THE PROBLEM OF STATELESSNESS

Consolidated report by the Secretary-General
TABLE OF CONTENTS

INTRODUCTION ........................................... 1 - 12 10

PART I: ANALYSIS OF THE REPLIES RECEIVED FROM GOVERNMENTS ... 13 - 152 15

I. AVOIDANCE OF STATELESSNESS IN CONNEION WITH CHANGES IN TERRITORIAL SOVEREIGNTY .................. 13 - 20 15

II. NATURALIZATION AND SIMILAR PROCEDURES FOR ACQUIRING A NATIONALITY BY STATELESS PERSONS HABITUALLY RESIDENT IN A TERRITORY .......... 21 - 60 25

CHAPTER I. GENERAL POSITION AS TO THE ACQUISITION OF NATIONALITY BY NATURALIZATION ......... 24 - 39 26

Section I: Statutory requirements for naturalization .............. 27 - 38 30

Category I: Admission and sojourn in the country and notice of intention ... 28 30

Category II: Knowledge of the language or of the institutions of the country ... 29 36

Category III: Age and capacity ................................ 30 - 32 bis 38

Category IV: Property or income requirements .................... 33 41

Category V: Loss of former nationality or oath of allegiance ........ 34 - 36 42

Category VI: Good character .................................... 37 44

Waiver of statutory requirements for naturalization at the discretion of the authority competent to grant naturalization ...................... 38 46

Section II: Practice followed with respect to naturalization ......... 39 48

CHAPTER II. ACQUISITION OF NATIONALITY BY SPECIFIED CATEGORIES OF PERSONS BY OPERATION OF LAW, BY PRIVILEGED PROCEDURES, OR BY NATURALIZATION SOME OR ALL OF THE STATUTORY REQUIREMENTS BEING WAIVED .... 40 - 60 64

/Section I:
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Paragraphs</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Former nationals of the country and children of nationals and of former nationals</td>
<td>41 - 46</td>
<td>64</td>
</tr>
<tr>
<td>(a)</td>
<td>Re-acquisition of nationality by former nationals</td>
<td>41 - 43</td>
<td>64</td>
</tr>
<tr>
<td>(b)</td>
<td>Acquisition of nationality by children of nationals or of former nationals</td>
<td>44 - 46</td>
<td>69</td>
</tr>
<tr>
<td>II</td>
<td>Persons born in the country</td>
<td>47 - 49</td>
<td>72</td>
</tr>
<tr>
<td>III</td>
<td>Members of families of persons acquiring or re-acquiring the country's nationality</td>
<td>50 - 57</td>
<td>75</td>
</tr>
<tr>
<td>(a)</td>
<td>Spouse of a person acquiring or re-acquiring the country's nationality</td>
<td>50 - 52</td>
<td>75</td>
</tr>
<tr>
<td>(b)</td>
<td>Children of a person acquiring or re-acquiring the country's nationality</td>
<td>53 - 57</td>
<td>76</td>
</tr>
<tr>
<td>IV</td>
<td>Persons having rendered certain services to the country</td>
<td>58 - 59</td>
<td>80</td>
</tr>
<tr>
<td>V</td>
<td>Persons having certain special connexion with the country</td>
<td>60</td>
<td>82</td>
</tr>
</tbody>
</table>

### III. THE QUESTION OF REDUCING, AS FAR AS POSSIBLE, THE NUMBER OF CASES OF STATELESSNESS CREATED BY THE OPERATION OF NATIONALITY LAWS

- **CHAPTER I.** GENERAL COMMENTS CONCERNING THE PROBLEM OF RE-EXAMINING NATIONALITY LAWS WITH A VIEW TO REDUCING, AS FAR AS POSSIBLE, THE NUMBER OF CASES OF STATELESSNESS CREATED BY THE OPERATION OF SUCH LAWS | 61 - 152 | 87 |
- **CHAPTER II.** ACQUISITION OF NATIONALITY AT BIRTH | 71 - 77 | 101 |
  - **Group I.** Country applying jus soli as the exclusive means for determining nationality at birth | 73 | 101 |
  - **Group II.** Countries applying jus soli as a primary means and jus sanguinis as a secondary means for determining nationality at birth | 74 | 101 |
Group III. Country applying jus sanguinis as the exclusive means for determining nationality at birth .... 75 - 105

Group IV. Countries applying jus sanguinis as a primary means and jus soli as a secondary means for determining nationality at birth .... 76 - 77 - 105

CHAPTER III. EFFECT OF CHANGE IN STATUS (RECOGNITION, LEGITIMATION AND ADOPTION) ON NATIONALITY .... 78 - 82 - 113

Section I. Recognition of children born out of wedlock .... 80 - 113

Section II. Legitimation of children born out of wedlock as a result of the marriage of their parents .... 81 - 114

Section III. Adoption .... 82 - 117

CHAPTER IV. EFFECTS OF MARRIAGE, OF CHANGES OF NATIONALITY BY ONE OF THE SPOUSES DURING MARRIAGE AND OF THE DISSOLUTION OF MARRIAGE ON NATIONALITY .... 83 - 118 - 119

Section I. Effects of marriage on the nationality of the spouses .... 84 - 96 - 119

I. Application of the nationality law to a woman who is a national of the country and marries an alien .... 85 - 120

A. Cases where statelessness does not occur for a woman who is a national of the country when she marries an alien .... 85 - 90 - 120

B. Cases where statelessness may occur for a woman who is a national of the country when she marries an alien .... 91 - 123

II. Application of the nationality law to a woman who is an alien and marries a national of the country .... 92 - 96 - 123

A. Cases where statelessness does not occur for a woman who is an alien and marries a national of the country .... 92 - 93 - 123

B. Cases
B. Cases where statelessness may occur for a woman who is an alien and marries a national of the country .......... 94 - 96 124

Section II. Effects of changes of nationality during marriage on the nationality of the other spouse .......... 97 - 106 131

A. Cases where statelessness does not occur for a woman whose husband loses the country's nationality .......... 98 - 105 131

B. Case where statelessness may occur for a woman whose husband loses the country's nationality .......... 106 133

Section III. Effects of dissolution of marriage on nationality .......... 107 - 118 134

I. Application of the nationality law to a woman who has acquired the country's nationality by marrying a national of the country .......... 108 - 115 134

Cases where statelessness cannot occur, upon dissolution of marriage, for a woman who has acquired the country's nationality by marrying a national of the country .......... 108 - 115 134

II. Application of the nationality law to a woman who has lost the country's nationality by marrying an alien .......... 116 - 118 136

CHAPTER V. EFFECTS OF VOLUNTARY ACTS AFFECTING THE NATIONAL STATUS OF AN INDIVIDUAL ON THE NATIONALITY OF THE INDIVIDUAL HIMSELF AND OF HIS CHILDREN .......... 119 - 136 138

Section I. Effects of voluntary acts affecting the national status of an individual on his own nationality .......... 119 - 131 138

A. Cases where as a result of a voluntary act affecting the national status of an individual statelessness does not occur .......... 120 - 127 138

B. Cases where statelessness may occur as a result of a voluntary act affecting the national status of an individual .......... 128 - 131 143

/Section II.
Section II. Effects of changes of the parent’s nationality on the nationality of the children

A. Cases where statelessness does not occur for the children as a result of changes in the nationality of their parents

B. Cases where statelessness may occur for the children as a result of changes in the nationality of their parent

CHAPTER VI. WITHDRAWAL OF NATIONALITY

A. Countries where statelessness does not occur as a result of withdrawal of the country’s nationality

Group I: Country the nationality of which cannot be withdrawn

Group II: Countries in which the withdrawal of nationality does not lead to statelessness

B. Countries where statelessness may occur in certain cases as a result of withdrawal of the country’s nationality

Group III: Countries in which withdrawal of nationality may be applied only, or mainly, to nationals having acquired the country’s nationality otherwise than at birth

Group IV: Countries in which withdrawal of nationality may, in certain cases, be applied to all classes of nationals, and in some other cases, to particular classes of nationals

CHAPTER VII. PROOF OF NATIONALITY

<table>
<thead>
<tr>
<th>Paragraphs</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>132 - 136</td>
<td>146</td>
</tr>
<tr>
<td>132 - 134</td>
<td>146</td>
</tr>
<tr>
<td>135 - 136</td>
<td>148</td>
</tr>
<tr>
<td>137 - 150</td>
<td>150</td>
</tr>
<tr>
<td>140 - 142</td>
<td>150</td>
</tr>
<tr>
<td>140</td>
<td>150</td>
</tr>
<tr>
<td>141 - 142</td>
<td>150</td>
</tr>
<tr>
<td>143 - 150</td>
<td>151</td>
</tr>
<tr>
<td>143 - 146</td>
<td>151</td>
</tr>
<tr>
<td>147 - 150</td>
<td>163</td>
</tr>
<tr>
<td>151 - 152</td>
<td>170</td>
</tr>
</tbody>
</table>

/PART II:
PART II: SUMMARY OF THE INFORMATION CONTAINED IN THE REPLIES RECEIVED FROM GOVERNMENTS

1. AVOIDANCE OF STATELESSNESS IN CONNEXION WITH CHANGES OF TERRITORIAL SOVEREIGNTY

2. NATURALIZATION AND SIMILAR PROCEDURES FOR ACQUIRING A NATIONALITY BY STATELESS PERSONS HABITUALLY RESIDENT IN A TERRITORY

CHAPTER I. GENERAL POSITION AS TO THE ACQUISITION OF NATIONALITY BY NATURALIZATION

Section I: Statutory requirements for naturalization

Section II: Practice followed with respect to naturalization

CHAPTER II. ACQUISITION OF NATIONALITY BY SPECIFIED CATEGORIES OF PERSONS BY OPERATION OF LAW, BY PRIVILEGED PROCEDURES, OR BY NATURALIZATION, SOME OR ALL OF THE STATUTORY REQUIREMENTS BEING WAIVED

Section I: Former nationals and children of nationals and of former nationals

Section II: Persons born in the country

Section III: Members of families of persons acquiring or re-acquiring the country's nationality

Section IV: Persons who have rendered certain services to the country

Section V: Persons having certain special connexion with the country

III. THE QUESTION OF REDUCING, AS FAR AS POSSIBLE, THE NUMBER OF CASES OF STATELESSNESS CREATED BY THE OPERATION OF NATIONALITY LAWS

CHAPTER I. GENERAL COMMENTS CONCERNING THE PROBLEM OF RE-EXAMINING NATIONALITY LAWS WITH A VIEW TO REDUCING, AS FAR AS POSSIBLE, THE NUMBER OF CASES OF STATELESSNESS CREATED BY THE OPERATION OF SUCH LAWS
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>Subsection</th>
<th>Pages</th>
<th>Ref.</th>
</tr>
</thead>
<tbody>
<tr>
<td>II</td>
<td></td>
<td>Acquisition of nationality at birth</td>
<td>205-210</td>
<td>189</td>
</tr>
<tr>
<td>III</td>
<td></td>
<td>Effects of changes in status (recognition, legitimation and adoption) of nationality</td>
<td>211-216</td>
<td>193</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section I: Recognition of children born out of wedlock</td>
<td>212-214</td>
<td>193</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section II: Legitimation of children born out of wedlock as a result of the marriage of their parents</td>
<td>215</td>
<td>193</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section III: Adoption</td>
<td>216</td>
<td>194</td>
</tr>
<tr>
<td>IV</td>
<td></td>
<td>Effects of marriage, of changes of nationality by one of the spouses during marriage and of the dissolution of marriage on nationality</td>
<td>217-247</td>
<td>195</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section I: Effects of marriage on the nationality of the spouses</td>
<td>217-226</td>
<td>195</td>
</tr>
<tr>
<td></td>
<td></td>
<td>I. Application of the nationality law to a woman who is a national of the country and marries an alien</td>
<td>217-222</td>
<td>195</td>
</tr>
<tr>
<td></td>
<td></td>
<td>II. Application of the nationality law to a woman who is an alien and marries a national of the country</td>
<td>223-226</td>
<td>196</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section II: Effects of changes of nationality during marriage on the nationality of the other spouse</td>
<td>227-237</td>
<td>197</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section III: Effects of dissolution of marriage on nationality</td>
<td>238-247</td>
<td>198</td>
</tr>
<tr>
<td></td>
<td></td>
<td>I. Application of the nationality law to a woman who has acquired the country's nationality by marrying a national of the country</td>
<td>238-243</td>
<td>198</td>
</tr>
<tr>
<td></td>
<td></td>
<td>II. Application of the nationality law to a woman who has lost the country's nationality by marrying an alien</td>
<td>246-247</td>
<td>199</td>
</tr>
<tr>
<td>V</td>
<td></td>
<td>Effects of voluntary acts affecting the national status of an individual of the nationality of the individual himself and of his children</td>
<td>248-262</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section I:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Section I: Effects of voluntary acts affecting the national status of an individual on his own nationality

Section II: Effects of the changes of the parent's nationality on the nationality of the children

CHAPTER VI. WITHDRAWAL OF NATIONALITY

CHAPTER VII. PROOF OF NATIONALITY
THE PROBLEM OF STATELESSNESS

(Consolidated report submitted by the Secretary-General to the Economic and Social Council and to the International Law Commission pursuant to Council resolution 352 (XII)).

