineure, au maire ou au président de la commune du lieu de son domicile. Si elle réside à l'étranger, la déclaration est faite à l'autorité consulaire hellénique du lieu de sa résidence. Celui qui a reçu la déclaration est tenu d'en transmettre aussitôt copie au Ministère de l'intérieur.

2. Ne devient pas Grecque par mariage la femme étrangère :

- a) Contre laquelle a été rendu un arrêté d'expulsion ;
- b) Qui est ressortissante d'un Etat se trouvant en guerre avec la Grèce, si le mariage a été célébré au cours de la guerre.

V. — RECONNAISSANCE DE LA NATIONALITÉ DE PERSONNES D'ORIGINE ETHNIQUE GRECQUE (HOMOGENES), DOMICILIÉES A L'ÉTRANGER

Article 5

1. Les individus d'origine ethnique grecque apatrides ou de nationalité inconnue, domiciliés à l'étranger, qui se comportent effectivement en Grecs peuvent être reconnus comme Grecs sur requête soumise à l'autorité consulaire hellénique, si leur demande est agréée par le Ministre de l'intérieur sur le rapport de l'autorité consulaire, et qu'ils prêtent ensuite le serment du citoyen hellène devant l'autorité consulaire. Les mêmes dispositions s'appliquent à leurs épouses même si elles ne sont pas d'origine ethnique grecque.

2. Les effets de la reconnaissance se produisent à partir de la prestation du serment.

3. Les enfants célibataires de l'individu reconnu, n'ayant pas 20 ans accomplis à la date de prestation du serment, deviennent Grecs à partir de cette date.

VI. — PAR NATURALISATION

Article 6

L'étranger ayant 21 ans accomplis peut devenir Grec par voie de naturalisation.

Article 7

1. Les conditions suivantes doivent être remplies en vue de la naturalisation :

- a) Déclaration de volonté de l'étranger en ce sens, faite au maire ou au président de la commune du lieu où il a l'intention d'établir son domicile ;
- b) Résidence en Grèce pendant trois ans après la déclaration si le postulant est d'origine ethnique non grecque (allogène). Cette condition n'est pas requise de celui qui est né en Grèce et y est domicilié ;

- c) Demande de naturalisation, adressée au Ministère de l'intérieur,
 - d) Moralité du requérant.
2. Ne peut être naturalisé l'étranger :
- a) Contre lequel a été rendu un arrêté d'expulsion;
 - b) Qui a été condamné pour un crime quelconque ou pour délit de haute trahison au pays, attentat aux bonnes mœurs, vol, escroquerie, abus de confiance, chantage, faux, fausse déclaration, falsification, faux-monnayage, diffamation calomnieuse, contrebande, violation qualifiée de délit, au degré de délit puni de peine correctionnelle, des lois sur l'établissement et la circulation des étrangers en Grèce, de celles sur la protection de la monnaie nationale, sur les stupéfiants et l'emploi de toxiques, pour un délit quelconque commis par récidivè ou par habitude, ainsi que pour tout délit quelconque si la peine prononcée est supérieure à un an d'emprisonnement.
3. La naturalisation intervient par arrêté du Ministre de l'intérieur, après enquête.
4. L'arrêté qui rejette la demande de naturalisation ne nécessite pas d'être motivé.

Article 8

Par décret royal, rendu sur décision du Conseil des ministres, peut être naturalisé sans observation des conditions des paragraphes 1 et 3 et de l'article 7 l'étranger qui a rendu à la Grèce des services exceptionnels, y a introduit une invention ou industrie notable, a fondé des établissements d'intérêt public, se distingue par des qualités intellectuelles éminentes ou dont la nationalisation peut servir un intérêt exceptionnel de la Grèce.

Article 9

1. La naturalisation n'est parfaite que par la prestation du serment de (citoyen) hellène, lequel est prêté dans le délai d'un an à compter de l'insertion de l'arrêté de naturalisation au *Journal officiel*.
2. La formule du serment est la suivante: « Je jure de servir fidèlement la Patrie et le Roi constitutionnel des Hellènes, de respecter la Constitution et les lois de l'Etat et d'accomplir loyalement les devoirs du (citoyen) hellène ».
3. Le serment est prêté devant le préfet. À titre exceptionnel, le Ministre de l'intérieur peut fournir délégation spéciale, aux fins de recevoir le serment dans chaque cas particulier, à l'autorité consulaire du lieu de résidence de l'individu naturalisé.
4. Est dressé procès-verbal du sujet de la prestation de serment; il est signé par l'individu naturalisé et par l'autorité visée au paragraphe 3.

Article 10

Deviennent Grecs à partir de la naturalisation les enfants célibataires de l'homme naturalisé s'ils sont âgés de moins de 20 ans accomplis au moment de la naturalisation. Si ces enfants sont d'origine ethnique non grecque (allogène), ils peuvent, pourvu qu'ils aient conservé la nationalité qu'ils possédaient avant la naturalisation, renoncer à la nationalité hellénique par déclaration de volonté, faite dans l'année qui suivra la date où ils auront 20

ans accomplis, au maire ou au président de la commune ou aux autorités consulaires du lieu de leur domicile. Celui qui reçoit la déclaration est tenu d'en transmettre aussitôt copie au Ministère de l'intérieur.

Article 11

L'épouse de l'individu qui est naturalisé Grec peut acquérir la nationalité hellénique, si elle déclare à cet égard au maire ou au président de la commune ou l'autorité consulaire du lieu de son domicile et prête le serment de citoyen hellène conformément à l'article 9, dans l'année qui suit la naturalisation. Celui qui reçoit la déclaration est tenu d'en transmettre aussitôt copie au Ministère de l'intérieur.

VII. — PAR ENGAGEMENT DANS LES FORCES ARMÉES

Article 12

Les étrangers d'origine ethnique grecque (homogènes) qui entrent dans les écoles militaires d'officiers et de sous-officiers des forces armées en vertu de la loi spéciale régissant chaque école, ou qui s'engagent dans les forces armées comme volontaires en vertu des lois spéciales régissant chaque arme, acquièrent la nationalité grecque à partir de leur entrée dans l'école ou de leur engagement et sans autre formalité.

Article 13

1. Les étrangers d'origine ethnique grecque (homogènes) qui s'engagent comme volontaires en période de mobilisation ou de guerre conformément à la loi « sur le recrutement des forces armées », peuvent, s'ils le désirent, acquérir la nationalité hellénique sur demande adressée au préfet, sans autre formalité.

2. L'obtention du grade d'officier de carrière et de réserve entraîne de plein droit l'acquisition de la nationalité hellénique, sans autre formalité.

3. Le serment militaire prêté par les personnes visées au présent article ainsi qu'à l'article 12, remplace le serment du citoyen hellène.

CHAPITRE B

PERTE DE LA NATIONALITÉ

I. — POUR CAUSE D'ACQUISITION D'UNE NATIONALITÉ ÉTRANGÈRE

Article 14

1. Perd la nationalité hellénique celui qui, après autorisation :

- a) A acquis volontairement une nationalité étrangère; ou
- b) A assumé une fonction publique auprès d'un Etat étranger, si ce fait comporte l'acquisition de la nationalité de cet Etat.

L'autorisation peut être accordée, pour motifs exceptionnels postérieurement à l'acquisition de la nationalité étrangère, dans ce cas la perte de la nationalité hellénique survient du jour où l'autorisation a été accordée.

2. Perd également la nationalité hellénique celui qui possède également une nationalité étrangère, si sa demande de répudiation de la nationalité

hellénique est agréée. Dans ce cas la perte de la nationalité hellénique se produit à partir du jour où la demande a été agréée.

3. L'autorisation visée au paragraphe 1 est accordée et l'acceptation de la demande visée au paragraphe 2 est effectuée par arrêté du Ministère de l'intérieur sur avis du Comité de la nationalité; en aucun cas l'autorisation ne peut être accordée ou la demande agréée si le requérant n'a pas rempli ses obligations militaires, s'il y est soumis, ou s'il est poursuivi pour crime ou délit.

II. — PAR DÉCLARATION DE VOLONTÉ D'ABANDON

Article 15

Perd la nationalité hellénique la femme qui l'a acquise par son mariage avec un Grec si, ayant conservé la nationalité qu'elle possédait au moment de la célébration du mariage, elle déclare dans l'année qui suivra celle-ci sa volonté en ce sens. La déclaration se fait suivant les dispositions de l'article 4, par. 1. Cette faculté n'est pas accordée à la femme poursuivie pour crime ou délit.

III. — PAR MARIAGE AVEC UN ÉTRANGER

Article 16

La femme grecque qui a épousé un étranger perd la nationalité hellénique, si elle acquiert par son mariage la nationalité de son mari, sauf si elle déclare avant son mariage qu'elle veut conserver la nationalité hellénique. La déclaration est adressée au maire ou au président de la commune de son lieu de domicile ou, si elle réside à l'étranger, à l'autorité consulaire hellénique du pays de sa résidence. Celui qui reçoit la déclaration est tenu d'en transmettre aussitôt copie au Ministère de l'intérieur.

IV. — PAR DISSOLUTION DU MARIAGE AVEC UN GREC

Article 17

La femme étrangère qui a acquis la nationalité hellénique par son mariage avec un Grec peut après la dissolution du mariage et à condition qu'elle acquière une nationalité étrangère, répudier la nationalité hellénique si elle déclare sa volonté en ce sens au maire ou au président de la commune compétent ou à l'autorité consulaire hellénique, et que la répudiation de nationalité soit autorisée par arrêté du Ministre de l'intérieur sur avis du Comité de la nationalité.

V. — PAR LÉGITIMATION OU RECONNAISSANCE COMME ENFANT D'UN ÉTRANGER

Article 18

Perd la nationalité hellénique celui qui est légitimé ou reconnu comme enfant de père étranger avant d'avoir 21 ans accomplis si, par suite de la légitimation ou de la reconnaissance, il acquiert la nationalité de son père.

VI. — PAR ABANDON DU TERRITOIRE HELLÉNIQUE

Article 19

L'individu d'origine ethnique non grecque (allogène), qui a quitté le territoire hellénique sans esprit de retour, peut être déclaré avoir perdu la

nationalité hellénique. Il en est de même de l'individu d'origine ethnique non grecque (allogène), né et domicilié à l'étranger. Ses enfants mineurs établis à l'étranger peuvent être déclarés avoir perdu la nationalité hellénique, si leurs père et mère ou le survivant d'entre eux l'ont perdue. Le Ministre de l'intérieur se prononce à ce sujet après avis conforme du Comité de la nationalité.

VII. — PAR DÉCHÉANCE

Article 20

1. Peut être déchu de la nationalité hellénique:

a) Celui qui a acquis volontairement une nationalité étrangère en violation de l'article 14;

b) Celui qui, ayant accepté des fonctions publiques dans un pays étranger et ayant reçu l'injonction du Ministre de l'intérieur de s'abstenir de ce dernier dans un délai déterminé, y persiste;

c) Celui qui, résidant à l'étranger, s'est livré à des actes au profit d'un Etat étranger, incompatibles avec sa qualité d'Hellène et contraires aux intérêts de la Grèce.

2. La déchéance est prononcée par arrêté du Ministre de l'intérieur, sur avis conforme du Comité de la nationalité.

CHAPITRE C

RÉINTÉGRATION DANS LA NATIONALITÉ HELLÉNIQUE

Article 21

1. Celui qui a perdu la nationalité hellénique, conformément à l'article 14, peut y être réintégré si, résidant en Grèce, il en fait la demande au Ministère de l'intérieur, que celle-ci soit agréée par arrêté du Ministre de l'intérieur et qu'il prête le serment du citoyen hellène visé à l'article 9.

2. Les articles 10 et 11 sont applicables par analogie aux enfants mineurs et à l'épouse de l'individu réintégré dans la nationalité hellénique.

Article 22

1. La femme qui a perdu la nationalité grecque en vertu des dispositions de l'article 16 peut la recouvrer si, dans le délai d'un an à dater de son mariage, elle déclare vouloir la recouvrer. La déclaration à cet effet est faite conformément aux dispositions de l'article 16.

2. La femme qui a perdu la nationalité grecque en vertu des dispositions de l'article 16 peut, à la dissolution du mariage, la recouvrer si, demeurant en Grèce, elle adresse une demande à cet effet au Ministre des affaires étrangères, et si, au cas où le Ministre des affaires étrangères juge recevable sa demande, elle prête le serment du citoyen grec. La présente disposition s'applique également en cas de séparation de corps.

Dans des circonstances exceptionnelles, le Ministre des affaires étrangères peut décider que la femme qui réside à l'étranger peut recouvrer la nationalité grecque sans avoir à revenir en Grèce, si elle prête serment en présence de l'autorité consulaire grecque.

Article 23

1. Les dispositions des paragraphes 1, lit. *d*, 2 et 3 de l'article 7 s'appliquent également aux cas de réintégration à la nationalité hellénique, visés aux articles 21 et 22.

2. Les dispositions du paragraphe 2 de l'article 7 s'appliquent également au cas visé au paragraphe 1 de l'article 22.

CHAPITRE D

COMPÉTENCE EN MATIÈRE DE NATIONALITÉ ET PREUVE DE LA NATIONALITÉ
HELLÉNIQUE*Article 24*

Toutes les questions relatives à la nationalité relèvent de la compétence du Ministère de l'intérieur.

CERTIFICATS DE NATIONALITÉ HELLÉNIQUE

Article 25

1. Le maire et le président de la commune délivrent des certificats de nationalité hellénique des citoyens sur la base du registre d'immatriculation général. Le certificat porte aussi mention de la source juridique de l'acquisition de nationalité,

2. Jusqu'à l'établissement du registre d'immatriculation général des citoyens du dème ou de la commune, le certificat de nationalité de personnes de sexe masculin pourra être délivré sur la base du registre d'immatriculation spécial.

3. Le certificat ci-dessus prouve la nationalité hellénique jusqu'à preuve contraire.

COMPÉTENCE EN MATIÈRE DE CONTESTATION DE NATIONALITÉ

Article 26

1. Le Ministre de l'intérieur est exclusivement compétent pour se prononcer sur toute contestation de nationalité.

2. Le Ministre se prononce sur chaque cas par arrêté motivé après avis conforme du Comité de la nationalité. L'arrêté est publié en résumé au *Journal officiel* et notifié par voie administrative à la personne qui a introduit la demande.

3. Dans les trois mois qui suivent la publication toute personne intéressée a le droit de recourir devant le Conseil d'Etat en annulation de l'arrêté.

CHAPITRE E

DISPOSITIONS TRANSITOIRES ET FINALES

NATIONALITÉ EN CAS D'ADOPTION

Article 27

L'adoption n'influe nullement sur la nationalité de l'enfant adoptif.

VALIDITÉ DES DISPOSITIONS DES CONVENTIONS INTERNATIONALES

Article 28

Les dispositions des conventions internationales concernant la nationalité ne sont pas affectées par la présente loi.

RÉINTÉGRATION DANS LA NATIONALITÉ HELLÉNIQUE DES PERSONNES D'ORIGINE ETHNIQUE GRECQUE (HOMOGÈNES)

Article 29

L'individu d'origine ethnique grecque né en Grèce, qui possédait la nationalité hellénique par naissance, qui l'a perdue en conformité de l'article 23 du Code civil de 1956 comme ayant acquis volontairement une nationalité étrangère et qui a également perdu cette dernière comme s'étant éloigné du pays visé, recouvre de plein droit la nationalité hellénique aussitôt qu'il aura accompli deux ans de résidence en Grèce.

RÉINTÉGRATION DES FEMMES MARIÉES DANS LA NATIONALITÉ HELLÉNIQUE

Article 30

1. La femme grecque qui a perdu la nationalité hellénique par suite de mariage avec un étranger ou un apatride peut être réintégrée dans la nationalité hellénique durant le mariage si, résidant en Grèce et en ayant fait la demande au Ministère de l'intérieur dans les six mois qui suivent l'entrée en vigueur de la présente loi, sa demande est agréée par arrêté du Ministre et si elle prête le serment du citoyen hellène.

2. Les dispositions du par. 1, lit. *a* et *b* de l'art. 7 et du deuxième al. du par. 2 de l'article 22 s'appliquent également au présent cas.

LOIS ABROGÉES

Article 31

1. Sont abrogés:

a) Les articles 14-28 de la loi civile hellénique TA du 29 octobre)15 novembre 1856;

b) Les lois ΥΑΗ' du 16)29 janvier 1858, ΑΡΚΘ du 31 décembre 1883) 24 janvier 1884 ΒΟΑΖ' du 18)20 février 1901 ΓΩΜΒ du 26)27 juillet 1911, 120 du 31 décembre 1913)2 janvier 1914 et 5626 du 31)31 août 1932;

c) L'article 2 du décret-loi du 10)11 septembre 1925 « portant modification des dispositions sur la naturalisation des étrangers » ratifié par l'article 2 du décret-loi du 15)19 octobre 1927, ratifié par la loi 3442 du 22)28 décembre 1927;

d) L'article premier du décret-loi du 5)28 mai 1926 « sur la naturalisation des homogènes établis en Grèce etc », ratifié par le décret-loi du 15)18 octobre 1927 et par la loi 3441 du 22)28 décembre 1927;

e) Le décret-loi du 13)15 septembre 1926 « portant modification des dispositions de la loi civile » et le décret du 12)13 août 1927 portant ratification et modification dudit décret-loi;

f) L'article 3 de la loi de nécessité 2)2 novembre 1935 sur le serment des fonctionnaires civils et le serment du citoyen hellène.

- g) Les articles 1^{er} à 6 et 10 de la loi de nécessité 2280 du 2)6 avril 1940;
- h) L'article 2 de la loi 468 du 10)13 août 1943;
- i) Les articles 1^{er} et 2 de la loi 580 du 7)20 septembre 1943;
- j) L'article 2 de la loi de nécessité 3080 du 22 janvier 1942 sur les droits accordés aux Ministres de l'armée, de la marine et de l'air, promulguée à Londres et publiée dans le numéro 137 du 2 juin 1945 du *Journal officiel*.
- k) Le décret-loi n° 315 du 19)19 avril 1947 sur la reconnaissance de citoyen hellène et
- l) Toute autre disposition contraire à la présente loi.

Article 32

Sont abrogés à partir de leur mise en vigueur et considérés comme n'ayant jamais existé les alinéas 2, 3 et 4 de l'article 8 de la loi 4310 du 6)16 août 1929 « sur l'établissement et la circulation des étrangers en Grèce, le contrôle de police, les passeports, les expulsions et déportations » dans la mesure où ils disposent que les individus d'origine ethnique grecque visée par cet article sont considérés comme citoyens hellènes. Toutefois, demeurent valables tous actes individuels émis par le Ministère de l'Intérieur jusqu'à la promulgation de la présente loi, et en vertu desquels ont été considérés comme citoyens hellènes des individus visés par les dispositions abrogées.

LOIS DEMEURANT EN VIGUEUR

Article 33

Demeurant en vigueur:

- a) Le par. 5 de l'art. 6 et le par. 3 de l'art. 27 du décret-loi 1298 du 29)31 octobre 1948 « sur la famille royale »;
- b) L'acte AZ' de la IV^e Assemblée nationale en date du 4)9 décembre 1947, « portant déchéance de la nationalité hellénique à des personnes qui agissent contrairement à l'intérêt national à l'étranger » tel qu'il a été complété.
- c) L'article premier de la loi 5356)1932 « portant modification de certains articles de la loi 4511)1930 « sur la création d'une école de marine marchande »;
- d) L'article 50 par. 2 de la loi codifiée 1292a de 1919 « sur l'instruction secondaire », l'article 8 de la loi codifiée 1242 b) 1919 « sur l'instruction primaire », l'art. 2 par. 3 du décret-loi du 20)22 août 1935 « modifiant et complétant des dispositions en vigueur sur la nomination et les mutations des fonctionnaires de l'enseignement » et le par. 1 de l'art. 6 de la loi de nécessité 692 du 19)24 mai 1937 « sur le mode de nomination des fonctionnaires de l'instruction primaire et la modification de certaines dispositions des lois sur l'instruction » tel qu'il a été remplacé par le par. 4 de la loi de nécessité 2029 du 12)19 octobre 1939;
- e) La loi 1524)1918 « sur la reconnaissance comme citoyens hellènes des personnes inscrits sur les registres des autorités consulaires en Turquie et en Egypte et reconnues comme telles par les autorités locales ».

Article 34

1. Demeure en vigueur l'article 4 de la loi 517 du 3)9 janvier 1948 « sur la nationalité des habitants du Dodécanèse ou des personnes qui en sont originaires », tel qu'il a été modifié et complété par la loi 1865)1951.

2. Le délai pour déposer des demandes de naturalisation par les personnes qui y ont droit selon l'article 4 par. 1 de la loi 517, prorogé par l'art. 2 par. 1 de la loi 1885 et par l'article unique du décret-loi 2491)1953, est de nouveau prorogé à partir de son expiration, jusqu'à la fin de l'année 1958.

3. Sont reconnues valables les naturalisations effectuées par des autorités consulaires helléniques par suite de demandes introduites auprès d'elles après l'expiration du délai prolongé par le décret-loi 2491)1953.

DÉCRETS RÉGLEMENTAIRES

Article 35

1. Sont fixés par décrets royaux;

a) Les éléments à fournir par celui qui demande la naturalisation, ainsi que ce qui concerne l'enquête et l'exécution en général des articles 6-11 de la présente loi;

b) Tous points relatifs à la preuve des faits qui, selon l'art. 20, constituent des motifs de déchéance et la procédure y relative;

c) Tout détail nécessaire à l'exécution de la présente loi.

2. Jusqu'à la publication desdits décrets sont appliqués les décrets pris en vue de l'exécution des dispositions correspondantes préexistantes, pour autant que leur contenu n'est pas contraire aux dispositions de la présente loi.

HongrieLOI N° V DE 1957 SUR LA NATIONALITÉ ¹

CHAPITRE PREMIER

Des Hongrois

Article premier. — 1) Est Hongrois:

a) L'enfant né d'un parent de nationalité hongroise;

b) L'individu qui a obtenu la nationalité hongroise par voie de naturalisation ou de réintégration;

c) L'individu qui, au moment de la mise en vigueur de la présente loi, est Hongrois, pourvu qu'il n'ait pas perdu sa nationalité.

2) Le titre de l'attribution de la nationalité ne peut donner lieu à aucune discrimination.

Article 2. — 1) Devra, jusqu'à preuve du contraire, être considéré comme Hongrois tout individu porteur d'une carte d'identité, d'un passeport hongrois ou d'un autre document semblable, ou inscrit dans un tel document en

¹ Le texte de cette loi a été fourni en français par le Ministère des affaires étrangères de la République populaire de Hongrie.

qualité d'enfant ou d'interdit, ainsi que tout individu inscrit sur le registre d'un foyer de patronage.

2) Devra, jusqu'à la preuve de sa nationalité étrangère, être considéré comme Hongrois:

a) Un individu né postérieurement à la mise en vigueur de la présente loi sur le territoire de la Hongrie;

b) L'enfant né de parents inconnus qui, postérieurement à la mise en vigueur de la présente loi, sera trouvé sur le territoire de la Hongrie pourvu qu'il soit ou qu'il ait été élevé en Hongrie.

Article 3. — 1) Acquiert la nationalité hongroise l'enfant né d'un parent de nationalité étrangère si la personne qui, conformément aux articles 37 à 40 de la loi IV de l'an 1954 sur la famille, le mariage et la tutelle, doit être considérée comme l'autre parent, est Hongroise.

2) Le majeur qui, postérieurement à la mise en vigueur de la présente loi, aura acquis conformément au paragraphe 1 la nationalité hongroise, pourra, par déclaration adressée au Ministre hongrois de l'intérieur, faire état de sa décision de ne pas suivre la nationalité hongroise de son parent. Pour être valable, une telle déclaration devra être faite dans une année à compter du jour de la célébration du mariage subséquent ou de la reconnaissance valable de la paternité, resp. du jour de la notification du jugement définitif prenant acte de la paternité/de la maternité/. Lorsque le déclarant se trouvera à l'étranger, la déclaration pourra également être déposée devant la représentation diplomatique hongroise compétente pour l'endroit de son séjour.

Article 4. — Le Hongrois qui appartient en même temps à une autre nation doit, jusqu'à la perte de sa nationalité hongroise par suite de l'autorisation de perdre sa nationalité hongroise ou par suite de la déchéance de celle-ci, être considéré comme Hongrois.

CHAPITRE II

De l'acquisition de la nationalité hongroise par naturalisation ou par réintégration

Article 5. — Pourra, sur sa demande, être naturalisé l'étranger justifiant d'une résidence non interrompue en Hongrie dans les trois années précédant directement la déposition de sa demande de naturalisation et dont la naturalisation ne présentera, pour les intérêts de l'Etat, aucun désavantage.

Article 6. — Pourra, sur sa demande, être naturalisé sans condition de stage, l'étranger qui, au moment de la déposition de sa demande, aura en Hongrie sa résidence ou aura l'intention d'y établir sa résidence et

a) Dont un des ascendants aura été Hongrois; ou

b) Dont la naturalisation sera motivée par une autre circonstance particulière.

Article 7. — Pourra, sur sa demande, être naturalisé sans condition de sa résidence sur le territoire de la Hongrie ou de son intention d'y établir sa résidence la personne

a) Qui sera valablement mariée à un citoyen hongrois; ou

b) Dont l'enfant aura acquis la nationalité hongroise; ou

c) Qu'un citoyen hongrois aura l'intention d'adopter.

Article 8. — La demande présentée conformément à un des articles 5, 6 ou 7 aura droit à un traitement de faveur lorsque son auteur

- a) Sera apatride ou aura perdu sa nationalité étrangère; ou
- b) Aura répudié sa nationalité étrangère; ou
- c) Aura demandé le consentement requis pour la répudiation de sa nationalité étrangère.

Article 9. — 1) Au nom d'une personne incapable ou de capacité restreinte, son représentant légal est autorisé de présenter la demande.

2) La naturalisation d'un des époux ne s'étend sur l'autre époux que lorsque ce dernier réclame également sa naturalisation.

3) La naturalisation d'un parent exerçant le pouvoir paternel s'étend à l'enfant mineur également à moins que ce parent ne demande expressément que sa naturalisation ne s'étende pas aux enfants ou à l'un des enfants.

4) La naturalisation ne s'étend pas à un enfant majeur à moins que ce dernier ne réclame également sa naturalisation.

Article 10. — 1) Celui qui aura perdu sa qualité de Hongrois, pourra, sur sa demande, être réintégré dans la nationalité hongroise. La réintégration est régie par les mêmes dispositions que la naturalisation, compte tenu des dispositions du présent article.

2) L'individu qui aura perdu la nationalité hongroise par suite de l'autorisation donnée à perdre la nationalité hongroise, par suite de son absence ou par suite de l'acquisition, par voie de naturalisation, d'une nationalité étrangère, pourra, conformément à l'article 6, être réintégré nonobstant le défaut des conditions prévues aux paragraphes *a* et *b*.

3) L'individu qui aura perdu la nationalité hongroise par son mariage, par sa légitimation, par la reconnaissance ou l'établissement judiciaire de la paternité, pourra être réintégré sans égard à l'existence ou au défaut d'une résidence sur le territoire de la Hongrie.

Article 11. — 1) Tout individu majeur naturalisé ou réintégré prêtera serment civique. Le serment civique d'une personne incapable ou d'un mineur de moins de dix-huit ans et d'une capacité limitée, sera remplacé par une déclaration de son représentant légal.

2) Le texte du serment civique:

« Moi . . . je jure de rester fidèle à la patrie hongroise et à son peuple travailleur. Je respecterai et observerai la Constitution et les lois de la République populaire hongroise. Dans toute la mesure de mes forces et capacités je renforcerai et défendrai l'ordre étatique, économique et social de la République populaire hongroise. »

3) Le serment civique devra être prêté dans le délai de soixante jours après la notification d'une invitation à prêter serment. Pour des personnes vivant à l'étranger, ce terme pourra être prolongé par le Présidium de la République populaire hongroise.

4) Le naturalisé ou le réintégré deviendra Hongrois à dater du jour où il aura prêté serment civique. Le fait d'avoir prêté serment et la date de celui-ci devront être inscrits dans le diplôme de naturalisation ou de réintégration.

5) Le naturalisé ou le réintégré qui mourra ou deviendra incapable de prêter serment avant qu'il l'eût fait, deviendra Hongrois à dater du jour de la délivrance de son diplôme de naturalisation ou de réintégration.

6) Le diplôme de naturalisation ou de réintégration est délivré par le Présidium de la République populaire. Y devront être nommés tous les parents à qui les effets de la naturalisation s'étendent.

CHAPITRE III

Perte de la nationalité hongroise par voie d'autorisation

Article 12. — 1) Pourra, sur sa demande, être autorisé à perdre la qualité de Hongrois l'individu

a) Qui ne sera pas en retard d'impôts ou d'autres dettes envers la communauté;

b) Et qui ne fait pas l'objet de poursuites criminelles ou d'une condamnation en vigueur;

c) Et qui justifiera de sa nationalité étrangère ou de la probabilité d'obtenir une nationalité étrangère.

2) La demande, formée par un individu incapable ou d'une capacité limitée en vue d'obtenir l'autorisation de perdre la nationalité hongroise, devra être déposée par son représentant légal et approuvée par l'autorité tutélaire. Lorsqu'une telle demande sera formée par le représentant légal d'une personne de capacité limitée, celle-ci devra être entendue dans l'instance sauf sa résidence à l'étranger. Lorsque l'autorisation de perdre la nationalité hongroise sera demandée par le représentant légal d'un mineur, dont la garde aura été confiée à l'un de ses parents vivant séparément ou qui aura été mis sous la tutelle d'un institut (loi IV de l'an 1952, art. 92, al. c), devra, sauf l'existence d'un obstacle insurmontable, être entendu l'autre de ses parents également.

Article 13. — 1) Devront être particulièrement pris en considération, au point de vue de l'autorisation de perdre la nationalité hongroise:

a) Le mariage de la personne formant une telle demande avec un étranger, pourvu qu'elle ait sa résidence ou ait l'intention d'établir sa résidence à l'étranger;

b) La nationalité étrangère d'un des parents d'un mineur demandant l'autorisation pourvu que l'enfant soit élevé à l'étranger;

c) L'adoption par un étranger du mineur sollicitant l'autorisation de perdre sa nationalité, pourvu que l'enfant soit élevé à l'étranger;

d) La terminaison du mariage par lequel le requérant avait acquis la nationalité hongroise.

2) Lorsque l'autorisation est demandée conformément à l'article présent, l'autorisation n'est pas subordonnée à la justification de la nationalité étrangère du requérant ou de la probabilité de l'obtenir (art. 12, par. 1, al. c).

Article 14. — 1) L'effet de l'autorisation de perdre la nationalité hongroise ne s'étend que sur la personne de l'intéressé.

2) Le Présidium de la République populaire délivrera à l'intéressé un document portant l'autorisation de perte de sa nationalité hongroise. Sa qualité de Hongrois prendra fin à partir de la date de ce document.

CHAPITRE IV

Perte de la nationalité hongroise par déchéance

Article 15. — Pourra être déchu de la nationalité hongroise l'individu, séjournant à l'étranger,

a) Qui se sera rendu coupable d'une grave atteinte contre la fidélité civique; ou

b) Qui sera, pour un grave crime, définitivement condamné par un tribunal hongrois ou étranger.

Article 16. — 1) La déchéance ne s'étend ni à l'époux/épouse, ni aux enfants de la personne déchu(e) sauf le cas où ils se trouvent à l'étranger et que le décret contienne une disposition expresse à cet effet.

2) La confiscation totale ou partielle de la fortune d'un individu déchu de la nationalité hongroise pourra être prononcée par le Présidium de la République populaire.

3) Les effets de la déchéance se produiront à partir de la date du décret de déchéance.

4) Les décrets de déchéance du Présidium de la République populaire seront publiés au *Bulletin hongrois (Magyar Közlöny)*.

CHAPITRE V

Principes de la procédure. — Attributions et compétences

Article 17. — 1) Il est du ressort du Présidium de la République populaire d'accorder la nationalité hongroise par voie de naturalisation ou de réintégration, ou de décréter la perte de celle-ci par l'autorisation de perdre la nationalité hongroise ou par déchéance.

2) Un rapport relatif à la naturalisation, à la réintégration, à l'autorisation de perdre la nationalité hongroise ou à la déchéance sera soumis au Présidium de la République populaire par le Ministre de l'intérieur. Le rapport relatif à l'autorisation de la perte de la nationalité hongroise, par un individu ayant dépassé l'âge de dix-sept ans, sera, jusqu'à la fin de l'année dans laquelle cette personne aura accompli sa cinquantième année, subordonné à une approbation par le Ministre de la défense.

Article 18. — 1) Les attestations constatant sur la base des données disponibles l'existence ou la perte de la nationalité hongroise, ou l'extranéité de la personne indiquée dans le document, seront délivrés par le Ministre de l'intérieur.

2) Lorsque l'intéressé ou son représentant légal ou bien le procureur ou l'autorité tutélaire contestent les constatations de l'attestation prévue par le paragraphe 1, ils pourront se pourvoir devant le tribunal de la capitale. Le jugement définitif du tribunal admettant, sur la base des preuves qui seront produites, la nationalité hongroise ou l'extranéité de la personne en cause, aura effet envers quiconque.

Article 19. — 1) Toute demande en vue d'obtenir la naturalisation, la réintégration ou l'autorisation de perdre la nationalité hongroise sera déposée au comité exécutif du conseil municipal ou de ville (d'arrondissement de la capitale, d'arrondissement de ville) compétent de la résidence effective du postulant.

2) Lorsque la naturalisation est sollicitée sur la base de l'adoption d'une personne (loi IV de l'an 1952, art. 47, al. 2), la demande de nationalité pourra être accompagnée de la demande en vue de l'homologation de l'adoption et déposée entre les mains de l'autorité tutélaire. Dans ce cas, la demande de nationalité sera transmise par l'autorité tutélaire au Ministre de l'intérieur.

3) Si le postulant réside à l'étranger, sa demande sera reçue par la représentation diplomatique hongroise compétente de sa résidence ou pourra être envoyée à l'adresse du Ministre de l'intérieur directement.

Article 20. — 1) Le naturalisé ou le réintégré prêtera serment civique par-devant le président du comité exécutif du conseil municipal ou de ville (d'arrondissement de la capitale) compétent de son domicile.

2) Lorsque le naturalisé ou le réintégré réside à l'étranger, il peut prêter serment civique par-devant la représentation diplomatique hongroise compétente de sa résidence également ou peut satisfaire à son obligation par l'envoi, à l'adresse du Présidium de la République populaire hongroise, du texte du serment civique pourvu de sa signature légalisée.

CHAPITRE VI

Dispositions finales

Article 21. — Les dispositions relatives à la nationalité contenues dans les traités internationaux s'appliquent même si elles sont contraires aux dispositions de la présente loi.

Article 22. — 1) La date de la mise en vigueur de cette loi sera déterminée par un décret-loi du Présidium de la République populaire portant règlement d'administration publique pour l'application de la loi.

2) Sont abrogés à la date de la mise en vigueur de cette loi: la loi XXVI de l'an 1948; le décret n° 103.300/1948/VIII.18/ du Ministre de l'intérieur; la loi LX de l'an 1948; le décret n° 600/1949/I.23/ du Ministre de l'intérieur; le décret n° 700/1949/II.16/ du Ministre de l'intérieur; le décret n° 211/1950/VIII.20/ du Conseil des ministres; et le décret n° 182/1950/VII.9/ du Conseil des ministres; et le décret n° 5.125/1/2/1950/IX.13/ du Ministre de l'intérieur.

3) Le Présidium de la République populaire, le Ministre de l'intérieur, respectivement, sont chargés de l'exécution de cette loi.

Ireland

THE IRISH NATIONALITY AND CITIZENSHIP ACT NO. 26 OF 1956. AN ACT TO MAKE PROVISION FOR THE ACQUISITION AND LOSS OF IRISH NATIONALITY AND CITIZENSHIP

PART I

PRELIMINARY

. . .

2. In this Act:

“the Act of 1935” means the Irish Nationality and Citizenship Act, 1935 (No. 13 of 1935),¹

¹ Text in 1954 volume (ST/LEG/SER.B/4), p. 246.

“alien” means a person who is not an Irish citizen;

“consular office” includes a consulate-general, consulate or vice-consulate, whether in charge of a career or honorary consular officer;

“diplomatic officer” means an ambassador extraordinary and plenipotentiary, envoy extraordinary and minister plenipotentiary, chargé d’affaires, counsellor or secretary of embassy or legation, or attaché;

“foreign aircraft” means an aircraft which is not an Irish aircraft;

“foreign ship” means a ship which is not an Irish ship;

“full age” means the age of twenty-one years, and upwards;

“Ireland” means the national territory as defined in Article 2 of the Constitution;

“Irish citizen” means a citizen of Ireland;

“Irish aircraft” means an aircraft registered in the State;

“Irish ship” means a ship registered in the State or a ship which, if not registered in the State or under the law of any other country, is wholly owned by a person qualified to own a ship registered in the State or by persons all of whom are so qualified;

“the Minister” means the Minister for Justice;

“naturalised Irish citizen” means a person who acquires Irish citizenship by naturalisation, whether under this or any other enactment;

“prescribed” means prescribed by regulations made by the Minister;

“public service” when used in relation to the employment of a person, refers to employment in the service of the Government, whether or not in the civil service, or in the service of any public corporation or authority maintained wholly or partly out of public funds or in respect of which a Minister of State is responsible.

3. (1) The Minister may make regulations in relation to any matter or thing referred to in this Act as prescribed or to be prescribed, but no such regulation shall be made in relation to the amount or collection of fees without the consent of the Minister for Finance.

(2) Every regulation made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling the regulation is passed by either House within the next subsequent twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

4. All expenses incurred by the Minister or by the Minister for External Affairs in carrying this Act into effect shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

5. (1) The Irish Nationality and Citizenship Act, 1935 (No. 13 of 1935), and the Irish Nationality and Citizenship (Amendment) Act, 1937 (No. 39 of 1937),¹ are hereby repealed.

(2) Every person who, immediately before the passing of this Act, was a citizen of Ireland shall remain an Irish citizen, notwithstanding the foregoing repeals.

¹ Texts in 1954 volume (ST/LEG/SER.B/2), pp. 246, 262.

PART II
CITIZENSHIP

6. (1) Every person born in Ireland is an Irish citizen from birth.

(2) Every person is an Irish citizen if his father or mother was an Irish citizen at the time of that person's birth or becomes an Irish citizen under subsection (1) or would be an Irish citizen under that subsection if alive at the passing of this Act.

(3) In the case of a person born before the passing of this Act, subsection (2) applies from the date of its passing. In every other case, it applies from birth.

(4) A person born before the passing of this Act whose father or mother is an Irish citizen under subsection (2), or would be if alive at its passing, shall be an Irish citizen from the date of its passing.

(5) Subsection (1) shall not confer Irish citizenship on the child of an alien who, at the time of the child's birth, is entitled to diplomatic immunity in the State.

7. (1) Pending the re-integration of the national territory, subsection (1) of section 6 shall not apply to a person, not otherwise an Irish citizen, born in Northern Ireland on or after the 6th December, 1922, unless, in the prescribed manner, that person, if of full age, declares himself to be an Irish citizen or, if he is not of full age, his parent or guardian declares him to be an Irish citizen. In any such case, the subsection shall be deemed to apply to him from birth.

(2) Neither subsection (2) nor (4) of section 6 shall confer Irish citizenship on a person born outside Ireland if the father or mother through whom he derives citizenship was also born outside Ireland, unless

(a) That person's birth is registered under section 27, or

(b) His father or mother, as the case may be, was at the time of his birth resident abroad in the public service.

8. (1) A woman who is an alien at the date of her marriage to a person who is an Irish citizen (otherwise than by naturalisation) shall not become an Irish citizen merely by virtue of her marriage, but may do so by lodging a declaration in the prescribed manner with the Minister, or with any Irish diplomatic mission or consular office, either before or at any time after the marriage accepting Irish citizenship as her post-nuptial citizenship.

(2) A woman who lodges a declaration under subsection (1) shall be an Irish citizen from the date of her marriage, if the declaration was lodged before the marriage, or if lodged thereafter, then from the date of lodgment.

(3) A woman who, before the passing of this Act, married a person who was an Irish citizen (otherwise than by naturalisation) and became a naturalised Irish citizen shall be deemed to have lodged a declaration under subsection (1) on the passing of this Act and thereafter shall be an Irish citizen by virtue thereof and not by naturalisation.

9. A child born posthumously whose father was on the date of his death an Irish citizen shall acquire Irish citizenship under this Act on the same conditions as if his father were alive when he was born.

10. Every deserted infant first found in the State shall, unless the contrary is proved, be deemed to have been born in Ireland.

11. (1) Upon an adoption order being made, under the Adoption Act, 1952 (No. 25 of 1952), in a case in which the adopter or, where the adoption is by a married couple, either spouse is an Irish citizen, the adopted child, if not already an Irish citizen, shall be an Irish citizen.

(2) Section 25 of the Adoption Act, 1952, is hereby repealed.

12. (1) The President may grant Irish citizenship as a token of honour to a person or to the child or grandchild of a person who, in the opinion of the Government, has done signal honour or rendered distinguished service to the nation.

(2) A certificate of Irish citizenship shall be issued to the person to whom Irish citizenship is so granted and he shall, from the date of the certificate, be an Irish citizen.

(3) Notice of the issue of the certificate of citizenship shall be published as soon as may be in *Iris Oifigiúil*.

13. (1) A person born in an Irish ship or an Irish aircraft wherever it may be is deemed to be born in Ireland.

(2) A person who is born the child of aliens in a foreign ship or in a foreign aircraft while the ship or aircraft is within Ireland or its territorial seas is deemed not to be born in Ireland, if at the birth the child acquired the citizenship of another country.

PART III

NATURALISATION

14. Irish citizenship may be conferred on an alien by means of a certificate of naturalisation granted by the Minister.

15. Upon receipt of an application for a certificate of naturalisation, the Minister may, in his absolute discretion, grant the application, if satisfied that the applicant complies with the following conditions (in this Act referred to as conditions for naturalisation):

(a) He is of full age;

(b) He is of good character;

(c) He has (in the case of application made after the expiration of one year from the passing of this Act) given notice of his intention to make the application at least one year prior to the date of his application;

(d) He has had a period of one year's continuous residence in the State immediately before the date of his application and, during the eight years immediately preceding that period, has had a total residence in the State amounting to four years;

(e) He intends in good faith to continue to reside in the State after naturalisation;

(f) He has made, either before a Justice of the District Court in open court or in such manner as the Minister, for special reasons, allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

16. The Minister may, if he thinks fit, grant an application for a certificate of naturalisation in the following cases, although the conditions for naturalisation (or any of them) are not complied with:

- (a) Where the applicant is of Irish descent or Irish associations;
- (b) Where the applicant is a parent or guardian acting on behalf of a minor of Irish descent or Irish associations;
- (c) Where the applicant is a naturalised Irish citizen acting on behalf of his minor child;
- (d) Where the applicant is a woman who is married to a naturalised Irish citizen;
- (e) Where the applicant is married to a woman who is an Irish citizen (otherwise than by naturalisation);
- (f) Where the applicant is or has been resident abroad in the public service.

17. (1) An application for a certificate of naturalisation shall:

- (a) Be in the prescribed form: and
- (b) Be accompanied by such evidence (including statutory declarations) to vouch the application as the Minister may require.

(2) If any person, for the purposes of or in relation to an application for a certificate of naturalisation, gives or makes to the Minister any statement or information which is to his knowledge false or misleading in any material respect, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and imprisonment.

18. (1) Every person to whom a certificate of naturalisation is granted shall, from the date of issue and so long as the certificate remains unrevoked, be an Irish citizen.

(2) A certificate of naturalisation shall be in the prescribed form and be issued on payment of the prescribed fee, and notice of issue shall be published in the prescribed manner in *Iris Oifigiúil*.

19. (1) The Minister may revoke a certificate of naturalisation if he is satisfied

(a) That the issue of the certificate was procured by fraud, misrepresentation whether innocent or fraudulent, or concealment of material facts or circumstances; or

(b) That the person to whom it was granted has, by any overt act, shown himself to have failed in his duty of fidelity to the nation and loyalty to the State; or

(c) That (except in the case of a certificate of naturalisation which is issued to a person of Irish descent or associations) the person to whom it is granted has been ordinarily resident outside Ireland (otherwise than in the public service) for a continuous period of seven years and without reasonable excuse has not during that period registered annually in the prescribed manner his name and a declaration of his intention to retain Irish citizenship with an Irish diplomatic mission or consular office or with the Minister; or

(d) That the person to whom it is granted is also, under the law of a country at war with the State, a citizen of that country; or

(e) That the person to whom it is granted has by any voluntary act other than marriage acquired another citizenship.

(2) Before revocation of a certificate of naturalisation the Minister shall give such notice as may be prescribed to the person to whom the certificate was granted of his intention to revoke the certificate, stating the grounds therefor and the right of that person to apply to the Minister for an inquiry as to the reasons for the revocation.

(3) On application being made in the prescribed manner for an inquiry under subsection (2) the Minister shall refer the case to a Committee of Inquiry appointed by the Minister consisting of a chairman having judicial experience and such other persons as the Minister may think fit, and the Committee shall report their findings to the Minister.

(4) Where there is entered in a certificate of naturalisation granted to a person under the Act of 1935 the name of any child of that person, such entry shall for the purposes of this Act be deemed to be a certificate of naturalisation under the Act of 1935.

(5) A certificate of naturalisation granted or deemed under subsection (4) to have been granted under the Act of 1935 may be revoked in accordance with the provisions of this section and, upon such revocation, the person concerned shall cease to be an Irish citizen.

(6) Notice of the revocation of a certificate of naturalisation shall be published in *Iris Oifigiúil*.

20. Acquisition of Irish citizenship by a person shall not of itself confer Irish citizenship on his or her spouse.

PART IV

LOSS OF CITIZENSHIP

21. (1) If an Irish citizen, who is either of full age or a married woman under that age, is or is about to become a citizen of another country and for that reason desires to renounce citizenship, he or she may do so, if ordinarily resident outside the State, by lodging with the Minister a declaration of alienage in the prescribed manner, and, upon lodgment of the declaration or, if not then a citizen of that country, upon becoming such, shall cease to be an Irish citizen.

(2) An Irish citizen may not, except with the consent of the Minister, renounce Irish citizenship under this section during a time of war as defined in Article 28.3.3° of the Constitution.

22. (1) The death of an Irish citizen shall not affect the citizenship of his or her surviving spouse or children.

(2) Loss of Irish citizenship by a person shall not of itself affect the citizenship of his or her spouse or children.

23. A person who marries an alien shall not, merely by virtue of the marriage, cease to be an Irish citizen, whether or not he or she acquires the nationality of the alien.

24. No person shall be deemed ever to have lost Irish citizenship under section 21 of the Act of 1935 merely by operation of the law of another country whereby citizenship of that country is conferred on that person without any voluntary act on his part.

25. If a person ceases to be an Irish citizen the cesser of his citizenship shall not of itself operate to discharge any obligation, duty or liability undertaken, imposed or incurred before the cesser.

PART V

GENERAL

26. (1) Where the Government are satisfied that under the law of another country (whether by virtue of a convention between that country and the State or otherwise) Irish citizens enjoy in that country some or all of the rights and privileges of a citizen of that country, the Government may by order (in this section referred to as a citizenship rights order) declare that citizens of that country shall enjoy in the State similar citizenship rights and privileges to those enjoyed by Irish citizens in that country, but subject to such conditions (if any) as the Government may think fit to impose.

(2) Every citizenship rights order shall have effect in accordance with its term.

(3) The Government may by order revoke or amend an order under this section.

(4) The Government shall not, by a citizenship rights order, confer upon a citizen of another country any right or privilege reserved by law to any class or group of persons, howsoever defined, of which he is, at the relevant time, not a member.

(5) Every order under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling the order is passed by either House within the next twenty-one days after that House has sat after the order was laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

(6) Every order made before the passing of this Act under section 23 of the Act of 1935 conferring citizenship rights on the citizens of another country shall continue in full force and effect until revoked or amended by an order made under this section.

27. (1) A foreign births entry book shall be kept in every Irish diplomatic mission and consular office and a foreign births register shall be kept in the Department of External Affairs in Dublin.

(2) The birth outside Ireland of a person deriving citizenship through a father or mother born outside Ireland may be registered, in accordance with the foreign births regulations, either in any foreign births entry book or in the foreign births register, at the option of the person registering the birth.

(3) Particulars of all births entered in a foreign births entry book shall be transmitted, from time to time, in accordance with the foreign births regulations, to the Department of External Affairs for entry in the foreign births register.

(4) A document purporting to be a copy of an entry in a foreign births entry book or in the foreign births register, and to be duly authenticated, shall be admitted in evidence without proof of the signature or seal whereby it is authenticated or of the authority of the person whose signature or seal appears thereon and shall, until the contrary is proved, be deemed a true copy of the entry and accepted as proof of the fact and terms thereof.

(5) The Minister for External Affairs may make regulations (in this Act referred to as the foreign births regulations) respecting the form and manner of keeping of foreign births entry books and the foreign births register, the registration of births therein, the transmission of particulars of births from foreign births entry books for entry in the foreign births register, the inspection of the books and register by the public, the furnishing of extracts therefrom, and (with the consent of the Minister for Finance) the fees (if any) to be charged for registration of births in the books and register, for the inspection thereof and for furnishing extracts therefrom.

28. (1) Any person, who claims to be an Irish citizen, other than a naturalised Irish citizen, may apply to the Minister or, if resident outside Ireland, to any Irish diplomatic officer or consular officer for a certificate of nationality stating that the applicant is, at the date of the certificate, an Irish citizen; and the Minister or officer, if satisfied that:

(a) The applicant is an Irish citizen, and

(b) The issue of the certificate is necessary in all the circumstances of the case,

may issue a certificate of nationality to him accordingly.

(2) A document purporting to be a certificate of nationality, duly authenticated by the seal of the Minister or of a diplomatic or consular officer, shall, until the contrary is proved, be evidence that the person named therein was, at the date thereof, an Irish citizen.

29. An Irish citizen, wherever born, shall be entitled to all the rights and privileges conferred by the terms of any enactment on persons born in Ireland.

30. Whenever any person is by this Act required or empowered to make a declaration for the purposes of this Act, regulations made under this Act may require that such person shall pay, on the making of such declaration, such fee as may be prescribed.

31. (1) All fees payable under this Act shall be collected and taken in such manner as the Minister for Finance shall, from time to time, direct and shall be paid into or disposed for the benefit of the Exchequer in accordance with the directions of the said Minister.

(2) The Public Offices Fees Act, 1879, shall not apply in respect of any fees payable under this Act.

Israel

(a) LAW OF RETURN (AMENDMENT) 5714-1954¹

1. In section 2 (b) of the Law of Return, 5710-1950:²

(1) The full stop at the end of paragraph (2) shall be replaced by a semicolon, and the word "or" shall be inserted thereafter;

¹ Passed by the Knesset on the 24th Av, 5714 (23rd August, 1954) and published in *Sefer Ha-Chukkim* No. 163 of the 3rd Elul, 5714 (1st September, 1954) p. 174; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 192 of 5714, p. 88.

² For text, see the 1954 volume (ST/LEG/SER.B/4), p. 263.

(2) The following paragraph shall be inserted after paragraph (2):

“(3) Is a person with a criminal past, likely to endanger public welfare.”

2. In section 2 and 5 of the Law, the words “the Minister of Immigration” shall be replaced by the words “the Minister of the Interior”.

(b) NATIONALITY (AMENDMENT) LAW, 5718-1958 ¹

1. Section 10 of the Nationality Law, 5712-1952 ² shall be replaced by the following section:

“RENUNCIATION OF NATIONALITY

“10. (a) An Israel national of full age, not being an inhabitant of Israel, may declare that he desires to renounce his Israel nationality.

“(b) An Israel national of full age who declares that he desires to cease being an inhabitant of Israel, may, if the Minister of the Interior considers that there is a special reason justifying this, declare that he desires to renounce his Israel nationality.

“(c) Every renunciation of Israel nationality is subject to the consent of the Minister of the Interior.

“(d) Where the Minister of the Interior has consented to the renunciation, Israel nationality shall terminate on the day fixed by the Minister.

“(e) The Israel nationality of a minor terminates upon his parents' renouncing their Israel nationality, but where the parents have renounced their Israel nationality under subsection (b), the Minister of the Interior may, if he considers that there is a special reason justifying this, refuse to consent to the renunciation in so far as it concerns the termination of the minor's Israel nationality.

“(f) The Israel nationality of a minor shall not terminate by virtue of this section so long as one of his parents remains an Israel national.”

Japan

Note. A Note of 14 March 1954 from the Permanent Representative of Japan to the United Nations stated that the Japanese Nationality Law of 4 May 1950, included in the 1954 volume of the *United Nations Legislative Series on Laws concerning Nationality*, ST/LEG/SER.B/4, p. 271, had not been revised except that the term “the Attorney-General” of the provisions of Article 3, 4, 5, 6, 7, 12 and 13 of that law had been replaced by the term “the Minister of Justice” under the Law No. 268 of 1952.

¹ Passed by the Knesset on the 11th Adar, 5718 (3rd March, 1958) and published in *Sefer Ha-Chukkim* No. 246 of the 21st Adar, 5718 (13th March, 1958), p. 84; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 337, of 5718, p. 160.

² For text, see the 1954 volume (ST/LEG/SER.B/4), p. 263.

Netherlands¹

- (a) ACT OF 16 JULY 1958, BULLETIN OF ACTS, ORDERS AND DECREES No. 342, AMENDING THE ACT RELATIVE TO NETHERLANDERSHIP AND RESIDENTSHIP IN RESPECT OF WOMEN WHO HAVE BEEN MARRIED AND MINOR CHILDREN

Article 1. The Act relative to Netherlandership and Residentsip (A.O.D. 1892, No. 268)² shall be amended as follows:

A. In the second paragraph of Article 6 the words "having become a widow" shall be replaced by "after the death of the child's father".

B. Article 8 shall read as follows:

A woman who has lost the status of Netherlander through her marriage or in consequence thereof shall regain it by the dissolution of her marriage, provided that within one year thereafter or within one year after the date on which she was in a position to learn of the dissolution of the marriage, she gives notice of her desire to regain it to the authority referred to in Article 12a.

A woman who has not re-married may notify the above-mentioned authority of her desire to regain the status of Netherlander also after the expiry of the period referred to in the preceding paragraph if at the time such notice is given she has resided in the Kingdom for at least one year and has not acquired any other nationality of her own free will after the dissolution of her marriage. In this case she shall regain Netherlandership on the date the notice is given.

C. After Article 8 an article shall be inserted reading:

Article 8a. We may grant Netherlandership to a minor child born of or legitimated by or during the marriage of a Netherlands woman to an alien or of a woman who lost the status of Netherlander as a result of her marriage if the woman submits a request to that effect after the death of the child's father, she is a Netherlands national at the time the request is submitted and the child has resided in the Kingdom or has had its principal residence there for a period of one year immediately preceding the submission of the request. The granting of Netherlandership shall be published in the Netherlands State Gazette and in the corresponding gazettes for Surinam, the Netherlands Antilles or Netherlands New Guinea in case the child resides or has its principal residence in one of these parts of the Kingdom.

When the child referred to in the preceding paragraph comes of age under Netherlands law, it shall lose the status of Netherlander, if within one year thereafter it gives notice to the authority referred to in Article 12a of its desire to relinquish that status.

D. Article 9 shall read as follows:

A woman who has acquired the status of Netherlander through her marriage or as a consequence thereof shall lose it by the dissolution of her mar-

¹ The documents reproduced under the Netherlands have been provided in English by the Permanent Representative of the Netherlands to the United Nations.

² For the text of this Act and amending acts, see the 1954 volume (ST/LEG/SER.B/4), p. 321.

riage, if within one year thereafter or within one year after the date on which she was in a position to learn of the dissolution of the marriage, she gives notice to the authority referred to in Article 12a of her desire to relinquish it.

(b) ACT OF 23 DECEMBER 1953 (A.O.D. 620), FOR REVOCATION OF THE ROYAL DECREE OF 22 MAY 1943 (A.O.D. D 16) (THE PREVENTION OF UNDESIRABLE CONSEQUENCES OF ACQUIRING FOREIGN NATIONALITY AFTER 9 MAY 1940) WITH REGULATION OF TRANSITIONAL LAW

Article I. The Royal Decree of 22 May 1943 (A.O.D. D 16)¹ shall be revoked, to the effect that those who without the operation of this Decree would not or would no longer possess the status of Netherlander or Netherlands subject shall lose this status upon the entry into force of this Act.

Article II. Any woman who by or as a result of her marriage to an alien has not lost the status of Netherlander or Netherlands subject, but who loses this status as a result of Article I, shall recover this status by the dissolution of the marriage, provided that within one year after that dissolution or within one year after the entry into force of this Act she has declared or declares her intention of recovering that status to the authority referred to in Article 8 of the Act relative to Netherlandership and Residentsip, as this Article was worded or is worded at the time when she declared or declares her intention, or to the authority referred to in the penultimate paragraph of Article 2 of the Act of 10 February 1910 (A.O.D. 55), as amended.²

Article III. Any child referred to in Article 10 of the Act relative to Netherlandership and Residentsip which has not lost the status of Netherlander, but loses this status as a result of Article I, shall recover Netherlands nationality upon attaining its majority within the meaning of Netherlands law, provided that within one year after attaining its majority or, if it has already attained its majority, within one year after the entry into force of this Act, it has declared or declares its intention of recovering that status to the authority referred to in the above-mentioned Article 10, as this Article was worded or is worded at the time when it declared or declares its intention.

Article IV. This Act shall be likewise binding on Surinam, the Netherlands Antilles and Netherlands New Guinea, and shall enter into force at a future date to be determined by us.

(c) ACT OF 24 DECEMBER 1953 (A.O.D. No. 631) AMENDING PARAGRAPHS 3 AND 4 OF ARTICLE I OF THE ACT OF 30 JULY 1953 (A.O.D. No. 363) CONTAINING PROVISIONS FOR ELIMINATING STATELESSNESS

EXTRACT

Article I. The third paragraph of article I of the Act of 30 July, 1953 (A.O.D. 363)³ shall read as follows:

3. For the acquisition of Netherlandership a fee is due to the Treasury in

¹ *Ibid.*, p. 328.

² *Ibid.*, p. 326.

³ *Ibid.*, p. 336.

accordance with the table set out below. In this table income signifies the amount which for the calendar year prior to the submission of the request is subject to income tax levied by one or more parts of the Realm.

Income	Fee due to the Treasury of the Realm
less than f. 1000	f. 25
of f. 1000 but less than f. 2000	f. 50
of f. 2000 but less than f. 3000	f. 75
of f. 3000 but less than f. 4000	f. 100
of f. 4000 but less than f. 5000	f. 200
f. 5000 or more	f. 300, increased by f. 100 for each full sum of f. 2000 by which the income exceeds f. 5000; the maximum fee not to exceed f. 1000.

In case of absence of income Netherlandership shall be granted free of cost.

Article II. Sub-paragraph (c) of the fourth paragraph of article I of the Act of 30 July 1953 (A.O.D. 363) shall read as follows:

(c) A certificate proving that he has deposited with the receiver of direct taxes the amount due in respect of his being granted Netherlandership, or a declaration issued by the inspector of taxes to the effect that the applicant had no taxable income within the meaning of the third paragraph during the calendar year prior to the filing of his application.

New Zealand

ADOPTION ACT 1955¹

16. . . .

. . .

(2) . . .

(e) The adoption order shall not affect the race, nationality, or citizenship of the adopted child.

Pakistan

NATURALIZATION (AMENDMENT) ACT, 1957

. . .

1. (1) This act may be called the Naturalization (Amendment) Act, 1957.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. In sub-section (1) of section 3 of the Naturalization Act, 1926,² for clause (c) the following shall be substituted, namely:

¹ In his Note of 12 August 1958, the Minister of External Affairs of New Zealand pointed out that since the date of the publication of the 1954 volume (ST/LEG/SER.B/4) "the only change in New Zealand laws and regulations relating to nationality has been the substitution of section 16 (2) (e), Adoption Act 1955, for section 21 (2) (e), Infants Amendment Act 1950".

² For the text of this Act see the 1954 volume (ST/LEG/SER.B/4), p. 356.

“(c) That he has resided in Pakistan throughout the period of twelve months immediately preceding the date of the application, and has, during the seven years immediately preceding the said period of twelve months, resided in Pakistan for a period amounting in the aggregate to not less than four years;”

Sudan

THE SUDANESE NATIONALITY ACT No. 22 OF 1957. AN ACT TO MAKE
PROVISION FOR SUDANESE NATIONALITY AND FOR MATTERS CONNECTED
THEREWITH ^{1 2}

Be it hereby enacted by Parliament as follows:

PART I. PRELIMINARY

1. This Act may be cited as the Sudanese Nationality Act, 1957.
2. The Definition of Sudanese Ordinance, 1948 is hereby repealed.
3. In this Act, unless the contrary intention appears:

“Alien” means a person who is not a Sudanese;

“Certificate of Naturalization” means a certificate of naturalization granted or deemed to have been granted under this Act;

“Child” means a legitimate child and includes an adopted child and a step child;

“Council” means the Council of Ministers;

“Disability” means the incapacity attached to any person by reason of minority or unsoundness of mind;

“Domicile” means the place in which a person has his home or in which he resides and to which he returns as his place of permanent abode, and does not mean the place where he resides for a special or temporary purpose only;

“Father” in regard to a person born out of wedlock or not legitimated, includes the mother of the person;

“Minister” means the Minister of the Interior;

“Minor” means a person who has not attained the age of twenty-one years;

“Prescribed” means prescribed by regulations made under this Act;

“Responsible parent” in relation to a child, means the father of that child or, where the mother has been given the custody of the child by the order of a competent court, or the father is dead, or the child was born out of wedlock and resides with the mother, means the mother of that child.

“Sudan” comprises all those territories which were included in the Anglo-Egyptian Sudan, immediately before the commencement of the Transitional Constitution of the Sudan.

¹ English text provided by the Minister of Foreign Affairs of Republic of the Sudan.

² See the Sudanese Nationality Regulations, 1957, in the *Legislative Supplement to the Republic of the Sudan Gazette* No. 911, 15 August 1957.

4. A person shall, for the purposes of this Act, be of full age, if he has attained the age of eighteen years, and of full capacity if he is not of unsound mind.

PART II. NATIONALITY BY DESCENT

5. (1) A person born before the commencement of this Act shall be a Sudanese by descent, if:

(a) (i) He was born in the Sudan, or his father was born in the Sudan; and

(ii) He, at the coming into force of this Act, is domiciled in the Sudan, and has been so domiciled since 31st December 1897 or else whose ancestors in the direct male line since that date have all been so domiciled; or

(b) Has acquired and maintained the status of a Sudanese by domicile under Section 3 (a) of the Definition of Sudanese Ordinance, 1948.

(2) A person born after the commencement of this Act, shall be a Sudanese if his father is a Sudanese at the time of his birth.

6. A person who is or was first found as a deserted infant of unknown parents, shall, until the contrary is proved, be deemed to be a Sudanese by descent.

7. The Minister shall, on the application of any Sudanese by descent under the provisions of this part of the Act, and upon payment of the prescribed fees, issue to such applicant a nationality certificate in the prescribed form.

PART III. NATURALIZATION

8. (1) The Minister may, in his discretion, grant a certificate of naturalization as a Sudanese to an alien who makes an application in the prescribed form and satisfies the Minister that:

(a) He is of full age and capacity;

(b) He has been domiciled in the Sudan for a period of ten years immediately preceding the date of the application;

(c) He has an adequate knowledge of the Arabic language or, if he has not such adequate knowledge, he has resided continuously in the Sudan for more than twenty years;

(d) He is of good character;

(e) He intends, if naturalized, to continue to reside permanently in the Sudan; and

(f) If he is a national of any foreign country under any law in force in that country, he has formally renounced the nationality of that country.

(2) No certificate of naturalization shall be granted to any person under the preceding sub-section, until the applicant has taken the oath of allegiance in the form set out in the schedule hereto.

(3) A person to whom a certificate of naturalization has been granted under this section, shall have the status of a Sudanese by naturalization as from the date of that certificate.

(4) The Minister may, upon application in that behalf, include in a certificate of naturalization the names of any minor children of whom the

grantee is the responsible parent; such minor shall, as from the date of such inclusion, have the status of a Sudanese by naturalization.

(5) A grant made under Section 4 of the Definition of Sudanese Ordinance, 1948, shall be deemed to be a certificate of naturalization granted under sub-section (I).

9. The Minister shall grant a certificate of naturalization as a Sudanese to an alien woman who makes an application in the prescribed form and satisfies the Minister that:

- (a) She is the wife of a Sudanese;
- (b) She has resided with her husband in the Sudan for a continuous period of not less than one year immediately preceding the application; and
- (c) She has renounced her foreign nationality.

10. The Minister's refusal to grant a certificate of naturalization as a Sudanese shall be final and shall not be contested in any Court, but the Minister may at any subsequent time grant such certificate.

11. There shall be kept and maintained, in the prescribed form, a register of persons who are granted the Sudanese nationality by naturalization.

PART IV. LOSS OF NATIONALITY

12. Where the Council is satisfied that a Sudanese of full age and capacity:

- (a) Has acquired the nationality of a foreign country by any voluntary and formal act other than marriage; or
- (b) Has made a declaration renouncing his Sudanese nationality: Provided however, that the Council may refuse to accept such declaration if it is made during the continuance of any war in which the Sudan is engaged; or
- (c) Has, after the commencement of this Act, taken or made an oath, affirmation or other declaration of allegiance to a foreign country; or
- (d) Has entered or continued in the service of a foreign country, in contravention of any express provision of any Law in that behalf; the Council may order that such person shall cease to be a Sudanese.

13. (1) Where the Council is satisfied that a Sudanese by naturalization:

- (a) Has obtained his certificate of naturalization by fraud, false representation or the concealment of any material fact, or
- (b) Has, during any war in which the Sudan is or has been engaged, unlawfully traded or communicated with the enemy or with a subject of any enemy state or has been engaged in, or associated with, any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or
- (c) Has, within five years after the date on which he was naturalized, been sentenced in any country to imprisonment for a term not less than one year; or
- (d) If out of the Sudan, has shown himself by act or speech to be disloyal or disaffected towards the Sudan; or
- (e) If in the Sudan, has been convicted of any offence involving disloyalty or disaffection to the Sudan; or

(f) Has resided outside the Sudan for a continuous period of five years unless:

(i) He has so resided by reason of his service under the Sudan Government or of his service with an international organization of which the Sudan is a member; or

(ii) He has so resided as the representative or employee of a person, company or firm resident or established in the Sudan; or,

(iii) In the case of a wife or minor child of a person referred to in paragraphs (i) or (ii), such wife or child has so resided with such person; or

(iv) He has, at least once in every year during that period, given notice to the Minister in the prescribed form of his intention to retain his Sudanese nationality;

the Council may by order, deprive that person of his Sudanese nationality.

(2) Before making an order under this section, the Council shall give to the person in respect of whom the order is proposed to be made, notice in writing informing him of the ground on which the order is proposed to be made, and that he may apply to have the case referred to a committee of inquiry.

(3) If in accordance with the provisions of the preceding sub-section and within a period of six months of the date of the notice, such person so applies, the Council shall refer the case to a committee for inquiry as hereinafter provided.

(4) An inquiry under this section shall be held by a committee constituted for the purpose by the Council, and the Chairman shall be a person who holds or had held a judicial office not below the status of a Province Judge.

(5) The person in respect of whom an order is proposed to be made under this section, shall be entitled to appear before the committee of inquiry personally or by an advocate or a duly authorised agent on his behalf.

(6) The Committee appointed under this section shall have all such powers, rights and privileges as are vested in a Court of a District Judge of the First Grade in respect of:

(a) Enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise, and the issue of a commission or request to take evidence abroad; and

(b) Compelling the production of documents.

(7) The Committee of inquiry shall, on such reference hold the inquiry in such manner as may be prescribed and submit its report to the Council, and the Council shall act upon the decision of the Committee.

14. Where the Council orders that any person shall cease to be a Sudanese, or be deprived of his Sudanese nationality, the order shall have effect from such date as the Council may direct, and thereupon the said person shall cease to be a Sudanese.

15. When a person ceases to be a Sudanese or has been deprived of his Sudanese nationality, he shall not thereby be discharged from any obligation, duty or liability in respect of any act or thing done or omitted before he has ceased to be a Sudanese or been deprived of the Sudanese nationality.

16. (1) When the responsible parent of a minor ceases to be a Sudanese under Section 12 of this Act, that minor shall cease to be a Sudanese only if he is or thereupon becomes under the Law of any country, other than the Sudan, a national of that country.

(2) Where a person is deprived of his Sudanese nationality under Section 13 of this Act, the Minister may, by order, direct that all or any of the minor children of whom that person is the responsible parent shall cease to be Sudanese: Provided that such minor may, within one year after attaining majority, make a declaration that he wishes to resume the Sudanese nationality, and thereupon he shall again become a Sudanese.

17. The Minister shall cause to be published in the Gazette the names and addresses of persons who have lost or who have been deprived of their Sudanese nationality under this Part of the Act.

PART V. MISCELLANEOUS

18. Any references in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death; and where the death occurred before, and the birth after, the commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

19. Every person who:

(a) For any of the purposes of this Act knowingly makes a false representation or a statement false in a material particular; or

(b) Uses another person's certificate of naturalization to personate that other person; or

(c) Knowingly permits his certificate of naturalization to be used to personate himself; or

(d) Having been deprived of his Sudanese nationality under Section 13 fails, upon being so demanded by the Minister, to surrender his certificate of naturalization:

shall be guilty of an offence, and shall on conviction be liable to imprisonment for a term which may extend to three years or to fine or to both.

20. The Minister may make regulations generally for carrying into effect the provisions and purposes of this Act, and in particular may by such regulations provide for:

(a) The forms to be used and the registers to be maintained under this Act;

(b) The administration and taking of oaths of allegiance under this Act, and the manner in which such oaths shall be taken and recorded;

(c) The payment of fees in respect of any registration, the making of any declaration or the grant of any certificate authorised to be made or granted by this Act, and in respect of the administration or registration of an oath;

(d) The procedure to be followed by the committee of inquiry appointed under Section 13 of this Act.

THE SCHEDULE

Oath of Allegiance

I . . . do hereby swear by the Almighty God (or do solemnly affirm) that I will bear true faith and allegiance to the Constitution of the Sudan as by law established and that I will faithfully observe the Laws of the Sudan and fulfil my duties as a Sudanese citizen.

Suisse

LOI FÉDÉRALE COMPLÉTANT LA LOI SUR L'ACQUISITION ET LA PERTE DE LA NATIONALITÉ SUISSE ¹, 7 DÉCEMBRE 1956

La loi du 29 septembre 1952 sur l'acquisition et la perte de la nationalité suisse est complétée par l'article suivant:

Article 58 bis. — 1. Les anciennes Suissesses qui, avant l'entrée en vigueur de la présente loi, ont perdu la nationalité suisse par le mariage ou par l'inclusion dans la libération de leur mari, peuvent, lorsque leur mariage n'est pas dissous et qu'elles ne sont pas séparées, être réintégrées dans cette nationalité.

2. La procédure et les effets de la réintégration sont réglés par les dispositions des articles 18, 24, 25, 51, 1^{er} alinéa, et 52. Les articles 28 et 37 à 41 sont applicables par analogie.

United Arab RepublicLOI N° 391 DE 1956 SUR LA NATIONALITÉ ÉGYPTIENNE ²

Article premier. — Sont Egyptiennes:

1. Les personnes établies en territoire égyptien avant le 1^{er} janvier 1900, qui y ont conservé leur résidence jusqu'à la date de la publication de la présente loi et qui ne sont pas des ressortissants d'un Etat étranger.

La résidence des ascendants est considérée comme complétant celle des descendants et de l'épouse, tant qu'existe l'intention de résider.

Ne jouiront de cette disposition: *a*) ni les sionistes, *b*) ni les personnes condamnées pour crime portant atteinte à leur loyalisme envers le pays ou impliquant une trahison.

¹ Le texte de la loi du 29 septembre 1952 sur l'acquisition et la perte de la nationalité suisse a été reproduit dans le volume de 1954 (ST/LEG/SER.B/4), p. 443. Cette loi a été complétée par une loi du 7 décembre 1956 (entrée en vigueur le 1^{er} mai 1957) qui lui ajoute un article, 58*bis*, et dont le texte se trouve reproduit ici. Dans sa note en date du 24 avril 1958, l'observateur permanent de la Suisse auprès de l'Organisation des Nations Unies a fait observer que « l'article 58*bis* remplace, en tant que disposition transitoire, l'article 58 qui a perdu tout effet au 31 décembre 1953. Il permet à toutes les anciennes Suissesses (et non plus seulement aux Suissesses par naissance) d'être réintégrées, bien qu'encore mariées avec un étranger, dans la nationalité suisse perdue avant l'entrée en vigueur de la loi de 1952 ».

² Le texte français de l'article premier de cette loi a été fourni par le représentant permanent de la République arabe unie auprès des Nations Unies.

2. Les personnes indiquées à l'article premier de la loi précitée n° 160¹ de 1950; toutefois, aucune demande de certificat de nationalité égyptienne ne sera acceptée des personnes visées par le paragraphe I du dit article, un an après l'entrée en vigueur de la présente loi ou, en ce qui concerne les mineurs, un an après leur majorité.

L'acquisition de la nationalité égyptienne en application des dispositions de la présente loi s'étend aux enfants mineurs et à l'épouse qui était mariée avant l'entrée en vigueur de la loi n° 160 de 1950.

Les dispositions du présent article ne sont pas applicables aux personnes qui ont été précédemment décliues de la nationalité égyptienne.