INTRODUCTION

1. At its eleventh and twelfth sessions, the Economic and Social Council adopted resolutions 319 B iii (XI) and 352 (XII), as follows:

Resolution 319 B iii (XI)
(XI and 16 August 1950)

"The Economic and Social Council,

......

"6. Recommends to States involved in changes of territorial sovereignty that they include in the arrangements for such changes provisions, if necessary, for the avoidance of statelessness;

"7. Invites States to examine sympathetically applications for naturalization submitted by stateless persons habitually resident in their territory and, if necessary, to re-examine their nationality laws with a view to reducing as far as possible the number of cases of statelessness created by the operation of such laws;

"8. Requests the Secretary-General to seek information from States with regard to the above-mentioned matters and to report thereon to the Council;

"9. Notes with satisfaction that the International Law Commission intends to initiate as soon as possible work on the subject of nationality, including statelessness, and urges that the International Law Commission prepare at the earliest possible date the necessary draft international convention or conventions for the elimination of statelessness;

"10. Invites the Secretary-General to transmit this resolution to the International Law Commission."

Resolution 352 (XII)
(13 March 1951)

"The Economic and Social Council,

"Referring to its resolution 319 B (XI), Section III, and

"Noting that only a limited number of governments have replied to the Secretary-General's inquiry of 27 September 1950,

"1. Requests
"1. Requests the Secretary-General to address another communication to
governments inviting them to submit their observations at latest by
1 November 1951, and to include in their replies not only an analysis of
legal and administrative texts and regulations but of the practical
application of those laws and regulations;

"2. Asks the Secretary-General to transmit a consolidated report on the
basis of these replies to the Council and to the International Law
Commission; and

"3. Decides to defer further discussion on this subject to its fourteenth
session."

2. Pursuant to the request for information which the Secretary-General
addressed to States in compliance with resolution 319 B iii (XI), observations
were received from the Governments of fifteen Member States and five non-member
States, namely:

(a) Governments of Member States

Argentina (E/1969/Add.19) Israel (E/1969/Add.11)
Belgium (E/1969/Add.7) New Zealand (E/1969/Add.4)
Canada (E/1969) Pakistan (E/1969/Add.13)
Chile (E/1969/Add.1) Sweden (E/1969/Add.9)
Denmark (E/1969/Add.18) Union of South Africa (E/1969/Add.15)
Ecuador (E/1969/Add.5) United Kingdom (E/1969/Add.14)
Greece (E/1969/Add.6) United States of America (E/1969/Add.12)
India (E/1969/Add.17)

(b) Governments of non-member States

Ceylon (E/1969/Add.2) Jordan (E/1969/Add.16)
Ireland (E/1968/Add.17) Switzerland (E/1969/Add.10)
Japan (General H.Q. Supreme
Commander for the Allied
Powers) (E/1969/Add.3)

3. In compliance with resolution 352 (XII), the Secretary-General invited
all Governments, including those who had replied to his first communication
and those who had not replied, to submit their observations, and to include in
their replies an analysis not only of legal and administrative texts and
regulations, but also of the practical application of those laws and regulations.
Replies were received from twenty-three Governments of Member States and three
Governments of non-member States. However, the replies of two governments of
Member States
Member States (India and the United States of America) and of one government of a non-member State (Switzerland) simply referred to the earlier communication on the subject and did not contain any further information or comment. The replies of twenty-one Governments of Member States and two Governments of non-member States which furnished additional information are as follows:

(a) Governments of Member States

<table>
<thead>
<tr>
<th>Country</th>
<th>Document Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>E/2164/Add.20</td>
</tr>
<tr>
<td>Belgium</td>
<td>E/2164</td>
</tr>
<tr>
<td>Burma</td>
<td>E/2164/Add.10</td>
</tr>
<tr>
<td>China</td>
<td>E/2164/Add.13</td>
</tr>
<tr>
<td>Czechooslovakia</td>
<td>E/2164/Add.12</td>
</tr>
<tr>
<td>Ecuador</td>
<td>E/2164/Add.4</td>
</tr>
<tr>
<td>Egypt</td>
<td>E/2164/Add.14</td>
</tr>
<tr>
<td>Sweden</td>
<td>E/2164/Add.16</td>
</tr>
<tr>
<td>Syria</td>
<td>E/2164/Add.17</td>
</tr>
<tr>
<td>Turkey</td>
<td>E/2164/Add.15</td>
</tr>
<tr>
<td>Union of South Africa</td>
<td>E/2164/Add.9</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(b) Governments of non-member States

<table>
<thead>
<tr>
<th>Country</th>
<th>Document Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ceylon</td>
<td>E/2164/Add.2</td>
</tr>
<tr>
<td>Finland</td>
<td>E/2164/Add.8</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. Constitutional, legislative and other texts were annexed to some of those replies and are reproduced, in whole or in part, in the respective documents.

5. This Report has been prepared on the basis of the replies mentioned in paragraphs 2 and 3 above. It contains information on the following thirty-four countries:

- Argentina
- Australia
- Belgium (2 replies)
- Burma
- Canada
- Ceylon (2 replies)
- Chile
- China
- Czechooslovakia
- Denmark
- Ecuador (2 replies)
- Egypt
- Finland
- France
- Greece
- India
- Iran
- Ireland
- Israel
- Japan
- Jordan
- Japan
- New Zealand (2 replies)
- Norway
- Pakistan (2 replies)
- Poland
- Sweden (2 replies)
- Switzerland
- Syria
- Turkey
- Union of South Africa (2 replies)
- United Kingdom (2 replies)
- United States of America
- Uruguay
- Yugoslavia

1/ The Secretary-General regrets that owing to the date of the receipt of the reply of the Government of Luxembourg he was not in a position to include the information contained in it in this report.

/6. The Economic
6. The Economic and Social Council has expressed itself, in resolution 319 B iii (XI), as being concerned with three types of action:
   (a) that States involved in changes of territorial sovereignty "include
       in the arrangements for such changes provisions, if necessary, for the
       avoidance of statelessness" (paragraph 6 of the resolution),
   (b) that States "examine sympathetically applications for naturalization
       submitted by stateless persons habitually resident in their territories"
       (first part of paragraph 7 of the resolution), and
   (c) that States, if necessary, "re-examine their nationality laws with a
       view to reducing as far as possible the number of cases of statelessness
       created by the operation of such laws" (second part of paragraph 7 of
       the resolution).

7. Information contained in the replies and pertaining to each of these
   matters is analyzed and presented in Part I of this Report. An attempt has
   been made to summarize the same information in Part II.

8. In addition to the information requested by the Economic and Social
   Council in resolutions 319 B iii (XI) and 352 (XII), certain of the replies
   contain also information or comments with respect to the following matters:
   (a) Double nationality: see the reply of the Government of France
       (E/2164/Add.19).
   (b) Persons considered as stateless: see the replies of the Governments
       of Egypt (E/2164/Add.14), France (E/2164/Add.19), Sweden (E/2164/Add.16)
       and Turkey (E/2164/Add.15).
   (c) Status and treatment of stateless persons: see the replies of the
       Governments of Czechoslovakia (E/2164/Add.12), Ecuador (E/2164/Add.14),
       Egypt (E/2164/Add.14), Finland (E/2164/Add.18), Switzerland (E/1869/Add.10),
       Sweden (E/2164/Add.16), Turkey (E/2164/Add.15), Union of South Africa
       (E/2164/Add.9), United Kingdom (E/2164/Add.5) and Uruguay (E/2164/Add.11)./

1/ It will be recalled that the General Assembly has referred (resolution
   427 (V) to the United Nations Conference of Plenipotentiaries on the Status
   of Refugees and of Stateless Persons, which met in Geneva 3-25 July 1951,
   together with a draft convention relating to the status of refugees, a draft
   Protocol relating to the status of stateless persons (A/Conf.2/11),
   instructing the Conference to complete the drafting and to open for
   signature the two instruments. The Conference, however, considering that
   the draft Protocol still requires more detailed study, decided not to take a
   decision on the subject and referred the draft Protocol back to the
   appropriate organs of the United Nations (Final Act of the Conference,
   (A/Conf.2/103) paragraph III). The General Assembly has decided by a
   resolution of 4 February 1952 (A/2,96) to defer the consideration of this
   item until its seventh regular session. 
9. It will be noted that not all of the replies supply information on the three questions referred to in paragraph 7 above, and that many are incomplete in other ways. This report should therefore not be considered as an exhaustive presentation of information on these matters, even for the countries which have responded to the various requests. While summaries of information concerning measures taken by States in order to avoid statelessness resulting from changes of territorial sovereignty in which they are involved are reproduced in Part I, the main objective of Parts II and III is to present, in a systematic form, the problems which are to be solved if the acquisition of the nationality of the country of residence by stateless persons is to be facilitated and if statelessness resulting from the operation of nationality laws is to be prevented. The two latter questions are to a certain extent interrelated, as in many cases facilities offered to stateless persons for acquiring the nationality of the country of their habitual residence are at the same time remedies to statelessness arising from the operation of nationality laws of the country concerned. Legislative provisions and practices mentioned in the replies and summarized in this Report may suggest solutions of a general nature for the various problems dealt with in the report.

10. The Secretary-General submitted to the Council at an earlier stage, pursuant to the request contained in resolution 116 D (VI), a Report dealing with the problem of statelessness, subsequently published under the title "A Study of Statelessness" (Sales No. 1949. XN.2). The second part of this study deals with the problem of elimination of statelessness and thus, although conceived in a different spirit, covers essentially the same ground as the present Report.

11. Two studies on related subjects, prepared for the Commission on the Status of Women, have been consolidated and published under the title "Nationality of Married Women" (Sales No. 1950. IV.12). Reference to this document will be found in Chapter IV of Part III.

12. The International Law Commission, during its third session, decided to initiate work on the topic "Nationality, including statelessness", which it had selected for codification at its first session, and appointed Mr. Manley O. Hudson, one of its members, as special rapporteur on this subject. The special rapporteur has prepared, for the forthcoming fourth session of the International Law Commission, a "Report on Nationality, including Statelessness" (E/CN.4/50).
13. Paragraph 6 of resolution 319 B iii (XI) of the Economic and Social Council: "...recommends to States involved in changes of territorial sovereignty that they include in the arrangements for such changes provisions, if necessary, for the avoidance of statelessness."

14. The replies of the Governments of the following 24 countries contain comments or information relating to the above recommendation: Argentina, Australia, Belgium, Burma, Canada, Ceylon, Chile, China, Denmark, Ecuador, Greece, India, Israel, Ireland, Japan, Jordan, New Zealand, Norway, Pakistan, Sweden, Switzerland, United Kingdom, United States of America, Yugoslavia.

15. The Governments of the following countries state that in their view this recommendation did not concern them:

1. Argentina: "...attention is drawn to the fact that this is a problem which does not arise in our country." (E/1869/Add.19, p. 2).

2. Chile: "...Chile is contemplating no change of territorial sovereignty and therefore this recommendation does not apply to our country." (E/1869/Add.1, p. 2).

3. Denmark: "Paragraph 6 in the Economic and Social Council resolution 319 B (XI) Section III of 11 August 1950...is without practical importance as far as Denmark is concerned." (E/1869/Add.4, p. 1).

4. Ecuador: "The Republic of Ecuador is not involved in changes of territorial sovereignty likely to give rise to statelessness, so that we are not concerned with the part of resolution 319 iii (XI) which reads..." (E/2364/Add.4, p. 1).