United Kingdom

(a) BRITISH PROTECTED STATES (FUJAIRAH AND KALBA) ORDER, 1952²

Whereas by Sub-Section (2) of Section 5 of the British Protectorates, Protected States, and Protected Persons Order in Council, 1949³ (hereinafter referred to as "the Principal Order") all the Trucial Shaikhdoms of Oman listed in the first column of the Second Schedule to the Order, being territories under the protection of Her Majesty, are declared to be protected states for the purposes of the British Nationality Act, 1948⁴ (hereinafter referred to as "the Act");

And Whereas Fujairah has been recognised by Her Majesty as a State under British protection and as possessing territories formerly possessed by the Trucial Shaikhdom of Sharjah, one of the Trucial Shaikhdoms listed in the first column of the Second Schedule to the Principal Order;

And Whereas all the territory of the Trucial Shaikhdom of Kalba, which is included in the list in the Second Schedule to the Principal Order, has since been incorporated in the Trucial Shaikhdom of Sharjah and consequently Kalba is no longer recognised as a separate territory under British protection;

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by Sections 30 and 32 of the Act and of other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. The Second Schedule to the principal Order shall be amended by deleting "Kalba" from the list of the Trucial Shaikhdoms of Oman and by adding "Fujairah" to the said list.

. . .

2. This Order shall come into force on the 30th day of July, 1952. . . .

. . .

¹ For text, see the 1954 volume (ST/LEG/SER.B/4), p. 136.

² Statutory Instruments 1957, No. 1417.

³ S.I. 1949/140; 1949 I, p. 522; text in 1954 volume (ST/LEG/SER.B/4), p. 491.

⁴ 11 & 12 Geo. 6. c. 56; text in 1954 volume (ST/LEG/SER.B/4), p. 468.

(b) BRITISH PROTECTORATES, PROTECTED STATES AND PROTECTED PERSONS (AMENDMENT) ORDER IN COUNCIL, 1953¹

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the twentieth day of November, 1953, to delegate to Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness the Princess Margaret, His Royal Highness The Duke of Gloucester, Her Royal Highness The Princess Royal and the Earl of Harewood, or any two or more of them, as Counsellors of State, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval of anything for which Her Majesty's approval in Council is required:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness the Princess Margaret, being authorized thereto by the said Letters Patent, and in pursuance of the powers conferred on Her Majesty by the British Nationality Act, 1948,² and of all other powers enabling Her Majesty in that behalf, do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:

1. (1) This Order may be cited as the British Protectorates, Protected States and Protected Persons (Amendment) Order in Council, 1953, and shall be construed as one with the British Protectorates, Protected States and Protected Persons Order in Council, 1949³ (hereinafter referred to as "the Principal Order").

(3) This Order shall come into operation on the First day of January, 1954.

2. The First Schedule to the Principal Order is hereby amended by the insertion after the words "Aden Protectorate" of the words "and Kamaran".

(c) BRITISH PROTECTORATES, PROTECTED STATES AND PROTECTED PERSONS (AMENDMENT) ORDER IN COUNCIL, 1958⁴

1. (1) This Order may be cited as the British Protectorates, Protected States and Protected Persons (Amendment) Order in Council, 1958, and shall be construed as one with the British Protectorates, Protected States and Protected Persons Order in Council, 1949⁵ (hereinafter referred to as the "Principal Order").

2. Section 8 of the Principal Order is hereby amended by the numbering of the section as subsection (1) . . . and by the addition after subsection (1) of the following new subsection:—

"(2) The references to protectorates in section 10 (2) and in the definition of 'person naturalised in the United Kingdom and Colonies' in

¹ *Statutory Instruments 1953, No. 1773.*

² See footnote 3, p. 77.

³ See footnote 2, p. 77.

⁴ *Statutory Instruments 1958, No. 259.*

⁵ See footnote 2, p. 77.

section 32 (1) of the Act, and in paragraph 4 of the Second Schedule to the Act, shall be construed as including references to the New Hebrides.”

(d) BRITISH PROTECTORATES, PROTECTED STATES, AND PROTECTED PERSONS (AMENDMENT NO. 2) ORDER IN COUNCIL, 1958 ¹

1. (1) This Order may be cited as the British Protectorates, Protected States and Protected Persons (Amendment No. 2) Order in Council, 1958, and shall be construed as one with the British Protectorates, Protected States and Protected Persons Order in Council, 1949 ² (hereinafter referred to as “the Principal Order”).

(3) Subsection (2) of section 1 of the British Protectorates, Protected States and Protected Persons (Amendment) Order in Council, 1958, is hereby revoked.

2. Section 7 of the Principal Order is hereby amended by the deletion of the words “any reference in the Act” and the substitution therefor of the words “any reference in the British Nationality Acts, 1948 ³ and 1958.” ⁴

3. Subsection (1) of section 8 of the Principal Order is hereby amended by the insertion of the words “and in section 3 of the British Nationality Act, 1958”, immediately after the words “Second Schedule to the Act.”

(e) GHANA INDEPENDENCE ACT, 1957 ⁵

2. As from the appointed day, the British Nationality Act, 1948, ⁶ shall have effect:

(a) With the substitution in subsection (3) of section one thereof (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) for the words “and Ceylon” of the words “Ceylon and Ghana”;

(b) As if in the British Protectorates, Protected States and Protected Persons Order in Council, 1949, ⁷ the words “Northern Territories of the Gold Coast” in the First Schedule thereto and the words “Togoland under United Kingdom Trusteeship” in the Third Schedule thereto were omitted:

Provided that a person who, immediately before the appointed day, was for the purposes of the said Act and Order in Council a British protected person by virtue of his connection with either of the territories mentioned in paragraph (b) of this section shall not cease to be such a British protected person for any of those purposes by reason of anything contained in the foregoing provisions of this Act, but shall so cease upon his becoming a citizen

¹ *Statutory Instruments 1958, No. 590.*

² See footnote 2, p. 77.

³ See footnote 3, p. 77.

⁴ Published sub (h) below.

⁵ An Act to make provision for, and in connection with, the attainment by the Gold Coast of fully responsible status within the British Commonwealth of Nations (5-6. *Eliz. 2, Ch. 6*).

⁶ See footnote 3, p. 77.

⁷ See footnote 2, p. 77.

of Ghana under any law of the Parliament of Ghana making provision for such citizenship.

. . .

5. (1) . . .

(2) In this Act, the expression "the appointed day" means the sixth day of March, nineteen hundred and fifty-seven, unless before that date Her Majesty has by Order in Council appointed some other day to be the appointed day for the purposes of this Act.

. . .

(f) FEDERATION OF MALAYA INDEPENDENCE ACT, 1957¹

. . .

2. (1) On and after the appointed day, all existing law to which this section applies shall, until otherwise provided by the authority having power to amend or repeal that law, continue to apply in relation to the Federation or any part thereof, and to persons and things in any way belonging thereto or connected therewith, in all respects as if no such agreement as is referred to in subsection (1) of section one of this Act had been concluded:

Provided that:

(a) The enactments referred to in the First Schedule to this Act shall have effect as from the appointed day subject to the amendments made by that Schedule (being amendments for applying in relation to the Federation certain statutory provisions applicable to Commonwealth countries having fully responsible status within Her Majesty's dominions);

(b) Her Majesty may by Order in Council make such further adaptations in any Act of the Parliament of the United Kingdom passed before the appointed day, or in any instrument having effect under any such Act, as appear to Her necessary or expedient in consequence of the agreement referred to in subsection (1) of section one of this Act;

(c) In relation to the Colonial Development and Welfare Acts, 1940 to 1955, this subsection shall have effect only so far as may be necessary for the making of payments on or after the appointed day in pursuance of schemes in force immediately before that day and in respect of periods falling before that day;

(d) Nothing in this section shall be construed as continuing in force any enactment or rule of law limiting or restricting the legislative powers of the Federation or any part thereof.

(2) An Order in Council made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) An Order in Council made under this section may be varied or revoked by a subsequent Order in Council so made and may, though made after the appointed day, be made so as to have effect from that day.

(4) In this section "existing law" means any Act of Parliament or other enactment or instrument whatsoever, and any rule of law, which is in force

¹ An Act to make provision for and in connection with the establishment of the Federation of Malaya as an independent sovereign country within the Commonwealth (5-6 *Eliz. 2, Ch. 60*).

on the appointed day or, having been passed or made before the appointed day, comes into force after that day; and the existing law to which this section applies is law which operates as law of, or of any part of, the United Kingdom, Southern Rhodesia, or any colony, protectorate or United Kingdom trust territory except that this section:

(a) Does not apply to any law passed by the Federal Legislature of Rhodesia and Nyasaland;

(b) Applies to other law of, or of any part of, Southern Rhodesia, so far only as concerns law which can be amended neither by a law passed by the Legislature thereof nor by a law passed by the said Federal Legislature; and

(c) Applies to other law of, or any part of, Northern Rhodesia or Nyasaland so far only as concerns law which cannot be amended by a law passed by the said Federal Legislature.

(5) References in subsection (4) of this section to a colony, a protectorate and a United Kingdom trust territory shall be construed as if they were references contained in the British Nationality Act, 1948.¹

SCHEDULES

FIRST SCHEDULE

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

Nationality and Citizenship

1. Subsection (3) of section one of the British Nationality Act, 1948² (which specifies the Commonwealth countries whose citizens are British subjects or Commonwealth citizens) shall have effect as if for the words "and Ghana" there were substituted the words "Ghana and the Federation of Malaya"; and the British Protectorates, Protected States and Protected Persons Order in Council, 1949,¹ made in pursuance of sections thirty and thirty-two of that Act, shall have effect as if the references to the Malay States in section eight of that Order and in the Second Schedule thereto were omitted.

(g) BRITISH NATIONALITY ACT, 1958^{3 4}

1. (1) Subject to the following provisions of this section:

(a) The Federation of Rhodesia and Nyasaland shall be substituted for Southern Rhodesia in subsection (3) of section one of the principal Act

¹ See footnote 3, p. 77.

² See footnote 2, p. 77.

³ "An Act to amend the British Nationality Act, 1948, by making provision in relation to the Federation of Rhodesia and Nyasaland and to Ghana, by extending the provisions for registering persons as citizens of the United Kingdom and Colonies, by extending and providing for the discharges of the functions in Commonwealth countries of High Commissioners for Her Majesty's Government in the United Kingdom, and for purposes connected therewith" (6-7 *Eliz.* 2, *Ch.* 10). For the British Nationality Act 1948, see footnote 3, p. 77.

⁴ See the British Nationality Regulations, 1958 (*Statutory Instruments*, 1958 No. 655) made under this Act.

(which lists Commonwealth countries with separate citizenship from that of the United Kingdom and Colonies);

(b) The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in the principal Act to a protectorate.

(2) Paragraph (a) of subsection (1) of this section shall not extend the meaning of the term "colony" in the principal Act to include Southern Rhodesia.

(3) Paragraph (b) of subsection (1) of this section shall not affect the meaning of the term "British protected person" or "Crown service under Her Majesty's government in the United Kingdom" in the principal Act, or affect the operation of subsection (1) of section thirty of the principal Act (which enables Orders in Council to be made as respects protectorates and protected states and on which the meaning of the term "protectorate" partly depends); nor shall that paragraph be taken as applying to references to a protectorate in any enactment or document in which the meaning of the term depends on its meaning in the principal Act.

(4) Nothing in this section shall affect any provision of the principal Act in so far as it operates with reference to a state of affairs existing before the coming into operation of this section.

(5) This section shall come into operation on such date as the Secretary of State may appoint by order made by statutory instrument at the request of the government of the Federation of Rhodesia and Nyasaland.¹

2. (1) Subject to the provisions of this section, any person who is a citizen of the United Kingdom and Colonies immediately before the date on which this section comes into operation shall on that date cease to be a citizen of the United Kingdom and Colonies if:

(a) He is then a citizen of Ghana; and

(b) He, his father or his father's father was born in Ghana.

(2) Subject to subsection (7) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under this section if he, his father or his father's father:

(a) Was born in the United Kingdom or in a colony; or

(b) Is or was a person naturalised in the United Kingdom and Colonies;

or

(c) Was registered as a citizen of the United Kingdom and Colonies; or

(d) Became a British subject by reason of annexation of any territory included in a colony.

(3) A person shall not cease to be a citizen of the United Kingdom and Colonies under this section if he was born in a protectorate, protected state or United Kingdom trust territory, or if his father or his father's father was so born and is or at any time was a British subject.

(4) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be a citizen of the United Kingdom and Colonies under this section unless her husband does so.

¹ This section came into operation on the first day of March, 1958 (see the British Nationality Act, 1958 (Commencement) Order, 1958 in *Statutory Instruments*, 1958 No. 327 (C.3)).

(5) Subsection (2) of section six of the principal Act (which provides for the registration as a citizen of the United Kingdom and Colonies of a woman who has been married to such a citizen) shall not apply to a woman by virtue of her marriage to a person who ceases to be a citizen of the United Kingdom and Colonies under this section, or who would have done so if living on the date on which this section comes into operation.

(6) Subject to subsection (7) of this section, the reference in paragraph (b) of subsection (2) of it to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the principal Act, have become a person naturalised in the United Kingdom and Colonies by virtue of subsection (6) of section thirty-two of that Act (which relates to persons given local naturalisation before that commencement in a colony or protectorate).

(7) Any reference in this section to any country, or to countries or territories of any description, shall (subject to subsection (8) of this section) be construed as referring to that country or description as it exists at the date of the coming into operation of this section; and subsection (2) shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a country or territory outside the United Kingdom which is not at that date a colony, protectorate, protected state or United Kingdom trust territory.

(8) The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in this section to a protectorate.

3. (1) Subsection (6) of section twelve of the principal Act (which made temporary provision for the registration as citizens of the United Kingdom and Colonies of certain persons who would have been citizens thereof but for their citizenship or potential citizenship of a country mentioned in subsection (3) of section one of that Act) shall be amended as follows:—

(a) The words “before the first day of January, nineteen hundred and fifty” (which limited the time within which applications for registration must be made) shall be omitted, but except as provided by paragraph (c) below no person shall be registered under the subsection on an application made after the end of the year nineteen hundred and sixty-two;

(b) An applicant (and any of his minor children) may be registered under the subsection if, as an alternative to satisfying the Secretary of State of the facts specified in paragraph (a) of the subsection as to his descent, he satisfies the Secretary of State either:

(i) That he was born, or is descended in the male line from a person born, within the territory comprised at the coming into operation of this section in the Republic of Ireland; or

(ii) That he became, or is descended in the male line from a person who became, a British subject by virtue of a certificate of naturalisation granted under section eight of the British Nationality and Status of Aliens Act, 1914, by the government of a country mentioned in subsection (3) of section one of the principal Act, as originally enacted; or

(iii) That having been at the date of the commencement of the principal Act a citizen of such a country, or having (whether before or after the coming into operation of this section) been made one by the coming into operation of any law of such a country, he has lost that citizenship otherwise

than by his own act done for the purpose, and has thereby ceased to be a British subject;

(*c*) An applicant (and any of his minor children) may, if he satisfies the Secretary of State of the facts mentioned in sub-paragraph (iii) of paragraph (*b*) above, be registered under the subsection on an application made at any time and without showing (as required by paragraph (*b*) of that subsection) that he intends to make his ordinary place of residence within the United Kingdom and Colonies, and as regards registration by virtue of the said sub-paragraph (iii) references to the Secretary of State (including those in this subsection) shall include references to the governor of a colony, of a protectorate (except Northern Rhodesia or Nyasaland) or of a United Kingdom trust territory.

(2) A person may be registered as a citizen of the United Kingdom and Colonies under subsection (1) of section six of the principal Act (which makes permanent provision for so registering a British subject or citizen of the Republic of Ireland ordinarily resident in the United Kingdom or in Crown service under Her Majesty's government in the United Kingdom), if —

(*a*) He is serving either:

(i) Under an international organisation of which Her Majesty's government in the United Kingdom is a member; or

(ii) In the employment of a society, company or body of persons established in the United Kingdom; and

(*b*) He would be entitled to be so registered if the period during which he has been in that service had been a period of ordinary residence in the United Kingdom; and

(*c*) It seems to the Secretary of State fitting that he should be so registered by reason of his close connection with the United Kingdom and Colonies.

In relation to registration in a colony, protectorate or United Kingdom trust territory under subsection (1) of the said section six as applied by subsection (1) of section eight of the principal Act, this subsection shall have effect with the substitution of references to that colony, protectorate or territory for the references to the United Kingdom in sub-paragraph (ii) of paragraph (*a*) and in paragraph (*b*), and of a reference to the governor for the reference to the Secretary of State.

(3) This section shall come into operation at the end of two months beginning with the date of the passing of this Act.

4. (1) The power of the Secretary of State to make regulations under paragraph (*f*) of subsection (1) of section twenty-nine of the principal Act (which enables provision to be made for consular or other officers to register births and deaths in a protected state or foreign country) shall include power to make provision for the births and deaths of persons of any class or description born or dying in a country mentioned in subsection (3) of section one of the principal Act to be registered there by the High Commissioner for Her Majesty's government in the United Kingdom or by members of his official staff.

(2) The power of Her Majesty under subsection (2) of the said section twenty-nine to provide for the application of certain enactments to births and deaths registered by a High Commissioner or members of his official staff in accordance with regulations made by virtue of subsection (1) of this

section shall extend also to births and deaths registered by a High Commissioner or members of his official staff in accordance with instructions of the Secretary of State.

(3) In the principal Act and in this section, "High Commissioner" shall include acting High Commissioner.

5. (1) This Act may be cited as the British Nationality Act, 1958, and this Act and the principal Act may be cited together as the British Nationality Acts, 1948 and 1958.

(2) In this Act "the principal Act" means the British Nationality Act, 1948, and Part III of that Act (which contains supplemental provisions) shall have effect as if any reference in it to that Act, except one referring to the date of the commencement of that Act, included a reference to this Act.

(3) For the purposes of the principal Act references to an international organisation of which Her Majesty's government in the United Kingdom is a member (including the reference in subsection (2) of section three of this Act) shall have effect, and be deemed always to have had effect, as references to international organisations of which the United Kingdom or Her Majesty's government therein is a member, and any reference to an international organisation of which the government of any part of Her Majesty's dominions is a member shall be similarly construed.

Venezuela

NATURALIZATION ACT OF 18 JULY 1955 ¹

CHAPTER I. GENERAL PROVISIONS

Article 1. Aliens who may enter and remain in the country legally and are not excluded by the law shall be entitled to acquire Venezuelan nationality.

Article 2. The effects of naturalization are purely individual; nevertheless, the minor children of a person naturalized in the country shall enjoy the effects of his naturalization until they attain their majority.

CHAPTER II. DECLARATION OF INTENT AND CERTIFICATE OF NATURALIZATION

Article 3. The declaration of intent to become a Venezuelan national made by a person whose father or mother is Venezuelan by naturalization, and who was born outside the republic, has attained majority and is domiciled in Venezuela, shall be recorded, upon receipt, in the appropriate register and shall be published within fourteen clear days of the date of such registration.

In the case of a person born in Spain or in a Latin American State or of the alien wife of a Venezuelan national, a decision on the declaration of intent shall be issued, once the requirements laid down in the regulations have been met, within a period not exceeding three months. If the decision is favourable, it shall immediately be entered in the appropriate register and published within fourteen clear days of the date of such registration.

¹ Published in *Gaceta Oficial* No. 24801, of 21 July 1955. Translation by the United Nations Secretariat.

Article 4. An alien who wishes to obtain naturalization papers must be living in the country, and must fulfil the residence requirement prescribed in the regulations and any other requirements set forth therein.

The Federal Executive shall determine how far a knowledge of the Spanish language shall be required of an applicant for naturalization papers.

Article 5. The decision in the cases referred to in the foregoing article shall be issued within a period not exceeding five months from the presentation of the necessary documents.

Article 6. In the case of an application for naturalization papers, it shall be considered a favourable circumstance if the applicant:

- (1) Possesses real property in Venezuela or is the owner of or is associated with commercial, industrial, agricultural or livestock undertakings which are known to be solvent and which have or have acquired Venezuelan nationality or domicile;
- (2) Has children in Venezuela under his paternal authority;
- (3) Has rendered some important service to Venezuela or to the world;
- (4) Has performed technical services of recognized public usefulness in the country;
- (5) Has resided in the republic for a considerable time;
- (6) Is married to a Venezuelan woman;
- (7) Has established himself in the country as a settler;
- (8) Has followed courses of study and obtained a degree or diploma from a Venezuelan university;
- (9) Has distinguished himself as a scientist, artist or writer.

Article 7. The declaration of intent to become a Venezuelan national and the application for naturalization papers shall be submitted with the other relevant documents to the official designated by the regulations under this Act.

Article 8. On receipt of the application and the accompanying documents, the Federal Executive shall, if the case is deemed satisfactory, issue naturalization papers.

The naturalization papers shall be entered in the register reserved for the purpose in the Ministry of Foreign Affairs.

Article 9. The National Executive shall not be required to state the reasons therefor in orders refusing naturalization.

CHAPTER III. ANNULMENT OF NATURALIZATION

Article 11. Naturalized Venezuelans shall lose their nationality:

- (1) If they deliberately use their nationality of origin or acquire another nationality;
- (2) If they offer to serve abroad in any capacity whatsoever against the Republic of Venezuela;

(3) If they commit acts on the territory of the republic which jeopardize its integrity and security, or if they evade the effects of Venezuelan laws;

(4) If they obtain naturalization with the object of evading the declared effects of an enactment;

(5) If they incite to contempt or disrespect for the institutions, laws or regulations of the authorities, without prejudice to the relevant provisions of other legislation;

(6) If they acquire naturalization by fraud;

(7) If they leave Venezuela during the five years following their naturalization and acquire permanent residence abroad, or if, after that five-year period, they reside abroad for two consecutive years, unless before the expiry of the period they have applied to a Venezuelan consular official for a two-year extension. No further extension shall be granted thereafter.

Article 12. The provisions of sub-paragraph 7 of the foregoing article shall not apply to the following:

(1) Persons residing abroad for not more than five years to complete university or technical studies;

(2) Persons residing abroad as the paid employees of an international organization of which Venezuela is a member;

(3) A spouse or naturalized parents living with a native Venezuelan who resides abroad;

(4) Persons who have lived in Venezuela for twenty-five years or more since the date of their naturalization and are sixty-five years of age.

Article 13. Declaration of loss of nationality in the cases enumerated in this chapter shall be made by the Ministry of Internal Affairs, without prejudice to any criminal penalties to which the persons concerned may be liable.

Appeal from the decision shall lie to the Federal Court within ten days of the date of publication of the decision in the Official Gazette of the Venezuelan Republic.

Article 14. The Federal Executive may reduce the residence requirement and make exceptions in respect of the submission of documents required for naturalization whenever special circumstances may so require.

Article 15. Declarations of intent and applications for naturalization now pending shall be subject to the provisions of this Act so far as concerning the procedural requirements and formalities herein presented.

Article 16. The Naturalization Act of 22 May 1940 is hereby repealed.

SECOND PART
TREATIES AND INTERNATIONAL AGREEMENTS

DEUXIÈME PARTIE
TRAITÉS ET ACCORDS INTERNATIONAUX

**(a) MULTILATERAL TREATIES — TRAITÉS
MULTILATÉRAUX**

**Convention on the Nationality of Married Women¹—Resolution 1040
(XI) adopted by the General Assembly of the United Nations on
29 January 1957**

The General Assembly,

Considering that it is appropriate to conclude, under the auspices of the United Nations, an international convention on the nationality of married women, designed to eliminate conflicts of law arising out of provisions

¹ *Signed by* (up to 31 December 1958): Byelorussian SSR, Canada, Chile,* China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Guatemala, Hungary, India,** Ireland, Israel, Norway, Pakistan, Portugal, Sweden, Ukrainian SSR, Union of Soviet Socialist Republics, New Zealand (for New Zealand and Cook Islands, including Niue, and Tokelau Islands), United Kingdom of Great Britain and Northern Ireland (for the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man), Uruguay,*** Yugoslavia.

Ratifications or accessions (up to 31 December 1958): Ceylon, China, Cuba, Dominican Republic, Ireland, Israel, Norway, Sweden, Ukrainian SSR, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland [by a notification received on 18 March 1958, the Convention was extended to the following territories: Aden, the Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Solomon Islands, British Somaliland, Cyprus, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Jamaica, Kenya, the Leeward Islands (Antigua, Montserrat, St. Christopher-Nevis), the British Virgin Islands, Malta, Mauritius, North Borneo, St. Helena, Sarawak, the Seychelles, Sierra Leone, Singapore, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, the Windward Islands (Dominica, St. Lucia, St. Vincent), Zanzibar] [by a notification received on 19 May 1958, the Convention was extended to the Federation of Rhodesia and Nyasaland].

* With the following reservation:

The Government of Chile makes a reservation with regard to article 10, in the sense that it does not accept the compulsory jurisdiction of the International Court of Justice for the purpose of the settlement of disputes which may arise between Contracting States concerning the interpretation or application of the present Convention.

** With the following reservation as to Article 10:

Any dispute which may arise between any two or more contracting States concerning the interpretation or application of the present Convention which is not settled by negotiations shall with the consent of the parties to the dispute be referred to the International Court of Justice for decision unless the parties agree to another mode of settlement.

*** With the following reservation:

On behalf of Uruguay we hereby make a reservation to the provisions of article 3 which has a bearing on the application of the Convention. The Con-

concerning the loss or acquisition of nationality by women as a result of marriage, of its dissolution, or of the change of nationality by the husband during marriage,

Decides to open the Convention annexed to the present resolution for signature and ratification at the end of the eleventh session of the General Assembly.

. . .

ANNEX

CONVENTION ON THE NATIONALITY OF MARRIED WOMEN

The Contracting States,

Recognizing that conflicts in law and in practice with reference to nationality arise as a result of provisions concerning the loss or acquisition of nationality by women as a result of marriage, of its dissolution or of the change of nationality by the husband during marriage,

Recognizing that, in article 15 of the Universal Declaration of Human Rights, the General Assembly of the United Nations has proclaimed that "everyone has the right to a nationality" and that "no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality",

Desiring to co-operate with the United Nations in promoting universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to sex,

Hereby agree as hereinafter provided:

Article 1

Each Contracting State agrees that neither the celebration nor the dissolution of a marriage between one of its nationals and an alien, nor the change of nationality by the husband during marriage, shall automatically affect the nationality of the wife.

Article 2

Each Contracting State agrees that neither the voluntary acquisition of the nationality of another State nor the renunciation of its nationality by one of its nationals shall prevent the retention of its nationality by the wife of such national.

Article 3

1. Each Contracting State agrees that the alien wife of one of its nationals may, at her request, acquire the nationality of her husband through specially privileged naturalization procedures; the grant of such nationality may be subject to such limitations as may be imposed in the interests of national security or public policy.

2. Each Contracting State agrees that the present Convention shall not be construed as affecting any legislation or judicial practice by which the stitution of Uruguay does not authorize the granting of nationality to an alien unless he is the child of a Uruguayan father or mother, in which case he may become a natural citizen. This case apart, an alien who fulfils the constitutionality and legal conditions may be granted only legal citizenship, and not nationality.

alien wife of one of its nationals may, at her request, acquire her husband's nationality as a matter of right.

Article 4

1. The present Convention shall be open for signature and ratification on behalf of any State Member of the United Nations and also on behalf of any other State which is or hereafter becomes a member of any specialized agency of the United Nations, or which is or hereafter becomes a Party to the Statute of the International Court of Justice, or any other State to which an invitation has been addressed by the General Assembly of the United Nations.

2. The present Convention shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 5

1. The present Convention shall be open for accession to all States referred to in paragraph 1 of article 4.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 6

1. The present Convention shall come into force on the ninetieth day following the date of deposit of the sixth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession.

Article 7

1. The present Convention shall apply to all non-self-governing, trust, colonial and other non-metropolitan territories for the international relations of which any Contracting State is responsible; the Contracting State concerned shall, subject to the provisions of paragraph 2 of the present article, at the time of signature, ratification or accession declare the non-metropolitan territory or territories to which the Convention shall apply *ipso facto* as a result of such signature, ratification or accession.

2. In any case in which, for the purpose of nationality, a non-metropolitan territory is not treated as one with the metropolitan territory, or in any case in which the previous consent of a non-metropolitan territory is required by the constitutional laws or practices of the Contracting State or of the non-metropolitan territory for the application of the Convention to that territory, that Contracting State shall endeavour to secure the needed consent of the non-metropolitan territory within the period of twelve months from the date of signature of the Convention by that Contracting State, and when such consent has been obtained the Contracting State shall notify the Secretary-General of the United Nations. The present Convention shall apply to the

territory or territories named in such notification from the date of its receipt by the Secretary-General.

3. After the expiry of the twelve-month period mentioned in paragraph 2 of the present article, the Contracting States concerned shall inform the Secretary-General of the results of the consultations with those non-metropolitan territories for whose international relations they are responsible and whose consent to the application of the present Convention may have been withheld.

Article 8

1. At the time of signature, ratification or accession, any State may make reservations to any article of the present Convention other than articles 1 and 2.

2. If any State makes a reservation in accordance with paragraph 1 of the present article, the Convention, with the exception of those provisions to which the reservation relates, shall have effect as between the reserving State and the other Parties. The Secretary-General of the United Nations shall communicate the text of the reservation to all States which are or may become Parties to the Convention. Any State Party to the Convention or which thereafter becomes a Party may notify the Secretary-General that it does not agree to consider itself bound by the Convention with respect to the State making the reservation. This notification must be made, in the case of a State already a Party, within ninety days from the date of the communication by the Secretary-General; and in the case of a State subsequently becoming a Party, within ninety days from the date when the instrument of ratification or accession is deposited. In the event that such a notification is made, the Convention shall not be deemed to be in the effect as between the State making the notification and the State making the reservation.

3. Any State making a reservation in accordance with paragraph 1 of the present article may at any time withdraw the reservation, in whole or in part, after it has been accepted, by a notification to this effect addressed to the Secretary-General of the United Nations. Such notification shall take effect on the date on which it is received.

Article 9

1. Any Contracting State may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. The present Convention shall cease to be in force as from the date when the denunciation which reduces the number of Parties to less than six becomes effective.

Article 10

Any dispute which may arise between any two or more Contracting States concerning the interpretation or application of the present Convention, which is not settled by negotiation, shall, at the request of any one of the Parties to the dispute, be referred to the International Court of Justice for decision, unless the Parties agree to another mode of settlement.

Article 11

The Secretary-General of the United Nations shall notify all States Members of the United Nations and the non-member States contemplated in paragraph 1 of article 4 of the present Convention of the following:

- (a) Signatures and instruments of ratification received in accordance with article 4;
- (b) Instruments of accession received in accordance with article 5;
- (c) The date upon which the present Convention enters into force in accordance with article 6;
- (d) Communications and notifications received in accordance with article 8;
- (e) Notifications of denunciation received in accordance with paragraph 1 of article 9;
- (f) Abrogation in accordance with paragraph 2 of article 9.

Article 12

1. The present Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit a certified copy of the Convention to all States Members of the United Nations and to the non-member States contemplated in paragraph 1 of article 4.

Convention sur la nationalité de la femme mariée¹ — Résolution 1040 (XI) adoptée par l'Assemblée générale des Nations Unies le 29 janvier 1957

L'Assemblée générale,

Considérant qu'il est opportun de conclure, sous les auspices de l'Organisation des Nations Unies, une convention internationale sur la nationalité de la femme mariée, afin de faire disparaître les conflits de lois qui découlent

¹ *Signatures* au 31 décembre 1958: Canada, Chili*, Chine, Colombie, Cuba, Danemark, Equateur, Guatemala, Hongrie, Inde**, Irlande, Israël, Norvège, Nouvelle-Zélande (pour les îles Cook [y compris Niouè] et les îles Tokelau), Pakistan, Portugal, République Dominicaine, République socialiste soviétique de Biélorussie, République socialiste soviétique d'Ukraine, Royaume-Uni de Grande-Bretagne et d'Irlande du Nord (également applicable aux îles Anglo-Normandes et à l'île de Man), Suède, Tchécoslovaquie, Union des Républiques socialistes soviétiques, Uruguay***, Yougoslavie.

Ratifications ou adhésions au 31 décembre 1958: Ceylan, Chine, Cuba, Irlande, Israël, Norvège, République Dominicaine, République socialiste soviétique d'Ukraine, Royaume-Uni de Grande-Bretagne et d'Irlande du Nord [Par une notification reçue le 18 mars 1958, l'application de la Convention s'étend aux territoires suivants: Aden, îles Bahama, Barbade, Bassoutoland, Betchouanaland, Bermudes, Guyane britannique, Honduras britannique, îles Salomon britanniques, Somalie britannique, Chypre, îles Falkland, îles Fidji, Gambie, Gibraltar, îles Gilbert et Ellice, Hong-kong, Jamaïque, Kenya, îles sous le Vent (Antigua, Montserrat, Saint-Christophe-et-Nièves), îles Vierges britanniques, Malte, île Maurice, Bornéo du Nord, Sainte-Hélène, Sarawak, îles Seychelles, Sierra-

des dispositions législatives relatives à la perte ou à l'acquisition de la nationalité par la femme du fait du mariage, de la dissolution du mariage ou du changement de nationalité du mari pendant le mariage,

Décide que la Convention qui figure en annexe à la présente résolution sera, à la fin de la onzième session de l'Assemblée générale, ouverte à la signature et à la ratification.

ANNEXE

CONVENTION SUR LA NATIONALITÉ DE LA FEMME MARIÉE

Les Etats contractants,

Reconnaissant que des conflits de lois et de pratiques en matière de nationalité ont leur origine dans les dispositions relatives à la perte ou à l'acquisition de la nationalité par la femme du fait du mariage, de la dissolution du mariage ou du changement de nationalité du mari pendant le mariage,

Reconnaissant que, dans l'article 15 de la Déclaration universelle des droits de l'homme, l'Assemblée générale de l'Organisation des Nations Unies a proclamé que « tout individu a droit à une nationalité » et que « nul ne peut être arbitrairement privé de sa nationalité, ni du droit de changer de nationalité »,

Soucieux de coopérer avec l'Organisation des Nations Unies en vue de favoriser le respect universel et l'observation des droits de l'homme et des libertés fondamentales pour tous sans distinction de sexe,

Sont convenus des dispositions suivantes:

Article premier

Chaque Etat contractant convient que ni la célébration ni la dissolution du mariage entre ressortissants et étrangers, ni le changement de nationalité

Leone, Singapour, Souaziland, Tanganyika, Trinité et Tobago, Ouganda, îles du Vent (Dominique, Grenade, Sainte-Lucie, Saint-Vincent), Zanzibar] [Par une notification reçue le 19 mai 1958, l'application de la Convention s'étend à la Fédération de la Rhodésie et du Nyassaland], Suède, Union des Républiques socialistes soviétiques.

* Avec la réserve suivante:

En ce qui concerne l'article 10, le Gouvernement du Chili n'accepte pas la juridiction de la Cour internationale de Justice pour les différends qui surgiraient entre les Etats contractants au sujet de l'interprétation ou de l'application de la présente Convention.

** Avec la réserve suivante en ce qui concerne l'article 10:

Tout différend qui pourrait survenir entre deux ou plusieurs Etats contractants relatif à l'interprétation ou à l'application de la présente Convention, qui n'aura pas été réglé par voie de négociations, est soumis pour décision, si les parties au différend y consentent, à la Cour internationale de Justice, sauf si les parties sont convenues d'un autre mode de règlement.

*** Avec la réserve suivante:

Au nom de l'Uruguay, nous formulons en ce qui concerne la disposition de l'article 3 une réserve qui a des conséquences quant à l'application de la Convention. La Constitution de l'Uruguay ne permet pas d'octroyer la nationalité aux étrangers à moins qu'ils ne soient nés d'un père ou d'une mère uruguayens, auquel cas ils peuvent être citoyens naturels. En dehors de ce cas, les étrangers qui remplissent les conditions fixées par la constitution et par la loi ne peuvent se voir octroyer que la citoyenneté légale et non la nationalité.

du mari pendant le mariage, ne peuvent *ipso facto* avoir d'effet sur la nationalité de la femme.

Article 2

Chaque Etat contractant convient que ni l'acquisition volontaire par l'un de ses ressortissants de la nationalité d'un autre Etat, ni la renonciation à sa nationalité par l'un de ses ressortissants, n'empêche l'épouse dudit ressortissant de conserver sa nationalité.

Article 3

1. Chaque Etat contractant convient qu'une étrangère mariée à l'un de ses ressortissants peut, sur sa demande, acquérir la nationalité de son mari en bénéficiant d'une procédure privilégiée spéciale de naturalisation; l'octroi de ladite nationalité peut être soumis aux restrictions que peut exiger l'intérêt de la sécurité nationale ou de l'ordre public.

2. Chaque Etat contractant convient que l'on ne saurait interpréter la présente Convention comme affectant aucune loi ou règlement, ni aucune pratique judiciaire, qui permet à une étrangère mariée à l'un de ses ressortissants d'acquérir de plein droit, sur sa demande, la nationalité de son mari.

Article 4

1. La présente Convention est ouverte à la signature et à la ratification de tous les Etats Membres de l'Organisation des Nations Unies, ainsi que de tous autres Etats qui sont ou deviendront membres de l'une quelconque des institutions spécialisées des Nations Unies ou parties au Statut de la Cour internationale de Justice, ou de tous autres Etats auxquels l'Assemblée générale de l'Organisation des Nations Unies a adressé une invitation.