5. Greece: "...it will serve no purpose, in Greece, the inclusion in Agreements pertaining to the transfer of territorial sovereignty, of provisions aiming to solve the problem of stateless persons." (E/1869/Add.6, p. 2)

6. Ireland: "...paragraph 6 of the resolution does not apply to Ireland..." (E/1869/Add.17, p. 1).
7. **Norway**: "The question dealt with in the sixth paragraph of resolution 319 B iii (XI) does not affect Norway". (E/2164/Add.1, p. 1)

8. **Sweden**: "The questions do not affect Sweden." (E/1869/Add.9, p. 1)

9. **Switzerland**: "...Switzerland has no observations to make...since the Swiss Government is not involved in changes of territorial sovereignty." (E/1869/Add.10, p. 1)

10. **United States of America**: "No comment concerning paragraph 6 of Resolution 319 B iii (XI) seems necessary." (E/1869/Add.12, p. 1)

16. The Governments of the following countries noted the recommendation and commented thereon as follows:

1. **Australia**: "In the event of Australia being concerned in territorial changes, it may be assumed that care will be taken to avoid, as far as possible, cases of statelessness." (E/2164/Add.20, p. 1)

2. **Belgium**: "Belgium is not greatly concerned by changes in territorial sovereignty. Nevertheless, if such a change were to take place, Belgium would take care that those affected should not be deprived of their nationality.

   "In accordance with the principles of Belgian private international law, although territorial changes may affect the national status of the population, the people should in any event be allowed to choose their nationality freely." (E/1869/Add.7, p. 1)

3. **Canada**: "...the provisions of paragraph 6 have been noted although they do not appear to be applicable to Canada at this time." (E/1869, p. 1)

4. **Ceylon**: "...the Ceylon Government notes the recommendation...and supports it. Such changes are not likely to arise, as far as Ceylon is concerned." (E/1869/Add.2, p. 1)

5. **India**: "The recommendation of the Council has been noted for guidance." (E/1869/Add.8, p. 1)

6. **New Zealand**: "Although it is unlikely that New Zealand will be involved in any changes of territorial sovereignty, the recommendation of the Economic and Social Council with regard to avoidance of statelessness has been noted." (E/2164/Add.3, p. 1)

7. **United Kingdom**: "...His Majesty's Government are in agreement with the Council's recommendation regarding states involved in changes of territorial sovereignty." (E/1869/Add.14, p. 1)

---

1/ For Ceylon, see also paragraph 20 below.
17. The Governments of the following countries transmitted the texts of their Nationality Laws which contain provisions on "citizenship by incorporation of territory," under these provisions, in case of incorporation of any territory, the competent authority may by order specify the persons who shall become citizens of the country by reason of their connexion with the territory so incorporated:

1. Pakistan: "If any territory becomes a part of Pakistan the Governor-General may by order specify the persons who shall be citizens of Pakistan by reason of their connection with that territory: and those persons shall be citizens of Pakistan from such date and upon such conditions, if any, as may be specified in the order." (E/2164/Add.6, Annex p. 7)

2. United Kingdom: "If any territory becomes a part of the United Kingdom and Colonies, His Majesty may by order in Council, specify the persons who shall be citizens of the United Kingdom and Colonies by reason of their connexion with that territory; and those persons shall be citizens of the United Kingdom and Colonies as from a date to be specified in the Order" (E/2164, Add.5, Annex I).

18. The reply of one country, currently involved in changes of territorial sovereignty, stated:

Japan: "The problem of territory changes in Japan, such as may affect the nationality of the persons concerned, will be a matter for consideration in the projected Peace Treaty between Japan and the Allied Powers." (E/1869/Add.3, p. 1)

19. The Governments of the following countries involved in changes of territorial sovereignty, commented as follows on pertinent measures taken by them in connexion with these changes:

1. China: "...the National Government of the Republic of China had, since the successful termination of its war of resistance against Japan and consequent re-establishment of its territorial sovereignty over Taiwan (Formosa) formally declared that, as from 25 December 1945, all the Taiwanese who, as a result of the forced cession of Taiwan to Japan, had been deprived of their former Chinese nationality, their descendants who had been born subsequent to such cession, and such Taiwanese as were then residing abroad, should re-acquire the nationality of the Republic of China. This is one of the effective measures taken with a view to avoiding statelessness following the change of the territorial sovereignty of Taiwan." (E/2164/Add.13, p. 2)
2. Hashemite Kingdom of Jordan: "...despite the fact that the Jordan Kingdom has been involved in changes of territorial sovereignty, the problem of statelessness does not exist in the Jordan, and all arrangements have been taken and facilities given to Palestinians for avoidance of statelessness." (E/1869/Add.16, P. 1)

3. Yugoslavia: "The problem of statelessness appeared in Yugoslavia since the end of World War I, as a consequence of the application of the Peace Treaties concluded after that war. Such was the case especially with the Saint Germain and Trianon Peace Treaties, by which the citizenship of the new state was recognized only to such persons who had the right of domicile in the annexed territory on 1 October 1910, and who had maintained this right until the entry into force of the said Treaties. Persons who did not satisfy such conditions, and who did not use the right of option, remained stateless. The attitude of the new Yugoslavia towards such persons is quite different. Article 25 of the Citizenship Law provides that all such persons, ethnically belonging to any people of the F.P.R. of Yugoslavia, if they were born here and had their habitual residence in this country, should be considered as Yugoslav citizens as long as they are not in possession of a foreign citizenship or to have lost the citizenship of the F.P.R. of Yugoslavia. In practice even stateless persons of other nationalities are treated very liberally, though there are no special legal dispositions in this regard."

(E/2164/Add.18, p. 5)

20. The Governments of the following countries, which recently attained their independence, commented as follows on pertinent measures taken by them in connexion with their attainment of independence:

1. Burma: "Necessary provisions for the avoidance of statelessness were embodied in Section 2, sub-sections (2), (3), (4) and (5) of the Burma Independence Act and in Section 11 (ii), (iii) and (iv) and Section 12 of the Constitution of the Union of Burma. Necessary legislation has been made under these provisions namely, the Union Citizenship (Election) Act, 1948, and the Union Citizenship Act, 1948.

"Sub-Sections (2), (3), (4) and (5) of Section 2 of the Burma Independence Act"
Independence Act specify persons who, being British subjects immediately before the day on which Burma attained Independence shall cease to be such, but may elect to retain their British nationality and persons who being British subjects shall not cease to be such by reason of having attained Independence.

"According to the provisions of clauses (ii) and (iii) of Section 11 of the Constitution, every person born in any of the territories included within the Union one of whose grandparents belongs or belonged to any of the indigenous races, and every person born in any of the territories included within the Union, of parents both of whom are, or if they had been alive at the commencement of the Constitution would have been citizens of the Union shall be a citizen of the Union.

"Section 11 (iv) of the Constitution defines persons who by virtue of their birth in a certain place (i.e. in any of the territories which at the time of their birth are included in His Britannic Majesty's dominions) and of their long residence in territories within the Union (i.e. not less than 8 years in the 10 years immediately preceding the date of the Commencement of the Constitution or immediately preceding the 1st January 1952) have the right to be citizens of the Union, provided that they intend to reside permanently in the Union and also signify their election of citizenship as provided for in the said clause. Under the provisions of this clause the Union Citizenship (Election) Act, 1948, has been made, and any person who possesses the above qualifications can apply for a certificate of citizenship under the said Act.

"As contemplated by Section 12 of the Constitution of the Union of Burma, the Union Citizenship Act, 1948, was enacted in order to enable those who did not possess the necessary qualifications to elect Union Citizenship under the Union Citizenship (Election) Act, 1948, to apply for certificates of citizenship or naturalization.

"Under Section 4 (i) of the Union Citizenship Act, 1948, any person who under clauses (i), (ii) and (iii) of Section 11 of the Constitution is a citizen of the Union or who, under clause (iv) of the Section 11 of the Constitution being entitled to elect for citizenship has been granted
under the Union Citizenship (Election) Act, 1948, a certificate of citizenship shall continue to be a citizen of the Union, until he or she loses that status under the provisions of the Union Citizenship Act, 1948.

"Any person descended from ancestors, who for two generations at least have all made any of the territories included within the Union their permanent home and whose parents and himself were born in any of such territories shall be deemed to be a citizen of the Union: vide section 4 (2) of the Union Citizenship Act, 1948."1/ (E/2164/Add.10, pp.1-2).

2. Ceylon: "An analysis of the existing citizenship laws of Ceylon shows that citizenship falls under two headings:

"(a) by descent,

"(b) by registration.

"In the latter class persons of the following categories are eligible to be granted citizenship:

.......

"(iv) Persons ordinarily resident in Ceylon and naturalized in Ceylon under the provisions of the British Nationality Act.

"(v) Persons of Indian and Pakistan origin who have been long resident in Ceylon.

"Note: Registration of this last class of people is governed by special legislation which was passed to deal with the peculiar problems which arose as a result of large-scale migration of Indian Labour to Ceylon before Ceylon became independent. This special legislation will, however, be in operation only for a specific period of time."2/ (E/2164/Add.2, pp. 1-2).

3. Israel: "In June 1950, the Government of Israel submitted to the Knesset a Bill on Citizenship. This Bill is now in the Committee stage.

"Though the text of the bill will be subject to amendments during the final stages of legislative proceedings, it may be supposed that its basic principles, aimed at bringing this law into harmony with Article 15 of the Universal Declaration on Human Rights and with the Resolution of the

1/ All the texts mentioned in the reply of Burma are annexed hereto.
2/ For Ceylon, see also paragraph 16 above.
Economic and Social Council on the Elimination of Statelessness, will remain unaffected.

"The bill reflects the historical mission of the State of Israel, the 'Ingathering of the Exiles', by including special provisions for the acquisition of citizenship by Jews who return to their homeland and take up permanent residence in Israel, or who are born in Israel; they acquire automatically Israel citizenship, unless before the date of enactment, they gave up their permanent residence in Israel or unless they possess the nationality of another State and declare that they do not want to acquire Israel citizenship (Sec. 33).

"All other persons permanently resident in the country, who are former Palestinian citizens and registered under the Registration of Inhabitants Regulations, are declared to be Israel citizens as from the date of registration (sec. 2)." (E/1869/Add.11, p. 2).

4. Pakistan: "...The proposed Pakistan Citizenship Bill...when passed, would meet the requirements of paragraph 6...of resolution No. 319 B iii (XI) of the Economic and Social Council in respect of...acquiring nationality [by stateless persons] consequent upon a change in territorial sovereignty." (E/1869/Add.13, p.1).

The following provisions of the Pakistan Citizenship Act, 1951, annexed to the second reply of Pakistan, are directly related to the question of citizenship upon attainment of independence by Pakistan:

"Citizenship at the date of commencement of this Act"

"3. At the commencement of this Act every person shall be deemed to be a citizen of Pakistan -

"(a) who or any of whose parents or grandparents was born in the territory now included in Pakistan and who after the fourteenth day of August, 1947, has not been permanently resident in any country outside Pakistan; or

"(b) who or any of whose parents or grandparents was born in the territories included in India on the thirty-first day of March, 1937, and has or had his domicile within the meaning of Part II
of the Secession Act, 1925, as in force at the commencement of this Act, in Pakistan or in the territories now included in Pakistan; or

"(c) who is a person naturalised as a British subject in Pakistan; and who, if before the date of the commencement of this Act he has acquired the citizenship of any foreign State, has before that date renounced the same by depositing a declaration in writing to that effect with an authority appointed or empowered to receive it:

"Provided that if any person, being at the commencement of this Act ordinarily resident in a country outside Pakistan makes to the prescribed authority a declaration in the prescribed form within one year of the commencement of this Act -

"(a) that he is not a national or citizen of that or any other country outside Pakistan, and

"(b) that on the faith of that declaration, and by reason of his own birth, or that of any of his parents or grandparents, he claims to be a citizen of Pakistan,

"he may if the authority is satisfied that he is not a national or citizen of such country as aforesaid and that he or any of his parents or grandparents was born in the territory now included in Pakistan, be granted a certificate in the prescribed form by the authority and shall thereupon be deemed under this section to be a citizen of Pakistan.

"Rights of citizenship of certain persons resident abroad

"8. The Central Government may, upon application made to it in this behalf, register as a citizen of Pakistan any person who, or whose father or whose father's father, was born in the Indo-Pakistan sub-continent and who is ordinarily resident in a country outside Pakistan at the commencement of this Act, if he has, unless exempted by the Central Government in this behalf, obtained a certificate of domicile:

"Provided that a certificate of domicile shall not be required in the case of any such person who is out of Pakistan under the protection of a Pakistan passport, or in the case of any such
person whose father or whose father's father is at the commencement of this Act residing in Pakistan or becomes, before the aforesaid application is made, a citizen of Pakistan.

"Citizenship by naturalisation"

9. The Central Government may, upon application made to it in that behalf by any person who has been granted a certificate of naturalisation under the Naturalisation Act, 1926, register that person as a citizen of Pakistan by naturalisation:

"Provided that the Central Government may register any person as a citizen of Pakistan without his having obtained a certificate of naturalisation as aforesaid.

"Married women"

10. (1) Any woman who by reason of her marriage to a Commonwealth citizen before the first day of January, 1949, has acquired the status of a Commonwealth citizen shall, if her husband becomes a citizen of Pakistan, be a citizen of Pakistan.

"(2) Subject to the provisions of sub-section (1) and sub-section (4) a woman who has been married to a citizen of Pakistan or to a person who but for his death would have been a citizen of Pakistan under section 3 shall be entitled, on making application therefor to the Central Government in the prescribed manner, and, if she is an alien, on obtaining a certificate of domicile and taking the oath of allegiance in the form set out in the Schedule to this Act, to be registered as a citizen of Pakistan whether or not she has completed twenty-one years of her age and is of full capacity.

"(3) Subject as aforesaid, a woman who has been married to a person who, but for his death, could have been a citizen of Pakistan under the provisions of sub-section (1) of section 6 (whether he migrated as provided in that sub-section or is deemed under the proviso to section 7 to have so migrated) shall be entitled as provided in sub-section (2) subject further, if she is

1/ Section 6 deals with citizenship by migration (for text see paragraph 60 below).

2/ Section 7 deals with persons migrating from the territories of Pakistan (for text see paragraph 60 below).
an alien, to her obtaining the certificate and taking the oath therein mentioned.

"(4) A person who has ceased to be a citizen of Pakistan under section 14 1/ or who has been deprived of citizenship of Pakistan under this Act 2/ shall not be entitled to be registered as a citizen thereof under this section but may be so registered with the previous consent of the Central Government." (E/2164/Add.6/Annex).

Mention should also be made of Sections 6 ("Citizenship by migration") and 7 ("Persons migrating from the territories of Pakistan") of the Pakistan Citizenship Act, 1951, reproduced in paragraph 60 below.

1/ Section 14 deals with interdiction of dual citizenship or nationality.
2/ See paragraph 146 below.
II. NATURALIZATION AND SIMILAR PROCEDURES FOR ACQUIRING A NATIONALITY BY STATELESS PERSONS HABITUALLY RESIDENT IN A TERRITORY

21. Paragraph 7 of resolution 319 B iii (XI) of the Economic and Social Council reads, inter alia, as follows:

"Invites States to examine sympathetically applications for naturalization submitted by stateless persons habitually resident in their territory ..."

22. The replies of the Governments of the following thirty-four countries contain comments or information relating to the above:

Argentina  Australia  Finland  Pakistan
Australia  France  Poland
Belgium  Greece  Sweden
Burma  India  Switzerland
Canada  Iran  Syria
Ceylon  Ireland  Turkey
Chile  Israel  Union of South Africa
China  Japan  United Kingdom
Czecho-slovakia  Jordan  United States of America
Denmark  New Zealand  Uruguay
Ecuador  Norway  Yugoslavia
Egypt

23. The current general position with respect to naturalization, as indicated in the communications from governments received by the Secretary-General, is examined in Chapter I below. A number of cases in which the nationality of a country may be acquired, or reacquired, by operation of law or by privileged procedure, or when certain statutory requirements for naturalization are or may be waived, are examined in Chapter II below.
CHAPTER I. GENERAL POSITION AS TO THE ACQUISITION OF NATIONALITY BY NATURALIZATION

24. The Governments of the following countries state that there is no naturalization, properly speaking, in their territories, but that there are, however, procedures akin to naturalization:

1. Ceylon: "The question of Naturalization of Stateless Persons has so far not arisen in Ceylon. Consequently no legislation has been framed to deal with the question specifically.

"An analysis of the existing Citizenship laws of Ceylon shows that citizenship falls under two heads.

"...

(b) By Registration

"In the latter class persons of the following categories are eligible to be granted Citizenship.

"(i) Persons over 21 years of age who are married to Citizens of Ceylon.

(ii) Persons over 21 years of age who can establish that their mothers are citizens of Ceylon by descent.

(iii) Persons ordinarily resident in Ceylon and who have rendered distinguished service to the country.

(iv) Persons ordinarily resident in Ceylon and naturalized in Ceylon under the provisions of the British Nationality Act.

(v) Persons of Indian and Pakistani origin who have been long resident in Ceylon.1/ (E/2164/Add.2, pp.1-2)

1/ For the last category of persons see also paragraph 20 above.
2. **Uruguay:**

2. NATURALIZATION OF STATELESS PERSONS

I. Stateless persons may not acquire Uruguayan nationality by law.

No one may be naturalized a Uruguayan. Articles 65 and 66 of the Constitution confer citizenship\(^1\) on persons who are not Uruguayan but do not grant them Uruguayan nationality.\(^2\)

Articles 66 and 67 refer to aliens but include stateless persons; aliens should be interpreted to mean any persons who are not Uruguayan, whether or not they have another nationality. In that connexion Article 22, paragraph 1 of the Civil Code provides as follows:

"Citizens are persons declared to be such by the Constitution. All other persons are aliens." "Citizens" in this text means Uruguays.\(^3\)

\[\ldots\ldots\ldots\ldots\]

* See also the part of the reply of Uruguay reproduced in paragraph 65 below.

The following footnotes were contained in the original reply of the Government of Uruguay:

\(^1\) Nationality is different from citizenship; citizenship is the status of a person who has political rights and duties, a citizen, as such, participates in the sovereignty of the nation (Article 66 of the Constitution).

\(^2\) Although the text of Article 65 does not clearly indicate that a child of an Uruguayan father or mother does not acquire Uruguayan nationality, the practice of the Electoral Court has been to: grant citizenship only.

\(^3\) This may be inferred from Article 22, para.2."
III. "Acquisition of Citizenship by Stateless Persons:

"Attention should be called to the inflexibility of Uruguayan legislation on nationality particularly because it does not recognize that an Uruguayan ceases to be an Uruguayan when he acquires the nationality of another State\(^4\)/ or that a stateless person or alien\(^5\)/ may acquire Uruguayan nationality.

"Nevertheless this policy is effectively counterbalanced by the rules relating to citizenship.\(^6\)/

"I. Stateless persons, like aliens, may acquire Uruguayan citizenship:

(a) If a stateless person is the child\(^7\)/ of an Uruguayan\(^8\)/ father or mother,\(^9\)/ he acquires natural citizenship (Article 65 of the Constitution). In such cases it is only necessary to take up residence in the country and to enter his name in the civil register.

"Natural citizenship acquired in this way confers the same rights as the natural citizenship of Uruguayans.

(b) If a stateless person is not the child of an Uruguayan father or mother, he may acquire legal citizenship (Article 66 of the Constitution). "For that purpose he must fulfil the

The following footnotes were contained in the original reply of the Government of Uruguay:

"4/ Source of the dual nationality of Uruguayans who are naturalized in another country.

"5/ Cause of the statelessness of foreign persons whose national law deprives them of their nationality because they acquire citizenship in Uruguay.

"6/ Thus while an Uruguayan who is naturalized in another country does not lose his nationality, he loses the right to exercise his citizenship (Article 71 of the Constitution); and while an alien may never acquire Uruguayan nationality, he can easily acquire national citizenship while retaining his own nationality. This explains why Uruguay does not issue naturalization papers but citizenship papers which are issued by the Electoral Court; and why, from the Uruguayan point of view, an alien retains his nationality when he acquires Uruguayan citizenship (see Article 1 of Act of 2 February 1928; and Article 66, in fine of Constitution of 1934).

"7/ Whether legitimate or illegitimate.

"8/ It is sufficient for one of the parents to be Uruguayan.

"9/ The nationality of the father or mother is determined by the place of birth of each.
requirements of habitual residence for a varying number of years, possession of property and good conduct. "Legal citizenship is not a favour granted by the State but a right to which anyone meeting the above conditions is entitled."

"The conditions do not include a requirement that the applicant should possess a foreign nationality; all that is required is that he should not be Uruguayan. Thus a stateless person is not asked for proof of his nationality but of the place of his birth."

"II. In acquiring citizenship, a stateless person does not cease to be stateless (just as an alien does not cease to be a alien)"

"In Uruguay there are citizens (natural or legal) who are stateless persons or aliens." (E/2164/Add.11, pp.4-5)

"Conclusion"

"....."

"...without ceasing to be stateless, stateless persons may achieve a status similar to that of Uruguayans merely by obtaining citizenship." (Ibid. p.11)

25. The Governments of the following countries state that those countries have not yet enacted a nationality law; they, however, include information on naturalization under the contemplated, or proposed nationality law:

1. India: "The Government of India have yet to enact an Indian Nationality Law. Applications for naturalisation from stateless persons will be examined sympathetically under the law that may be enacted." (E/1869/Add.8, p.1)

2. Israel: "In June 1950, the Government of Israel submitted to the Knesset a Bill on Citizenship. This Bill is now in the Committee state. Though the text of the bill will be subject to amendments during the final stages of legislative proceedings, it may be supposed that its basic principles, aimed at bringing this law into harmony with Article 15 of the Universal Declaration of Human Rights and with the resolution of the Economic and Social Council on the Elimination of Statelessness, will remain unaffected."

The following footnote was contained in the original reply of the Government of Uruguay:

"10/ Article 66 of the Constitution sets forth in detail the conditions and the time requirements." (Op. cit. loc. cit.)
Israel citizenship can be acquired by the grant of a certificate of naturalization from the Minister of Interior. The requirements for an application for naturalization are the following:

(a) Three years lawful residence in Israel, out of a period of the five years preceding the date of application;
(b) Intention to reside permanently in Israel;
(c) Some knowledge of the Hebrew language.

The conditions under (a) and (c) do not apply or may be waived, in relation to certain categories of applicants. (Sec. 6)

Naturalization extends to the minor children in the custody of the applicant. A minor permanently resident in Israel may, upon the application of his parents or by his guardian, be granted a naturalization certificate. (Sec. 9)

26. The information pertaining to the other countries mentioned in paragraph 22 above is examined below under the following headings:

Section I: Statutory requirements for naturalization,
Section II: Authority granting naturalization and practice followed with respect to naturalization.

SECTION I. Statutory requirements for naturalization

27. The Governments of eighteen countries supplied information on all or certain of their statutory requirements for naturalization. These requirements fall into the following categories:

28. Category I: Admission and sojourn in the country and notice of intention

Conditions of admission and sojourn and, sometimes, of notice of intention to apply for naturalization are mentioned in the replies of the Governments of the following countries (in certain countries governmental service abroad is considered as equivalent to sojourn in the country):

1/ For Denmark, where naturalization is granted in each case by a special Act of the legislature, see paragraph 39 in Section II of this Chapter.
1. Argentina: The reply of Argentina (E/1869/Add.19) contains a reference to the fundamental principles of Article 31 of the Constitution, governing naturalization. The text reads, in part, as follows:

"Foreigners who enter the country without violating the laws ... may be naturalized (at their request) if they have resided for two years continuously in the territory of the Republic, and they will automatically acquire Argentine nationality at the end of five years' continuous residence, except by express manifestation to the contrary." 1/  

2. Australia: "Broadly the applicant must:

"(1) make a declaration or intention to apply for naturalization not earlier than one year after having entered Australia, New Guinea or Nauru, and make application for naturalization not earlier than two years and not later than seven years after making the declaration;"

"(iii) have resided in Australia, New Guinea or Nauru for at least five years, including the year immediately preceding the application and another four years during the eight years immediately preceding the date of the application;"

"(v) have an adequate knowledge of the English language, or, alternatively, have resided in Australia, New Guinea or Nauru for at least twenty years;"

"(vii) intend to continue to reside in Australia, New Guinea or Nauru." (E/2164/Add.20, p.1-2)

3. Belgium: Articles 12 and 13 of the Consolidated Nationality Act of 14 December 1932, annexed to the second reply from Belgium, read as follows:

"Article 12: In order to qualify for final naturalization 2/, a person must:

---

1/ Quoted from "The Constitution of the Argentine Nation approved by the National Constituent Assembly, March 11th, 1949, Buenos Aires, 1949".

2/ Article 11 of the Act reads as follows: "Article 11. Naturalization confers Belgian nationality. However, ordinary naturalization does not confer the political rights for which "real" naturalization is required under the Constitution or the laws."
(i) 

(ii) have been habitually resident in Belgium or in the colony for a period of not less than fifteen years ...