2. La présente Convention devra être ratifiée, et les instruments de ratification seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

Article 5

1. Tous les Etats visés au paragraphe 1 de l'article 4 peuvent adhérer à la présente Convention.

2. L'adhésion se fait par le dépôt d'un instrument d'adhésion auprès du Secrétaire général de l'Organisation des Nations Unies.

Article 6

1. La présente Convention entrera en vigueur le quatre-vingt-dixième jour qui suivra la date du dépôt du sixième instrument de ratification ou d'adhésion.

2. Pour chacun des Etats qui ratifieront la Convention ou y adhéreront après le dépôt du sixième instrument de ratification ou d'adhésion, la Convention entrera en vigueur le quatre-vingt-dixième jour qui suivra la date du dépôt par cet Etat de son instrument de ratification ou d'adhésion.

Article 7

1. La présente Convention s'appliquera à tous les territoires non autonomes, sous tutelle, coloniaux et autres territoires non métropolitains dont

un Etat contractant assure les relations internationales; l'Etat contractant intéressé devra, sous réserve des dispositions du paragraphe 2 du présent article, au moment de la signature, de la ratification ou de l'adhésion, déclarer le territoire ou les territoires non métropolitains auxquels la présente Convention s'appliquera *ipso facto* à la suite de cette signature, ratification ou adhésion.

2. Si, en matière de nationalité, un territoire non métropolitain n'est pas considéré comme formant un tout avec le territoire métropolitain, ou si le consentement préalable d'un territoire non métropolitain est nécessaire, en vertu des lois ou pratiques constitutionnelles de l'Etat contractant ou du territoire non métropolitain, pour que la Convention s'applique à ce territoire, ledit Etat contractant devra s'efforcer d'obtenir, dans le délai de douze mois à compter de la date à laquelle il aura signé la Convention, le consentement nécessaire du territoire non métropolitain, et, lorsque ce consentement aura été obtenu, l'Etat contractant devra le notifier au Secrétaire général de l'Organisation des Nations Unies. Dès la date de la réception de cette notification par le Secrétaire général, la Convention s'appliquera au territoire ou aux territoires désignés par celle-ci.

3. A l'expiration du délai de douze mois mentionné au paragraphe 2 du présent article, les Etats contractants intéressés informeront le Secrétaire général des résultats des consultations avec les territoires non métropolitains dont ils assurent les relations internationales et dont le consentement pour l'application de la présente Convention n'aurait pas été donné.

Article 8

1. Au moment de la signature, de la ratification ou de l'adhésion, tout Etat peut faire des réserves aux articles de la présente Convention autres que l'article premier et l'article 2.

2. Les réserves formulées conformément au paragraphe 1 du présent article n'affecteront pas le caractère obligatoire de la Convention entre l'Etat qui aura fait les réserves et les autres Etats parties, à l'exception de la disposition ou des dispositions ayant fait l'objet des réserves. Le Secrétaire général de l'Organisation des Nations Unies communiquera le texte de ces réserves à tous les Etats qui sont ou qui peuvent devenir parties à la présente Convention. Chaque Etat partie à la Convention ou qui devient partie à la Convention pourra notifier au Secrétaire général qu'il n'entend pas se considérer comme lié par la Convention à l'égard de l'Etat qui a fait des réserves. Cette notification devra être faite dans les quatre-vingt-dix jours à compter de la communication du Secrétaire général, en ce qui concerne les Etats parties à la Convention, et à compter du jour du dépôt de l'instrument de ratification ou d'adhésion, en ce qui concerne les Etats qui deviennent ultérieurement parties à la Convention. Au cas où une telle notification aura été faite, la Convention ne sera pas applicable entre l'Etat auteur de la notification et l'Etat qui aura fait des réserves.

3. Tout Etat qui a fait des réserves conformément au paragraphe 1 du présent article peut à tout moment les retirer en tout ou en partie, après leur acceptation, par une notification à cet effet adressée au Secrétaire général de l'Organisation des Nations Unies. Cette notification prendra effet à la date de sa réception.

Article 9

1. Tout Etat contractant peut dénoncer la présente Convention par notification écrite au Secrétaire général de l'Organisation des Nations Unies. La dénonciation prend effet un an après la date à laquelle le Secrétaire général en a reçu notification.

2. La présente Convention cessera d'être en vigueur à compter de la date où prendra effet la dénonciation qui ramènera le nombre des parties à moins de six.

Article 10

Tout différend entre deux ou plusieurs Etats contractants relatif à l'interprétation ou à l'application de la présente Convention, qui n'aura pas été réglé par voie de négociations, est soumis pour décision à la Cour internationale de Justice à la demande de l'une des parties au différend, sauf si lesdites parties sont convenues d'un autre mode de règlement.

Article 11

Le Secrétaire général de l'Organisation des Nations Unies notifie à tous les Etats Membres de l'Organisation des Nations Unies et aux Etats non membres visés au paragraphe 1 de l'article 4 de la présente Convention:

- a) Les signatures et instruments de ratification déposés conformément à l'article 4;
- b) Les instruments d'adhésion déposés conformément à l'article 5;
- c) La date à laquelle la présente Convention entrera en vigueur conformément à l'article 6;
- d) Les communications et notifications reçues conformément à l'article 8;
- e) Les notifications de dénonciation reçues conformément au paragraphe 1 de l'article 9;
- f) L'abrogation de la Convention conformément au paragraphe 2 de l'article 9.

Article 12

1. La présente Convention, dont les textes anglais, chinois, espagnol, français et russe font également foi, sera déposée dans les archives de l'Organisation des Nations Unies.

2. Le Secrétaire général de l'Organisation des Nations Unies communiquera une copie certifiée conforme de la Convention à tous les Etats Membres de l'Organisation des Nations Unies et aux Etats non membres visés au paragraphe 1 de l'article 4.

(b) BILATERAL TREATIES—TRAITÉS BILATÉRAUX**Convention between the Union of Soviet Socialist Republics and the Democratic People's Republic of Korea regulating the citizenship of persons having dual citizenship. Signed at Pyongyang, on 16 December 1957^{1 2}***Article 1*

Persons resident in the territory of one Contracting Party whom both Contracting Parties, under their legislation, regard as their citizens may, in accordance with this Convention, choose the citizenship of either Party.

Article 2

Persons to whom article 1 of this Convention applies who are resident in the territory of one Contracting Party and who wish to choose the citizenship of the other Contracting Party shall file a declaration to that effect with the Embassy of the latter Party.

The time-limit for filing declarations of the choice of citizenship shall be one year from the date of the entry into force of this Convention.

Article 3

Declarations of the choice of citizenship may be filed only by persons of full age. For the purpose of this Convention, "persons of full age" means persons who have attained the age of eighteen years or persons under the age of eighteen years who are married.

Article 4

1. Persons under full age shall follow the citizenship of their parents, where both parents, in accordance with this Convention, have the same citizenship.

2. Where one parent has or chooses the citizenship of one Contracting Party and the other the citizenship of the other Contracting Party, the citizenship of their children under full age who have dual citizenship shall be determined by agreement between the parents. In the absence of such agreement, the children shall retain the citizenship of the Contracting Party in whose territory they are resident.

Children one of whose parents is resident in the territory of one Contracting Party and the other in the territory of the other Contracting Party, shall follow the citizenship of the parent in whose custody they are, unless the parents agree otherwise.

¹ Registered with the United Nations Secretariat, under No. 4351.

² See also the three other Conventions concluded on the matter between the Union of Soviet Socialist Republics, and the following States: Yugoslavia, 22 May 1956 (*ibid.*, No. 3688), the Democratic People's Republic of Korea, 16 December 1957 (*ibid.*, No. 4269) and Albania, 18 September 1957 (*ibid.*, No. 4454).

3. Children under full age whose parents are dead or the whereabouts of whose parents are unknown, shall retain the citizenship of the Contracting Party in whose territory they are resident on the date of the expiry of a period of one year from the date of the entry into force of this Convention.

4. Persons under full age who have attained the age of fourteen years may, by filing a declaration, choose the citizenship of the other Contracting Party, if they wish to prevent the application to them of the preceding provisions of this article.

Article 5

The choice of citizenship in accordance with this Convention shall be entirely voluntary.

Article 6

Each Contracting Party shall, not later than six months after the expiry of the time-limit specified in article 2 above, transmit to the other Contracting Party lists of persons who have chosen the citizenship of that Party in accordance with this Convention.

Article 7

Persons to whom article 1 of this Convention applies shall be regarded as the citizens solely of that Contracting Party whose citizenship they have chosen.

Persons who fail to file a declaration of the choice of citizenship within the time-limit specified in article 2 of this Convention shall be regarded as citizens solely of that Contracting Party in whose territory they are resident.

Article 8

Persons who continue to reside in the territory of one Contracting Party after choosing, in accordance with this Convention, the citizenship of the other Contracting Party shall have the status of aliens.

Article 9

Declarations of the choice of citizenship in accordance with the provisions of this Convention shall not be subject to any taxes.

Article 10

The Contracting Parties have agreed that, upon its entry into force, this Convention shall, for the information of the persons concerned, be published in the periodical Press of the two Parties.

This Convention shall be ratified and shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Moscow.

Done at Pyongyang, on 16 December 1957, in duplicate, in the Russian and Korean languages, both texts being equally authentic.

For the Government of
the Union of the Soviet
Socialist Republics
(Signed) A. PUZANOV

For the Government of the
Democratic People's Republic
of Korea
(Signed) LEE DONG GUN

ADDENDUM — ADDITIF

Austria

(a) FEDERAL ACT OF 2 JUNE 1954 ON THE ACQUISITION OF AUSTRIAN NATIONALITY BY VOLKSDEUTSCHE ¹

The National Council has decided:

Article 1. (1) Persons whose mother-tongue is German and who are stateless or whose nationality is uncertain (Volksdeutsche), and who satisfy the requirements of article 2, shall acquire Austrian nationality, on making a declaration that they desire to be loyal citizens of the Austrian Republic.

(2) Such a declaration may also be made by a married woman.

(3) Volksdeutsche within the meaning of paragraph (1) are, in particular, persons described on their identity card as a "Volksdeutscher" (Order concerning Aliens' Identity Cards, BGBl No. 33/1946) unless, owing to circumstances which arose subsequent to this entry being made, they are to be considered as foreign nationals.

(4) This Federal Law shall not affect the acquisition of (Austrian) nationality by Volksdeutsche under the Nationality Law of 1949, BGBl No. 276/1949.

Article 2. (1) Notwithstanding the provisions of paragraph (2), the aforesaid declaration may be made only by a person who:

(a) has legal capacity;

(b) has become stateless or whose nationality has become uncertain as a result of events occurring after the second world war;

(c) acquired domicile in the territory of the Republic between 1 January 1944 and 31 December 1949 and has retained the same since at least 1 January 1950.

(d) has not been the subject of a conviction which under the National Council Franchise Law, article 24, would, at the time of conviction, have entailed loss of the franchise;

(e) has shown by his previous conduct that he has a positive attitude to the independent Austrian Republic and that he will not endanger the public peace, order or security.

(2) The legal guardian of a Volksdeutscher who is under a legal disability may make the declaration on his behalf.

The provisions of paragraph 1 (c) shall not apply to a Volksdeutscher who has been a prisoner of war or an interned person or has entered Austria with the consent of the Austrian authorities under the Family Reunion Scheme and has acquired Austrian domicile only since his release from captivity or entry into the territory of the Republic and has retained it since. Convictions which have been expunged from the record shall not be a bar in the meaning of paragraph 1(d).

¹ *Bundesgesetzblatt für die Republik Oesterreich* (Official Journal of Laws (and Decrees) of the Federal Republic of Austria, No. 33 of 5 August 1954, item No. 142).

² *Bundesgesetzblatt für die Republik Oesterreich* (Official Journal of Laws (and Decrees) of the Federal Republic of Austria).

Article 3. (1) The declaration according to article 1 may until 31 December 1955 be made in writing to the Office of the competent Land Government.

(2) The Office of the Land Government shall ascertain *ex-officio* whether the requirements of this Law for acquisition of (Austrian) nationality directly, or by derivation (article 4) have been satisfied. It shall issue a certificate to this effect. If the requirements have been satisfied, it shall be stated on the certificate that the declarant and the persons, if any, mentioned in article 4, acquired Austrian nationality at the time of the making of the declaration (paragraph 1).

Article 4. Where (Austrian) nationality is acquired by declaration, its acquisition by derivation shall be governed by the following rules:

1. The wife shall also acquire (Austrian) nationality by virtue of the declaration of the husband. Minor legitimate children, but not married daughters, shall acquire (Austrian) nationality through their father.

2. Minor legitimate children, but not married daughters, of a female declarant shall acquire (Austrian) nationality with the consent of their legal guardian. In the absence of the consent of the legal guardian, the consent of the court shall have effect instead thereof.

3. Minor illegitimate children, but not married daughters, shall acquire (Austrian) nationality through their mother.

4. Persons mentioned in sub-paragraphs 1-3 shall acquire (Austrian) nationality by derivation only if they themselves satisfy the requirements of article 2, paragraph 1 (d) (e), and persons mentioned in sub-paragraphs 1 and 3 only if they consent thereto either personally or through their legal guardian not later than the issue of the certificate referred to in article 3(2).

Article 5. The Federal Ministry of the Interior shall give effect to the provisions of this Law coming within the competence of the Federation, and the Land Government so far as they come within the competence of the Land.

(b) FEDERAL ACT OF 20 DECEMBER 1955 ¹

The National Council has decided:

Article 1. The Federal Act of 2 June 1954, BGBl No. 142, shall be amended as follows:

In Article 3, paragraph (1), the words "until 31 December 1955" shall be replaced by the words "until 30 June 1956".

Article 2. The Federal Ministry of the Interior shall give effect to the provisions of this Law coming within the competence of the Federation, and the Land Government where they come within the competence of a Land.

¹ *Bundesgesetzblatt* No. 72 of 30 December 1955, item No. 284.

(c) CONSTITUTIONAL ACT OF 8 FEBRUARY 1956,¹
AMENDING THE REGULATIONS ON CITIZENSHIP

Article I

(1) The Constitutional Act of 6 February 1947 (*Bundesgesetzblatt* No. 25), part III, section II,² on the treatment of National Socialists (National Socialists Act) is hereby abrogated.

(2) Persons who have lost their citizenship under section I of the Act aforesaid shall not regain such citizenship as a consequence of the above repeal.

(d) FEDERAL ACT OF 14 MARCH 1957³ TO AMEND THE TRANSITIONAL CITIZENSHIP ACT, 1949, BGBl. No. 276, AS AMENDED BY THE FEDERAL ACT OF 15 DECEMBER 1951, BGBl. No. 12/1952

The National Council has decided:

Article I

The Transitional Citizenship Act, 1949,⁴ BGBl. No. 276, as amended by the Federal Act of 15 December 1951, BGBl. No. 12/1952,⁵ shall be amended as follows:

Article 4, paragraph 3, shall be amended as follows:

“(3) Application for the revocation of loss of citizenship may be made on or before 31 December 1958 by a person deprived of citizenship (paragraphs 1 and 2) to the authority which originally ordered the loss of citizenship.”

Article II

This Federal Act shall be applied, in so far as concerns the Federation, by the Federal Ministry of the Interior and, in so far as concerns a Federal Land, by the Land Government.

¹ *Bundesgesetzblatt*, No. 8 /1956. Translation by the Secretariat of the United Nations.

² The *United Nations Legislative Series*, “Laws concerning Nationality”, ST/LEG/SER. B/4, p. 31.

³ *Bundesgesetzblatt*, No. 25/1957, p. 618. Translation by the Secretariat of the United Nations.

⁴ See the *United Nations Legislative Series*, “Laws concerning Nationality”, ST/LEG/SER. B/4, p. 32.

⁵ This act extended the terms mentioned in article 3 (1) and article 4 (3) of the Transitional Citizenship Act, 1949 to 31 December 1953. These terms had previously been extended from 31 December 1949 to 31 December 1950 by Federal Act of 22 November 1950, BGBl. No. 242.

Ceylon

CITIZENSHIP ACT NO. 18 OF 1948, AS AMENDED BY ACTS NOS. 40 OF 1950
AND 13 OF 1955

PART I. CITIZENSHIP OF CEYLON

2. (1) With effect from the appointed date, there shall be a status to be known as "the status of a citizen of Ceylon".

(2) A person shall be or become entitled to the status of a citizen of Ceylon in one of the following ways only:

- (a) by right of descent as provided by this Act;
- (b) by virtue of registration as provided by this Act or by any other Act authorizing the grant of such status by registration in any special case of a specified description.

(3) Every person who is possessed of the aforesaid status is hereinafter referred to as a "citizen of Ceylon". In any context in which a distinction is drawn according as that status is based on descent or registration, a citizen of Ceylon is referred to as "citizen by descent" or "citizen by registration"; and the status of such citizen is in the like context referred to as "citizenship by descent" or "citizenship by registration".

3. A citizen of Ceylon may, for any purpose in Ceylon, describe his nationality by the use of the expression "Citizen of Ceylon".

PART II. CITIZENSHIP BY DESCENT

4. (1) Subject to the other provisions of this Part, a person born in Ceylon before the appointed date shall have the status of a citizen of Ceylon by descent, if:

- (a) his father was born in Ceylon, or
- (b) his paternal grandfather and paternal great grandfather were born in Ceylon.

(2) Subject to the other provisions of this Part, a person born outside Ceylon before the appointed date shall have the status of a citizen of Ceylon by descent, if:

- (a) his father and paternal grandfather were born in Ceylon, or
- (b) his paternal grandfather and paternal great grandfather were born in Ceylon.

5. (1) Subject to the other provisions of this Part, a person born in Ceylon on or after the appointed date shall have the status of a citizen of Ceylon by descent if at the time of his birth his father is a citizen of Ceylon.

(2) Subject to the other provisions of this Part, a person born outside Ceylon on or after the appointed date shall have the status of a citizen of Ceylon by descent if at the time of his birth his father is a citizen of Ceylon and if, within one year from the date of birth, or within such further period as the Minister may for good cause allow, the birth is registered in the prescribed manner:

- (a) at the office of a consular officer of Ceylon in the country of birth, or
- (b) at the office of the Minister in Ceylon.

6. Upon application made in that behalf in the prescribed manner, the Minister may, in his discretion, grant, in the prescribed form, a certificate of citizenship of Ceylon by descent to a person with respect to whose status as a citizen of Ceylon by descent a doubt exists; and a certificate issued under this section to any person shall be conclusive evidence that that person was a citizen of Ceylon by descent on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

7. Every person first found in Ceylon as a newly born deserted infant of unknown and unascertainable parentage shall, until the contrary is proved, be deemed to have the status of a citizen of Ceylon by descent.

8. (1) Any person who ceases under section 18 or section 19 to be a citizen of Ceylon by descent may at any time thereafter make application to the Minister for a declaration that such person has resumed the status of a citizen of Ceylon by descent; and the Minister may make the declaration for which the application is made:

(a) if that person renounces citizenship of any other country of which he is a citizen, in accordance with the law in force in that behalf in that other country; and

(b) if that person is, and intends to continue to be, ordinarily resident in Ceylon.

(2) Where a declaration is made in relation to any person under sub-section (1), that person shall, with effect from such date as may be specified in the declaration, again have the status of a citizen of Ceylon by descent.

(3) Any person who makes or has made an application under sub-section (1) may, in his application or by subsequent letter, make a request for the grant to any minor child of that person of the status of a citizen of Ceylon by descent; and if in any such case a declaration under sub-section (1) is made in relation to that person, each minor child specified in the declaration shall have the status of a citizen of Ceylon by descent.

(4) The Minister may refuse to make a declaration under sub-section (1) in relation to any person on grounds of public policy; and such refusal shall be final and shall not be contested in any court, but without prejudice to the power of the Minister subsequently to make such a declaration in relation to that person.

(5) The Minister may in his discretion exempt any person from the requirements of paragraph (a) of sub-section (1) of this section, and make a declaration under that sub-section notwithstanding that such person does not comply with the said requirements.

9. (1) Any reference to father, paternal grandfather, or paternal great grandfather in any of the provisions of this Part relating to citizenship by descent shall, in regard to a person born out of wedlock and not legitimated, be deemed to be a reference to mother, maternal grandfather, or maternal great grandfather respectively.

(2) A person shall be deemed, for the purposes of this section, to have been legitimated if his parents married each other subsequent to his birth.

10. Any reference in this Part to the status or description of the father of a person at the time of that person's birth shall, in regard to a person born after the death of his father, be deemed to be a reference to the status or description of the father at the time of the father's death; and where that

death occurred before, and the birth occurs on or after, the appointed date, the status or description which would have been applicable to the father had he died on or after that date shall be deemed to be the status or description applicable to him at the time of his death.

PART III. CITIZENSHIP BY REGISTRATION

11. (1) This section shall apply to any applicant for registration as a citizen of Ceylon who has the following qualifications:

(a) that the applicant is of full age and of sound mind;

(b) that the applicant:

(i) is a person whose mother is or was a citizen of Ceylon by descent or would have been a citizen of Ceylon by descent if she had been alive on the appointed date, and who, being married, has been resident in Ceylon throughout a period of seven years immediately preceding the date of the application, or being unmarried, has been resident in Ceylon throughout a period of ten years immediately preceding the date of the application, or

(iii) is a person, whose father was a citizen of Ceylon by descent, and who would have been a citizen of Ceylon under sub-section (2) of section 5 if his birth had been registered in accordance with the provisions of that sub-section, or

(iv) is a person whose father, having been a citizen of Ceylon by descent whether at or before the time of the birth of that person, ceased under section 19 to be a citizen of Ceylon; and

(c) that the applicant is, and intends to continue to be, ordinarily resident in Ceylon.

(2) Subject to the other provisions of this Part, a person to whom this section applies shall:

(a) if he has the qualification set out in sub-paragraph (i) of paragraph (b) of sub-section (1) of this section, be registered as a citizen of Ceylon on his making application in that behalf to the Minister in the prescribed manner, or

(b) if he has the qualification set out in sub-paragraph (iii) or sub-paragraph (iv) of the aforesaid paragraph (b), be so registered on his making such application, unless the Minister decides to disallow such application on grounds of public policy.

(3) The Minister's refusal, under sub-section (2) (b) of this section, to allow the application of any person for registration as a citizen of Ceylon shall be final and shall not be contested in any court.

11A. (1) Subject to the other provisions of this Part, no person who is the spouse, or the widow or widower, of a citizen of Ceylon by descent or registration, shall be registered as a citizen of Ceylon under this Act, except in accordance with the succeeding provisions of this section.

(2) A person who desires to be registered as a citizen of Ceylon under this section shall send an application in the prescribed form and manner to the prescribed officer.

(3) After the receipt of the application under sub-section (2), the prescribed officer shall send the application to the Minister, if he is satisfied that the applicant has the following qualifications:

(a) that the applicant has the qualifications specified in paragraphs (a) and (c) of sub-section (1) of section 11;

(b) that the applicant has been resident in Ceylon throughout a period of one year immediately preceding the date of the application of such applicant; and

(c) that the applicant is the spouse or the widow or widower, of a citizen of Ceylon by descent or registration.

(4) The Minister may refuse an application sent to him under sub-section (3), if he is satisfied that it is not in the public interest to grant the application.

(5) Where the Minister grants an application for registration made under this section by any person, such person shall be registered as a citizen of Ceylon.

(6) The Minister's refusal under sub-section (4) of this section to allow the application of any person for registration as a citizen of Ceylon shall be final and shall not be contested in any court.

12. (1) Subject to the other provisions of this Part, a person to whom section 11 or section 11A does not apply may, on his making application in that behalf to the Minister in the prescribed manner, be registered as a citizen of Ceylon if the Minister is satisfied:

(a) that he is a person who

(i) has rendered distinguished public service or is eminent in professional, commercial, industrial, or agricultural life, or

(ii) has been granted in Ceylon a certificate of naturalization under the British Nationality and Status of Aliens Act, 1914, of the United Kingdom, or Letters Patent under the Naturalization Ordinance and has not ceased to be a British subject, and

(b) that he is, and intends to continue to be, ordinarily resident in Ceylon.

(2) The number of persons registered as citizens of Ceylon under this section shall not exceed twenty-five in any year.

(3) The Minister's refusal under this section to allow the application of any person for registration as a citizen of Ceylon shall be final and shall not be contested in any court.

13. (1) Where an applicant for registration as a citizen of Ceylon has any minor child, he may in his application or by subsequent letter make a request for the inclusion of the name of that child in the certificate of registration which may be granted to him under this Part.

(2) Where a request as aforesaid is made by an applicant under section 11 or section 11A or section 12, the Minister may, subject to the other provisions of this Part, comply with the request if the applicant is registered as a citizen of Ceylon.

14. (1) Save as provided in section 11, a person who has ceased to be a citizen of Ceylon shall not be granted citizenship by registration.

(2) A person who is a citizen of any country other than Ceylon under any law in force in that country shall not be granted citizenship by registration unless he renounces citizenship of that country in accordance with that law.

(3) The Minister may in his discretion exempt any person from the provisions of sub-section (2) of this section; and nothing in that sub-section shall prevent the registration as a citizen of Ceylon of any person so exempted.

15. There shall be kept and maintained, in the prescribed form, a register of persons who are granted citizenship by registration.

16. The Minister shall grant, in the prescribed form, a certificate of registration as a citizen of Ceylon to every person who is registered under section 11 or section 11A or section 12 and, where he decides to comply with a request made by that person under section 13, shall include in the certificate the name of every minor child to whom the request relates.

17. (1) A British subject to whom a certificate of registration as a citizen of Ceylon is granted, shall, on subscribing the prescribed oath or affirmation of citizenship, have the status of a citizen of Ceylon by registration as from the date of that certificate.

(2) An alien to whom a certificate of registration as a citizen of Ceylon is granted shall, on subscribing the prescribed oath or affirmation of allegiance and the prescribed oath or affirmation of citizenship, have the status of a citizen of Ceylon by registration as from the date of that certificate.

(3) A minor child whose name is included in a certificate of registration as a citizen of Ceylon shall have the status of a citizen of Ceylon by registration as from the date of that certificate.

PART IV. LOSS OF CITIZENSHIP

18. If a citizen of Ceylon of full age and of sound mind makes a declaration of renunciation of citizenship of Ceylon in the prescribed manner, the Minister shall cause the declaration to be registered; and, upon registration thereof, the declarant shall cease to be a citizen of Ceylon: Provided, however, that the Minister may withhold registration of such declaration if it is made during the continuance of any war in which Ceylon is engaged and if, by the operation of any law enacted in consequence of that war, the declarant is deemed for the time being to be an enemy.

19. (1) Where a person born before the appointed date is a citizen of Ceylon by descent and is also on that date a citizen of any other country, that person shall:

(a) on the thirty-first day of December, 1952, or

(b) on the day on which he attains the age of twenty-two years,

whichever day is in his case the later, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

(2) Where a person is a citizen of Ceylon by descent and that person, by operation of law, is at the time of his birth or becomes thereafter, also a citizen of any other country, that person shall:

(a) on the thirty-first day of December, 1952, or

(b) on the day immediately succeeding the date of the expiration of a period of twelve months from the date on which he so becomes a citizen of that other country, or

(c) on the day on which he attains the age of twenty-two years, whichever day is in his case the latest, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

(3) A person who, under sub-section (2) of section 5, is a citizen of Ceylon by descent but whose father is or was a citizen of Ceylon by registration, shall, on the day on which he attains the age of twenty-two years, cease to be a citizen of Ceylon, unless before that day he transmits to the Minister in the prescribed manner and form a declaration of retention of citizenship of Ceylon.

(4) In the case of any person to whom the provisions of any of the preceding sub-sections apply, the Minister may in his discretion direct that those provisions shall apply in that case subject to the modification that the reference therein to the age of twenty-two years shall be construed as a reference to such higher age as may be specified in the direction.

(5) A person who is a citizen of Ceylon by descent shall cease to be a citizen of Ceylon if he voluntarily becomes a citizen of any other country.

(6) Where a person who, having been exempted from the requirements of paragraph (a) of sub-section (1) of section 8, resumes the status of a citizen of Ceylon by descent by virtue of a declaration under that sub-section, that person shall, on the day immediately succeeding the date of the expiration of a period of three months (or such longer period as the Minister may for good cause allow) from the date of the declaration cease to be a citizen of Ceylon, unless he earlier complies with the requirements of the aforesaid paragraph (a).

20. (1) A person who is a citizen of Ceylon by registration shall cease to be a citizen of Ceylon if he voluntarily becomes a citizen of any other country.

(2) Where a person who is registered as a citizen of Ceylon thereafter becomes, by operation of law, also a citizen of any other country, that person shall:

(a) on the day immediately succeeding the date of the expiration of a period of three months (or such longer period as the Minister may for good cause allow) from the date on which he so becomes a citizen of that other country, or

(b) on the day on which he attains the age of twenty-two years, whichever day is in his case the later, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

(3) Where any person:

(a) who, having been exempted from the provisions of sub-section (2) of section 14, is registered under this Act as a citizen of Ceylon; or

(b) who is registered under the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949, as a citizen of Ceylon, continues after such registration to be a citizen of any other country, that person shall:

(i) on the day immediately succeeding the date of the expiration of a period of three months (or such longer period as the Minister may for good cause allow) from the date of his registration as a citizen of Ceylon, or

(ii) on the day on which he attains the age of twenty-two years, whichever day is in his case the later, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

20A. In any case where any person purports to renounce citizenship of any country for the purpose of acquiring, retaining or resuming, under any provision of this Act, the status of a citizen of Ceylon, and it is found at any time that the renunciation was not in accordance with or not effective under the law in force in that behalf in such other country, that person shall be deemed never to have acquired, retained or resumed, under that provision, the status of a citizen of Ceylon; and if the Minister makes a declaration to that effect in any such case, the declaration shall be final and shall not be contested in any court.

21. A person who is a citizen by registration shall cease to be a citizen of Ceylon if that person resides outside Ceylon for five consecutive years or more, exclusive of any period during which that person:

(a) is employed abroad as an officer in the service of the Government of Ceylon, or

(b) is abroad as a representative of the Government of Ceylon, or

(c) being the spouse or minor child of a citizen of Ceylon who is abroad in any of the capacities specified in paragraphs (a) and (b) of this section, resides abroad with that citizen, or

(d) resides abroad on a holiday or for reasons of health, or

(e) is a student at an educational institution abroad, or

(f) resides abroad with a spouse who is a citizen of Ceylon by descent, or

(g) is abroad for any prescribed purpose.

22. (1) Where the Minister is satisfied that a person who is a citizen of Ceylon by registration:

(a) has been convicted of an offence under this Act; or

(b) has been convicted of any offence under Chapter VI of the Penal Code; or

(c) was registered as a citizen of Ceylon by means of fraud, false representation, or the concealment of material circumstances or by mistake; or

(d) has, within five years after the date of registration as a citizen of Ceylon, been sentenced in any court to imprisonment for a term of twelve months or more; or

(e) has, since the date of his becoming a citizen of Ceylon by registration, been for a period of not less than two years ordinarily resident in a foreign country of which he was a national or citizen at any time prior to that date, and has not maintained a substantial connection with Ceylon; or

(f) has taken an oath or affirmation of, or made a declaration of, allegiance to a foreign country; or

(g) has so conducted himself that his continuance as a citizen of Ceylon is detrimental to the interests of Ceylon,

the Minister may by Order declare that such person shall cease to be such a citizen, and thereupon the person in respect of whom the Order is made shall cease to be a citizen of Ceylon by registration.

(2) Before the Minister makes any Order in relation to a person to whom paragraph (g) of sub-section (1) of this section applies, he shall refer that person's case for inquiry by one or more persons appointed by him, with such qualifications as may be prescribed. The person or persons who have been authorized to make an inquiry under the preceding provisions of this section shall, as soon as the inquiry is completed, make a written report to the Minister. He shall not make any order under sub-section (1) of this section without carefully considering such report.

(3) Where a person ceases to be a citizen of Ceylon under sub-section (1) of this section, the Minister may by Order direct that all or any of the persons specified in the following paragraphs shall cease to be citizens of Ceylon, and thereupon they shall cease to be citizens:

(a) all or any of the minor children of such person who have been included in the certificate of registration issued to him at the time of his registration, and

(b) the spouse, widow or widower of such person, if such spouse, widow or widower was registered under this Act.

PART V. MISCELLANEOUS

23. Any person who, for the purpose of procuring anything to be done or not to be done under this Act, makes any statement which he knows to be false in a material particular shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding three months.

24. Every person to whom a certificate under this Act is granted shall, in respect of that certificate, pay, in the prescribed manner, a fee according to the prescribed rates.

25. (1) The Minister may make all such regulations as may be necessary for giving effect to the provisions of this Act, and in particular for prescribing any matter which is stated or required to be prescribed.

(2) No regulation made by the Minister shall have effect until it has received the approval of the Senate and the House of Representatives and notification of such approval is published in the *Gazette*.

26. (1) In this Act, unless the context otherwise requires:

“alien” means a person who is not a British subject;

“appointed date” means the date appointed by the Minister under section 1;

“British subject” has the same meaning as in the law of the United Kingdom;

“consular officer of Ceylon” includes an Ambassador, a High Commissioner, a Commissioner, a Representative, or a Trade Commissioner of Ceylon;

“minor child” means a person who has not attained the age of twenty-one years;

“prescribed” means prescribed by regulation made under this Act.

(2) For the purposes of this Act a person of full age is a person who has attained the age of twenty-one years.

27. The Naturalisation Ordinance is hereby repealed.

Germany (Federal Republic)

(a) SETTLEMENT OF NATIONALITY QUESTIONS ACT OF 22 FEBRUARY 1955¹

The Federal Diet, with the approval of the Federal Council, has enacted the following law:

FIRST SECTION. NATIONALITY STATUS OF ETHNIC GERMANS WHO ACQUIRED GERMAN NATIONALITY BETWEEN 1938 AND 1945 BY COLLECTIVE NATURALIZATION

Article 1

(1) Ethnic Germans on whom German nationality was conferred by virtue of the following instruments:

(a) The Treaty of 20 November 1938 between the German Reich and the Czechoslovak Republic on questions of nationality and option (*Reichsgesetzblatt II*, page 895),

(b) The Treaty of 8 July 1939 between the German Reich and the Lithuanian Republic concerning the nationality of Memellanders (*Reichsgesetzblatt II*, page 999),

(c) The Decree of 20 April 1939 concerning the acquisition of German nationality by former Czechoslovak nationals of German ethnic origin (*Reichsgesetzblatt I*, page 815) and the Decree of 6 June 1941 regulating questions of nationality with respect to the Protectorate of Bohemia and Moravia (*Reichsgesetzblatt I*, page 308),

(d) The Decree of 4 March 1941 concerning the register of ethnic Germans and German nationality in the incorporated Eastern territories (*Reichsgesetzblatt I*, page 118), as amended by the Second Decree of 31 January 1942 concerning the register of ethnic Germans and German nationality in the incorporated Eastern territories (*Reichsgesetzblatt I*, page 51),

(e) The Decree of 14 October 1941 concerning the acquisition of nationality on Lower Styria, Carinthia and Cariola (*Reichsgesetzblatt I*, page 648),

(f) The Decree of 19 May 1943 concerning the acquisition of German nationality by entry in the register of ethnic Germans in the Ukraine (*Reichsgesetzblatt I*, page 321),

shall be deemed to have become German nationals in accordance with the provisions of the above instruments unless they have disclaimed German nationality by an explicit declaration to that effect or do so disclaim it.

(2) The same shall apply to the wife or child of a person entitled to disclaim German nationality, in so far as, under German law, the nationality of the former follows the nationality of the latter, whether or not the latter exercises his right to disclaim German nationality. Married women who possessed German nationality when the marriage was contracted shall be deemed to have retained such nationality.

Article 2

Where a person entitled to disclaim German nationality has accomplished an act which entails the loss of such nationality and where such person does

¹ *Bundesgesetzblatt I*, page 65. Translation by the Secretariat of the United Nations.

not exercise his right to disclaim German nationality, he shall be deemed to have possessed German nationality only until the occurrence of the act entailing loss of nationality.

Article 3

When German nationality is disclaimed, the person making the disclaimer shall be deemed not to have acquired German nationality in accordance with article 1.

Article 4

Where, before disclaiming German nationality, a person entitled to disclaim German nationality accomplishes an act which entails the acquisition of German nationality, the effect of the disclaimer shall be that he shall be deemed to have acquired German nationality at the time of occurrence of the act entailing the acquisition of such nationality.

Article 5

(1) No disclaimers may be made later than one year after the entry into force of this Act.

(2) Any person having the right to disclaim German nationality may renounce that right before the expiry of the period during which such disclaimer may be made.

SECOND SECTION. NATIONALITY STATUS OF PERSONS WHO UNDER ARTICLE 116, PARAGRAPH 1 OF THE BASIC LAW ARE GERMANS WITHOUT POSSESSING GERMAN NATIONALITY

Article 6

(1) Any person who, under article 116, paragraph 1 of the Basic Law,¹ is a German without possessing German nationality must be naturalized on application unless there is good reason to presume that he endangers the internal or external security of the Federal Republic or of a German *Land*.