"Article 13: In order to qualify for ordinary naturalization, a person must:

(ii) have been habitually resident in Belgium or in the colony for a period of not less than ten years ..." (A/ON.V36/Annex)

4. Burma: "An alien who makes an application and satisfies the conditions that:

(b) for not less than 5 years before the application he had resided continuously in the Union and subject to its jurisdiction,

d) he intends if a certificate is granted to reside in the Union or to continue in the service of the Union or any constituent state thereof,

may be granted a certificate of naturalization under section 7 of the Union Citizenship Act, 1946. However, within a period not less than one year and not more than five years before the application is made he shall have given notice, in writing, of his intention to apply for a certificate of naturalization." (E/2164/Add.10, p.4)

5. Chile: "Supreme Decree No. 3690 of 16 July 1941 which consolidated the provisions concerning naturalization in force in our country, provides that a certificate of naturalization may be granted to aliens who have resided in the Republic of Chile continuously for more than five years. According to the definition in Article 57 of the Chilean Civil Code, the term alien means any person who is not a Chilean, whether he is a foreign national or stateless." (E/1869/Add.1, p.1)

1/ Article 11 of the Act reads as follows: "Article 11. Naturalization confers Belgian nationality. However ordinary naturalization does not confer the political rights for which final naturalization is required under the Constitution or the laws".
6. **China**: Article 3 of the Chinese Nationality Law, quoted in the reply of China reads, in part, as follows: "The Ministry of Interior shall not give authorization (for naturalization) unless the applicant for naturalization fulfills all the conditions provided in the following sub-paragraphs namely:

1. He has been continuously domiciled in China for a period of more than five years.

" 

7. **Czechoslovakia**: "The Ministry of the Interior of Czechoslovakia is empowered to grant Czechoslovak citizenship to applicants provided they have resided in Czechoslovak territory at least five years ... In special cases the condition of five year residence may be waived."

(E/2164/Add.12, p.1).

8. **Ecuador**: Article 2 of the Naturalization Regulations, annexed to the reply of Ecuador reads, in part, as follows:

"In order to apply for a certificate of naturalization, a person must:

1. Have resided in the country for five years after obtaining the final residence certificate;"

(E/2164/Add.4, Annex II)

9. **France**: The law requires that a person wishing to become naturalized must have resided in French territory for five years and for some years after naturalization places naturalized Frenchmen under certain (chiefly electoral) disabilities.

10. **Iran**: "Applicants for Iranian citizenship must meet the following qualifications:

1. Applicants must have resided in Iran for five years, continuously or intermittently. (Employment in the service of the Iranian Government abroad may be considered as residency in Iran.)."

(E/2164/Add.21, p.1)

11. **Israel**: See paragraph 25 above.
12. **Japan**: "Japanese nationality may be acquired by naturalization on permission of the Attorney General if the applicant:

"(a) Has had a domicile in Japan for five or more years consecutively ..." (E/1869/Add.3, p.1)

13. **New Zealand**: "An applicant (for a certificate of naturalization) must:

"(a) give at least one year's notice of his intention to apply for a certificate of naturalization;
(b) have resided in New Zealand throughout the year preceding the date of application;
(c) at the date of application have resided in New Zealand for a total of five years during the preceding eight;

..."

(p) intend to reside in New Zealand;

"......." (E/1869/Add.4, p.1)

14. **Norway**: "The conditions for granting a certificate of citizenship are that the applicant ... has resided in the country for at least 7 years ..." (E/1869/Add.4, p.3)

15. **Pakistan**: "Under the Naturalization (Amendment) Act, 1951, a certificate of naturalization can be issued by the Government of Pakistan on a foreigner's satisfying certain conditions, some of which are that:

" ........."

"(b) that he has either resided in a territory not less than five years immediately preceding the passage of the Naturalization Act or been in the service of Pakistan therein;

" ........."

"(e) that he intends to reside in Pakistan or enter or continue in the service of the Government of Pakistan; ...

" ........." (E/2164/Add.6, pp.1-2)

16. **Sweden**: " ... the principal requirements laid down for naturalization are that the applicant ... b) must have been domiciled in Sweden for at least seven years ..." (E/2169/Add.2, p.2)
17. **United Kingdom and Colonies:** The Second Schedule for the British Nationality Act, 1948, annexed to the reply of the United Kingdom, reads in part, as follows:

"**QUALIFICATIONS FOR NATURALIZATION**

**Aliens**

1. ... the qualifications for naturalization of an alien who applies therefore are:

"(a) that he has either resided in the United Kingdom or been in Crown Service under His Majesty's Government in the United Kingdom, or partly the one and partly the other, 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 either resided in the United Kingdom or any colony, protectorate, United Kingdom mandated territory or United Kingdom trust territory or been in Crown service as aforesaid, or partly the one and partly the other, for periods amounting in the aggregate to not less than four years; and

"(e) that he intends in the event of a certificate being granted to him:

(i) to reside in the United Kingdom or in any colony, protectorate or United Kingdom trust territory or in the Anglo-Egyptian Sudan; or

(ii) to enter into or continue in Crown Service under His Majesty's Government in the United Kingdom or under the Government of the Anglo-Egyptian Sudan, or service under an international organization of which His Majesty's Government in the United Kingdom is a member, or service in the employment of a society, company or body of persons established in the United Kingdom, or established in any colony, protectorate or United Kingdom trust territory.

"/"Application to
"Application to colonies, protectorates and trust territories" 4. The foregoing provisions of this schedule shall, in their application to any colony, protectorate or United Kingdom trust territory, have effect as if:

..........
"(b) for the reference in sub-paragraph (a) of paragraph 1 thereof to residence in the United Kingdom there were substituted a reference to residence in that colony, protectorate or territory ..." (E/2164/Add.5, Annex I)

18. United States of America: "Among the requirements that must be met generally by each applicant for naturalization are that he must prove a lawful admission for permanent residence followed by a specified period of continuous residence in the United States thereafter, generally five years." (E/1869/Add.12, p.2)

29. Category II: Knowledge of the language or of the institutions of the country

1. Australia: "Broadly the applicant must:

..........
"(v) have an adequate knowledge of the English language, or, alternatively have resided in Australia, New Guinea or Nauru for at least twenty years;
"(vi) have an adequate knowledge of the responsibilities and privileges of Australian citizenship ...

..........") (E/2164/Add.20, pp.1-2)

2. Burma: "The Minister may grant a certificate of naturalization to an alien who makes an application setting out and satisfying the Minister:

..........
"(c) that he ... can speak the Burmese, Chinese, Kachin, Karen or Shan language ...

..........") (E/2164/Add.6, Annex IV)
3. **Ecuador**: Article 2 of the Naturalization Regulations, annexed to the reply of Ecuador, reads, in part, as follows:

"In order to apply for a certificate of naturalization, a person must:

" .......... 
"speak and write Spanish, and have general knowledge of the national history and geography as well as of the Constitution of the Republic; and
" .........." (E/2164/Add.4, Annex II)

4. **Israel**: See paragraphs 25 above.

5. **New Zealand**: "An applicant (for naturalization) must:

" .......... 
"(e) have a sufficient knowledge of the English language; 
"(f) have a sufficient knowledge of the responsibilities and privileges of New Zealand citizenship; 
" .........." (E/1869/Add.4, pp.1-2)

6. **Pakistan**: "Under the Naturalisation (Amendment Act, 1951) a certificate of naturalisation can be issued by the Government of Pakistan on a foreigner's satisfying certain conditions, some of which are that:

" .......... 
"(d) that he has an adequate knowledge of the vernacular languages of Pakistan; 
" .........." (E/2164/Add.6, p.2)

7. **United Kingdom and Colonies**: The Second Schedule to the British Nationality Act, 1948, reads in part, as follows:

"QUALIFICATIONS FOR NATURALIZATION

"Aliens

"1. ... the qualifications for naturalization of an alien who applies therefor are:

" .......... 
"(d) that he has sufficient knowledge of the English language ... 
" .........."
The foregoing provisions of this Schedule shall, in their application to any colony, protectorate or United Kingdom trust territory, have effect as if:

"(c) for the reference therein to the English language there were substituted, ... in the case of an alien, a reference to the English language or any language recognised in that colony, protectorate or territory as being on equality with the English language." (E/2164/Add.5, Annex I)

30. **Category III: Age and capacity**

1. **Australia**: "Broadly the applicant must:

   "(i) be of full age (21 years) and full capacity
   
   "(ii) be of full age (21 years) and full capacity"

   (E/2164/Add.20, p.1)

2. **Belgium**: Articles 12 and 13 of the Consolidated Nationality Act of 14 December 1932, annexed to the second reply of Belgium, read, in part, as follows:

   "Article 12: In order to qualify for final naturalization a person must:

   (i) have completed his thirtieth year;
   
   "Article 13: In order to qualify for ordinary naturalization (i) have completed his twenty-second year;

   (E/2164, Annex).

3. **Burma**: "any alien who makes an application and satisfies the conditions that:

   "(a) he has completed the age of 18 years;
   
   ... may be granted a certificate of naturalization under section 7 of the Union Citizenship Act 1948." (E/2164/Add.10, p.4)

---

1/ Article 11 of the Act reads as follows: "Article 11. Naturalization confers Belgian nationality. However ordinary naturalization does not confer the political rights for which final naturalization is required under the Constitution or the laws".

4. **China**: ...
4. **China**: Article 3 of the Nationality Law of China, quoted in the reply of China reads, in part, as follows:

"The Ministry of Interior shall not give authorization (for naturalization) unless the applicant for naturalization fulfills all the conditions provided in the following sub-paragraph, namely:

" " "
"2. He is above twenty years of age and has legal capacity according to both Chinese law and his national law;

" " "
"If an applicant for naturalization is a stateless person, the requirements stated in sub-paragraph 2 above shall be determined solely by Chinese law." (E/2164/Add.13, pp.2-3)

5. **Ecuador**: Article 2 of the Naturalization Regulations, annexed to the reply of Ecuador, reads, in part, as follows:

"In order to apply for a certificate of naturalization, a person must:

(1) have legal capacity in accordance with his personal status and the Ecuadorian laws;

" " " (E/2164/Add.4, Annex II)

6. **Iran**: "Applicants for Iranian citizenship must meet the following qualifications:

"a. Applicants must be 18 years of age;

" " " (E/2164/Add.21, p.1)

7. **Israel**: See paragraph 25 above.

8. **Japan**: "Japanese nationality may be acquired by naturalization on permission of the Attorney-General if the applicant:

" " "
"b. Is twenty years of age or more and a person of 'full capacity' according to the law of his or her native country ..."

" " " (E/1869/Add.3, pp.1-2)

9. **New Zealand**: "A certificate (of naturalization) may be granted to 'any alien in full age and capacity' ... Stateless persons come within this definition." (E/1869/Add.4, p.2)

/10. **Norway:**
10. Norway: "The conditions for granting a certificate of citizenship are that the applicant is not less than 18 years old ..." (E/2164/Add.5, p.3)

11. Pakistan: "Under the Naturalization (Amendment) Act 1951, a certificate of naturalization can be issued by the Government of Pakistan on a foreigner's satisfying certain conditions, some of which are that:

(a) he is not a minor,

(b) he is not not a minor,

(c) he is not a minor,..." (E/2164/Add.6, pp.2-3)

12. Sweden: "... the principal requirements laid down for naturalization are that the applicant (a) must be eighteen years of age, ..." (E/1959/Add.9, p.2)

13. United Kingdom and Colonies: Section 10 (1) of the British Nationality Act, 1948, reads, in part, as follows:

"10-(1) The Secretary of State may, if application therefor is made to him in the prescribed manner by any alien or British protected person of full age and capacity ... grant to him a certificate of naturalisation." (E/2164/Add.5, Annex I)

31. The replies of the Governments of the following countries contain information as to the naturalization of minors:

1. Australia: "The Minister is empowered, in certain cases, ... to grant a certificate of naturalisation to an alien who is not of full age." (E/2164/Add.25, p.2)

2. Israel: See paragraph 25 above.

32. The replies of the Governments of the following countries state that a minor may acquire the country's nationality by registration:

1. New Zealand: "Aliens who are not of full age may acquire citizenship by registration under the Act. This procedure ... is open to stateless persons." (E/1959/Add.1, p.2)

2. Pakistan: Section 11 of the Pakistan Citizenship Act, 1951, annexed to the reply of Pakistan, reads as follows:

"11 (1) The Central Government may, upon application to it in his behalf, made in the prescribed manner by a parent or guardian of a minor child of a citizen of Pakistan, register the child as a citizen of Pakistan.