(2) When the rejection of the application for naturalization becomes final, the applicant shall lose the legal status of a German.

Article 7

(1) Where a German not possessing German nationality has voluntarily left the territory of the German Reich as constituted on 31 December 1937 and has taken up permanent residence in the foreign State from whose territory he was expelled or in one of the other States referred to in article 1, paragraph 2 (3) of the Federal Expellees Act of 19 May 1953 (*Bundesgesetz-*

¹ Article 116, paragraph 1 of the Basic Law reads as follows:

“Unless otherwise provided by law, a German within the meaning of this Basic Law is a person who possesses German citizenship or who has been accepted in the territory of the German Reich, as it existed on 31 December 1937, as a refugee or expellee of German ethnic stock (*Volkszugehörigkeit*) or as the spouse or descendant of such person.”

blatt I, page 201), he shall lose the legal status of a German within the meaning of the Basic Law on the date of the entry into force of this Act.

(2) Where the change in permanent residence referred to in paragraph 1 takes place after the entry into force of this Act, the legal status of a German within the meaning of the Basic Law shall be deemed to have been lost on the date of such change of residence.

THIRD SECTION. NATIONALITY STATUS OF OTHER CATEGORIES OF PERSONS

Article 8

(1) An ethnic German who is not a German within the meaning of the Basic Law but who has his permanent residence in Germany and can be presumed not to intend to return to his home country shall be entitled to claim naturalization in accordance with article 6. If he is naturalized, his spouse shall also be entitled to claim naturalization.

(2) A person ceasing to be permanently resident in Germany after the entry into force of this Act shall forfeit his claim to naturalization on the date on which he ceases to be so resident.

Article 9

(1) An ethnic German who is not a German within the meaning of the Basic Law may apply for naturalization while abroad, if he has the legal status of an expellee within the meaning of article 1 of the Federal Expellees Act or is received as an emigrant within the meaning of article 1, paragraph 2(3) of that Act in the area to which this Act applies. Article 13 of the Nationality Act of 22 July 1913 (*Reichsgesetzblatt*, page 583) shall apply *mutatis mutandis*. Where application is made for naturalization, the spouse of the applicant in an existing marriage may, although not an ethnic German, also apply for naturalization while abroad.

(2) An application for naturalization must be granted if the applicant fulfils the requirement of paragraph 1, was a member during the Second World War of the German Armed Forces or of a formation attached or assimilated thereto, has acquired no new nationality since his expulsion and does not come from a State which claims as its nationals persons naturalized by collective naturalization between 1938 and 1945. The same shall apply to applications for naturalization by the wives and widows of such persons and by their children provided the children are minors at the time of application.

Article 10

Service in the German Armed Forces, the *Waffen SS*, the German police, the Todt Organization and the Reich Labour Service shall not in itself be deemed to have conferred German nationality; persons having performed such service shall be deemed to have become German nationals only if a decision to that effect was issued and delivered by the competent authorities before the entry into force of this Act.

Article 11

Any person excluded on grounds of race from one of the collective naturalization measures referred to in article 1, paragraph 1, shall be entitled

to claim naturalization if he is permanently resident in Germany and has not in the meantime acquired another nationality.

Article 12

Former German nationals who, in consequence of measures of persecution on political, racial or religious grounds between 1933 and 1945 acquired a foreign nationality before the entry into force of this Act, shall be entitled to claim naturalization on or before 31 December 1956 even if they retain their permanent residence abroad.

Article 13

No claim to naturalization in accordance with article 9, paragraph 2, article 11 and article 12 shall exist if there is good reason to presume that the applicant will endanger the internal or external security of the Federal Republic or of a German *Land*.

FOURTH SECTION. PROCEDURAL RULES

(a) *General rules*

Article 14

A person who has completed his eighteenth year shall be placed on the same footing as a person of full age as far as concerns the exercise of the right to disclaim German nationality (article 5, paragraph 1), the declaration of renunciation (article 5, paragraph 2) and the exercise of the right to naturalization (article 6, article 8, article 9, paragraph 2, article 11 and article 12).

Article 15

(1) A person who has not completed his eighteenth year or who is over eighteen but who is legally incapacitated or whose legal capacity is restricted for reasons other than age shall be represented by his legal representative in personal matters.

(2) The guardian of a child born out of wedlock shall be required to obtain the consent of the mother if the mother has custody of the child. The same shall apply if the guardian does not wish to exercise the right to disclaim German nationality and the claim to naturalization. In the event of disagreement between the guardian and the mother the guardian shall be bound to apply to the guardianship court for a ruling.

Article 16

The declaration of one spouse shall not require the consent of the other spouse.

Article 17

(1) The authority competent to receive declarations disclaiming German nationality made after the entry into force of this Act (article 5, paragraph 1) and declarations of renunciation (article 5, paragraph 2) and to grant naturalization (articles 6, 8, 9, 11 and 12) shall be the naturalization authority in the jurisdiction of which the declarant or applicant has his permanent residence.

(2) Where the declarant or applicant is permanently resident outside Germany, the competent authority shall be the naturalization authority in the jurisdiction of which he was last permanently resident. If he was never permanently resident in Germany, the competent authority shall be the naturalization authority in the jurisdiction of which his father or mother are or were last permanently resident.

(3) If in accordance with paragraphs 1 or 2 an authority outside the area to which this Act applies is competent or there is no competent authority the Federal Minister of the Interior shall be competent.

(4) In the case of minors (article 15, paragraph 1) under parental authority, the competent authority shall be the naturalization authority of the parent entitled to represent the child.

(5) Proceedings pending before different authorities may be combined with the consent of the authorities concerned.

(b) *Disclaimers*

Article 18

(1) Declarations disclaiming German nationality made after the entry into force of this Act must be made orally before an authority and registered with it or in officially certified form.

(2) Where the person entitled to disclaim German nationality is permanently resident outside the area to which this Act applies, the declaration disclaiming German nationality may be made before a diplomatic or consular mission or other liaison office of the Federal Republic of Germany or may be certified by such authority.

(3) Where the person entitled to disclaim German nationality is unable to make the declaration in the manner provided in paragraphs 1 or 2, a simple written declaration shall suffice, provided that alternative proof is furnished of the authenticity of the signature of the applicant.

Article 19

(1) If a person is prevented by circumstances beyond his control from making a declaration disclaiming naturalization within the statutory time-limit, he may make the declaration not later than six months after the date when the circumstances ceased to exist.

(2) The fact that a person entitled to disclaim German nationality is permanently resident in the Soviet-occupied zone of Germany, the Soviet-occupied sector of Berlin or in one of the German territories under foreign administration shall be regarded as a circumstance beyond his control.

Article 20

The time-limit for declarations disclaiming German nationality shall be deemed to have been complied with if the declaration is received within that time-limit by an authority which, although not competent for territorial or material reasons, is situated within the area to which this Act applies or by a diplomatic or consular mission or other liaison office of the Federal Republic of Germany.

Article 21

If a person entitled to disclaim German nationality dies before the expiry of the statutory time-limit without having exercised his right to disclaim German nationality or having renounced that right, any person related to him in the ascending and descending line or the surviving spouse shall, on furnishing *prima facie* proof of a legal interest, be entitled to apply to the competent probate court within the statutory time-limit for authority to exercise the right on behalf of the deceased or to renounce it. Before ruling on the application, the court shall give all persons entitled to make such application an opportunity to appear before it, in the absence of compelling reasons to the contrary. The proceedings shall be conducted in accordance with the provisions of the Non-contentious Matters Act of 17 May 1898 (*Reichsgesetzblatt*, page 189).

Article 22

A person who has exercised his right to disclaim German nationality shall receive a document certifying that he has not acquired German nationality by virtue of the instruments enumerated in article 1, paragraph 1, or by deriving it from a person who so acquired it. It shall not be possible to prove non-acquisition of German nationality except by production of such a certificate.

Article 23

(1) Declarations disclaiming German nationality and declarations of renunciation may be contested on the ground of error concerning their contents or on the ground that they were made as a result of coercion or threats.

(2) Where such declarations are contested a declaration must be made before the authority competent under article 17. Such declaration shall be made orally before that authority and registered by it or in officially certified form.

(3) The time-limit for making such declarations shall be one month, beginning on the date on which the error became known or on which the coercion ended, but not earlier than on the date of the entry into force of this Act. It shall end not later than six months after the date of receipt of the certificate of disclaimer.

(c) *Naturalization*

Article 24

(1) Where in the case of naturalization (articles 6, 8, 9, 11 and 12) facts which would have militated against naturalization were not disclosed through the fault of the applicant, the naturalization shall be void, unless the naturalization authority considers the requirements for naturalization in accordance with articles 8 and 13 of the Nationality Act to have been fulfilled.

(2) The decision to declare the naturalization void must be embodied in a formal order. The order must be made within five years from the date of naturalization and must be served on the person concerned. If the whereabouts of the latter are unknown or if the order cannot be served because

service would have to be effected outside the area to which this Act applies, the order shall instead be published in the *Federal Gazette*.

FIFTH SECTION. TRANSITIONAL AND FINAL PROVISIONS

Article 25

The right of establishment of expellees and any resultant subsequent settlement of their nationality shall not be affected by declarations made in accordance with this Act.

Article 26

No fees shall be payable in respect of proceedings under the provisions of this Act.

Article 27

In so far as article 17 regulates territorial competence, it shall apply also to the nationality questions covered by the Nationality Act.

Article 28

German nationality "subject to revocation" shall be equivalent to German nationality, unless the right of revocation was exercised by 8 May 1945.

Article 29

In accordance with the provisions of article 13 of the Third Transition Act of 4 January 1952 (*Bundesgesetzblatt I*, page 1) this Act shall apply also in *Land Berlin*.

Article 30

This Act shall enter into force on the date of its publication.

(b) SECOND SETTLEMENT OF NATIONALITY QUESTIONS ACT
OF 17 MAY 1956 ¹

The Federal Diet, with the approval of the Federal Council, has enacted the following law:

The Act respecting the reunification of Austria and the German Reich of 13 March 1938 (*Reichsgesetzblatt I*, page 237) having ceased to be operative, the legal questions concerning nationality arising therefrom shall be regulated as follows:

Article 1

The decrees respecting German nationality in *Land Austria* of 3 July 1938 (*Reichsgesetzblatt I*, page 790) and 30 June 1939 (*Reichsgesetzblatt I*, page 1072) are hereby repealed with effect from 27 April 1945. The German nationality of persons who were German nationals on 26 April 1945 under articles 1, 3 and 4 of the Decree of 3 July 1938 or under article 1 of the Decree of 30 June 1939 shall be deemed to have lapsed on that date.

¹ *Bundesgesetzblatt I*, page 431. Translation by the Secretariat of the United Nations.

Article 2

The second sentence in article 1 shall not apply to women who between 13 March 1938 and 26 April 1945 married a German national whose German nationality was not acquired in accordance with the provisions aforementioned or to children legitimated by such a German national between 13 March 1938 and 26 April 1945.

Article 3

(1) Any person who has lost German nationality in accordance with the provisions of the second sentence of article 1 shall be entitled to regain it by declaration with retroactive effect to the date of loss provided that he has had his permanent residence since 26 April 1945 within the territory of the German Reich as constituted on 31 December 1937 (Germany).

(2) The following persons shall also be entitled to regain German nationality with retroactive effect by declaration:

1. Any woman who after 26 April 1945 but not later than 31 March 1953 married a man who regains German nationality in accordance with the provisions of paragraph 1, even if the marriage is dissolved.

2. Any child born in wedlock or legitimated after 26 April 1945 whose father regains German nationality in accordance with the provisions of paragraph 1, and any illegitimate child whose mother regains German nationality in accordance with those provisions, provided that they have had their permanent residence in Germany since their marriage or since their birth or legitimation.

(3) Any person who acquired German nationality after 26 April 1945 shall be entitled to make such a declaration even if he gave up his permanent residence in Germany after acquiring nationality.

(4) Where, after 26 April 1945, a person entitled to make such a declaration accomplished an act which entailed the loss of German nationality, the acquisition of German nationality shall be effective only until the date of the occurrence of that act.

(5) No person shall be entitled to make such a declaration if there is good reason to presume that he endangers the internal or external security of the Federal Republic or of a German *Land*.

Article 4

If between 13 March 1938 and 26 April 1945 a woman possessing German nationality married a man who was a German national in accordance with the provisions referred to in the second sentence of article 1 and she herself was not included in that category of persons, her German nationality shall be deemed to have been lost after 26 April 1945 if her permanent residence at that time was outside Germany or if she established permanent residence abroad before 1 May 1952. Notwithstanding the foregoing, she shall be entitled to make a declaration under article 3, paragraph 1 if she has had her permanent residence in Germany since 1 January 1955.

Article 5

(1) For the purposes of this Act, any person furnishing reasonable proof that he was unable to maintain his permanent residence in Germany after

26 April 1945 shall be treated as if he fulfilled this condition, provided that he established permanent residence in Germany on 23 May 1949 at the latest and has maintained it without interruption since that date. The same shall apply to any person who established his permanent residence in Germany after 23 May 1949, provided that this was done in connexion with his flight, expulsion, deportation or emigration from one of the territories referred in article 1, paragraph 2, No. 3 of the Federal Expellees Act of 19 May 1953 (*Bundesgesetzblatt I*, page 201), or in connexion with his release from the custody of a foreign Power.

(2) Where any of the persons referred to in article 3, paragraph 2, was unable to establish his permanent residence in Germany at the prescribed time, he shall be entitled to acquire German nationality with retroactive effect to the date of his marriage, birth or legitimation, provided that he established and maintained his permanent residence in Germany as soon as it was possible for him to do so.

Article 6

(1) Article 2, paragraph 1 of the Decree of 3 July 1938 conferred German nationality only if the individual concerned was willing to receive such nationality.

(2) Where such a person still possessed German nationality on 26 April 1945, he shall be deemed to have remained a German national, provided that he declares his desire to retain German nationality. The provisions of article 3, paragraph 4, shall apply *mutatis mutandis*.

Article 7

(1) A woman who, being an alien national, married a German national after 12 March 1938 possessing German nationality under article 6, paragraph 1 or 2, shall be deemed to have become a German national by the marriage, provided that the marriage was contracted before 1 April 1953 and provided that she does not disclaim German nationality; the right of disclaimer shall also be open to women who possessed German nationality at the time of their marriage.

(2) Any person who became a German national under article 4 or article 5 of the Imperial and State Nationality Act of 22 July 1913 (*Reichsgesetzblatt*, page 583) on the ground that he was the descendant of a person possessing German nationality by virtue of article 6, paragraph 1 or 2, shall be entitled to disclaim German nationality, but if he is the descendant of a person possessing German nationality by virtue of article 6, paragraph 2, he may do so only if he was born or legitimated before the date of the declaration required under article 6, paragraph 2. The right to disclaim German nationality shall also be open to persons who possessed such nationality at the time when they were legitimated.

(3) The effect of disclaimer is that the person disclaiming German nationality shall be deemed not to have become a German national.

Article 8

(1) The declarations provided for in this Act may only be made up to 30 June 1957. In the case of persons entitled to make such declarations

under article 3, paragraph 2, article 5, paragraph 2 and article 7, the time-limit shall not expire before 31 December 1957 and in the cases provided for in article 5 it shall not expire until six months have elapsed since the establishment of residence in Germany.

(2) All persons entitled to make such declarations have the right to renounce that right before the time-limit has elapsed.

(1) All declarations made under this Act shall be governed, *mutatis mutandis*, by articles 14 to 21 and article 23 of the Settlement of Nationality Questions Act of 22 February 1955 (*Bundesgesetzblatt I*, page 65) it being understood that the first sentence in article 21 shall also apply to any person who failed to acquire the right to make such a declaration only because he died before the entry into force of this Act, or because he was in the custody of a foreign Power up to the time of his death and was thereby prevented from realizing his desire to establish permanent residence in Germany. In addition, article 22 shall apply to declarations of disclaimer (article 7). The provisions of German civil law shall apply in the matter of legal representation.

(2) Any person who is deemed to have acquired or retained German nationality by virtue of his Act shall be given a document attesting thereto.

(3) No fees shall be payable in respect of proceedings under the provisions of this Act, including the preparation of the above-mentioned document.

Article 10

Any person who before the entry into force of this Act obtained a valid judgement of an administrative court to the effect that he possessed German nationality as a result of the annexation of Austria, or was entitled to receive a certificate of nationality on that ground, shall be deemed to be a German national, provided that he did not, after obtaining the said judgement, accomplish an act entailing the loss of German nationality.

Article 11

In accordance with the provisions of article 13, paragraph 1, of the Third Transitional Act of 4 January 1952 (*Bundesgesetzblatt I*, page 1) this Act shall also apply in *Land Berlin*.

Article 12

This act shall enter into force on the date of its publication.

(c) THIRD SETTLEMENT OF NATIONALITY QUESTIONS ACT OF 19 AUGUST 1957¹

SECOND SECTION.² AMENDMENT OF THE SETTLEMENT OF NATIONALITY QUESTIONS ACT

Article III

Article 12 of the Settlement of Nationality Questions of 22 February 1955 (*Bundesgesetzblatt I*, page 65) shall be amended to read as follows:

¹ *Bundesgesetzblatt I*, p. 1251. Translation by the Secretariat of the United Nation.

² See the body of this volume for the first and the last section of this Act.

Article 12

(1) A claim to naturalization may also be made by any former German national who acquired a foreign nationality before the entry into force of this Law, owing to persecution on political, racial or religious grounds in the period from 30 January 1933 to 8 May 1945, even if he continues to be domiciled abroad.

(2) The descendants of the persons referred to in paragraph (1) above may claim naturalization until 31 December 1970.

Ghana**NATIONALITY AND CITIZENSHIP ACT, 1957****PART I. PRELIMINARY**

1. This Act may be cited as the Ghana Nationality and Citizenship Act, 1957.

2. (1) In this Act, unless the context otherwise requires:

“alien” means a person who is not a Commonwealth citizen or a British protected person;

“British protected person” means any person who under any enactment for the time being in force in any country mentioned in subsection (3) of section 9 of this Act is a British protected person or a protected person of that country;

“certificate of naturalisation” means a certificate of naturalisation granted under this Act;

“child” includes a child born out of wedlock and the expressions “father”, “mother” and “parent” shall be construed accordingly;

“foreign country” means a country other than Ghana, a country mentioned in subsection (3) of section 9 of this Act, a mandated territory, a trust territory, a state or territory which is declared by Her Majesty by Order in Council to be a protectorate or protected state for the purposes of the British Nationality Act, 1948, of the United Kingdom Parliament, the new Hebrides and Canton Island;

“Ghana consulate” means an office of a consular officer of the Government of Ghana where a register of births is kept, or, where there is no such office, such office as may be prescribed;

“Gold Coast” shall have the meaning assigned to it in and for the purposes of the Gold Coast (Constitution) Order in Council, 1954;

“Minister” means the Minister responsible for citizenship;

“minor” means a person who has not attained the age of twenty-one years.

(2) Any reference in this Act to Ghana in relation to birth or residence before the commencement of the Ghana Independence Act, 1957, shall be read and construed as including a reference to the Gold Coast.

(3) References in this Act to any country mentioned in subsection (3) of section 9 of this Act, shall include references to the dependencies of that country.

(4) For the purposes of this Act a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of

any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(5) A person shall for the purposes of this Act be of full age if he has attained the age of twenty-one years and of full capacity if he is not of unsound mind.

(6) For the purposes of this Act a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

(7) The Interpretation Ordinance shall apply to the interpretation of this Act, as it applies to the interpretation of an Ordinance.

PART II. NATIONALITY AND CITIZENSHIP OF GHANA

3. (1) A citizen of Ghana may, for any purpose in Ghana, describe his nationality by the use of the expression "citizen of Ghana" or "Ghanaian citizen", or by the use of the expression "national of Ghana" or "Ghanaian national".

(2) For the purposes of this Act, the expressions "national of Ghana" and "Ghanaian national" shall have the same meaning as the expressions "citizen of Ghana" and "Ghanaian citizen" respectively.

PART III. ACQUISITION OF CITIZENSHIP ON COMMENCEMENT OF ACT

4. (1) Subject to the provisions of this section every person born in Ghana, whether before or after the commencement of the Ghana Independence Act, 1957, who immediately before the date of commencement of this Act was a citizen of the United Kingdom and Colonies or a British protected person shall be a citizen of Ghana:

Provided that a person shall not be such a citizen by virtue of this section if none of his parents or grandparents was born in Ghana.

(2) A person who becomes a citizen of Ghana by virtue of the provisions of this section shall be deemed for the purposes of section 8 of this Act to be a citizen of Ghana by birth.

5. (1) Every person born outside Ghana who, immediately before the commencement of this Act, was a citizen of the United Kingdom and Colonies or a British protected person shall, if at least one of his parents was born in Ghana and was immediately before the date of commencement of this Act or at his death if occurring prior to that date a citizen of the United Kingdom and Colonies or a British protected person, be a citizen of Ghana.

(2) A person who becomes a citizen of Ghana by virtue of the provisions of this section shall be deemed for the purposes of sections 8 and 11 of this Act to be a citizen of Ghana by descent.

6. A woman who immediately before the date of commencement of this Act was by virtue of her marriage a citizen of the United Kingdom and Colonies or a British protected person (whether by registration or by operation of the law) shall, if the person to whom she has been married becomes or would but for his death have become a citizen of Ghana under the provisions of section 4 or 5 of this Act, on that date herself become such a citizen.

PART IV. CITIZENSHIP BY BIRTH OR DESCENT

7. Subject to the provisions of this section, every person born in Ghana after the commencement of this Act shall be a citizen of Ghana by birth:

Provided that a person shall not be such a citizen by virtue of this section if at the time of his birth:

(a) neither of his parents is a citizen of Ghana and his father possesses such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Her Majesty; or

(b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

8. A person born outside Ghana after the commencement of this Act shall be a citizen of Ghana by descent if at the time of his birth:

(a) his father is a citizen of Ghana otherwise than by descent; or

(b) his mother is a citizen of Ghana by birth.

PART V. COMMONWEALTH CITIZENSHIP

9. (1) Every person who under this Act is a citizen of Ghana or who under any enactment for the time being in force in any country mentioned in subsection (3) of this section is a citizen of that country, shall, by virtue of that citizenship, have also the status of a Commonwealth citizen.

(2) In any law in force in Ghana other than this Act, references to a British subject shall be read and construed as references to a Commonwealth citizen.

(3) The following are the countries hereinbefore referred to—that is to say, the United Kingdom and Colonies, Canada, Australia, New Zealand, the Union of South Africa, India, Pakistan, Southern Rhodesia and Ceylon.

10. A Commonwealth citizen who is not a citizen of Ghana shall not be guilty of an offence against the laws of Ghana by reason of anything done or omitted in any country mentioned in subsection (3) of section 9 of this Act or in any foreign country, unless:

(a) the act or omission would be an offence if he were an alien; and

(b) in the case of an act or omission in any country mentioned in subsection (3) of section 9 of this Act it would be an offence if the country in which the act was done or the omission made were a foreign country.

PART VI. CITIZENSHIP BY REGISTRATION AND NATURALISATION

11. (1) Subject to the provisions of subsection (4) of this section, a citizen of any country mentioned in subsection (3) of section 9 of this Act, or a British protected person, being a person of full age and capacity, on making application therefor to the Minister in the prescribed manner, may with the approval of the Governor-General be registered as a citizen of Ghana if he satisfies the Minister that he is of good character and has a sufficient knowledge of a language indigenous to and in current use in Ghana and that he is ordinarily resident in Ghana and has been so resident in Ghana, whether before or after the commencement of the Ghana Independence Act, 1957, throughout the period of five years, or such shorter period as the Minister may in the special circumstances of any particular case accept, immediately preceding his application.

(2) Subject to the provisions of subsection (4) of this section any person of full age and capacity born outside Ghana one of whose parents was at the time of his birth a citizen of Ghana by descent may with the approval of the Governor-General, on making application therefor to the Minister in the prescribed manner, be registered as a citizen of Ghana.

(3) Subject to the provisions of subsection (4) of this section, a woman who has been married to a citizen of Ghana may with the approval of the Governor-General on making application therefor to the Minister in the prescribed manner, be registered as a citizen of Ghana whether or not she is of full age and capacity.

(4) A person shall not be registered as a citizen of Ghana under this section unless and until he has made a declaration in writing of his willingness to renounce any other nationality or citizenship he may possess and has taken an oath of allegiance in the form specified in the First Schedule to this Act.

12. (1) The Minister may with the approval of the Governor-General cause the minor child of any citizen of Ghana to be registered as a citizen of Ghana upon application made in the prescribed manner by a parent or guardian of the child.

(2) The Minister, in such special circumstances as he thinks fit, may with the approval of the Governor-General cause any minor to be registered as a citizen of Ghana.

13. A person registered under any of the last two foregoing sections shall be a citizen of Ghana by registration as from the date on which he is registered.

14. The Minister, if application therefor is made to him in the prescribed manner by any alien of full age and capacity who satisfies him that he is qualified under the provisions of the Second Schedule to this Act for naturalisation, may with the approval of the Governor-General grant to him a certificate of naturalisation, and the person to whom the certificate is granted shall, on taking an oath of allegiance in the form specified in the First Schedule to this Act, and on making a declaration in writing of his willingness to renounce any other nationality and any claim to the protection of any other country, be a citizen of Ghana by naturalisation as from the date on which that certificate is granted.

PART VII. RENUNCIATION AND DEPRIVATION OF CITIZENSHIP

15. (1) If any citizen of Ghana of full age and capacity who is also:

(a) a citizen of any country mentioned in subsection (3) of section 9 of this Act; or

(b) a national of a foreign country,

makes a declaration in the prescribed manner of renunciation of citizenship of Ghana, the Minister, if he is satisfied that that person is not ordinarily resident in Ghana, shall, and in all other cases, may cause the declaration to be registered; and, upon the registration, that person shall cease to be a citizen of Ghana:

Provided that the Minister may withhold registration of any such declaration if in his opinion it is contrary to public policy.

(2) For the purposes of this section any woman who has been married shall be deemed to be of full age.

16. (1) The Minister may by order deprive any person of his Ghana citizenship if the Minister is satisfied that that person has at any time while a citizen of Ghana and of full age and capacity acquired the nationality or citizenship of a foreign country by any voluntary and formal act other than marriage and that it is not conducive to the public good that he should continue to be a citizen of Ghana.

(2) The Minister may require any such citizen of Ghana as is referred to in the last foregoing section of this Act to renounce his nationality or citizenship of any other country within such period as the Minister may specify and in the event of any such person failing to renounce such nationality or citizenship within the time specified the Minister may by order deprive that person of his citizenship of Ghana.

(3) Upon an order being made under this section in respect of any person, he shall cease to be a citizen of Ghana.

17. (1) A citizen of Ghana who is such by registration or naturalisation shall cease to be a citizen of Ghana if he is deprived of that citizenship by an order of the Minister made under this or the next following section.

(2) Subject to the provisions of this section, the Minister may by order deprive any such citizen of his citizenship if he is satisfied that the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact.

(3) Subject to the provisions of this section, the Minister may by order deprive any citizen of Ghana who is such by naturalisation of that citizenship if he is satisfied that that citizen—

(a) has shown himself by act or speech to be disloyal or disaffected towards Her Majesty or the Government of Ghana; or

(b) has, during any war in which Ghana was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or

(c) has within five years after becoming naturalised been sentenced in any country to imprisonment for a term of not less than twelve months.

(4) The Minister may by order deprive any citizen by naturalisation of his citizenship of Ghana if he is satisfied that that person has been ordinarily resident in foreign countries for a continuous period of seven years and during that period, has not registered annually in the prescribed manner at a Ghana consulate or by notice in writing to the Minister his intention to retain his citizenship of Ghana.

(5) The Minister shall not deprive a person of citizenship under this section unless he is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Ghana.

18. When a naturalised person who was a citizen of any country mentioned in subsection (3) of section 9 of this Act has been deprived of that citizenship on grounds which, in the opinion of the Minister, are substantially similar to any of the grounds specified in subsections (2), (3) and (4) of the last foregoing section, then, if that person is a citizen of Ghana, the Minister may by an order made under this section deprive him of that citizenship, if the Minister is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Ghana.

19. Any reference in this Act to the status or description of either parent of a person at the time of that person's birth shall, in relation to a person born after the death of that parent, be construed as a reference to the status or description of that parent at the time of the parent's death; and where that death occurred before, and the birth occurs after the commencement of this Act, the status or description which would have been applicable to such parent had he or she died after the commencement of this Act shall be deemed to be the status or description applicable to him or her as the case may be at the time of his or her death.

20. The Governor-General or the Minister as the case may be, shall not be required to assign any reason for the grant or refusal of any application under this Act, and the decision of the Governor-General or the Minister on any such application shall not be subject to appeal to or review in any court.

21. The Minister may in such cases as he thinks fit, on the application of any person with respect to whose citizenship of Ghana a doubt exists, whether on a question of fact or law, certify that a person is a citizen of Ghana; and a certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

22. (1) Every document purporting to be a notice, certificate, order or declaration, or an entry in a register, or a subscription of an oath of allegiance, given, granted or made under this Act, shall be received in evidence, and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) *Prima facie* evidence of any such document as aforesaid may be given by production of a document purporting to be certified as a true copy thereof by such person and in such manner as may be prescribed.

(3) Any entry in a register made under this Act, shall be received as evidence of the matters stated in the entry.

23. (1) Any person who for the purpose of procuring anything to be done or not to be done under this Act makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be liable on summary conviction to imprisonment for a term not exceeding six months.

(2) Any person who fails to comply with any requirement imposed on him by regulations made under this Act with respect to the delivering up of certificates of naturalisation shall be liable on summary conviction to a fine not exceeding one hundred pounds.

24. The Governor-General may by regulations make provision generally for carrying into effect the purposes of this Act, and in particular:

(a) for prescribing anything which under this Act is to be prescribed;

(b) for the registration of anything required or authorised under this Act to be registered;

(c) for the administration and taking of oaths of allegiance under this Act, for the time within which oaths of allegiance shall be taken and for the registration of oaths of allegiance;

(d) for the giving of any notice required or authorised to be given to any person under this Act;

(e) for the cancellation of the registration of, and the cancellation and amendment of certificates of naturalisation relating to, persons deprived of citizenship under this Act, and for requiring such certificates to be delivered up for those purposes;

(f) for the registration by officers in the service of the Government of Ghana of the births and deaths of persons of any class or description born or dying elsewhere than in Ghana;

(g) for enabling the births and deaths of citizens of Ghana born or dying in any country in which the Government of Ghana has for the time being no diplomatic or consular representatives to be registered by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with the Government of Ghana, has undertaken to represent that government's interest in that country, or by a person authorised in that behalf by the Governor-General;

(h) for the imposition and recovery of fees in respect of any application made to the Governor-General or the Minister under this Act or in respect of any registration, or the making of any declaration, or the grant of any certificate, or the taking of any oath of allegiance, authorised to be made, granted or taken by or under this Act, and in respect of supplying a certified or other copy of any notice, certificate, order, declaration or entry, given, granted or made as aforesaid; and for the application of any such fees.

25. The British Nationality Fees Ordinance and the British Nationality (Offences) Ordinance, 1952, are hereby repealed.

SCHEDULES

FIRST SCHEDULE

(Sections 11 and 14)

I, A.B. swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors, according to law and that I will support and uphold the Constitution of Ghana as by law established. So help me God.

SECOND SCHEDULE

(Section 14)

QUALIFICATIONS FOR NATURALISATION

1. Subject to the provisions of the next following paragraph, the qualifications for naturalisation of an alien who applies therefor are—

(a) that he has resided in Ghana throughout the period of twelve months immediately preceding the date of the application; and

(b) that during the seven years immediately preceding the said period of twelve months he has resided in Ghana for periods amounting in the aggregate to not less than five years; and

(c) that he is of good character; and

(d) that he has sufficient knowledge of a language indigenous to and in current use in Ghana; and

(e) that he intends in the event of a certificate being granted to him to reside in Ghana.

2. The Minister, if in the special circumstances or any particular case he thinks fit, may with the approval of the Governor-General—

(a) allow a continuous period of twelve months ending not more than six months before the date of application to be reckoned for the purposes of sub-paragraph (a) of the last foregoing paragraph as though it had immediately preceded that date;

(b) allow residence in a country other than a foreign country to be reckoned for the purposes of sub-paragraph (b) of the last foregoing paragraph as if it had been residence in Ghana;

(c) allow periods of residence earlier than eight years before the date of application to be reckoned in computing the aggregate mentioned in the said sub-paragraph (b).

India

CITIZENSHIP ACT NO. 57 OF 1955¹

An act to provide for the acquisition and termination of Indian citizenship

Be it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Citizenship Act, 1955.

2. (1) In this Act, unless the context otherwise requires,—

(a) “a Government in India” means the Central Government or a State Government;

(b) “citizen”, in relation to a country specified in the First Schedule, means a person who, under the citizenship or nationality law for the time being in force in that country, is a citizen or national of that country;

(c) “citizenship or nationality law”, in relation to a country specified in the First Schedule, means an enactment of the legislature of that country which, at the request of the Government of that country, the Central Government may, by notification in the Official Gazette, have declared to be an enactment making provision for the citizenship or nationality of that country:

Provided that no such notification shall be issued in relation to the Union of South Africa except with the previous approval of both Houses of Parliament;

(d) “Indian consulate” means the office of any consular officer of the Government of India where a register of births is kept, or where there is no such office, such office as may be prescribed;

(e) “minor” means a person who has not attained the age of eighteen years;

(f) “person” does not include any company or association or body of individuals, whether incorporated or not;

(g) “prescribed” means prescribed by rules made under this Act;

(h) “undivided India” means India as defined in the Government of India Act, 1935, as originally enacted.

¹ Government of India, Ministry of Law, *Acts of Parliament*, 1955, p. 307.

(2) For the purposes of this Act, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death; and where that death occurred before, and the birth occurs after, the commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

(4) For the purposes of this Act, a person shall be deemed to be of full age if he is not a minor, and of full capacity if he is not of unsound mind.

Acquisition of Citizenship

3. (1) Except as provided in sub-section (2) of this section, every person born in India on or after the 26th January, 1950, shall be a citizen of India by birth.

(2) A person shall not be such a citizen by virtue of this section if at the time of his birth—

(a) his father possesses such immunity from suits and legal process as is accorded to an envoy of a foreign sovereign power accredited to the President of India and is not a citizen of India;

or

(b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

4. (1) A person born outside India on or after the 26th January, 1950, shall be a citizen of India by descent if his father is a citizen of India at the time of his birth:

Provided that if the father of such a person was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section unless—

(a) his birth is registered at an Indian consulate within one year of its occurrence or the commencement of this Act, whichever is later, or, with the permission of the Central Government, after the expiry of the said period; or

(b) his father is, at the time of his birth, in service under a Government in India.

(2) If the Central Government so directs, a birth shall be deemed for the purposes of this section to have been registered with its permission, notwithstanding that its permission was not obtained before the registration.

(3) For the purposes of the proviso to sub-section (1), any male person born outside undivided India who was, or was deemed to be, a citizen of India at the commencement of the Constitution shall be deemed to be a citizen of India by descent only.

5. (1) Subject to the provisions of this section and such conditions and restrictions as may be prescribed, the prescribed authority may, on application made in this behalf, register as a citizen of India any person who is not already such citizen by virtue of the Constitution or by virtue of any of the other provisions of this Act and belongs to any of the following categories:—

- (a) persons of Indian origin who are ordinarily resident in India and have been so resident for six months immediately before making an application for registration;
- (b) persons of Indian origin who are ordinarily resident in any country or place outside undivided India;
- (c) women who are, or have been, married to citizens of India;
- (d) minor children of persons who are citizens of India; and
- (e) persons of full age and capacity who are citizens of a country specified in the First Schedule:

Provided that in prescribing the conditions and restrictions subject to which persons of any such country may be registered as citizens of India under this clause, the Central Government shall have due regard to the conditions subject to which citizens of India may, by law or practice of that country, become citizens of that country by registration.

Explanation. For the purposes of this sub-section, a person shall be deemed to be of Indian origin if he, or either of his parents, or any of his grandparents, was born in undivided India.

(2) No person being of full age shall be registered as a citizen of India under sub-section (1) until he has taken the oath of allegiance in the form specified in the Second Schedule.

(3) No person who has renounced, or has been deprived of, his Indian citizenship, or whose Indian citizenship has terminated, under this Act shall be registered as a citizen of India under sub-section (1) except by order of the Central Government.

(4) The Central Government may, if satisfied that there are special circumstances justifying such registration, cause any minor to be registered as a citizen of India.

(5) A person registered under this section shall be a citizen of India by registration as from the date on which he is so registered; and a person registered under the provisions of clause (b) (ii) of article 6 or article 8 of the Constitution shall be deemed to be a citizen of Indian by registration as from the commencement of the Constitution or the date on which he was so registered, whichever may be later.

6. (1) Where an application is made in the prescribed manner by any person of full age and capacity who is not a citizen of a country specified in the First Schedule for the grant of a certificate of naturalisation to him, the Central Government may, if satisfied that the applicant is qualified for naturalisation under the provisions of the Third Schedule, grant to him a certificate of naturalisation:

Provided that, if in the opinion of the Central Government, the applicant is a person who has rendered distinguished service to the cause of science, philosophy, art, literature, world peace or human progress generally, it may waive all or any of the conditions specified in the Third Schedule.

(2) The person to whom a certificate of naturalisation is granted under sub-section (1) shall, on taking the oath of allegiance in the form specified in the Second Schedule, be a citizen of India by naturalisation as from the date on which that certificate is granted.

7. If any territory becomes a part of India, the Central Government may, by order notified in the Official Gazette, specify the persons who shall be

citizens of India by reason of their connection with that territory; and those persons shall be citizens of India as from the date to be specified in the order.

Termination of Citizenship

8. (1) If any citizen of India of full age and capacity, who is also a citizen or national of another country, makes in the prescribed manner a declaration renouncing his Indian citizenship, the declaration shall be registered by the prescribed authority; and, upon such registration, that person shall cease to be a citizen of India:

Provided that if any such declaration is made during any war in which India may be engaged, registration thereof shall be withheld until the Central Government otherwise directs.

(2) Where a male person ceases to be a citizen of India under sub-section (1), every minor child of that person shall thereupon cease to be a citizen of India:

Provided that any such child may, within one year after attaining full age, make a declaration that he wishes to resume Indian citizenship and shall thereupon again become a citizen of India.

(3) For the purposes of this section, any woman who is, or has been, married shall be deemed to be of full age.

9. (1) Any citizen of India who by naturalisation, registration or otherwise voluntarily acquires, or has at any time between the 26th January, 1950 and the commencement of this Act voluntarily acquired, the citizenship of another country shall, upon such acquisition or, as the case may be, such commencement, cease to be a citizen of India:

Provided that nothing in this sub-section shall apply to a citizen of India who, during any war in which India may be engaged, voluntarily acquires the citizenship of another country, until the Central Government otherwise directs.

(2) If any question arises as to whether, when or how any person has acquired the citizenship of another country, it shall be determined by such authority, in such manner, and having regard to such rules of evidence, as may be prescribed in this behalf.

10. (1) A citizen of India who is such by naturalisation or by virtue only of clause (c) of article 5 of the Constitution or by registration otherwise than under clause (b) (ii) of article 6 of the Constitution or clause (a) of sub-section (1) of section 5 of this Act shall cease to be a citizen of India, if he is deprived of that citizenship by an order of the Central Government under this section.

(2) Subject to the provisions of this section, the Central Government may, by order, deprive any such citizen of Indian citizenship, if it is satisfied that—

(a) the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact; or

(b) that citizen has shown himself by act or speech to be disloyal or disaffected towards the Constitution of India as by law established; or

(c) that citizen has, during any war in which India may be engaged, unlawfully traded or communicated with an enemy or been engaged in, or associated with, any business that was to his knowledge carried on in such manner as to assist an enemy in that war; or

(d) that citizen has, within five years after registration or naturalisation, been sentenced in any country to imprisonment for a term of not less than two years; or

(e) that citizen has been ordinarily resident out of India for a continuous period of seven years, and during that period, has neither been at any time a student of any educational institution in a country outside India or in the service of a Government in India or of an international organisation of which India is a member, nor registered annually in the prescribed manner at an Indian consulate his intention to retain his citizenship of India.

(3) The Central Government shall not deprive a person of citizenship under this section unless it is satisfied that it is not conducive to the public good that that person should continue to be a citizen of India.

(4) Before making an order under this section, the Central Government shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and, if the order is proposed to be made on any of the grounds specified in sub-section (2) other than clause (e) thereof, of his right, upon making application therefor in the prescribed manner, to have his case referred to a committee of inquiry under this section.

(5) If the order is proposed to be made against a person on any of the grounds specified in sub-section (2) other than clause (e) thereof and that person so applies in the prescribed manner, the Central Government shall, and in any other case it may, refer the case to a Committee of Inquiry consisting of a chairman (being a person who has for at least ten years held a judicial office) and two other members appointed by the Central Government in this behalf.

(6) The Committee of Inquiry shall, on such reference, hold the inquiry in such manner as may be prescribed and submit its report to the Central Government; and the Central Government shall ordinarily be guided by such report in making an order under this section.

Supplemental

11. Every person who is a citizen of a Commonwealth country specified in the First Schedule shall, by virtue of that citizenship, have the status of a Commonwealth citizen in India.

12. (1) The Central Government may, by order notified in the Official Gazette, make provisions on a basis of reciprocity for the conferment of all or any of the rights of a citizen of India on the citizens of any country specified in the First Schedule.

(2) Any order made under sub-section (1) shall have effect notwithstanding anything inconsistent therewith contained in any law other than the Constitution of India or this Act.

13. The Central Government may, in such cases as it thinks fit, certify that a person, with respect to whose citizenship of India a doubt exists, is a citizen of India; and a certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

14. (1) The prescribed authority or the Central Government may, in its discretion, grant or refuse an application under section 5 or section 6 and shall not be required to assign any reasons for such grant or refusal.

(2) Subject to the provisions of section 15, the decision of the prescribed authority or the Central Government on any such application as aforesaid shall be final and shall not be called in question in any court.

15. (1) Any person aggrieved by an order made under this Act by the prescribed authority or any officer or other authority (other than the Central Government) may, within a period of thirty days from the date of the order, make an application to the Central Government for a revision of that order;

Provided that the Central Government may entertain the application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) On receipt of any such application under sub-section (1), the Central Government shall, after considering the application of the aggrieved person and any report thereon which the officer or authority making the order may submit, make such order in relation to the application as it deems fit, and the decision of the Central Government shall be final.

16. The Central Government may, by order, direct that any power which is conferred on it by any of the provisions of this Act other than those of section 10 and section 18 shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be so specified.

17. Any person who, for the purpose of procuring anything to be done or not to be done under this Act, knowingly makes any representation which is false in a material particular shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

18. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the registration of anything required or authorized under this Act to be registered, and the conditions and restrictions in regard to such registration;

(b) the forms to be used and the registers to be maintained under this Act;

(c) the administration and taking of oaths of allegiance under this Act, and the time within which, and the manner in which, such oaths shall be taken and recorded;

(d) the giving of any notice required or authorized to be given by any person under this Act;

(e) the cancellation of the registration of, and the cancellation and amendment of certificates of naturalisation relating to, persons deprived of citizenship under this Act, and the delivering up of such certificates for those purposes;

(f) the registration at Indian consulates of the births and deaths of persons of any class or description born or dying outside India.

(g) the levy and collection of fees in respect of applications, registrations, declarations and certificates under this Act, in respect of the taking of an oath of allegiance, and in respect of the supply of certified or other copies of documents;

(h) the authority to determine the question of acquisition of citizenship of another country, the procedure to be followed by such authority and rules of evidence relating to such cases;

(i) the procedure to be followed by the committees of inquiry appointed under section 10 and the conferment on such committees of any of the powers, rights and privileges of civil courts;

(j) the manner in which applications for revision may be made and the procedure to be followed by the Central Government in dealing with such applications; and

(k) any other matter which is to be, or may be, prescribed under this Act.

(3) In making any rule under this section, the Central Government may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

(4) All rules made under this section shall, as soon as may be after they are made, be laid for not less than fourteen days before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid.

19. (1) The British Nationality and Status of Aliens Acts, 1914 to 1943, are hereby repealed in their application to India.

(2) All laws relating to naturalisation which are in force in any part of India are hereby repealed.

THE FIRST SCHEDULE

[SEE SECTIONS 2 (1) (b) AND 5(1) (e)]

A. The following Commonwealth countries:—

1. United Kingdom.
2. Canada.
3. Commonwealth of Australia.
4. New Zealand.
5. Union of South Africa.
6. Pakistan.
7. Ceylon.
8. Federation of Rhodesia and Nyasaland.

B. The Republic of Ireland.

Explanation. In this Schedule, "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland, and includes the Channel Islands, the Isle of Man and all Colonies; and "Commonwealth of Australia" includes the territories of Papua and the territory of Norfolk Island.

THE SECOND SCHEDULE

[SEE SECTIONS 5(2) AND 6(2)]

Oath of Allegiance

I, A. B..... do solemnly affirm (or swear) that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will faithfully observe the laws of India and fulfil my duties as a citizen of India.

THE THIRD SCHEDULE

[SEE SECTION 6(1)]

QUALIFICATIONS FOR NATURALISATION

The qualifications for naturalisation of a person who is not a citizen of a country specified in the First Schedule are:—

(a) that he is not a subject or citizen of any country where citizens of India are prevented by law or practice of that country from becoming subjects or citizens of that country by naturalisation;

(b) that, if he is a citizen of any country, he has renounced the citizenship of that country in accordance with the law therein in force in that behalf and has notified such renunciation to the Central Government;

(c) that he has either resided in India or been in the service of a Government in India or partly the one and partly the other, throughout the period of twelve months immediately preceding the date of the application;

(d) that during the seven years immediately preceding the said period of twelve months, he has either resided in India or been in the service of a Government in India, or partly the one and partly the other, for periods amounting in the aggregate to not less than four years;

(e) that he is of good character;

(f) that he has an adequate knowledge of a language specified in the Eighth Schedule to the Constitution; and

(g) that in the event of a certificate of naturalisation being granted to him, he intends to reside in India, or to enter into, or continue in, service under a Government in India or under an international organisation of which India is a member or under a society, company or body of persons established in India:

Provided that the Central Government may, if in the special circumstances of any particular case it thinks fit,—

(i) allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned, for the purposes of clause (c) above, as if it had immediately preceded that date;

(ii) allow periods of residence or service earlier than eight years before the date of the application to be reckoned in computing the aggregate mentioned in clause (d) above.

Libya

NATIONALITY LAW NO. 17 OF 1954¹

PART 1

Article 1

Any person who at the promulgation of the Constitution (on the 7th of October 1951) was normally resident in Lybia and not a national or subject of any foreign state, shall be a Libyan subject as from that date if:

(a) he was born in Lybia; or

(b) he was born outside Libya and either of his parents was born in Libya, or

(c) he was born outside Libya, and had on that date normally resided in Libya for at least ten successive years.

Article 2

(1) Any person born before the 7th of October 1951, who was not normally resident in Libya on that date, may:

(a) If he was born in Libya; or

(b) if he was born outside Libya and either of his parents or any of his grand parents was born in Libya, opt for Libyan nationality in accordance with the provisions of this Law.

(2) Any person born before the 7th of October 1951, who was normally resident in Libya on that date but is not a Libyan subject by virtue of Article 1 of this Law, may:

(a) if he is an Arab and stateless, or

(b) if he is a citizen of an Arab country and had been normally resident in Libya on the said date for not less than five successive years, or

(c) in any other case, if he had been ordinarily resident in Libya on the 7th of October 1956 for not less than ten successive years, and is still residing therein, opt for Libyan nationality in accordance with the provisions of this law provided that persons in category (c) shall apply for Libyan nationality not later than the 1st of January 1955.

Article 3

A person wishing to opt for Libyan nationality under the preceding article shall apply to the Minister of Foreign Affairs, and he may include in his application the names of his wife and of his minor children.

If the Minister is satisfied:

(1) That the applicant is of sane mind and full age:

(2) That he is of good character and has not been convicted of any offence involving moral turpitude, unless he has been rehabilitated,

(3) that he intends to reside in Libya; and

(4) that he, and those included in the application, will on becoming subjects divest themselves of any foreign nationality they may possess;

¹ *Official Gazette of the United Kingdom of Libya*, No. 3, Vol. 4, 25 April 1954.

he shall, with the approval of the Council of Ministers, issue to the applicant a certificate of Libyan nationality in respect of himself and those included in his application.

On the issue of a certificate of Libyan nationality under this article, the persons whose names are included therein shall be Libyan subjects from the date of the certificate.

Article 4

Any person shall be a Libyan subject if:

(a) he was born in Libya on or after the 7th October, 1951 and does not by reason of his birth acquire any foreign nationality; or

(b) he was born outside Libya on or after the 7th of October 1951, and his father was a Libyan subject by virtue of his birth in Libya or naturalization or the operation of Article 1 of Article 2 of this Law; or

(c) he was born outside Libya under the preceding paragraph, and in that case, his birth must be registered within one year at a Libyan Embassy, Legation, or Consulate, or at the Ministry of Foreign Affairs, or any other place approved for the purpose by the Minister of Foreign Affairs.

(2) Any person who under para. (b) or (c) acquires a foreign nationality by virtue of his birth may divest himself of his foreign nationality and opt for Libyan nationality giving notice thereof to the Minister of Foreign Affairs within one year of attaining full age.

PART 2. NATURALIZATION

Article 5

Libyan nationality may, by decree, be granted to any foreigner provided that he fulfils the following conditions:

(1) That he has attained full age and is neither incompetent nor deficient nor a married woman;

(2) That he has been normally resident in Libya, or in the service of the Government of the United Kingdom of Libya, or partly the one and partly the other for a period of ten successive years immediately preceding his application, or if he is an Arab, five years. The applicant may be exempted from the condition of residence if he had previously served in the armed forces of Libya, or where such exemption is conducive to the public good, in such case nationality shall be granted by special law;

(3) that he is of good character and has not been found guilty of any offence involving moral turpitude unless he has been rehabilitated;

(4) that he intends to reside in Libya, and has lawful means of support; and

(5) that he knows the Arabic language sufficiently.

The application shall be submitted to the Minister of Foreign Affairs, who within three months of receipt thereof, shall refer it to the Council of Ministers after being satisfied that it conforms to all the conditions required, and the Council of Ministers at its own discretion may recommend the issue to the applicant of a decree of naturalization. Such decree shall be effective when the applicant has taken an oath of allegiance to the country and the King and has lost any foreign nationality he may possess.

Article 6

(1) There may be included in an application for naturalization and a decree of naturalization issued under the previous article, the name of the applicant's wife and any child under the age of eighteen and the wife and the child so included shall thereupon become Libyan subjects; but any such child may within one year after attaining full age renounce Libyan nationality by giving notice to the Minister of Foreign Affairs.

PART 3. MARRIED WOMEN

Article 7

A woman who is a foreigner and who is married to a Libyan subject shall have the right to become a Libyan subject by giving notice to the Minister of Foreign Affairs, provided she loses her foreign nationality. The Minister may on stated grounds, withhold the grant of such nationality, or may withdraw it where matrimony does not last for two years at least.

On termination of matrimony, such a woman shall not lose her Libyan nationality unless she marries a foreigner or makes her normal residence outside Libya or has recovered her foreign nationality.

If a foreign woman marries a Libyan subject, the children born before that marriage shall not by reason only of the marriage acquire Libyan nationality.

Article 8

A Libyan woman who marries a foreigner shall retain her Libyan nationality unless she desires to acquire the nationality of her husband and she is permitted to do so by the national law of her husband.

In the event of the termination of marriage, such a woman may resume her Libyan nationality by giving notice to the Minister of Foreign Affairs within one year of such termination, and provided that she renounces her foreign nationality.

PART 4. — LOSS OF NATIONALITY

Article 9

Any Libyan subject who voluntarily acquires the nationality of any foreign state shall thereupon cease to be a Libyan subject, provided he gives notice thereof to the Minister of Foreign Affairs.

If the father of any children under the age of eighteen loses his Libyan nationality, such children shall likewise lose their Libyan nationality.

Provided that any such children may, if they lose their foreign nationality, by notice given to the Minister of Foreign Affairs within one year of attaining full age, resume their Libyan nationality.

Article 10

(1) A Libyan subject who has acquired Libyan nationality under any of articles 2, 4, 6, or 7 of this law may within five years from the date of his acquiring Libyan nationality be divested of his nationality by Royal Decree, if:

(a) he is found to have obtained Libyan nationality as a result of a false statement or concealment of material facts; or

(b) he has been convicted of an offence showing disloyalty to the country and the King;

(c) he has been convicted of any offence involving moral turpitude; or

(d) he has, in the course of the five years following the date of his acquiring Libyan nationality, resided outside Libya for two successive years for a reason not acceptable to the Council of Ministers. The nationality of the wife and children of a person divested of nationality under this article shall not be affected unless the Royal Decree so provides.

The Libyan nationality may be nullified by Royal Decree showing grounds for same, if the person concerned joins the military service of a foreign country without the permission of his Government.

PART 5. — GENERAL PROVISIONS

Article 11

(a) Any person who acquires Libyan nationality under Articles 2, 5 or 6 of this Law shall not assume the office of Minister or take up an appointment in a diplomatic mission or be a Wali or Nazir or hold any post which can be held by a Libyan, or be elected or appointed for Parliament of any Legislative Council until ten years have lapsed since he acquired Libyan nationality if he is a citizen of an Arab country, and fifteen years if he is not.

(b) The provisions of para. (a) of this article shall not apply to the Libyans who migrated from the country since 1911 if they divest themselves of foreign nationality and acquire Libyan nationality under this Law.

Article 12

The Minister of Foreign Affairs may, where he thinks fit, extend the period fixed for the making of applications or giving of notices as provided by this law with the exception—where public circumstances require it—of para. (c) of Article 2. He may also extend the time fixed for the registration.

Article 13

Periods of time shall for the purposes of this Law be calculated by the Gregorian calendar. A person who has his home in Libya and goes abroad for temporary purposes shall nevertheless be regarded as normally resident in Libya for the purposes of this Law.

Article 14

The Minister of Foreign Affairs may make regulations

(a) as to the issue of certificates of nationality and naturalization;

(b) Prescribing the text of the oath of allegiance, applications, notices, and all other forms required under this Law;

(c) prescribing the fees to be paid on any application for and grant of certificate of nationality and naturalization, or on giving any notice under this Law.

Article 15

A Law shall be promulgated regulating passports and other travel documents and prescribing the fees to be paid for the issue thereof.

Article 16

The Cyrenaican Nationality Law of 1949, and another law conflicting with the provisions of this Law are hereby repealed.

Article 17

This Law may be cited as the Libyan Nationality Law, 1954, and shall come into force on the date of publication in the *Official Gazette*.

Netherlands

Act of December 23, 1953, A.O.D. 620, repealing Royal Decree of May 22, 1943 (A.O.D. D 16) (the prevention of undesirable effects as a result of the acquisition of foreign nationality after May 9, 1940) and laying down transitional regulations (which became effective on March 1, 1954, by Royal Decree of January 12, 1954, A.O.D. 1)

Article I

Royal Decree of May 22, 1953 (A.O.D. D 16) is repealed, it being understood that such persons as would, but for the operation of this Decree, not or no longer possess the status of a Netherlander or Netherlands subject, shall lose this status when the present Act becomes effective.

Article II

Any woman who has not by or as a result of her marriage with a foreigner lost the status of a Netherlander or Netherlands subject, but who loses it as a result of the provisions of article I, shall regain that status on the dissolution of her marriage provided she notifies or has notified—within a year after the dissolution of her marriage or within a year after the present Act has become effective—her wish to regain that status, to the authority mentioned in article 8 of the Act relative to Netherlandship and Residency as this article was or will be worded on the date of notification, or to the authority referred to in the penultimate paragraph of article 2 of the Act of February 10, 1910 (A.O.D. 55), as amended.

Article III

The child referred to in article 10 of the Act relative to Netherlandship and Residency which has not lost the status of a Netherlander but loses it as a result of the provisions of article I, shall regain that status on coming of age under Netherlands law provided that within one year thereafter, or, being a major, within a year after the present Act has become effective, he/she gives notice of his/her desire to regain that status, to the authority referred to in the foregoing article 10, as it was or will be worded on the date of notification.

Article IV

This Act shall also be binding upon Surinam, the Netherlands Antilles and New Guinea and shall take effect on a date to be fixed by Us.

Paraguay

ACT NO. 245 OF 23 DECEMBER 1954¹ TO INTERPRET ARTICLE 41, PARAGRAPH 4, OF THE NATIONAL CONSTITUTION²

The House of Representatives of the Paraguayan Nation hereby approves the following provision, which shall have the force of

LAW:

Article 1. Article 41, paragraph 4, of the National Constitution shall be interpreted as follows: a Paraguayan national resident abroad who acquires another nationality or citizenship because he is required to do so under the laws of the country of his residence shall not lose Paraguayan nationality and citizenship.

Saudi Arabia

SAUDI ARABIAN NATIONALITY ORDINANCE, 1954³

Article 1. This Ordinance shall be known as the Saudi Arabian Nationality Ordinance.

Article 2. This Ordinance shall not be retroactive, and all orders made and proceedings completed lawfully in virtue of previous ordinances, and all grants of nationality made in virtue of those ordinances by lawful process and on valid evidence, shall continue in effect.

Article 3. In this Ordinance:

(a) "Saudi Arabian national" means a person subject to the Government of His Majesty the King in accordance with the provisions of this Ordinance;

(b) "naturalized Saudi Arabian" means a person who has obtained Saudi Arabian nationality by virtue of the relevant provisions of this Ordinance;

(c) "alien" means any person other than a Saudi Arabian national;

(d) "incapable person" means a minor or a lunatic or a mental defective;

(e) "majority" has the meaning assigned to it by the religious law;

(f) "Kingdom of Saudi Arabia" includes all the territory and waters and air space under the dominion of Saudi Arabia, and all ships and aircraft wearing the Saudi Arabian flag.

Article 4. A person shall be a Saudi Arabian national if:

(a) he was a subject of the Ottoman Empire in 1914 and one of the original inhabitants of the territory of the Saudi Kingdom;

¹ *Gaceta oficial de la República del Paraguay*, Número 164, Asunción, 24 December 1954. Translation by the Secretariat of the United Nations.

² For article 41, paragraph 4 of this Constitution, see: *The United Nations Legislative Series*, "Laws concerning Nationality", ST/LEG/SER.B/4, p. 375.

³ Enacted by the Council of Ministers by Resolution No. 4 of 23 September 1954 (25 Muharram 1374) and promulgated by the Government in Royal Proclamation No. 8/20/5614 of 20 October 1954 (22 Safar 1374). Arabic text from the periodical *Majallat al-Hajj* (Pilgrimage Review), vol. 8, part 10, December 1954. Translation by the Secretariat of the United Nations.

(b) he was an Ottoman subject born within the territory of the Kingdom of Saudi Arabia, or resident therein in 1332 or 1914, and continued to reside therein until 22 Rabi' Awwal 1345¹ and had not acquired foreign nationality before that date;

(c) not being an Ottoman subject, he resided within the territory of the Kingdom of Saudi Arabia in 1332 or 1914 and continued to reside therein until 22 Rabi' Awwal 1345¹ and had not acquired foreign nationality before that date.

Article 5. Article 4(a) shall apply to a woman who was an original inhabitant of the territory of the Kingdom of Saudi Arabia and who applies for restoration of Saudi Arabian nationality after her divorce or the death of her husband.

Article 6. An application for a certificate of Saudi Arabian nationality made by a person to whom article 4(b or c) applies after the expiration of one year from the enactment of this Ordinance or, in the case of an incapable person, from the date on which he attains his majority shall not be granted.

Article 7. A person born in the Kingdom of Saudi Arabia or abroad to a Saudi Arabian father, or to a Saudi Arabian mother by a father unknown or of unknown nationality, shall be a Saudi Arabian national.

Article 8. A person born in the Kingdom of Saudi Arabia to two alien parents or to an alien father and to a Saudi Arabian mother, or born abroad to an alien father of known nationality and a Saudi Arabian mother, shall be an alien; provided that when he attains majority he shall be entitled to opt for Saudi Arabian nationality if he satisfies the following requirements:

(a) he is permanently resident in the Kingdom of Saudi Arabia on attaining majority;

(b) he is of good character and conduct and has not been convicted of a crime or sentenced to imprisonment for a term exceeding six months for a moral offence;

(c) he knows the Arabic language;

(d) he has applied within one year after attaining majority for a grant of Saudi Arabian nationality; and a lunatic or a mental defective shall have the nationality of his father if living or otherwise of his guardian under the religious law; and his father or guardian shall opt for Saudi Arabian nationality in respect of him after the requirements aforesaid have been satisfied.

Article 9. Saudi Arabian nationality may be granted to an alien who satisfies the following requirements:

1. he shall have attained his majority by the date of the application;

2. he shall not be a lunatic or a mental defective;

3. he shall at the time of application:

(a) have been permanently and usually resident in the Kingdom of Saudi Arabia for not less than five consecutive years in accordance with the relevant provisions of law;

(b) be of good character and conduct;

¹ 12 July 1926, the date of publication of the first Nationality Ordinance.

- (c) never have been sentenced to imprisonment for a moral offence;
- (d) be maintaining himself by lawful means.

An applicant for naturalization shall append to his application his permanent residence permit, his legal passport or other document accepted by the competent authorities as equivalent thereto, and any other document in his possession relating to the nationality which he is about to relinquish, and documents evidencing the matters which he is required by this Ordinance to establish.

Article 10. Saudi Arabian nationality shall be granted by the President of the Council of Ministers on a motion by the Minister of the Interior, who may in any case, before making such motion and without disclosing a reason, withhold his consent to the grant of Saudi Arabian nationality to an alien satisfying the requirements of article 9.

Article 11. A Saudi Arabian national may not acquire a foreign nationality without prior permission from the President of the Council of Ministers, and a Saudi Arabian national who acquires a foreign nationality before obtaining the said permission and in anticipation thereof shall continue to be a Saudi Arabian national unless His Majesty's Government sees fit to deprive him of Saudi Arabian nationality in accordance with article 13.

Article 12. The wife of a Saudi Arabian national who acquires a foreign nationality by permission shall, if she obtains the new nationality of her husband under the law relating thereto, lose her Saudi Arabian nationality unless within one year after her husband acquires the nationality aforesaid she declares her desire to retain her Saudi Arabian nationality.

A minor child shall lose his Saudi Arabian nationality if under the law relating to the new nationality he acquires the same by virtue of his father's change of nationality; but he shall be entitled to restoration of Saudi Arabian nationality within one year after he attains majority.

Article 13. A Saudi Arabian national may be deprived of Saudi Arabian nationality by reasoned decree on any of the following grounds:

- (a) he has acquired another nationality in breach of the provisions of article 11 of this Ordinance;
- (b) he has served in the armed forces of a foreign government without prior permission of His Majesty's Government;
- (c) he has acted in the interests of a foreign State or government at war with the Kingdom of Saudi Arabia;
- (d) he has accepted office in a foreign government or international organization and has remained therein despite an order of His Majesty's Government to quit same.

In any of the cases mentioned in paragraphs (a-d) of this article the Saudi Arabian national shall, at least three months before the date of any decree depriving him of Saudi Arabian nationality, receive a notice warning him of the consequences of his act; and in every case in which Saudi Arabian nationality is withdrawn in accordance with the provisions of this article the property of the person thus deprived of nationality shall be liquidated in accordance with the Real Property Regulations, and he may be forbidden to reside in the territory of the Kingdom of Saudi Arabia or to return thereto.

Article 14. The wife of an alien acquiring Saudi Arabian nationality shall acquire it also thereby, unless within one year of his acquisition thereof she declares her desire to retain her original nationality; and a minor child of such an alien shall if resident in the Kingdom of Saudi Arabia be a Saudi Arabian national, but shall be entitled to opt for his father's original nationality within one year from the date on which he attains majority, and if resident abroad shall be an alien, but shall be entitled to opt for his father's Saudi Arabian nationality within one year from the date on which he attains majority.

Article 15. A naturalized person shall be required to make a separate application for grant of Saudi Arabian nationality to each woman whose guardian he is under the religious law and by virtue of a certificate issued in accordance with that law.

Article 16. An alien woman shall on marriage to a Saudi Arabian national acquire his nationality.

Article 17. Without prejudice to any provision of article 132 or article 133 of the Code of Procedure in Religious Courts, a Saudi Arabian woman shall not lose her nationality on marriage to an alien unless she is permitted to leave the Kingdom with her husband (in accordance with the Ordinance relating thereto) and afterwards declares and publishes her acquisition of her husband's nationality and acquires the same by virtue of the relevant provisions of law.

Article 18. A Saudi Arabian woman who has been married to an alien may, if she returns to reside in the Kingdom after dissolution of the marriage, apply for restoration of Saudi Arabian nationality.

Article 19. The following provisions shall apply to wives and children of persons deprived of Saudi Arabian nationality:

(a) the wife of a man deprived of Saudi Arabian nationality under article 13 may opt to acquire her husband's new nationality or to retain Saudi Arabian nationality, and if she has opted for his nationality and her marriage is subsequently dissolved, she may apply for restoration of her Saudi Arabian nationality. A minor child resident abroad shall, on attaining majority, be entitled unconditionally and without restriction to opt for Saudi Arabian nationality, and shall thereupon acquire all the rights of a Saudi Arabian national without exception;

(b) loss of Saudi Arabian nationality by a person under article 11 shall not entail its loss by his wife or child or by any person who has such nationality through dependence.

Article 20. A person who has completed the period of residence required for grant of Saudi Arabian nationality and has applied for naturalization and then leaves the Kingdom on a passport of the government of his original nationality before he has been granted Saudi Arabian nationality and remains absent from the country for a period exceeding one year shall lose credit for any period of residence. A person who has completed his required period of residence and leaves the country without applying for Saudi Arabian nationality and remains abroad for a period exceeding six months from the date of issue of his re-entry permit shall cease to be entitled to apply for nationality.

Article 21. Saudi Arabian nationality may, on application by the Minister of the Interior, be withdrawn by reasoned decree from any person naturalized under article 8, 9 or 10 of this Ordinance during the first five years thereafter on either of the following grounds:

(a) he has been convicted of a crime or sentenced to a period of imprisonment exceeding one year for a moral offence;

(b) he is proved to have done or abetted any act prejudicial to the general safety of the Kingdom, or to have become by reason of his conduct a person whose presence in the country is undesirable.

Article 22. Saudi Arabian nationality may, on a motion made by the Minister of the Interior and with the consent of the President of the Council of Ministers, be at any time withdrawn from a naturalized person if it is proved that he obtained it by means of false statements or by fraud, error, forgery or fabrication in respect of any witness, document, certificate or evidence, committed by him for the purpose of obtaining the said nationality.

Article 23. Withdrawal of Saudi Arabian nationality from a naturalized person shall entail its withdrawal also from any person who acquired it through dependence on him; but if it be shown that a person who had acquired nationality through dependence is a person of good character, and that there is no reason why nationality should not be granted to him, it shall be granted to him subject to computation of the time which has expired in his favour.

Article 28. This Ordinance repeals the Saudi Arabian Nationality Ordinance brought into effect by Royal Administrative Order No. 7/1/47 on 5 December 1938 (13 Shawal 1357), and all previous ordinances relating to Hejazi nationality or to Hejazi-Nejdi nationality, and all provisions of other ordinances contrary to the provisions of this Ordinance.

Spain

ACT No. 504, OF 15 JULY 1954¹

Article 1. Articles 17 to 27 of the Civil Code,² Book I, Part I, now in force shall be amended to read as follows:

“*Article 17.* The following have Spanish nationality:

1. The children of a Spanish father;
2. The children of a Spanish mother and a father who is an alien, provided they do not assume the nationality of the father;
3. Persons born in Spain of alien parents, if the latter were born in Spain and resided there at the time of the birth. This does not apply to the children of aliens attached to the diplomatic service;

¹ Published in *Legislación y Disposiciones de la Administración Central, Edición Oficial*, vol. XXXIII, July-September 1954. Translation by the United Nations Secretariat.

² *United Nations Legislative Series, “Laws Concerning Nationality”*. ST/LEG/SER.B/4, p. 437.

4. Persons born in Spain of unknown parents, without prejudice to their status according to their true parentage, should it become known.

“Article 18. The following may opt for Spanish nationality:

1. Persons born in Spanish territory of alien parents other than those referred to in article 17 (3);
2. Persons born outside Spain of a father or mother whose original nationality was Spanish.

“Such persons may exercise their option by making a declaration, within the year following attainment of majority or *sui juris* status, before the civil registrar of their place of residence, in the case of persons living in Spain, or before a diplomatic or consular agent of the Spanish Government in the case of persons residing abroad.

“In order to be effective, the declaration of option must fulfil the conditions set forth in the final paragraph of article 19.

“Article 19. An applicant may, in exceptional circumstances or by virtue of residence in Spain for the period prescribed by article 20, acquire Spanish nationality by obtaining naturalization papers, which may be issued by the head of the State at his discretion.

“No such applicant may be granted Spanish nationality unless he is over the age of twenty-one years, or over the age of eighteen years and *sui juris*.

“If a person acquires Spanish nationality under this article, his wife unless legally separated and the children under his paternal authority shall likewise acquire the said nationality.

“In order to acquire Spanish nationality by either method, the following requirements must be fulfilled:

1. The applicant must first have renounced his previous nationality;
2. He must swear an oath of allegiance to the Head of the State and of obedience to the laws;
3. He must register as Spanish in the civil register.

“Article 20. An applicant for grant of Spanish nationality shall be required to have resided in Spain for ten years.

“However, residence of five years shall be sufficient if the applicant (1) has introduced into Spanish territory an important industry or invention, or (2) is the owner or director of similarly important agricultural, industrial or commercial undertaking, or (3) has rendered distinguished service to the art, culture or economy of the nation, or has appreciably furthered Spanish interests.

“In exceptional cases an applicant who satisfies none of the requirements of the preceding paragraph may nevertheless be eligible for grant of Spanish nationality after residence in Spain for only two years if he falls within any of the categories listed in article 18, but has not exercised his option within the prescribed time-limits, or is an alien adopted as a minor by persons of Spanish nationality, or is a national by origin of a Latin American country or of the Philippines, or is an alien but has married a woman of Spanish nationality.

“In all instances, the period of residence must be continuous and must immediately precede the date of application.

“Grant of nationality may be withheld in the interests of law and order.

“*Article 21.* An alien woman who marries a Spanish national shall acquire her husband’s nationality.

“If such a marriage is annulled, the provisions of article 69 shall apply for purposes of nationality.

“*Article 22.* A person who voluntarily acquires another nationality shall cease to be a Spanish national.

“The loss of nationality shall take effect only if the person involved is over the age of twenty-one years or over the age of eighteen years and *sui juris*, has resided outside Spain for at least three years immediately preceding the acquisition of alien nationality and, in the case of a male, is not liable for active military service, unless these requirements are waived by the Government. A married woman not legally separated from her husband may not independently and voluntarily acquire another nationality.

“Voluntary acquisition of another nationality shall not entail loss of Spanish nationality if Spain is at war.

“Notwithstanding the provisions of paragraph 1, the acquisition of the nationality of a Latin American country or of the Philippines shall not entail loss of Spanish nationality if an express agreement to that effect has been made with the State whose nationality is acquired.

“Likewise, and provided that an express agreement to that effect has been made, the acquisition of Spanish nationality shall not entail the loss of the nationality of origin in the case of a Latin American country or the Philippines.

“*Article 23.* The following shall also lose Spanish nationality:

1. Any person who serves in the armed forces or holds public office in a foreign State when expressly prohibited from doing so by the Spanish Head of State;
2. Any person definitively sentenced to loss of Spanish nationality in conformity with the provisions of penal law;
3. A Spanish woman who, by marriage with an alien, acquires her husband’s nationality;
4. A woman whose husband loses Spanish nationality, if she is not legally separated from him and her nationality depends on his;
5. A child under paternal authority, where the father loses Spanish nationality, and the child’s nationality depends on that of the father.

“*Article 24.* If a person loses Spanish nationality under article 22, he may recover it by returning to Spanish territory and declaring his desire to do so before the civil registrar of the place of residence which he elects, so that the appropriate records may be made, and by renouncing his alien nationality.

“*Article 25.* A Spanish woman who loses her nationality by marriage may, upon the dissolution of the marriage or grant of a permanent legal

separation, recover Spanish nationality by complying with the requirements of the preceding article.

“A child who has lost Spanish nationality through the effects of paternal authority shall have the right, upon the extinction of paternal authority, to recover Spanish nationality by exercise of the option provided for in article 18.

“Persons sentenced to the loss of Spanish nationality or deprived of it on the grounds of having served in the armed forces or held public office in a foreign State shall be entitled to recover it only by special dispensation of the head of the State.

“*Article 26.* Persons born and residing abroad who possess Spanish nationality as the children of a Spanish father or mother also born abroad shall not lose their Spanish nationality, even though they are nationals of their country of residence under the laws of that country, if they make an express declaration before a Spanish diplomatic or consular agent or, in the absence of such an agent, in a duly authenticated written statement made to the Spanish Ministry of Foreign Affairs, of their desire to retain Spanish nationality.

“*Article 27.* Aliens shall enjoy in Spain the same civil rights as Spanish nationals except as otherwise provided by special laws and treaties.”

Article 2. Any provisions at variance with those laid down in the present Act shall be null and void.