(2) The Central Government may, in such circumstances as it thinks fit, register any minor as a citizen of Pakistan." (E/2164/Add.5, Annex)
3. **United Kingdom and Colonies:** Under Section 4 of the (British Nationality Act (1948)) an alien minor child of a citizen of the United Kingdom and Colonies - or in special circumstances, any alien minor child - may be registered at the discretion of the Secretary of State as a citizen of the United Kingdom and Colonies. (E/2164/Add.5)

32. bis. See also Section III of Chapter II (paragraphs 53 to 57) for facilities granted to children of a naturalized person for acquiring the nationality of the country.

33. **Category IV: Property or income requirements**

1. **China:** Article 3 of the Nationality Law of China, quoted in the reply of China, reads, in part, as follows:

   "The Ministry of Interior shall not give authorisation (for naturalization) unless the applicant for naturalization fulfils all the conditions provided in the following sub-paragraphs, namely:

   "............"

   "4. He has sufficient financial means, or skill and ability to earn his own living."

   "............" (E/2164/Add.13, pp.2-3)

2. **Ecuador:** Article 2 of the Naturalization Regulations, annexed to the reply of Ecuador reads, in part, as follows:

   "In order to apply for a certificate of naturalization, a person must:

   "............"

   "(2) possess a lawful property, business, occupation or office permitting him to support himself;"

   "............" (E/2164/Add.4/Annex II)

3. **Japan:** Japanese nationality may be acquired by naturalization on permission of the Attorney-General if the applicant:

   "............"

   "a) Has property or ability for 'independent living'; ..."

   "............" (E/1869/Add.3, p.2)
4. Former: "The conditions for granting a certificate of citizenship are that the applicant ... is able to support himself and his family." (E/2164/Add.1, p.3)

5. Sweden: "The principal requirements laid down for naturalization are that the applicant ... (d) must be able to support himself and his family." (E/1869/Add.9, p.2)

34. Category V: Loss of former nationality or oath of allegiance

1. Belgium: Article 14 of the Consolidated Nationality Act of 14 December 1932, annexed to the second reply of Belgium, reads as follows:

"Article 14. An application for naturalization shall not be receivable where under the national law of his own country the applicant may obtain authorization to retain his nationality in the event of his acquiring another." (E/2164/Annex)

2. Burma: Section 7 (4) of the Union Citizenship Act, 1948, annexed to the reply of Burma, reads, in part, as follows:

"7 (1) ........

"(4) A certificate of naturalization shall not take effect until the applicant has made a declaration, either on oath or affirmation, renouncing his status as a citizen of any foreign country." (E/2164/Add.10, Annex 4)

3. Czechoslovakia: "The Ministry of the Interior of Czechoslovakia is empowered to grant Czechoslovak citizenship to applicants provided ... that they do not retain their old citizenship if they are not stateless persons." (E/2164/Add.12, p.1)

4. Ecuador: Article 2 of the Naturalization Regulations, annexed to the reply of Ecuador, reads, in part, as follows:

"In order to be able to apply for a certificate of naturalization a person must:

"........

"(b) produce a certificate from the diplomatic or consular representative concerned showing that by becoming naturalized the applicant loses his previous nationality." (E/2164/Add.4, Annex II)
5. **Japan**: "Japanese nationality may be acquired by naturalization on permission of the Attorney-General if the applicant:

"........

"(c) Has no nationality, or will lose a nationality on acquisition of Japanese nationality ..." (E/1869/Add.3, p.2)

6. **New Zealand**: "An applicant (for naturalization) must:

"........

"(b) Take the oath of allegiance prescribed by the act before the grant is effective." (E/1869/Add.4, p.2)

7. **Norway**: Section 6 of the Norwegian Nationality Act of the 3 December 1950 annexed to the reply of Norway, reads, in part, as follows:

"Section 6 ...

"If the application is granted, the applicant shall be notified that a certificate of citizenship will be issued to him, provided he within a year has declared his allegiance to the Constitution ...

If the applicant is under 18 years of age or if he is insane, no such declaration is required.

"If the applicant under the laws of his home country cannot surrender his previous nationality unless he is released from the same, it is usually also required that he shall prove within a year that he has been so released." (E/2164/Add.1, Annex).

8. **Pakistan**: "Under the Naturalization (Amendment) Act 1951, a certificate of naturalization can be issued by the Government of Pakistan on a foreigner's satisfying certain conditions, some of which are that:

"........

"(f) that he is prepared to take an oath of loyalty to the Constitution of Pakistan." (E/2164/Add.6, p.2)

9. **Sweden**: Article 6 of the Swedish Citizenship Act of 22 June 1950, annexed to the reply of Sweden, reads, in part as follows:

"If an applicant who is a citizen of a foreign state should not lose such citizenship by reason of his naturalization without the consent of the government or other authority of the foreign state,
it may be made a condition of the acquisition of Swedish citizenship that the applicant shall submit proof within a specified limit of time to the provincial government indicated by the King in Council that such consent has been granted. The provincial government shall decide whether sufficient evidence has been produced." (E/2164/Add.16, Annex)

35. The reply of the government of one country also states that the naturalized person must take an oath of allegiance, although the acquisition of the country's nationality does not entail loss of the nationality previously held:

United Kingdom and Colonies: "Dual nationality is tolerated in United Kingdom law. An alien who becomes a citizen of the United Kingdom and Colonies need not in United Kingdom law renounce his former nationality." (E/2164/Add.5)

Mention should also be made of Section 10 (1) of the British Nationality Act, 1948, annexed to the reply of the United Kingdom, which reads, in part, as follows:

"10 (1) ... 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, be a citizen of the United Kingdom and Colonies by naturalisation as from the date on which that certificate is granted." (E/2164/Add.5, Annex I)

36. The reply of Ceylon, where citizenship cannot be acquired through naturalization, but can be acquired by registration (see paragraph 24 above), contains the following statement:

"A feature of the Ceylon Citizenship laws is that provision exists against possession of dual nationality. A citizen of any other country is requested to renounce such nationality within a prescribed period of time after the grant to him of Ceylon citizenship. In effect therefore it is easier for a stateless person to secure Ceylon citizenship than for a person already possessing another nationality." (E/2164/Add.2, p.2)

37. Category VI: Good character

1. Australia: "Broadly the applicant must:

" ........

"(iv) be of good character

" ........" (E/2164/Add.20, p.2)
2. Burma: "Any alien who makes an application and satisfies the conditions that:

".........."

"(1) he is of good character ..."

".........."

may be granted a certificate of naturalization under Section 7 of the Union Citizenship Act, 1948." (E/2164/Add.10, p.1)

3. China: Article 3 of the Nationality Law of China, quoted in the reply of China, reads, in part, as follows:

"The Ministry of Interior shall not give the ... authorization (for naturalization), unless the applicant for naturalization fulfills all the conditions provided in the following sub-paragraphs, namely:

".........."

"2. He is of good character and behaviour.

".........." (E/2164/Add.13, pp.2-3)

4. Czechoslovakia: "The Ministry of the Interior of Czechoslovakia is empowered to grant Czechoslovak citizenship to applicants provided that they have not committed any act which is harmful to the Czechoslovak Republic or its People's democratic regime ..." (E/2164/Add.12, p.1)

5. Ecuador: Article 2 of the Naturalization Regulations, annexed to the reply of Ecuador, reads, in part, as follows:

"In order to be able to apply for a certificate of naturalization, a person must:

".........."

"(1) have been of irreproachable conduct before and during his residence.

".........." (E/2164/Add.4, Annex II)

6. Japan: "Japanese nationality may be acquired by naturalization on permission of the Attorney-General if the applicant:

".........."

"(c) is of 'upright conduct' ...

".........."

"(f) has not plotted or advocated or formed or belonged to a political party or other organization which has plotted or advocated the overthrow of the Constitution of Japan or the government existing thereunder." (E/1869/Add.3, pp.1-2)

7. New Zealand:
7. New Zealand: "An applicant must:

"(d) be of good character;"

"......" (E/1869/Add.4, p.1)

8. Norway: "The conditions for granting a certificate of citizenship are that the applicant ... has shown good conduct..." (E/2164/Add.1, p.3)

9. Pakistan: "Under the Naturalization (Amendment) Act, 1951, a certificate of naturalization can be issued by the Government of Pakistan on a foreigner's satisfying certain conditions, some of which are that:

"......

"(c) that he is of good character;"

"......" (E/2164/Add.6, pp.1-2)

10. Sweden: "The principal requirements laid down for naturalization are that the applicant ... c) must be known to be of good character..."

(E/1869/Add.9, p.2)

11. United Kingdom and Colonies: Schedule 2 to the British Nationality Act, 1948, annexed to the reply of the United Kingdom, reads, in part, as follows:

"QUALIFICATIONS FOR NATURALISATION

"Aliens

"1 ... the qualifications for naturalisation of an alien who applies therefor are:

"......

"(c) that he is of a good character; ..."

"......" (E/2164/Add.5, Annex I)

38. Waiver of statutory requirements for naturalisation at the discretion of the authority competent to grant naturalisation

The replies of the governments of the following countries contain information as to conditions under which a waiver of all or certain statutory requirements for naturalization may be granted by the competent authority at its discretion with respect to any applicant. 1/

1/ For cases where the statutory requirements for naturalization are waived in favour of certain specified categories of persons, see Chapter II of this Part.

1. Czechoslovakia:
1. **Czechoslovakia:** "In special cases the conditions of five year-residence may be waived." (E/2164/Add.12, p.1)

2. **Norway:** "Dispensation from these conditions (for naturalization) may, however, be granted when special considerations make it appear reasonable to do so." (E/2164/Add.1, p.3)

3. **Pakistan:** "Stateless nationals in Pakistan can acquire Pakistan citizenship by naturalization under Section 9 of the Pakistan Citizenship Act, 1951, which runs as follows: 'The Central Government may, upon an application made to it in that behalf by any person who has been granted a certificate of naturalization under the Naturalization Act, 1926, register that person as a citizen of Pakistan by naturalization: Provided that the Central Government may register any person as a citizen of Pakistan without his having obtained a certificate of naturalization as aforesaid.'" (E/2164/Add.6, Annex)

4. **Sweden:** "with regard to the special grounds which applicants may have for the grant of Swedish nationality, such naturalization may be granted, irrespective of whether ...... conditions (for naturalization) are ever fulfilled." (E/1869/Add.9, p.2)

5. **United Kingdom and Colonies:** The Second Schedule to the British Nationality Act, 1948, annexed to the reply of the United Kingdom, reads, in part, as follows:

   "QUALIFICATIONS FOR NATURALIZATION
   "Aliens
   "
   "2. The Secretary of State may if in the special circumstances of any particular case he thinks fit -
   "(a) 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 sub-paragraph (a)\(^1\)/ of the last foregoing paragraph, as if it had immediately preceded that date;

   \(^1/\) See paragraph 28 above.

   /*(b) allow
"(b) allow residence in any country mentioned in sub-section (3) of section one of this Act 1/ or in Eire, or in any mandated territory or trust territory, or in the Anglo-Egyptian Sudan, or residence in Burma before the fourth day of January, nineteen hundred and forty-eight, to be reckoned for the purposes of sub-paragraph (b) of the last foregoing paragraph:

"(c) allow service under the government of any country mentioned in the said subsection (3) 2/, or of any state, province or territory thereof, or under the government of the Anglo-Egyptian Sudan, or service before the fourth day of January, nineteen hundred and forty-eight, under the government of Burma, to be reckoned for the purposes of the said sub-paragraph (b) as if it had been Crown service under His Majesty's government in the United Kingdom;

"(d) allows periods of residence or service earlier than eight years before the date of the application to be reckoned in computing the aggregate mentioned in the said sub-paragraph (b).

(E/2164/Add.5, Annex I)

SECTION II: Practice followed with respect to naturalization

39. The replies of the Governments of the following countries contain information on the practice followed by them generally in the matter of naturalization and, in some cases, on the practice followed when the applicant is stateless: 3/.

1/ The following countries are mentioned in this text: Canada, Australia, New Zealand, the Union of South Africa, Newfoundland, India, Pakistan, Southern Rhodesia and Ceylon.

2/ Ibid.

3/ Parts of the replies of governments concerning practice followed by them with respect to naturalization are reproduced in an alphabetic order. See, however, the summary in Part II - for an attempt to classify the replies in accordance with the treatment granted to stateless persons in the matter.

1. Australia:
1. **Australia**: Applications from stateless persons for naturalization as Australian citizens are considered on exactly the same basis as those of other aliens, and are approved if the applicants can comply with the conditions laid down by the Nationality and Citizenship Act 1948-1950." (E/2164/Add.20 p.2)

2. **Belgium**: "Belgium could not consider granting stateless persons especially favourable treatment in obtaining Belgian naturalization. My country is obliged to pursue a restrictive policy in this connexion. It is very densely populated, the population is still increasing and immigration in the past thirty years has been particularly high.

"Belgium is obliged to be careful to grant naturalization only to persons who can be readily assimilated into the national community. That is the only criterion which is taken into consideration, and no special attention is paid to the nationality which the applicant may or may not possess.

"Thus, statelessness in itself does not represent an obstacle to obtaining naturalization. (E/1869/Add.7, pp.1-2)

"Acquisition of Belgian nationality through option or naturalization is open to stateless persons on the same conditions as to aliens coming under the provisions of ordinary law." (E/2164, p.2)

To the second reply of Belgium is annexed the text of the Belgian Consolidated Nationality Act of 14 December 1932. Articles 16 and 17 of the Act outline the procedure followed in the matter of naturalization. Article 17 reads, in part, as follows:

"Article 17. The naturalization order, having been noted by the Chambers and approved by the King, shall be notified to the applicant through the Minister of Justice.

............((Ibid)

3. **Canada**: "The Canadian Government is in accord with the spirit and intent of paragraph 7. Refugees and stateless persons who have been admitted to Canada for permanent residence can become Canadian citizens as soon as they have complied with the normal statutory requirements which apply to all immigrants. It is, indeed, the policy of the Canadian Government"
Government to encourage all residents to prepare themselves for Canadian citizenship. Canadian legislation makes provision for the implementation of this policy by instructing newly-arrived immigrants in the responsibilities and privileges of Canadian citizenship." (E/1869, p.1)  

4. **Chile**: "Supreme Decree No. 3690 of 16 July 1941 which consolidated the provisions concerning naturalization in force in our country, provides that a certificate of naturalization may be granted to aliens who have resided in the Republic of Chile continuously for more than five years. According to the definition in Article 57 of the Chilean Civil Code, the term alien means any person who is not a Chilean, whether he is a foreign national or stateless.

"The legislation in force in Chile does not provide any special procedure for the naturalization of stateless persons, as they encounter no special difficulties in obtaining naturalization.

"While it is true that in some cases difficulties may arise owing to the lack of documentation necessary for the certificate of nationality to be issued by the Ministry of Foreign Affairs in accordance with the regulations now in force, in such circumstances the said Ministry proceeds most sympathetically in issuing the certificate." (E/1869/Add.1, pp.1-2)  

5. **Denmark**: "Danish legislation contains no provisions concerning the conditions under which an applicant may be naturalized as a Danish citizen. In each individual case naturalization is effected by the passing of a special act. In each case the legislature has facilities for judging individually the applicant's qualifications for acquiring Danish nationality even if, in practice, certain guiding principles have developed in dealing with such applications. The main consideration is whether the individual applicant can be deemed to have acquired such an attachment to Denmark that his admission as a citizen may be regarded as natural, and it will thereby be possible to consider whether a more or less intimate connexion with the applicant's former home country still exists. At this judgment the fact that he may be stateless will, of course, also be of importance. But the mere fact that a person is not a national of a foreign country is not in itself sufficient basis for leaving out of account the usual demand for attachment to Denmark."

(E/1869/Add.18, p.3)
6. Ecuador: "... my Government has carefully considered the problems of statelessness in the light of the modern principles of international law and the principles laid down in international instruments. For this purpose, a careful re-examination of our nationality laws has been carried out in order to ascertain whether any of their provisions might afford no solution for those cases (of statelessness) which have actually arisen. One reason for this re-examination was the wish to give prompt and due effect to the recommendation made at its session from 16 February to 16 March 1950 by the Ad Hoc Committee appointed by the Economic and Social Council to study the problem.

"As a result of this study, supplemented by the preparation of draft naturalization regulations, my Government has reached the conclusion that our nationality laws are in accordance with the three basic principles of modern law on the subject, namely:

(1) 'nationality cannot be imposed';
(2) 'everyone should have a political allegiance'; and
(3) 'no one should have more than one allegiance'.

"In giving special consideration to the second principle, which envisages the problem of statelessness, particular heed was paid to the following corollaries laid down by writers on the subject:

(1) Anyone who, owing to special circumstances, has lost his nationality of origin should acquire a new one or reacquire the former one;
(2) 'duty of legislations to eliminate systems which give rise to statelessness';
(3) 'interpretation by legislations of the individual's presumed wishes, in the absence of his expressed wishes, in order to put an end to statelessness'; and
(4) the nationality determined in accordance with the presumed wishes should in no case be interpreted as a breach of the first rule which provides that nationality cannot be imposed'.

"Consideration was also given to declarations on the subject, such as those in Article 4 of the Geneva Convention of 1933 and Article 15 of the Declaration of Human Rights."

"it should be
"It should be noted that the re-examination not only led us to the conclusion that our laws were fundamentally in accordance with the above-mentioned principles and declarations but also to the discovery that the previous regulations contained two provisions which gave rise to cases of statelessness; that which debarred from applying for naturalization persons who had been naturalized in another country but were resident in Ecuador as stateless persons after losing their nationality for reasons such as absence; and the requirement that, as a prerequisite for consideration of an application for naturalization, the alien applicant should take an oath renouncing his nationality of origin. These provisions have been omitted from the new regulations. In the first case, it was inadmissible that a person who had settled in Ecuador and had established the centre of his affections and interests there - and had thereby lost his nationality (owing to several years absence from the country of which he was a national) - should not be able to apply for and obtain naturalization in the country of his choice and should remain there without legal status, although he had fully demonstrated his allegiance and attachment to Ecuador. In the second case, it was not wise to make renunciation of former nationality a prerequisite for the consideration of an application for naturalization, as, if a naturalization certificate were not granted, the applicant would be stateless.

"Generally speaking, I have the honour to inform you that, as a result of this study of the problem of statelessness, it may be said that Ecuador has complied with the United Nations recommendation regarding the advisability of facilitating the acquisition of nationality by naturalization." (E/1869/Add.5, pp.1-2)

"... it may be stated that the Constitution and the laws of the Republic are based on the principle that nationality is a voluntary link between the individual and the State which protects or represents him. This principle of the voluntary link applies to Ecuadorians and to aliens residing in the nation's territory.

"...

"As regards aliens, Article 11 and Article 92 (11) of the Constitution open the way for them to Ecuadorian nationality.

"But,
"But, subject to this principle that nationality is a voluntary link, the legislation and particularly the administrative organs in their daily practice are sympathetic to the elimination of statelessness or its reduction as far as possible, since it is regarded as an undesirable and abnormal legal phenomenon.

"...

"The laws of Ecuador do not contain any measures to eliminate statelessness by coercion or persuasion because that would impair the basic principle that nationality is a voluntary link. On the other hand, once a stateless person has expressed the desire to acquire Ecuadorean nationality, the Constitution and the laws give him the same opportunities as any other alien without any discrimination and, if he meets the requirements laid down in the relevant laws and regulations, the Executive, in the exercise of its discretionary powers, grants him Ecuadorean nationality. (Article 92 (11) of the Constitution, Article 13 of the Naturalization Act and Articles 1 and 2 of the Naturalization Regulation.)" (E/2164/Add.4, p.2)

The legal texts mentioned in the reply of Ecuador, with the exception of Article 13 of the Naturalization Act, are annexed thereto.

Articles 11 and 92 of the Constitution, annexed to the second reply of Ecuador, read, in part, as follows:

"Article 11. The following are Ecuadorean, by naturalization:

(b) Persons who have obtained the certificate of naturalization in accordance with the law (in the manner prescribed by law);

"Article 92. The following are the powers and duties of the President of the Republic:

(11) To grant, ... certificates of naturalization in conformity with the Constitution and the law."

(Article 1 of the Naturalization Regulations reads as follows:

"All aliens without distinction who meet the requirements of the law and the present Regulations are eligible to apply for naturalization as Ecuadorean nationals." (E/2164/Add.4, Annex II)
For the text of Article 2 of the Naturalisation Regulations, setting out the requirements which an applicant for a certificate of naturalization must fulfil, see Section I of this Chapter.

7. **Egypt:** "Notwithstanding the fact that Egypt is today overcrowded with its inhabitants, the Egyptian Government grants to a certain extent, the Egyptian nationality to a considerable number of foreigners. The number estimated to have obtained the said nationality this year is 1369." (E/2169/Add.14, p.1)

8. **France:**

"REFUGEES AND NATURALIZED PERSONS in relation to the total population of France in 1950

A. **Distribution of population**

1. **Immigration between 1900 and 1950**

There was a considerable movement of foreigners into and out of France between 1900 and 1950, quite apart from the friendly and enemy foreign troops on our territory between 1914 and 1919 and 1939 and 1945. Statistics on the inward and outward movement of ordinary immigrants (workers and their families) only give an idea of its extent. After deducting the number of deaths and adding the number of births, we arrive at a figure between 5 and 6 million. With the so-called "clandestine" immigration, the figure is actually higher than 6 million.

---

1/ The reply of Egypt is dated 9 November 1951.
2. Nationality of the inhabitants of France in 1950

<table>
<thead>
<tr>
<th></th>
<th>Total number of inhabitants: 42,000,000</th>
<th>FRENCH: 10,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>French nationality only</td>
<td>Double nationality</td>
</tr>
<tr>
<td>French from birth</td>
<td>French by acquisition</td>
<td>French from birth</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>37,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
</tr>
<tr>
<td>(1)</td>
<td>(2)</td>
<td></td>
</tr>
<tr>
<td>Total number of French nationals from birth</td>
<td>38,000,000 (3)</td>
<td>Total number of French nationals by acquisition</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ALIENS: 2,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinary</td>
</tr>
<tr>
<td>Of definite nationality</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>1,700,000</td>
</tr>
<tr>
<td>150,000</td>
</tr>
<tr>
<td>Total number of ordinary aliens</td>
</tr>
<tr>
<td>Total number of refugees</td>
</tr>
</tbody>
</table>

(1) Owing to the combined effect of the French laws on the acquisition of French nationality from birth and of the laws of other countries on loss of nationality, out of the 37 million persons shown in column 1, 1 million are French from birth and solely French, although their parents may have immigrated to France after 1900. The other 5 million out of the 6 million referred to in paragraph 1 are covered by columns 2 to 8.

(2) Under the law of many foreign States, the nationality of origin is lost when another nationality is acquired (particularly if acquired voluntarily). Hence persons who have acquired French nationality are divided into two equal groups: the first, persons who have only French nationality; the second, persons with double nationality.

(3) The term "French from birth" is applied to persons who are French by descent and to any person of foreign origin who is born in France and one of whose parents was likewise born in France.

(4) The term "French by acquisition" is applied to persons who, having been born aliens, have become French nationals since birth. The most common methods of acquisition are: declaration before a Juge de paix; residence in France at the time of attaining majority; marriage and decree of naturalization or reinstatement (extending collectively to all children under age).

(5) Number insignificant, about 5,000.

(6) See details under B, paragraph 2.
B. Aliens in France

1. Rate of Naturalization

"It can be seen from the above table that over a period of fifty years French nationality has been granted either automatically or by request to 4 million aliens, half of them having dual nationality. This means that one-tenth of the population of France consists of persons who have been French for one or two generations only.

"However, great the attachment which these persons have displayed towards their country of adoption and however great the services they have rendered to it that proportion can hardly be exceeded. The law requires that a person wishing to become naturalized must have resided in French territory for five years and for some years after naturalization places naturalized Frenchmen under certain (chiefly electoral) disabilities.

"In view of its geographical position in the centre of Europe where, in the past few decades, many demographic upheavals have occurred causing large-scale migration, France has become to a quite unusual extend a host country, and a country of refuge and transit.

"This has forced the legislature to adopt a cautious policy in regard to naturalization.

"Moreover, it should be noted that since in France the word 'naturalization' means 'acquisition of French nationality, by decree, by a person who has never before been French', naturalization statistics do not include automatic acquisition of French nationality at birth. This means that for the purpose of any comparison between the rate of naturalization in France and that in other countries, where the term 'naturalization' carries a more general meaning, the official figures for aliens naturalized in France should in practice be trebled."

2. Statistics

"(a) Naturalization, total figures.

Reliable statistics can be compiled only in respect of cases of acquisition of French nationality over which the Government exercises control (the Ministry of Justice up to 1945 and since then the Ministry of Health and Population), that is to say, in essence: declarations before a Juge de paix (which must be registered, failing which they are null and void) and acquisition by decree (naturalization, reinstatement by decree, express reference to minor children in parents' decree).