Tunisie

DÉCRET DU 26 JANVIER 1956 (12 DJOUMADA II 1375), PORTANT PROMULGATION DU CODE DE LA NATIONALITÉ TUNISIENNE ¹

Nous, Mohamed Lamine Pacha Bey, Possesseur du Royaume de Tunis,

Vu les Conventions franco-tunisiennes signées à Paris le 3 juin 1955 et notamment les articles 7 à 14 de la Convention sur la situation des personnes;

Vu les articles 92 à 94 du décret du 26 avril 1861 (15 chaoual 1277) sur l'organisation politique de la Régence;

Vu le décret du 19 juin 1944 (25 redjeb 1332) relatif à la nationalité tunisienne;

Vu le décret du 8 novembre 1921 (7 redjeb 1340) relatif à l'acquisition de la nationalité tunisienne;

Vu Notre décret du 21 septembre 1955 (3 safar 1375) portant organisation provisoire des pouvoirs publics;

Vu l'avis du Conseil des Ministres;

Sur la proposition de Notre Premier Ministre, Président du Conseil,

Avons pris le décret suivant:

Article premier. — Les textes publiés ci-après et relatifs à la nationalité tunisienne sont réunis en un seul corps sous le titre de « Code de la Nationalité Tunisienne ».

¹ *Journal officiel tunisien*, n° 8, 74^e année, 27 janvier 1956, p. 101.

Article 2. — Les dispositions dudit Code seront mises en vigueur et appliquées par les tribunaux à dater du premier mars 1956. A partir de cette date, sont et demeurent abrogées toutes dispositions antérieures et notamment les décrets susvisés des 19 juin 1914 (25 redjeb 1332) et 8 novembre 1921 (7 rabia I 1340).

Article 3. — Notre Premier Ministre, Président du Conseil, Notre Ministre de la Justice et Notre Ministre des Finances sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret.

Scellé, le 26 janvier 1956 (12 djoumada II 1375).

*Le Premier Ministre,
Président du Conseil,
TAHAR BEN AMMAR.*

CODE DE LA NATIONALITÉ TUNISIENNE

TITRE PRÉLIMINAIRE. — DISPOSITIONS GÉNÉRALES

Article premier. — Le présent décret, sous le titre de Code de la Nationalité Tunisienne, détermine quels individus ont, à leur naissance, la nationalité tunisienne, à titre de nationalité d'origine.

La nationalité tunisienne s'acquiert ou se perd après la naissance par l'effet de la loi ou par une décision de l'autorité publique prise dans les conditions fixées par la loi.

Article 2. — Les dispositions relatives à la nationalité contenues dans les traités, conventions ou accords internationaux dûment ratifiés et publiés s'appliquent même si elles sont contraires aux dispositions de la législation interne tunisienne.

Article 3. — Les lois nouvelles relatives à l'attribution de la nationalité tunisienne, à titre de nationalité d'origine, s'appliquent même aux individus nés avant la date de leur mise en vigueur, si ces individus n'ont pas encore, à cette date, atteint leur majorité. Cette application ne porte cependant pas atteinte à la validité des actes passés par l'intéressé ni aux droits acquis par des tiers sur le fondement des textes antérieurs.

Article 4. — Les conditions de l'acquisition et de la perte de la nationalité tunisienne, après la naissance, sont régies par la loi en vigueur au moment où se réalisent les faits et les actes de nature à entraîner cette acquisition et cette perte.

Article 5. — Est considéré majeur, au regard du présent Code, tout individu âgé de vingt et une années solaires accomplies.

Article 6. — Au sens du présent Code, l'expression « en Tunisie » s'entend de tout le territoire tunisien, des eaux réservées tunisiennes, des bateaux, navires et aéronefs tunisiens.

TITRE PREMIER. — DE LA NATIONALITÉ TUNISIENNE

CHAPITRE I. — DE LA NATIONALITÉ TUNISIENNE D'ORIGINE

Section I. — Attribution en raison de la filiation

Article 7. — Est Tunisien, l'enfant né d'un prince de la famille régnante.

Article 8. — Est Tunisien :

- 1° l'enfant né d'un père tunisien ;
- 2° l'enfant naturel lorsque celui de ses parents à l'égard duquel la filiation a d'abord été établie est Tunisien.

Article 9. — Est Tunisien :

- 1° l'enfant né d'une mère tunisienne et d'un père inconnu ou apatride ;
- 2° l'enfant naturel lorsque celui de ses parents à l'égard duquel la filiation a été établie en premier lieu est apatride et que celui qui l'a reconnu en second lieu est Tunisien.

Section II. — *Attribution en raison de la naissance en Tunisie*

Article 10. — Est Tunisien, l'enfant né en Tunisie de parents inconnus.

Toutefois, il sera réputé n'avoir jamais été Tunisien si, au cours de sa minorité, sa filiation est établie à l'égard d'un étranger et s'il a, conformément à la loi nationale de cet étranger, la nationalité de celui-ci.

Article 11. — L'enfant nouveau-né trouvé en Tunisie est présumé, jusqu'à preuve du contraire, né en Tunisie.

Article 12. — Est Tunisien, l'enfant né en Tunisie de parents apatrides résidant en Tunisie depuis au moins cinq ans si l'un d'eux appartient par son origine ethnique à la majorité de la population d'un pays, lorsque cette majorité parle la langue arabe ou pratique la religion musulmane.

Section III. — *Dispositions communes*

Article 13. — L'enfant qui est Tunisien en vertu des dispositions du présent titre est réputé avoir été Tunisien dès sa naissance même si l'existence des conditions requises par la loi pour l'attribution de la nationalité tunisienne n'est établie que postérieurement à la naissance.

Toutefois, dans ce dernier cas, l'attribution de la qualité de Tunisien dès la naissance ne porte pas atteinte à la validité des actes passés par l'intéressé ni aux droits acquis à des tiers sur le fondement de la nationalité apparente possédée par l'enfant.

Article 14. — La reconnaissance de l'enfant naturel doit être conforme aux règles du statut personnel de ses parents.

Si la filiation d'un enfant naturel résulte, à l'égard du père et de la mère, du même acte ou du même jugement, elle est réputée avoir été établie d'abord à l'égard du père.

Article 15. — La filiation de l'enfant naturel n'a d'effet sur la nationalité de celui-ci que si elle est établie durant sa minorité.

CHAPITRE II. — DE L'ACQUISITION DE LA NATIONALITÉ TUNISIENNE

Section I. — *Acquisition par le bienfait de la loi*

Article 16. — Devient Tunisien, sous réserve de réclamer cette qualité par déclaration dans les conditions prévues à l'article 39 du présent Code et dans le délai d'un an précédant sa majorité :

- 1° l'enfant né en Tunisie d'une mère tunisienne et d'un père étranger si, au moment de la déclaration, il réside en Tunisie ;
- 2° l'enfant né en Tunisie de parents étrangers dont l'un y est lui-même né.

Article 17. — Devient Tunisienne, sous réserve de réclamer cette qualité par déclaration dans les conditions prévues à l'article 39 du présent Code :

1° la femme étrangère lorsque son mari est Tunisien, si le ménage réside en Tunisie depuis au moins deux ans ;

2° la femme étrangère mariée à un Tunisien lorsque, en vertu de sa loi nationale, elle perd sa nationalité d'origine par le mariage avec un étranger.

Toutefois, dans le cas prévu au paragraphe 1° du présent article, le Gouvernement peut s'opposer par décret, pris après avis du Conseil des Ministres, à l'acquisition de la nationalité tunisienne.

En cas d'opposition du Gouvernement, l'intéressée est réputée n'avoir jamais acquis la nationalité tunisienne.

Article 18. — Sous réserve des dispositions prévues à l'article 41 ; l'intéressé acquiert la nationalité tunisienne à la date à laquelle la déclaration est enregistrée.

Section II. — *Acquisition par voie de naturalisation*

Article 19. — La nationalité tunisienne peut être accordée par décret pris après avis du Conseil des Ministres sur le rapport de Notre Ministre de la Justice.

Article 20. — Sous réserve des exceptions prévues à l'article 21, la naturalisation ne peut être accordée qu'à l'étranger justifiant d'une résidence habituelle en Tunisie pendant les cinq années qui précèdent le dépôt de sa demande.

Article 21. — Peut être naturalisé sans condition de stage :

1° l'individu qui justifie que sa nationalité d'origine était la nationalité tunisienne ;

2° l'étranger marié à une Tunisienne si le ménage réside en Tunisie lors du dépôt de sa demande ;

3° l'étranger qui a rendu des services exceptionnels à la Tunisie ou celui dont la naturalisation présente pour la Tunisie un intérêt exceptionnel. Dans ce cas, le décret de naturalisation ne peut être accordé qu'après avis du Conseil des Ministres, sur le rapport motivé de Notre Ministre de la Justice.

Article 22. — L'étranger qui a fait l'objet d'un arrêté d'expulsion ou d'un arrêté d'assignation à résidence n'est susceptible d'être naturalisé que si cet arrêté a été régulièrement rapporté. La résidence en Tunisie pendant la durée de la mesure administrative susvisée n'est pas prise en considération dans le calcul du stage prévu à l'article 20.

Article 23. — Nul ne peut être naturalisé :

1° s'il n'est majeur ;

2° s'il ne justifie d'une connaissance suffisante selon sa condition de la langue arabe ;

3° s'il n'est reconnu être sain d'esprit ;

4° s'il n'est reconnu, d'après son état de santé physique, ne devoir être ni une charge, ni un danger pour la collectivité ;

5° s'il n'est pas de bonnes vie et mœurs ou s'il a fait l'objet d'une condamnation supérieure à une année d'emprisonnement non effacée par l'amnistie ou la réhabilitation pour une infraction de droit commun sanctionnée en

droit tunisien par une peine criminelle ou un emprisonnement correctionnel. Les condamnations prononcées à l'étranger pourront toutefois ne pas être prises en considération.

Section III. — *Des effets de l'acquisition de la nationalité tunisienne*

Article 24. — L'individu qui a acquis la nationalité tunisienne, par application des articles 16, 17 et 19 du présent Code, jouit à compter du jour de cette acquisition de tous les droits attachés à la qualité de Tunisien, sous réserve des incapacités prévues à l'article 25 du présent Code ou dans les lois spéciales.

Article 25. — L'étranger naturalisé est soumis aux incapacités suivantes pendant un délai de cinq ans à partir du décret de naturalisation :

1° il ne peut être investi de fonctions ou de mandats électifs pour l'exercice desquels la qualité de Tunisien est nécessaire ;

2° il ne peut être électeur lorsque la qualité de Tunisien est nécessaire pour permettre l'inscription sur les listes électorales ;

3° il ne peut occuper un emploi vacant des cadres tunisiens.

Article 26. — Le décret de naturalisation peut relever l'étranger en tout ou en partie des incapacités prévues à l'article précédent, après avis du Conseil des Ministres, sur le rapport motivé de Notre Ministre de la Justice.

Article 27. — Devient de plein droit Tunisien, au même titre que ses parents à condition de ne pas être marié :

1° l'enfant mineur légitime dont le père ou la mère si elle est veuve, acquiert la nationalité tunisienne ;

2° l'enfant mineur naturel dont celui des parents à l'égard duquel la filiation a été établie en premier lieu ou, le cas échéant, dont le parent survivant acquiert la nationalité tunisienne.

Section IV. — *Dispositions communes*

Article 28. — La résidence prévue aux articles 16, 17, 20, 21 et 22 ne doit pas être frauduleuse.

Article 29. — Le mariage ne produit effet quant à la nationalité que s'il est célébré en l'une des formes admises soit par le droit tunisien, soit par la loi du pays où il a été célébré.

CHAPITRE III. — DE LA PERTE, DE LA DÉCHÉANCE ET DU RETRAIT DE LA NATIONALITÉ TUNISIENNE

Section I. — *Perte de la nationalité tunisienne*

Article 30. — Perd la nationalité tunisienne, le Tunisien majeur qui acquiert volontairement une nationalité étrangère, sous réserve d'en aviser le Ministre de la Justice.

L'intéressé est libéré de son allégeance à l'égard de la Tunisie à la date de signature du décret portant perte de la nationalité tunisienne.

Article 31. — Perd la nationalité tunisienne, le Tunisien qui, remplissant un emploi dans un service public d'un Etat étranger ou dans une armée étrangère, le conserve passé le délai de six mois après l'injonction de le résigner

qui lui aura été faite par le Gouvernement Tunisien, à moins qu'il ne soit établi qu'il a été dans l'impossibilité de le faire. Dans ce dernier cas, le délai de six mois court seulement du jour où la cause de l'impossibilité a disparu. L'intéressé est libéré de son allégeance à l'égard de la Tunisie à la date du décret qui prononcera la perte de la nationalité tunisienne.

Article 32. — La femme tunisienne ne perd pas sa nationalité par le mariage avec un étranger.

Article 33. — La perte de la nationalité tunisienne, par application de l'article 30, peut être étendue à la femme et aux enfants mineurs non mariés s'ils ont eux-mêmes une nationalité étrangère. Elle ne pourra toutefois être étendue aux enfants mineurs si elle ne l'est également à la femme.

Section II. — *Déchéance de la nationalité tunisienne*

Article 34. — L'individu qui a acquis la qualité de Tunisien peut être déchu de la nationalité tunisienne, par décret pris après avis du Conseil des Ministres sur le rapport de Notre Ministre de la Justice :

1° s'il a été condamné pour un acte qualifié crime ou délit contre la sûreté intérieure ou extérieure de l'Etat;

2° s'il s'est livré au profit d'un Etat étranger à des actes incompatibles avec la qualité de Tunisien et préjudiciables aux intérêts de la Tunisie;

3° s'il a été condamné en Tunisie ou à l'étranger pour un acte qualifié crime par la loi tunisienne et ayant entraîné une condamnation à une peine d'au moins cinq années d'emprisonnement.

Article 35. — La déchéance n'est encourue que si les faits reprochés à l'intéressé et visés à l'article 34 se sont produits dans le délai de dix ans à compter de la date de l'acquisition de la nationalité tunisienne. Elle ne peut être prononcée que dans le délai de cinq ans à compter de la perpétration desdits faits.

Article 36. — La déchéance peut être étendue à la femme et aux enfants mineurs non mariés de l'intéressé, à condition qu'ils soient d'origine étrangère et qu'ils aient conservé une nationalité étrangère. Elle ne pourra toutefois être étendue aux enfants mineurs si elle ne l'est également à la femme.

Section III. — *Retrait de la nationalité tunisienne*

Article 37. — Lorsqu'il apparaît, postérieurement au décret de naturalisation, que l'intéressé ne remplissait pas les conditions requises par la loi pour pouvoir être naturalisé le décret peut être rapporté dans le délai d'un an à partir du jour de sa publication.

Article 38. — Lorsque l'étranger a sciemment fait une fausse déclaration, présenté une pièce contenant une assertion mensongère ou erronée ou employé des manœuvres frauduleuses à l'effet d'obtenir la naturalisation, le décret intervenu peut être rapporté par décret pris après avis du Conseil des Ministres. L'intéressé, dûment averti, a la faculté de produire des pièces et mémoires.

Le décret de retrait devra intervenir dans le délai de deux ans à partir de la découverte de la fraude.

Toutefois, lorsque la validité des actes passés antérieurement au décret de retrait était subordonnée à l'acquisition par l'intéressé de la qualité de Tunisien, cette validité ne peut être contestée pour le motif que l'intéressé n'a pas acquis cette nationalité.

TITRE II. — DE LA PROCÉDURE ADMINISTRATIVE

CHAPITRE I. — DES DÉCLARATIONS DE NATIONALITÉ, DE LEUR ENREGISTREMENT, DES DÉCRETS PORTANT OPPOSITION À L'ACQUISITION DE LA NATIONALITÉ TUNISIENNE

Article 39. — Toute déclaration en vue de réclamer, de répudier la nationalité tunisienne ou d'y renoncer, dans les cas prévus par la loi, doit satisfaire aux conditions suivantes :

- 1° être dressée sur papier timbré en double exemplaire ;
- 2° comporter élection de domicile de la part de l'intéressé ;
- 3° comporter la signature légalisée de l'intéressé, à défaut d'être établie par un officier ministériel ;
- 4° être accompagnée de tous documents et pièces à l'appui ;
- 5° être adressée par lettre recommandée avec avis de réception au Ministère de la Justice.

Article 40. — Toute déclaration souscrite conformément à l'article précédent doit être enregistrée au Ministère de la Justice.

Article 41. — Si l'intéressé ne remplit pas les conditions requises par la loi, Notre Ministre de la Justice doit refuser d'enregistrer la déclaration. Cette décision de refus est notifiée avec ses motifs au déclarant qui peut se pourvoir devant la Chambre Civile du Tribunal Régional, conformément à l'article 55 du présent Code. Le tribunal décide de la validité ou de la nullité de la déclaration.

Article 42. — Dans le cas prévu au paragraphe premier de l'article 17 du présent Code, le gouvernement peut s'opposer à l'acquisition de la nationalité tunisienne par décret pris après avis du Conseil des Ministres.

Le décret doit intervenir six mois au plus après la déclaration ou, si la régularité de celle-ci a été contestée, six mois au plus après le jour où la décision judiciaire qui en a admis la validité est devenue définitive.

CHAPITRE II. — DES DÉCISIONS RELATIVES AUX NATURALISATIONS

Article 43. — L'étranger qui désire obtenir la nationalité tunisienne par voie de naturalisation doit adresser au Ministère de la Justice sa demande à laquelle sont joints les actes de l'état civil, les pièces et les titres qui lui sont réclamés, de nature :

- 1° à établir que sa demande est recevable dans les formes de la loi ;
- 2° à permettre à Notre Ministère de la Justice d'apprécier si la faveur sollicitée est justifiée au point de vue national.

Article 44. — Toute demande de naturalisation fait l'objet d'une enquête à laquelle fait procéder Notre Ministre de la Justice dans les six mois à dater du jour de la réception de la demande.

Article 45. — Si les conditions requises par la loi ne sont pas remplies, Notre Ministre de la Justice déclare la demande irrecevable. Sa décision est motivée. Elle est notifiée à l'intéressé.

Article 46. — Lorsque la demande est recevable, Notre Ministre de la Justice soumet, s'il y a lieu, le projet de décret de naturalisation au Conseil des Ministres.

Article 47. — Si le Conseil des Ministres estime qu'il n'y a pas lieu d'accorder la naturalisation sollicitée, il prononce le rejet de la demande. Il peut également en prononcer l'ajournement, en imposant un délai ou des conditions. Ce délai une fois expiré ou ces conditions réalisées, il appartient au postulant, s'il le juge opportun, de formuler une nouvelle demande. La décision du Conseil n'exprime pas de motif. Elle est notifiée à l'intéressé par Notre Ministre de la Justice.

Article 48. — Les décrets de naturalisation sont publiés au Journal Officiel Tunisien. Ils prennent effet à la date de leur signature, sans toutefois qu'il soit porté atteinte à la validité des actes passés par l'intéressé, ni aux droits acquis par des tiers antérieurement à la publication du décret, sur le fondement de l'extranéité de l'intéressé.

CHAPITRE III. — DES DÉCRETS RELATIFS À LA PERTE, À LA DÉCHÉANCE ET AU RETRAIT DE LA NATIONALITÉ TUNISIENNE

Article 49. — Dans les cas prévus aux articles 30, 31 et 33 du présent Code, Notre Ministre de la Justice soumet les projets du décret portant perte de la nationalité tunisienne au Conseil des Ministres.

Article 50. — Les décrets portant perte de la nationalité tunisienne sont publiés au Journal Officiel Tunisien. Ils prennent effet à la date de leur signature, sans toutefois qu'il soit porté atteinte à la validité des actes passés par l'intéressé, ni aux droits acquis par des tiers antérieurement à la publication du décret, sur le fondement de la nationalité tunisienne de l'intéressé.

Article 51. — Lorsque le Ministre de la Justice décide de poursuivre la déchéance ou le retrait de la nationalité tunisienne à l'encontre d'un individu tombant sous le coup des dispositions des articles 34 et 37, il notifie la mesure envisagée à la personne de l'intéressé ou à son domicile; à défaut de domicile connu, la mesure envisagée est publiée au Journal Officiel Tunisien.

L'intéressé a la faculté, dans le délai d'un mois à dater de l'insertion au Journal Officiel Tunisien ou de la notification, d'adresser au Ministre de la Justice des pièces et mémoires.

Article 52. — La déchéance ou le retrait de la nationalité tunisienne est prononcé par décret pris après avis du Conseil des Ministres sur le rapport de Notre Ministre de la Justice.

Le décret qui, dans les conditions de l'article 36, étend la déchéance à la femme et aux enfants mineurs non mariés de la personne déchue, est pris dans les mêmes formes.

Dans tous les cas, le Conseil des Ministres ne peut être saisi qu'après le délai de deux mois à dater de l'insertion au Journal Officiel Tunisien ou de la notification prévue à l'article 51.

Article 53. — Les décrets de déchéance ou de retrait sont publiés et produisent leurs effets dans les conditions visées à l'article 50.

Article 54. — Les greffiers des tribunaux de Tunisie sont tenus d'adresser, dans le mois à dater du prononcé des jugements visés à l'article 34, une expédition de ces jugements au Ministère de la Justice.

TITRE III. — DU CONTENTIEUX DE LA NATIONALITÉ

CHAPITRE I. — DE LA COMPÉTENCE DES TRIBUNAUX JUDICIAIRES

Article 55. — La Chambre Civile du Tribunal Régional est seule compétente pour connaître des contestations sur la nationalité.

L'action est portée devant le tribunal de la résidence de celui dont la nationalité est en cause ou, s'il n'a pas de résidence en Tunisie, devant le Tribunal du demandeur conformément aux articles 14 et 15 du Code de procédure civile.

Article 56. — L'exception de nationalité tunisienne et l'exception d'extranéité sont d'ordre public; elles doivent être soulevés d'office par le juge.

Elles constituent, devant toute autre juridiction que la juridiction civile une question préjudicielle qui oblige le juge à surseoir à statuer jusqu'à ce que la question ait été tranchée, selon la procédure réglée par les articles 58 et suivants du présent Code.

Article 57. — Si l'exception de nationalité tunisienne ou d'extranéité est soulevée devant une juridiction répressive celle-ci doit renvoyer à se pourvoir dans les trente jours devant le tribunal régional compétent soit la partie qui invoque l'exception, soit, dans le cas où l'intéressé est titulaire d'un certificat de nationalité tunisienne délivré conformément aux articles 70 et suivants, le ministère public.

La juridiction répressive surseoit à statuer jusqu'à ce que la question de nationalité ait été tranchée ou jusqu'à ce que soit expiré le délai ci-dessus imparti dans le cas où le tribunal régional n'a pas été saisi.

CHAPITRE II. — DE LA PROCÉDURE DEVANT LES TRIBUNAUX JUDICIAIRES

Article 58. — Le Tribunal Régional est saisi par voie de requête écrite conformément aux articles 32 et suivants du Code de Procédure Civile.

Article 59. — Tout individu peut intenter devant le Tribunal Régional une action dont l'objet principal et direct est de faire juger qu'il a ou qu'il n'a pas la nationalité tunisienne.

Le commissaire du Gouvernement près ledit Tribunal est obligatoirement partie au procès, sans préjudice du droit d'intervention des tiers intéressés.

Article 60. — Le commissaire du Gouvernement près le tribunal compétent a seul qualité pour intenter contre tout individu une action dont l'objet principal et direct est d'établir si le défendeur a ou n'a pas la nationalité tunisienne.

Article 61. — Le commissaire du Gouvernement près le tribunal compétent est tenu d'agir s'il en est requis par une administration publique ou par une tierce personne ayant soulevé l'exception de nationalité devant une juridiction qui a sursis à statuer en application de l'article 56. Le tiers requérant devra être mis en cause.

Article 62. — Lorsque l'Etat est partie principale devant le Tribunal Régional où une question de nationalité est posée à titre incident, il ne peut

être représenté que par le commissaire du Gouvernement en ce qui concerne la contestation sur la nationalité.

Article 63. — Lorsqu'une question de nationalité est posée à titre incident entre parties privées devant le Tribunal Régional, le ministère public doit toujours être mis en cause et présenter des conclusions motivées.

Article 64. — Dans toutes les instances qui ont pour objet, à titre principal ou à titre incident, une contestation sur la nationalité, une copie de la requête est déposée au Ministère de la Justice.

Toute demande à laquelle n'est pas jointe la justification de ce dépôt est déclarée irrecevable.

Aucune décision au fond ne peut intervenir avant l'expiration du délai de trente jours à dater dudit dépôt.

Les dispositions du présent article sont applicables à l'exercice des voies de recours.

Article 65. — Seules les décisions définitives rendues en matière de nationalité par les juridictions civiles dans les conditions visées aux articles précédents ont, par dérogation à l'article 481 du Code des obligations et contrats, à l'égard de tous, l'autorité de la chose jugée.

Article 66. — Les greffiers des tribunaux sont tenus d'adresser, dans le mois à dater du prononcé des jugements réglant une contestation sur la nationalité, une expédition de ces jugements au Ministère de la Justice.

CHAPITRE III. — DE LA PREUVE DE LA NATIONALITÉ TUNISIENNE

Article 67. — La charge de la preuve, en matière de nationalité, incombe à celui qui, par voie d'action ou par voie d'exception, prétend avoir ou non la nationalité tunisienne.

Toutefois, cette charge incombe à celui qui, par les mêmes moyens, conteste la qualité de Tunisien à un individu titulaire d'un certificat de nationalité tunisienne délivré conformément aux articles 70 et suivants.

Article 68. — La preuve d'une déclaration tendant à acquérir, répudier la nationalité tunisienne ou y renoncer résulte de la production d'un exemplaire enregistré de cette déclaration.

Article 69. — La preuve d'un décret de naturalisation ou d'un décret portant perte, déchéance ou retrait de la nationalité tunisienne résulte de la production soit de l'ampliation de ce décret, soit d'un exemplaire du Journal Officiel Tunisien où le décret a été publié.

Article 70. — Notre Ministre de la Justice a seul qualité pour délivrer un certificat de nationalité tunisienne à toute personne justifiant qu'elle a cette nationalité.

Article 71. — Le certificat de nationalité indique, en se référant au présent Code, la disposition légale en vertu de laquelle l'intéressé a la qualité de Tunisien, ainsi que les documents qui ont permis de l'établir. Il fait foi jusqu'à preuve du contraire.

Article 72. — Le Ministre de la Justice peut refuser de délivrer le certificat de nationalité. Le silence qu'il garde pendant un délai d'un mois à dater de la demande équivaut à un refus.

En cas de refus, l'intéressé peut se pourvoir devant la juridiction compétente, conformément aux articles 55 et suivants.

Article 73. — Les certificats de nationalité ainsi que les décrets de naturalisation sont assujettis au paiement de droits fixes qui seront déterminés par un arrêté de Notre Ministre des Finances, pris après avis du Conseil des Ministres.

United States of America

(a) PUBLIC LAW 85-316.¹ AN ACT TO AMEND THE IMMIGRATION AND NATIONALITY ACT² AND FOR OTHER PURPOSES, 11 SEPTEMBER 1957

Section 11. Section 323 of the Immigration and Nationality Act is amended by adding at the end thereof the following new subsection:

“(c) Any such adopted child (1) one of whose adoptive parents is (A) a citizen of the United States, (B) in the Armed Forces of the United States or in the employment of the Government of the United States, or of an American institution of research recognized as such by the Attorney General, or of an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States, or a subsidiary thereof, or of a public international organization in which the United States participates by treaty or statute, and (C) regularly stationed abroad in such service or employment, and (2) regularly stationed abroad in such service or employment, and (2) who is in the United States at the time of naturalization, and (3) whose citizen adoptive parent declares before the naturalization court in good faith an intention to have such child take up residence within the United States immediately upon the termination of such service or employment abroad of such citizen adoptive parent, may be naturalized upon compliance with all the requirements of the naturalization laws except that no prior residence or specified period of physical presence within the United States or within the jurisdiction of the naturalization court or proof thereof shall be required, and paragraph (3) of sub-section (a) of this section shall not be applicable.”

Section 16. In the administration of section 301 (b) of the Immigration and Nationality Act, absences from the United States of less than twelve months in the aggregate, during the period for which continuous physical presence in the United States is required, shall not be considered to break the continuity of such physical presence.

(b) ACT OF 16 MARCH, 1956

Granting the benefits of section 301(a) (7) of the Immigration and Nationality Act to certain children of United States citizens—70 Stat. 50, 8 U.S.C. 1401(a).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 (a) (7) of the Immigration and Nationality Act shall be considered to have been and to be applicable to a child born outside of the United States and its outlying possessions after

¹ *United States Statutes at Large*, 1957, vol. 71, p. 639.

² See the *United Nations Legislative Series*, “Laws concerning Nationality”, ST/LEG/SER.B/4, p. 496.

January 12, 1941, and before December 24, 1952, of parents one of whom is a citizen of the United States who has served in the Armed Forces of the United States after December 31, 1946, and before December 24, 1952, and whose case does not come within the provisions of section 201 (g) or (i) of the Nationality Act of 1940.

Viet-Nam

ORDONNANCE N^o. 10 DU 7 DÉCEMBRE 1955 PORTANT CODE DE LA NATIONALITÉ VIETNAMIENNE

Article premier. — Le présent code régleme la attribution de la nationalité vietnamienne d'origine aux individus dès leur naissance et l'acquisition de la nationalité vietnamienne après la naissance.

TITRE PRÉLIMINAIRE. — DISPOSITIONS GÉNÉRALES

Art. 2. — Les lois nouvelles relatives à l'attribution de la nationalité vietnamienne, à titre de nationalité d'origine, s'appliquant même aux individus nés avant la date de leur mise en vigueur, si ces individus n'ont pas encore, à cette date, atteint leur majorité.

Art. 3. — Les conditions de l'acquisition et de la perte de la nationalité vietnamienne, après la naissance, sont régies par la loi en vigueur au moment où se réalisent les faits et les actes de nature à entraîner cette acquisition et cette perte.

Art. 4. — Dans toutes les hypothèses où le changement de nationalité doit emporter, selon la loi, des effets rétroactifs, il ne saurait porter atteinte, pour ce seul motif, à la validité des actes antérieurement conclus par l'intéressé ni aux droits acquis par des tiers.

Art. 5. — L'âge de la majorité au sens du présent code est celle de 21 ans révolus. Cet âge se compte par année solaire et de quantième à quantième, le jour de la naissance fixant le premier jour de l'âge.

Art. 6. — Nul ne peut acquérir la nationalité vietnamienne lorsque la résidence au Viet-Nam constitue une condition de cette acquisition s'il ne satisfait aux obligations et conditions imposées par les lois relatives au séjour des étrangers au Viet-Nam.

Est assimilé à la résidence au Viet-Nam le séjour à l'étranger pour l'exercice d'une fonction conférée par le Gouvernement du Viet-Nam.

Art. 7. — Pour la détermination du territoire vietnamien, il est tenu compte à toute époque des modifications résultant des actes de l'autorité publique vietnamienne et des traités internationaux survenus antérieurement.

Art. 8. — Les dispositions relatives à la nationalité contenues dans les traités ou accords internationaux après ratification par les instances nationales qualifiées s'appliquent, même si elles sont contraires aux dispositions de la législation interne vietnamienne.

Art. 9. — Lorsqu'un changement de nationalité est subordonné, dans les termes de la convention, à l'accomplissement d'un acte d'option, cet acte est déterminé dans sa forme par la loi de celui des pays contractants dans lequel il est institué.

Art. 10. — Dans le cas où le traité ne contient pas de telles dispositions, les personnes qui demeurent domiciliées dans les territoires rattachés au Viet-Nam acquièrent la nationalité vietnamienne.

Art. 11. — Sont vietnamiennes quel que soit leur âge et en quelques lieux qu'elles se trouvent, les personnes rentrant dans l'une des catégories suivantes :

- a) Les protégés français et les sujets français d'origine vietnamienne ;
- b) Les personnes considérées comme ayant la nationalité vietnamienne par la législation antérieure du Viet-Nam ;
- c) Les personnes faisant partie des minorités ethniques dont l'habitat se trouve au Viet-Nam et qui relevaient traditionnellement de l'Etat du Viet-Nam ;
- d) Les Minh-Huong (métis nés au Viet-Nam de père chinois et de mère vietnamienne) qu'ils soient porteurs d'une pièce d'identité à titre d'étranger.

En ce qui concerne les citoyens français d'origine vietnamienne, leur situation fera l'objet d'une réglementation spéciale.

TITRE PREMIER. — DE L'ATTRIBUTION DE LA NATIONALITÉ VIETNAMIENNE
A TITRE DE NATIONALITÉ D'ORIGINE

Chapitre premier. — *De l'attribution de la nationalité vietnamienne en raison de la filiation*

Art. 12. — Sont vietnamiennes, les personnes énumérées ci-après :

- 1) L'enfant légitime né d'un père vietnamien ;
- 2) L'enfant légitime né d'une mère vietnamienne et d'un père sans nationalité ou de nationalité inconnue ;
- 3) L'enfant légitime né au Viet-Nam, d'une mère vietnamienne et d'un père chinois.

Art. 13. — Sont vietnamiennes, les personnes énumérées ci-après :

- 1) L'enfant naturel lorsque le père à l'égard duquel la filiation est établie est vietnamien ;
- 2) L'enfant naturel lorsque la mère à l'égard de laquelle la filiation est établie est vietnamienne ; si le père à l'égard duquel la filiation est également établie n'a pas de nationalité ou est de nationalité inconnue ;
- 3) L'enfant naturel lorsque sa filiation est établie seulement à l'égard d'une mère vietnamienne ;
- 4) L'enfant naturel né au Viet-Nam lorsque la mère à l'égard de laquelle la filiation est établie est vietnamienne, si le père à l'égard duquel la filiation est également établie est chinois.

Toutefois, l'enfant naturel est réputé n'avoir jamais été vietnamien si, au cours de sa minorité, sa filiation est établie en second lieu à l'égard du père de nationalité étrangère, à l'exception du cas prévu au paragraphe 4 du présent article relatif aux Minh-Huong ; ces derniers restent vietnamiens même si leur filiation est établie en second lieu à l'égard du père.

Art. 14. — A l'exception des cas des Minh-Huong, est vietnamien, sauf la faculté de répudier cette qualité au moment des opérations de recensement prévues à l'article premier du décret No. 91 du 4 décembre 1953 concernant

le recensement des classes d'âge pour le service militaire, l'enfant légitime né au Viet-Nam d'une mère vietnamienne et d'un père de nationalité étrangère.

Art. 15. — Sont vietnamiens, sans faculté de répudiation les Minh-Huong nés postérieurement à la date de la publication du présent code.

Chapitre II. — De l'attribution de la nationalité vietnamienne en raison de la naissance au Viet-Nam

Art. 16. — Est vietnamien, sans faculté de répudiation, l'enfant né au Viet-Nam de parents chinois dont l'un est lui-même né au Viet-Nam.

Art. 17. — Est vietnamien, l'enfant né au Viet-Nam de parents inconnus.

Toutefois, il sera réputé n'avoir jamais été vietnamien, si, au cours de sa minorité, sa filiation est établie à l'égard d'un étranger et s'il a acquis conformément à la loi nationale de cet étranger la nationalité de celui-ci.

L'enfant nouveau-né trouvé au Viet-Nam est présumé jusqu'à preuve du contraire être né au Viet-Nam.

Chapitre III. — Dispositions communes

Art. 18. — L'enfant qui est vietnamien en vertu des dispositions du présent titre est réputé avoir été vietnamien dès sa naissance même si l'existence des conditions requises par la loi pour l'attribution de la nationalité vietnamienne n'est établie que postérieurement à sa naissance.

Art. 19. — La filiation ne produit effet en matière d'attribution de la nationalité vietnamienne que si elle est établie dans les conditions déterminées par la loi civile vietnamienne.

Art. 20. — La filiation de l'enfant naturel n'a d'effet sur la nationalité de celui-ci que si elle est établie durant sa minorité.

Art. 21. — Tout enfant mineur qui possède la faculté de répudier la nationalité vietnamienne dans les cas visés au présent titre peut exercer cette faculté sans aucune autorisation.

Il peut renoncer à cette faculté dans les mêmes conditions s'il atteint l'âge de 18 ans accomplis.

S'il est âgé de 16 ans, le mineur ne peut renoncer à cette faculté que s'il est autorisé par celui de ses père et mère qui a l'exercice de la puissance paternelle ou à défaut par son tuteur après avis conforme du conseil de famille.

Au cas de divorce ou de séparation de corps, l'autorisation sera donnée par celui de ses parents à qui la garde a été confiée, si la garde a été confiée à une tierce personne, l'autorisation sera donnée par celle-ci après avis conforme du tribunal civil de la résidence du mineur statuant en chambre du conseil.

Art. 22. — Dans les cas visés à l'article précédent nul ne peut répudier la nationalité vietnamienne s'il ne prouve qu'il a par filiation la nationalité d'un pays étranger.

Art. 23. — Perd la faculté de répudier la nationalité vietnamienne qui lui est reconnue par les dispositions du présent titre:

- 1) Le vietnamien enfant légitime mineur qui n'a pas encore exercé cette faculté et dont le père étranger acquiert la nationalité vietnamienne;
- 2) Le vietnamien mineur qui a souscrit ou celui au nom de qui a été souscrite une déclaration en vue de renoncer à exercer la faculté de répudier la nationalité vietnamienne;
- 3) Le vietnamien mineur qui contracte un engagement dans l'armée ou celui qui sans exercer sa faculté de répudiation participe aux opérations de recensement en vue du service militaire.

Art. 24. — Toute déclaration en vue:

- 1) De répudier la nationalité vietnamienne;
- 2) De renoncer à la faculté de répudier la nationalité vietnamienne, dans les cas prévus au présent code, est souscrite devant le président du tribunal de première instance ou le juge de paix à compétence étendue du ressort dans lequel le déclarant a sa résidence.

Art. 25. — Lorsque le déclarant se trouve à l'étranger, la déclaration est souscrite devant les représentants diplomatiques ou consulaires vietnamiens ou à défaut de représentation diplomatique ou consulaire une déclaration écrite doit être adressée au Ministère de la justice avec pièces justificatives à l'appui.

Art. 26. — Toute déclaration visée aux articles précédents doit être enregistrée au Ministère de la justice.

Art. 27. — Si le secrétaire d'Etat à la Justice estime que l'intéressé remplit les conditions requises, il ordonnera l'enregistrement de la déclaration, mais il peut par décision motivée refuser l'enregistrement de la déclaration.

Dans ce cas la décision de refus doit être notifiée dans un délai d'un mois à partir du jour de la signature au déclarant qui peut se pourvoir devant le tribunal de première instance ou la justice de paix à compétence étendue.

Art. 28. — Si à l'expiration du délai de six mois après la date de la déclaration, il n'est intervenu aucune décision de refus d'enregistrement, le Secrétaire d'Etat à la justice doit remettre au déclarant, sur sa demande, copie de sa déclaration avec mention de l'enregistrement.

Art. 29. — A moins que le tribunal n'ait déjà statué dans l'hypothèse prévue à l'article 27 par une décision passée en force de chose jugée, la validité d'une déclaration enregistrée peut toujours être contestée par le ministère public et par toute personne intéressée. Dans ce dernier cas, le ministère public doit toujours être mis en cause.

TITRE II. — DE L'ACQUISITION DE LA NATIONALITÉ VIETNAMIENNE

Chapitre premier. — *Des modes d'acquisition de la nationalité vietnamienne*

Section I. — Acquisition de la nationalité vietnamienne en raison de la filiation

Art. 30. L'enfant naturel légitimé au cours de sa minorité acquiert la nationalité vietnamienne si son père est vietnamien.

Art. 31. — L'enfant adopté par une personne de nationalité vietnamienne n'acquiert pas du fait de l'adoption la qualité de vietnamien.

Section 2. — Acquisition de la nationalité vietnamienne par le mariage

Art. 32. — Sous réserve des dispositions des articles 33 et suivants, la femme étrangère qui épouse un vietnamien acquiert la nationalité vietnamienne au moment de la célébration du mariage.

Art. 33. — La femme étrangère, dans le cas où sa loi nationale lui permet de conserver sa nationalité, a la faculté de déclarer antérieurement ou lors de la célébration du mariage qu'elle décline la qualité de vietnamienne.

Elle peut, même si elle est mineure, exercer cette faculté sans aucune autorisation.

Toute déclaration en vue de conserver la nationalité étrangère est souscrite devant l'office de l'état civil du lieu de la célébration du mariage.

Lorsque le mariage a lieu à l'étranger, la déclaration est souscrite devant les représentants diplomatiques ou consulaires du Viet-Nam et à défaut de représentations diplomatique et consulaire l'intéressée doit faire parvenir au Secrétariat d'Etat à la justice une déclaration écrite avec pièces justificatives à l'appui avant la date de la célébration du mariage.

Toute déclaration faite dans les conditions ci-dessus doit être enregistrée au Ministère de la justice, sous réserve des dispositions des articles 27 et 28.

Art. 34. — Au cours du délai de six mois qui suit la célébration du mariage, le gouvernement peut s'opposer par décret à l'acquisition de la nationalité vietnamienne par la femme étrangère.

Dans le cas d'un mariage à l'étranger ce délai court du jour de la transcription de l'acte sur les registres de l'état-civil tenus par les représentants diplomatiques ou consulaires ou à défaut de représentation diplomatique ou consulaire vietnamienne, du jour où l'acte a été transcrit sur un registre spécial tenu à cet effet au Secrétariat d'Etat à la justice.

En cas d'opposition du gouvernement, l'intéressée est réputée n'avoir jamais acquis la nationalité vietnamienne.

Art. 35. — La femme étrangère qui a fait l'objet d'un arrêté d'expulsion ou d'une mesure d'assignation à résidence est exclue du bénéfice de l'article 32.

Art. 36. — Durant le délai de six mois fixé à l'article 34, la femme qui a acquis par le mariage la nationalité vietnamienne ne peut être ni électrice ni éligible lorsque l'inscription sur les listes électorales ou l'exercice de fonctions ou de mandats électifs sont subordonnés à la qualité de vietnamienne.

Art. 37. — La femme n'acquiert pas la nationalité vietnamienne si son mariage avec un vietnamien est déclaré nul par une décision émanant d'une juridiction vietnamienne ou rendu exécutoire au Viet-Nam même si le mariage a été contracté de bonne foi.

Art. 38. — Lorsque le mariage, même contracté de bonne foi, a été déclaré nul dans les conditions prévues à l'article précédent, les enfants issus de l'union annulée sont, en ce qui concerne leur nationalité, dans la situation qu'auraient eue des enfants naturels dont la double filiation serait établie.

Section 3. — Acquisition de la nationalité vietnamienne en raison de la naissance et de la résidence et par déclaration de nationalité

Art. 39. — Tout individu né au Viet-Nam de parents étrangers acquiert par déclaration souscrite dans les formes prévues aux articles 24 et 29 la nationalité vietnamienne s'il remplit les conditions suivantes :

- 1) Avoir sa résidence habituelle au Viet-Nam depuis sa naissance jusqu'au jour où il effectue sa déclaration;
- 2) Avoir sa résidence au Viet-Nam au moment où il fait sa déclaration d'option;
- 3) Etre âgé de 18 ans accomplis.

Art. 40. — Cette déclaration doit être souscrite au plus tard six mois avant l'âge légal d'incorporation dans les mêmes formes que les déclarations de répudiation ou de renonciation à la faculté de répudiation prévues aux articles 24 à 29.

Art. 41. — Est considéré comme déclaration d'option de la nationalité vietnamienne le fait pour l'intéressé de contracter un engagement volontaire dans l'armée vietnamienne, ou si sans opposer son extranéité, il participe aux opérations de recrutement de l'armée vietnamienne.

Art. 42. — Est exclu du bénéfice des dispositions contenues dans la présente section :

- 1) L'individu qui a fait l'objet d'un arrêté d'expulsion non rapporté dans les formes où il est intervenu;
- 2) L'individu condamné ou même acquitté pour défaut de discernement, pour crime ou délit de droit commun, exception des délits d'imprudence et délits contraventionnels où la mauvaise foi n'est pas constitutive de l'infraction;
- 3) Ou l'individu qui a fait l'objet d'une mesure d'assignation à résidence ou de résidence surveillée, non rapportée.

Art. 43. — Le mineur âgé de 18 ans peut réclamer la qualité de vietnamien sans aucune autorisation.

Art. 44. — Sous réserve des dispositions prévues à l'article 45 l'intéressé acquiert la nationalité vietnamienne à la date à laquelle la déclaration a été souscrite.

Art. 45. — Dans le délai de six mois qui suit la date à laquelle la déclaration a été souscrite, le Gouvernement peut, par décret pris après avis conforme du conseil d'Etat, s'opposer à l'acquisition de la nationalité vietnamienne.

Section 4. — Acquisition de la nationalité par décision de l'autorité publique

Art. 46. — L'acquisition de nationalité vietnamienne par décision de l'autorité publique résulte d'une naturalisation ou d'une réintégration accordée à la demande de l'étranger.

Paragraphe 1. — Naturalisation :

Art. 47. — La naturalisation vietnamienne est accordée par décret du Président de la République après enquête.

Art. 48. — Nul ne peut être naturalisé s'il n'a pas au Viet-Nam sa résidence au moment du dépôt de la demande et de la signature du décret de naturalisation.

Art. 49. — Sous réserve des exceptions prévues aux articles 50 et 51, la naturalisation ne peut être accordée qu'à l'étranger justifiant d'une résidence habituelle au Viet-Nam pendant les cinq années qui précèdent le dépôt de la demande.

Art. 50. — Le stage visé à l'article 49 est réduit à trois ans :

- 1) Pour l'étranger né au Viet-Nam de parents étrangers dont l'un est lui-même né au Viet-Nam sauf le cas prévu à l'article 16 du présent code;
- 2) Pour l'étranger marié à une vietnamienne;
- 3) Pour celui qui est titulaire d'un diplôme d'Etat d'études supérieures délivré par une université, une faculté ou un établissement d'enseignement supérieur vietnamien.

Art. 51. — Peut être naturalisé sans condition de stage :

- 1) L'enfant légitime ou naturel mineur, dont la mère a la nationalité vietnamienne d'origine;
- 2) L'individu qui pouvant bénéficier des dispositions de l'article 39 n'a pas souscrit la déclaration prévue à l'article 40. Néanmoins est exclu du bénéfice du présent article l'individu qui, en raison de son âge, n'est pas susceptible d'accomplir dans l'armée vietnamienne une durée de service militaire actif égal à celle qui est imposée aux jeunes gens de sa classe d'âge par la loi vietnamienne sur le recrutement de l'armée;
- 3) L'enfant mineur d'un étranger qui acquiert la nationalité vietnamienne dans le cas où, conformément à l'article 75, cet enfant n'a pas lui-même acquis par l'effet collectif la qualité de vietnamien;
- 4) La femme étrangère mariée à un vietnamien;
- 5) La femme et l'enfant majeur de l'étranger qui acquiert la nationalité vietnamienne;
- 6) L'enfant mineur dont l'un des parents a perdu la qualité de vietnamien pour une cause indépendante de sa volonté, sauf si ce parent a été déchu de la nationalité vietnamienne;
- 7) L'étranger adopté par une personne de nationalité vietnamienne;
- 8) L'étranger qui, en temps de guerre, a contracté un engagement volontaire dans les armées vietnamiennes ou alliées, ou celui qui a servi dans une unité de l'armée nationale vietnamienne et à qui la qualité de combattant a été reconnue conformément aux règlements en vigueur;
- 9) Ou l'étranger qui a rendu des services exceptionnels au Viet-Nam ou celui dont la naturalisation présente pour le Viet-Nam un intérêt exceptionnel. Dans ce cas, le décret de naturalisation ne peut être accordé qu'après avis conforme du Conseil d'Etat, sur le rapport motivé du Secrétaire d'Etat à la justice.

Art. 52. — L'étranger qui a fait l'objet d'un arrêté d'expulsion ou d'une mesure d'assignation à résidence n'est susceptible d'être naturalisé que si ces mesures ont été rapportées dans les formes où elles sont intervenues.

Art. 53. — A l'exception des mineurs pouvant invoquer le bénéfice des dispositions de l'article 51, nul ne peut être naturalisé s'il n'a pas atteint l'âge de 18 ans.

Art. 54. — Le mineur âgé de 18 ans peut demander sa naturalisation sans aucune autorisation.

Le mineur âgé de moins de 18 ans qui peut invoquer le bénéfice des dispositions de l'article 51 doit, pour demander sa naturalisation, être autorisé ou représenté dans les conditions déterminées à l'article 21 du présent code.

Art. 55. — Nul ne peut être naturalisé s'il n'est de bonnes vies et mœurs ou s'il a fait l'objet d'une condamnation supérieure à une année d'emprisonnement non effacée par la réhabilitation pour une infraction de droit commun sanctionnée en droit vietnamien par une peine criminelle ou un emprisonnement correctionnel.

Les condamnations prononcées à l'étranger pourront toutefois ne pas être prises en considération; en ce cas, le décret prononçant la naturalisation ne pourra être pris qu'après avis conforme du Conseil d'Etat.

Art. 56. — Nul ne peut être naturalisé s'il ne justifie de son assimilation à la communauté vietnamienne, notamment par une connaissance suffisante selon sa condition de la langue vietnamienne.

Art. 57. — Nul ne peut être naturalisé:

- 1) S'il n'est reconnu être sain d'esprit;
- 2) S'il n'est reconnu d'après son état physique ne devoir être ni une charge ni un danger pour la collectivité.

Toutefois, cette condition n'est pas exigée de l'étranger susceptible de bénéficier des dispositions du dernier alinéa de l'article 51.

Les dispositions du présent article ne sont pas applicables à l'étranger dont l'infirmité ou la maladie a été contractée au service ou dans l'intérêt du Viet-Nam. La naturalisation dans ce cas ne peut être accordée qu'après avis conforme du conseil d'Etat sur rapport motivé du Secrétaire d'Etat à la justice.

Toutefois la naturalisation des pensionnés de guerre n'est pas soumise à cette formalité.

Art. 58. — Les conditions dans lesquelles s'effectuera le contrôle de l'assimilation et de l'état de santé de l'étranger en instance de naturalisation seront fixées par décret.

Art. 59. — L'étranger qui sollicite la naturalisation doit demander une vietnamisation de ses noms et prénoms soit par modification orthographique, soit par traduction ou transcription phonétique des mots étrangers en vietnamien.

Art. 60. — Cette vietnamisation des noms et prénoms sera accordée par le décret de naturalisation.

Paragraphe 2. — Réintégration:

Art. 61. — La réintégration dans la nationalité vietnamienne est accordée par décret du Président de la République après enquête.

Art. 62. — La réintégration peut être obtenue à tout âge et sans condition de stage.

Toutefois, nul ne peut être réintégré s'il n'a pas au Viet-Nam sa résidence au moment de la réintégration.

Art. 63. — Ne peut être réintégré:

- 1) L'individu qui a été déchu de la nationalité vietnamienne par application de l'article 89 du présent code à moins que, dans le cas où la déchéance a été motivée par une condamnation, il n'ait obtenu la réhabilitation judiciaire;

2) L'individu du sexe masculin qui a répudié la nationalité vietnamienne, à moins qu'il n'ait accompli ou ne soit susceptible, en raison de son âge, d'accomplir dans l'armée vietnamienne une durée de service militaire actif égale à celle qui est imposée aux jeunes gens de sa classe d'âge par la loi vietnamienne sur le recrutement de l'armée.

Art. 64. — Les individus visés à l'article précédent peuvent toutefois obtenir la réintégration :

1) S'ils ont contracté en temps de guerre un engagement volontaire dans les armées vietnamiennes ou alliées ;

2) S'ils ont servi en temps de guerre dans l'armée vietnamienne et si la qualité de combattant leur a été reconnue conformément aux règlements en vigueur ;

3) S'ils ont rendu des services exceptionnels au Viet-Nam ou si leur réintégration présente pour le Viet-Nam un intérêt exceptionnel.

Dans ce cas, la réintégration ne peut être accordée qu'après avis conforme du conseil d'Etat sur le rapport motivé du Secrétaire d'Etat à la justice.

Art. 65. — L'étranger qui a fait l'objet d'un arrêté d'expulsion ou d'une mesure d'assignation à résidence n'est susceptible d'être réintégré que si ces mesures ont été rapportées dans les formes où elles sont intervenues.

Paragraphe 3. — *Des décisions et des sanctions relatives aux naturalisations et réintégrations :*

Art. 66. — Les décrets de naturalisation et de réintégration sont publiés au *Journal officiel* du Viet-Nam, ils prennent effet à la date de leur publication.

Art. 67. — Lorsqu'il apparaît, postérieurement au décret de naturalisation ou de réintégration, que l'intéressé ne remplissait pas les conditions requises par la loi pour pouvoir être naturalisé ou réintégré, le décret peut être rapporté dans le délai d'un an à partir du jour de sa publication.

Les décrets de naturalisation et de réintégration entachés d'illégalité peuvent être attaqués par voie de recours en annulation devant le conseil d'Etat.

Art. 68. — Lorsque l'étranger a sciemment fait une fausse déclaration, présenté une pièce contenant une assertion mensongère ou erronée, ou employé des manœuvres frauduleuses à l'effet d'obtenir la naturalisation ou la réintégration, le décret intervenu peut être rapporté par décret pris après avis conforme du conseil d'Etat. L'intéressé averti a la faculté de produire des pièces et mémoires.

Le décret de retrait devra intervenir dans le délai d'un an à partir de la découverte de la fraude.

Art. 69. — Toute personne qui moyennant une rétribution, une promesse ou un avantage quelconque, direct ou indirect, même non convenu à l'avance, aura offert, accepté de prêter ou prêté à un étranger en instance de naturalisation ou de réintégration son entremise auprès des administrations ou des pouvoirs publics en vue de lui faciliter l'obtention de la nationalité vietnamienne sera punie, sans préjudice le cas échéant de l'application des peines plus fortes prévues par d'autres dispositions, d'un emprisonnement d'un an à cinq ans et d'une amende de 1.000 \$ à 30.000 \$.

Art. 70. — Toute convention qui a pour objet de faciliter à un étranger, dans les termes de l'article précédent, l'obtention de la naturalisation ou de la réintégration dans la nationalité vietnamienne est nulle et de nul effet comme contraire à l'ordre public et les sommes payées en exécution de cette convention pourront être répétées.

Tout décret rendu à la suite d'une convention de cette nature sera rapporté dans un délai d'un an à partir du jugement définitif de condamnation prononcé conformément aux dispositions de l'article 69.

Chapitre II. — Des effets de l'acquisition de la nationalité

Art. 71. — L'individu qui a acquis la nationalité vietnamienne jouit à dater du jour de cette acquisition de tous les droits attachés à la qualité de vietnamien, sous réserve des incapacités prévues à l'article 72 du présent code ou dans les lois spéciales.

Art. 72. — L'étranger naturalisé est soumis aux incapacités suivantes :

1) Pendant un délai de cinq ans à partir du décret de naturalisation, il ne peut être investi de fonctions ou de mandats électifs pour l'exercice desquels la qualité de vietnamien est nécessaire ;

2) Pendant trois ans à partir du décret de naturalisation il ne peut être électeur lorsque la qualité de vietnamien est nécessaire pour permettre l'inscription sur les listes électorales ;

3) Pendant un délai de cinq ans à partir du décret de naturalisation, il ne peut être nommé à des fonctions publiques rétribuées par l'Etat ou être nommé officier public ou ministériel.

Art. 73. — Les incapacités prévues à l'article précédent ne s'appliquent pas :

1) Au naturalisé qui a accompli effectivement dans l'armée vietnamienne le temps de service actif correspondant aux obligations de sa classe d'âge ;

2) Au naturalisé qui a servi pendant deux ans dans l'armée vietnamienne, ou à celui qui, en temps de guerre, a contracté un engagement volontaire dans les armées vietnamiennes ou alliées ;

3) Au naturalisé qui, en temps de guerre, a servi dans l'armée vietnamienne et à qui la qualité de combattant a été reconnue conformément aux règlements en vigueur.

Art. 74. — Le naturalisé qui a rendu au Viet-Nam des services exceptionnels ou celui dont la naturalisation présente pour le Viet-Nam un intérêt exceptionnel peut être relevé en tout ou en partie des incapacités prévues à l'article 72 par le décret pris après avis conforme du conseil d'Etat sur le rapport motivé du Secrétaire d'Etat à la Justice.

Art. 75. — Devient de plein droit vietnamien au même titre que ses parents à condition que sa filiation soit établie conformément au droit civil vietnamien :

1) L'enfant mineur légitime ou légitimé dont le père ou la mère, si elle est veuve, acquiert la nationalité vietnamienne ;

2) L'enfant mineur naturel dont le père à l'égard duquel la filiation a été établie ou la mère survivante acquiert la nationalité vietnamienne.

Art. 76. — Les dispositions de l'article précédent ne sont pas applicables :

1) A l'enfant mineur marié ;

2) A celui qui sert ou a servi dans les armées de son pays d'origine.

Art. 77. — Est exclu du bénéfice de l'article 62 :

- 1) L'individu qui a été frappé d'un arrêté d'expulsion ou d'une mesure d'assignation à résidence non expressément rapportés dans les formes où ils sont intervenus ;
- 2) L'individu qui, en vertu des dispositions de l'article 57, ne peut acquérir la nationalité vietnamienne ;
- 3) L'individu qui a fait l'objet d'un décret portant opposition à l'acquisition de la nationalité vietnamienne en application de l'article 45.

TITRE III. — DE LA PERTE ET DE LA DÉCHÉANCE DE LA NATIONALITÉ VIETNAMIENNE

Chapitre premier. — De la perte de la nationalité vietnamienne

Art. 78. — Perd la nationalité vietnamienne, le vietnamien majeur qui acquiert volontairement une nationalité étrangère.

Art. 79. — La perte de la nationalité vietnamienne par naturalisation étrangère est subordonnée à l'autorisation du Gouvernement vietnamien.

Cette autorisation est accordée par décret.

Art. 80. — Perd la nationalité vietnamienne, le vietnamien qui exerce la faculté de répudier cette qualité dans les cas prévus à l'article 14.

Art. 81. — Perd la nationalité vietnamienne, le vietnamien même mineur qui, ayant une nationalité étrangère, est autorisé, sur sa demande, par le Gouvernement vietnamien à perdre la qualité de vietnamien.

Cette autorisation est accordée par décret.

Le mineur doit, le cas échéant, être autorisé ou représenté dans les conditions prévues à l'article 21.

Art. 82. — La nationalité vietnamienne se perd :

- 1) Dans le cas prévu à l'article 78 à la date de l'acquisition de la nationalité étrangère ;
- 2) Dans le cas de répudiation de la nationalité vietnamienne à la date à laquelle la déclaration a été souscrite ;
- 3) Dans le cas prévu à l'article 81 à la date du décret portant autorisation à perdre la qualité de vietnamien.

Art. 83. — Perd la nationalité vietnamienne l'enfant naturel qui, devenu vietnamien à la suite de l'acquisition par sa mère de la nationalité vietnamienne, est, durant sa minorité, légitimé par le mariage de sa mère avec un étranger.

Il conserve toutefois la nationalité vietnamienne, s'il n'a pas acquis la nationalité étrangère de son père.

Art. 84. — La femme vietnamienne qui épouse un étranger en pays étranger perd sa nationalité, à moins qu'elle ne déclare expressément avant la célébration du mariage, dans les conditions et dans les formes prévues aux articles 33 et suivants, qu'elle désire conserver la nationalité vietnamienne.

Si le mariage a lieu au Viet-Nam, la femme vietnamienne conserve sa nationalité à moins qu'elle ne déclare expressément, avant ou au moment de la célébration du mariage, vouloir acquérir la nationalité de son mari ; toutefois, elle conserve sa nationalité vietnamienne dans le cas où la loi

nationale de son mari ne lui permet pas d'acquérir la nationalité de ce dernier.

La déclaration peut être faite sans autorisation même si la femme est mineure.

La perte de la nationalité vietnamienne du fait du mariage s'opère à la date de la célébration.

Art. 85. — La femme vietnamienne n'acquiert pas la nationalité étrangère si son mariage avec un étranger est déclaré nul par une décision émanant d'une juridiction vietnamienne ou rendue exécutoire au Viet-Nam même si le mariage a été contracté de bonne foi.

Art. 86. — Lorsque le mariage, même contracté de bonne foi, a été déclaré nul dans les conditions prévues à l'article précédent, les enfants issus de l'union annulée sont, en ce qui concerne leur nationalité, dans la situation qu'auraient eue des enfants naturels dont la double filiation serait établie.

Art. 87. — La femme vietnamienne mariée à un chinois, avant la date de la publication du présent code, conserve sa nationalité vietnamienne.

Art. 88. — Le vietnamien qui réside ou a résidé habituellement à l'étranger, ou les ascendants dont il tient par filiation la nationalité sont demeurés fixés depuis plus d'un demi-siècle, peut être considéré comme ayant perdu la nationalité vietnamienne, à moins que ses ascendants et lui-même aient conservé la possession d'état de vietnamien.

La perte de la qualité de vietnamien ne peut être constatée que par un jugement prononcé conformément aux dispositions prévues au titre IV du présent code. Le jugement indique, s'il y a lieu, la date à laquelle l'intéressé a été libéré de son allégeance à l'égard du Viet-Nam. Il peut également décider que celui-ci n'a jamais été vietnamien, son père ayant cessé d'avoir cette qualité antérieurement à sa naissance.

Art. 89. — Le vietnamien qui se comporte en fait comme le national d'un pays étranger peut, s'il a la nationalité de ce pays, être déclaré par décret avoir perdu la qualité de vietnamien.

L'intéressé perd sa nationalité vietnamienne à la date du décret.

La mesure prise à son égard peut être étendue à sa femme et à ses enfants mineurs s'ils ont eux-mêmes une nationalité étrangère. Elle ne pourra toutefois être étendue aux enfants mineurs si elle ne l'est également à la femme.

Art. 90. — Perd la nationalité vietnamienne, le vietnamien qui remplissant un emploi dans un service public d'un Etat étranger ou dans une armée étrangère le conserve nonobstant l'injonction de le résigner qui lui aura été faite par le Gouvernement du Viet-Nam.

Six mois après la notification de cette injonction l'intéressé sera, par décret, déclaré avoir perdu la nationalité vietnamienne s'il n'a, au cours de ce délai, résigné son emploi à moins qu'il ne soit établi qu'il a été dans l'impossibilité absolue de le faire. Dans ce dernier cas, le délai de six mois court seulement du jour où la cause de l'impossibilité a disparu.

L'intéressé perd sa nationalité vietnamienne à la date du décret.

Art. 91. — Dans tous les cas de perte de la nationalité vietnamienne l'intéressé est libéré de son allégeance à l'égard du Viet-Nam à compter du jour de la perte de la nationalité.

Chapitre II. — De la déchéance de la nationalité vietnamienne

Art. 92. — L'individu qui a acquis la qualité de vietnamien peut être déchu de la nationalité vietnamienne :

- 1) S'il est condamné pour un acte qualifié crime ou délit contre la sûreté intérieure ou extérieure de l'Etat;
- 2) S'il est condamné pour s'être soustrait aux obligations résultant pour lui de la loi sur le recrutement de l'armée;
- 3) S'il s'est livré au profit d'un étranger à des actes incompatibles avec la qualité de vietnamien et préjudiciables aux intérêts du Viet-Nam;
- 4) S'il a été condamné au Viet-Nam ou à l'étranger par un acte qualifié crime par la loi vietnamienne et ayant entraîné une condamnation à une peine d'au moins cinq années d'emprisonnement.

Art. 93. — La déchéance n'est encourue que si les faits reprochés à l'intéressé et visés à l'article 92 se sont produits dans le délai de 10 ans à compter de la date de l'acquisition de la nationalité vietnamienne.

Elle ne peut être prononcée que dans le délai de 10 ans à compter de la perpétration desdits faits.

Art. 94. — La déchéance peut être étendue à la femme et aux enfants mineurs de l'intéressé à condition qu'ils soient d'origine étrangère et qu'ils aient conservé une nationalité étrangère.

Elle ne pourra toutefois être étendue aux enfants mineurs si elle ne l'est également à la femme.

Art. 95. — Lorsque le Secrétaire d'Etat à la justice décide de poursuivre la déchéance de la nationalité vietnamienne à l'encontre d'un individu tombant sous le coup des dispositions de l'article 92, il notifie la mesure envisagée à la personne de l'intéressé ou à son domicile, à défaut de domicile connu, la mesure envisagée est publiée au *Journal officiel* du Viet-Nam.

L'intéressé a la faculté, dans le délai d'un mois à dater de l'insertion au *Journal officiel* ou de la notification, d'adresser au Secrétaire d'Etat à la justice des pièces et mémoires.

Art. 96. — La déchéance de la nationalité vietnamienne est prononcée par décret pris sur le rapport du Secrétaire d'Etat à la justice et après avis conforme du conseil d'Etat.

Le décret qui, dans les conditions prévues à l'article 94 étend la déchéance à la femme et aux enfants mineurs de la personne déchue, est pris dans les mêmes formes.

Art. 97. — Les décrets de déchéance sont publiés et produisent leurs effets dans les conditions visées à l'article 66.

TITRE IV. — DU CONTENTIEUX DE LA NATIONALITÉ

Chapitre premier. — De la compétence des tribunaux judiciaires

Art. 98. — La juridiction civile de droit commun est seule compétente pour connaître des contestations sur la nationalité, qu'elles se produisent isolément ou à l'occasion d'un recours pour excès de pouvoir contre un acte administratif.

Art. 99. — L'exception de nationalité vietnamienne et l'exception d'extranéité sont d'ordre public, elles doivent être soulevées d'office par le juge.

Elles constituent, devant tout autre juridiction que la juridiction civile de droit commun, une question préjudicielle qui oblige le juge à surseoir à statuer jusqu'à ce que la question ait été tranchée selon la procédure réglée par les articles 102 et suivants du présent code.

Art. 100. — Si l'exception de nationalité vietnamienne ou d'extranéité est soulevée devant une juridiction répressive, celle-ci doit renvoyer à se pourvoir dans les trente jours devant le tribunal civil compétent soit la partie qui invoque l'exception soit le ministère public dans le cas où l'intéressé est titulaire d'un certificat de nationalité délivré conformément aux articles 122 et suivants.

La juridiction répressive sursoit à statuer jusqu'à ce que la question de nationalité ait été tranchée ou jusqu'à ce que soit expiré le délai ci-dessus imparti dans le cas où le tribunal civil n'a pas été saisi.

Art. 101. — L'action est portée devant le tribunal du domicile ou, à défaut, devant le tribunal de la résidence de celui dont la nationalité est en cause ou, s'il n'a au Viet-Nam ni domicile, ni résidence, devant le tribunal de Saigon.

Chapitre II. — De la procédure devant les tribunaux judiciaires

Art. 102. — Le tribunal civil est saisi par voie de requête.

Art. 103. — Tout individu peut intenter devant le tribunal civil une action dont l'objet principal et direct est de faire juger qu'il a ou qu'il n'a pas la nationalité vietnamienne. Il doit faire citer, à cet effet, le procureur de l'Etat qui nonobstant toutes dispositions contraires antérieures au présent code, a seul qualité pour défendre à l'action, sans préjudice du droit d'intervention des tiers intéressés.

Art. 104. — Le procureur de l'Etat a seul qualité pour intenter contre tout individu une action dont l'objet principal et direct est d'établir si le défendeur a ou n'a pas la nationalité vietnamienne sans préjudice du droit qui appartient à tout intéressé d'intervenir à l'action ou de contester, conformément à l'article 29, la validité d'une déclaration enregistrée.

Art. 105. — Le procureur est tenu d'agir s'il en est requis par une administration publique ou par une tierce personne ayant soulevé l'exception de nationalité devant une juridiction qui a sursis à statuer en application de l'article 99. Le tiers requérant devra être mis en cause et, sauf s'il obtient l'assistance judiciaire, fournir caution de payer les frais de l'instance et les dommages; intérêts auxquels il pourrait être condamné.

Art. 106. — Lorsque l'Etat est partie principale devant le tribunal civil où une question de nationalité est posée à titre incident, il ne peut être représenté que par le procureur de l'Etat en ce qui concerne la contestation sur la nationalité.

Art. 107. — Lorsqu'une question de nationalité est posée à titre incident entre parties privées devant le tribunal civil, le ministère public doit toujours être mis en cause et être entendu en ses conclusions motivées.

Art. 108. — Lorsque le tribunal civil statue en matière de nationalité dans les cas prévus à l'article 98 du présent code, le ministère public doit être entendu en ses conclusions motivées.

Art. 109. — Dans toutes les instances qui ont pour objet, à titre principal ou à titre incident, une contestation sur la nationalité, conformément aux dispositions contenues dans le présent chapitre, une copie de la requête est déposée au Secrétariat d'Etat à la justice.

Toute demande à laquelle n'est pas jointe la justification de ce dépôt est déclarée irrecevable.

Aucune décision au fond ne peut intervenir avant l'expiration du délai de 30 jours à dater dudit dépôt. Exceptionnellement ce délai est réduit à 10 jours lorsque la contestation sur la nationalité a fait l'objet d'une question préjudicielle devant une juridiction statuant en matière électorale.

Les dispositions du présent article sont applicables à l'exercice des voies de recours.

Art. 110. — Toutes les décisions définitives rendues en matière de nationalité par les juridictions de droit commun dans les conditions visées aux articles précédents, ont, à l'égard de tous, l'autorité de la chose jugée.

Chapitre III. — De la preuve de la nationalité devant les tribunaux judiciaires

Art. 111. — La charge de la preuve, en matière de nationalité, incombe à celui qui, par voie d'action ou par voie d'exception, prétend avoir ou non la nationalité vietnamienne.

Toutefois cette charge incombe à celui qui, par les mêmes voies, conteste la qualité de vietnamien à un individu titulaire d'un certificat de nationalité vietnamienne délivré conformément aux articles 122 et suivants.

Art. 112. — La preuve d'une déclaration acquisitive de nationalité résulte de la production d'un exemplaire enregistré de cette déclaration.

Lorsque cette pièce ne peut être produite, il peut y être suppléé par la production d'une attestation délivrée par le Secrétaire d'Etat à la justice à la demande de tout requérant et constatant que la déclaration a été souscrite et enregistrée.

Art. 113. — Dans le cas où la loi donne la faculté de souscrire une déclaration en vue de répudier la nationalité vietnamienne ou d'acquérir ou de conserver la qualité de vietnamien, la preuve qu'une telle déclaration n'a pas été souscrite ne peut résulter que d'une attestation délivrée par le Secrétaire d'Etat à la justice à la demande de tout requérant.

Art. 114. — La preuve d'un décret de naturalisation ou de réintégration résulte de la production soit de l'ampliation de ce décret soit d'un exemplaire du *Journal officiel* où le décret a été publié.

Lorsque cette pièce ne peut être produite, il peut y être suppléé par une attestation constatant l'existence du décret et délivré par le Secrétaire d'Etat à la justice à la demande de tout requérant.

Art. 115. — Lorsque la nationalité vietnamienne est attribuée ou acquise autrement que par déclaration, naturalisation, réintégration ou annexion de territoires, la preuve ne peut être faite qu'en établissant l'existence de toutes les conditions requises par la loi.

Art. 116. — Néanmoins lorsque la nationalité vietnamienne ne peut avoir sa source que dans la filiation, elle est tenue pour établie sauf la preuve contraire, si l'intéressé et les ascendants qui ont été susceptibles de la lui transmettre, ont joui de la possession d'état de vietnamien pendant trois générations.

Art. 117. — Lorsqu'un individu réside ou a résidé habituellement à l'étranger, où les ascendants dont il tient par filiation la nationalité sont demeurés fixés pendant plus d'un demi siècle, cet individu ne sera pas admis à faire la preuve qu'il a par filiation la nationalité vietnamienne si lui-même et ses ascendants n'ont pas eu depuis trois générations la possession d'état de vietnamien.

Le tribunal devra, dans ce cas, constater la perte de la nationalité dans les termes de l'article 88.

Art. 118. — La preuve d'une déclaration de répudiation de la nationalité vietnamienne résulte de la production soit d'un exemplaire enregistré de cet acte, soit, à défaut, d'une attestation délivrée par le Secrétaire d'Etat à la justice à la demande du requérant, constatant que la déclaration de répudiation a été souscrite et enregistrée.

Art. 119. — Lorsque la perte ou la déchéance de la nationalité vietnamienne résulte d'un décret pris conformément aux dispositions des articles 81, 89, 90, 92 et suivants, la preuve de ce décret se fait dans les conditions prévues à l'article 114.

Il en est de même du décret pris en application de l'article 79.

Art. 120. — Lorsque la nationalité vietnamienne se perd autrement que par l'un des modes prévus aux articles 118, 119 la preuve n'en peut résulter qu'en établissant l'existence des faits et des actes qui ont pour conséquence la perte de la nationalité vietnamienne.

Art. 121. — En dehors des cas de perte ou de déchéance de la nationalité vietnamienne, la preuve de l'extranéité peut être faite par tous les moyens.

Néanmoins la preuve de l'extranéité d'un individu qui a la possession d'état de vietnamien peut seulement être établie en démontrant que l'intéressé ne remplit aucune des conditions exigées par la loi pour avoir la qualité de vietnamien.

Chapitre IV. — Des certificats de nationalité vietnamienne

Art. 122. — Le président du tribunal de première instance ou le juge de paix à compétence étendue a seul qualité pour délivrer un certificat de nationalité vietnamienne à toute personne justifiant qu'elle a cette nationalité.

Art. 123. — Le certificat de nationalité indique, en se référant aux titres I^{er} et II du présent code, la disposition légale en vertu de laquelle l'intéressé a la qualité de vietnamien, ainsi que les documents qui ont permis de l'établir. Il fait foi jusqu'à preuve du contraire.

Art. 124. — Lorsque le président du tribunal de première instance ou le juge de paix à compétence étendue refuse de délivrer un certificat de nationalité, l'intéressé peut saisir le Secrétaire d'Etat à la justice qui décide s'il y a lieu de procéder à cette délivrance.

Dans l'affirmative, il donnera des instructions au juge compétent pour procéder à cette délivrance.

Art. 125. — Sont abrogées toutes dispositions antérieures contraires au présent code.

Art. 126. — La présente ordonnance sera publiée au *Journal officiel* de la République du Viet-Nam et sera exécutée comme loi de l'Etat.