We shall limit
We shall limit our statistical data to acquisitions by decree (in round figures) as reported in the official gazettes:

from 1900 to 1920 95,000 names
1921 to 1930 260,000 names
1931 to 1940 410,000 names
1941 to 1949 270,000 names

Total: 1,035,000 in 50 years
(or, after deduction of deaths, more than one-third of the sum of columns 3 and 4 in table 2 of Section A above).

Details for the years 1940 to 1949:

1940 45,306
1941 to 1945 11,005
1946 18,114
1947 85,243
1948 60,009
1949 52,400

(b) Refugees, 1936 and 1950.

1936
Refugees from Germany 17,000
Refugees from Austria 5,000
Armenian refugees 63,000
Russian refugees 71,500
Saarlander refugees 8,000
Assyro-Chaldean and and Turkish refugees 300

These figures were accepted by the International Refugee Organisation and the Institut National de la Statistique (National Statistical Institute) as the most reliable figures available at the time (January 1950)
From the figures for 1950 the number of "grants and acquisitions of French nationality in whatever form" since 1935 should be deducted. (The total number of refugees in 1950 is therefore nearer 250,000 than 300,000.)

<table>
<thead>
<tr>
<th>Year</th>
<th>Refugees</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950</td>
<td>Spanish refugees</td>
<td>125,000</td>
</tr>
<tr>
<td></td>
<td>Russian refugees</td>
<td>35,000</td>
</tr>
<tr>
<td></td>
<td>Ukrainian refugees</td>
<td>16,000</td>
</tr>
<tr>
<td></td>
<td>Armenian refugees</td>
<td>39,000</td>
</tr>
<tr>
<td></td>
<td>Polish refugees</td>
<td>49,000</td>
</tr>
<tr>
<td></td>
<td>Refugees from Germany</td>
<td>6,000</td>
</tr>
<tr>
<td></td>
<td>Refugees from Austria</td>
<td>1,500</td>
</tr>
<tr>
<td></td>
<td>Hungarian refugees</td>
<td>7,300</td>
</tr>
<tr>
<td></td>
<td>Romanian refugees</td>
<td>3,300</td>
</tr>
<tr>
<td></td>
<td>Yugoslav refugees</td>
<td>4,000</td>
</tr>
<tr>
<td></td>
<td>Czechoslovak refugees</td>
<td>4,200</td>
</tr>
<tr>
<td></td>
<td>Baltic refugees</td>
<td>700</td>
</tr>
<tr>
<td></td>
<td>Georgian refugees</td>
<td>600</td>
</tr>
<tr>
<td></td>
<td>Other stateless persons registered with IR</td>
<td>2,500</td>
</tr>
<tr>
<td></td>
<td>Unspecified</td>
<td>2,000</td>
</tr>
</tbody>
</table>

Total: 301,600

(c) Naturalization of refugees

"As regards the position of the Russians and Armenians between 1936 and 1943 we would merely note that half of these became French nationals within a period of ten years, during four of which the grant of nationality by decree was entirely suspended.

From 1943 to 1949 (both inclusive) the following were registered:

Russians: 6,800
Armenians: 11,836

"It is impossible to ascertain which of the 24,000 Spaniards naturalized during the past five years were refugees and which were not.

Since, however, out of the 350,000 Spaniards in France 125,000, or one third, are refugees one may safely put the number of Spanish refugees who have been naturalized at 8,000.

"Besides, experience shows that as a general rule, through the operation of the French laws relating to nationality (by naturalization or otherwise) the foreign element diminished by 25 per cent over the space of five years. The figure for refugees for 1950 should therefore be about 250,000. Considering the geographical position of France, this is a very rapid decrease in numbers." (E/2154/Add.19, pp.7-11)
9. **India:** See paragraph 25 above.

10. **Ireland:** "The Government always gives sympathetic consideration to applications for naturalisation submitted by stateless persons who fulfil the statutory requirements." (E/1869/Add.17, p.1)

11. **Israel:** See paragraph 25 above.

12. **Japan:** "It is the opinion of General Headquarters (Supreme Commander of the Allied Powers) that the Japanese nationality law now in effect provides for the sympathetic examination of applications for naturalization submitted by stateless persons habitually resident in Japan ..." (E/1869/Add.3, p.2)

13. **New Zealand:** "The grant of a certificate of naturalisation is an executive act made by the Minister of Internal Affairs at his discretion under the authority vested in him by the British Nationality and New Zealand Citizenship Act, 1948.

   "Applicants must satisfy certain statutory requirements before the grant of a certificate is considered ...

   ...

   "The total fees for the grant of a certificate are £5. The Minister has power to reduce the total to £1, in cases of hardship." (E/1869/Add.4, pp.1-2)

14. **Norway:** "Stateless persons are in principle offered the same facilities for acquiring Norwegian nationality (becoming naturalized) as other aliens. The conditions for granting a certificate of citizenship are [See Section I of this Chapter]. Dispensation from these conditions may, however, be granted when special considerations make it appear reasonable to do so. The Act mentions inter alia the case of an applicant who is married to a Norwegian national and lives with the spouse. However, the fact that the applicant is stateless will hardly by itself be considered as sufficient reason to dispense with the requirement of a seven-year's uninterrupted residence in the country." (E/2164/Add.1, p.3)

   Section 6 of the Nationality Act of Norway of 8 December 1950, annexed to the reply of Norway and partly included in the reply states also:

   "The King, or the authority the King empowers thereto, may upon application issue a certificate of citizenship to an alien ..." (E/2164/Add.1, Annex).

/15. **Sweden:**
15. Sweden: "The authorities may depart from the general requirements for naturalization which are broader than those hitherto in force [See Section I of this Chapter] ... However, with regard to the special grounds which applicants may have for the grant of Swedish nationality, such naturalization may be granted, irrespective of whether these conditions are ever fulfilled. In the preliminary studies concerning the [Swedish Nationality] Act [of 22 June 1952] it is pointed out that requirement d) \(^1\) may only be waived for example for persons who were comparatively advanced in age when for political reasons they were compelled to leave their native land. The mere fact that the applicant is stateless should not however be considered a sufficient reason for waiving requirement b) \(^2\)" (E/1869/Add.9, p.2).

"It may first of all be pointed out that, according to the Swedish Citizenship Act ... naturalization is the only basis of acquisition in respect of which there is scope for discretionary treatment. In practice applications of stateless persons for naturalization are dealt with on the same principle as applications of citizens of foreign countries. As a rule every applicant who meets the conditions for naturalization prescribed in above-mentioned act has his application granted. The mere fact that the applicant is stateless is not considered sufficient grounds for exemption from any of the conditions for naturalization. On the other hand, considerable concessions are granted for example regarding the length of previous residence in the case of stateless women married to Swedish citizens, two years being considered sufficient. In the case of persons who have had to leave their home country for political reasons at a relatively advanced age, naturalization is usually granted regardless of whether the applicant is stateless or not - without consideration of the fact that the applicant may not fulfil the requirements regarding means of support." (E/2164/Add.16, pp.1-2)

Article 6 of the Swedish Citizenship Act of 22 June 1950 annexed to the reply of Sweden and commented upon in the reply, states also:

\(^1\) See Section I of this Chapter, Category IV: Property or income requirements.
\(^2\) See Section I of this Chapter, Category I: Admission and sojourn in the country and notice of intention.
"The King in Council may upon application confer Swedish citizenship upon (naturalize) an alien ..." (Ibid, Annex)

16. Switzerland: "As regards stateless aliens habitually resident on its territory, Switzerland has not so far framed any provisions granting them a special right to naturalization. On the other hand, it does in practice give favourable consideration to their applications for naturalization. Indeed, as soon as aliens become more or less assimilated, Switzerland considers their naturalization to be to its own advantage. It may be mentioned here that stateless persons who are authorized to remain in Switzerland are given liberal and generous treatment in all legal matters." (E/1869/Add.10, p.2)

17. Syria: "The Syrian law on nationality offers great facilities to stateless persons by treating them on an equal footing with other aliens residing in Syrian territory in the matter of acquiring Syrian nationality." (E/2164/Add.17, p.1)

18. Turkey: "It has been the practice of the Turkish Government to grant Turkish nationality upon request to such stateless persons who habitually reside in Turkey and who have been found to be of good repute." (E/2164/Add.15, p.1)

19. Union of South Africa: "The Union Government ..., wishes to assure the Secretary-General that all applications for naturalization are considered by the Union Authorities strictly on their merits, and stateless persons are not discriminated against." (E/1869/Add.15, p.2).

20. United Kingdom and Colonies: "As regards applications for naturalization, stateless persons, like any other aliens, and on the same terms as any other aliens, are eligible to apply for naturalization if they can satisfy the statutory qualifications which include five years' residence in the United Kingdom or the Colonies." (E/1869/Add.14, p.2)

"There is no legislation in the United Kingdom dealing specifically with statelessness ... stateless aliens in this country are treated no differently from any other aliens. But the general provisions of United Kingdom nationality law have some bearing on this problem, to the extent that their practical effect is as far as possible ... to
provide an opportunity for stateless aliens (like any aliens) to acquire
citizenship of the United Kingdom and Colonies.

The main provisions of United Kingdom nationality legislation that
are relevant are contained in the British Nationality Act, 1948 which
specifies how citizenship of the United Kingdom and Colonies (and thereby
British nationality) may now be acquired and lost.

There are two main ways by which a person who does not possess
citizenship of the United Kingdom and Colonies can become a citizen
of the United Kingdom and Colonies: naturalization and registration.

(a) Naturalization is open to any alien who can satisfy the
statutory qualifications laid down in the Second Schedule to the British
Nationality Act, 1948 1/ but statutory eligibility, although a necessary
condition of naturalization, gives no right to a certificate of
naturalization, which may be granted or withheld at the discretion of the
Secretary of State. A stateless applicant for naturalization is subject
to the same conditions as any other alien; and although the fact that he
was stateless would ensure sympathetic treatment of his application, he
must, like any other applicant, show himself worthy of his own merits of
the rights and privileges of a citizen of the United Kingdom and Colonies
and a British subject. Owing to the difficulty of establishing whether
or not a person is in fact stateless, no comprehensive statistics can
be given of the proportion of persons naturalized who can properly be
described as stateless. Although approximately 1,100 certificates have
been granted since the war to persons actually recorded as stateless,
this probably represents only a very small proportion of the true figure.

(b) Registration, a simpler method than naturalization, is open
only to certain women and children 2/ ...

21. United States of America. Under the naturalization laws of the
United States, stateless residents of the United States, like all other
resident aliens, may be naturalized if they satisfy certain

1/ For categories of children who can acquire citizenship of the United Kingdom
and Colonies through registration, see paragraph 22 below; for categories
of women who can acquire citizenship of the United Kingdom and Colonies by
operation of law, see paragraph 21 below.

/qualifications.
qualifications. ¹/¹ (E/1869/Add.12, p.2).

22. Yugoslavia: "In practice even stateless persons of other nationalities ²/² are treated very liberally, though there are no special legal dispositions in this regard. All such persons have the faculty to become citizens of the F.P.R. of Yugoslavia by virtue of a statement given to the local organs of the State administration. Decisions on these statements are made by summary proceedings, and are normally exempted from taxes on naturalization as well as from enclosing of documents required for the normal procedure of naturalization. The applicant is granted the citizenship of the F.P.R. of Yugoslavia the day his statement is accepted, and such applications are normally given a favourable consideration with the exception of some special cases. Consequently, all stateless persons living in the F.P.R. of Yugoslavia have the faculty to become citizens of the F.P.R. of Yugoslavia in a very simple and speedy manner, if they wish it. If, nevertheless, some of them have not regulated their status of citizenship (and such cases are not many), this cannot be attributed either to difficulties arising from the legal conditions or from the attitude of the Yugoslav authorities in this matter." (E/2164/Add.20, pp.5-6).

¹/¹ See Section I of this Chapter, Category I: Admission and Sojourn.
²/² For conditions under which persons born in Yugoslavia and who had their habitual residence in Yugoslavia, and who ethnically belong to any people of the F.P.R. of Yugoslavia, are considered as Yugoslav citizens see paragraph 19 above.
CHAPTER II. ACQUISITION OF NATIONALITY BY SPECIFIED CATEGORIES OF PERSONS
BY OPERATION OF LAW, BY PRIVILEGED PROCEDURES, OR BY
NATURALIZATION SOME OR ALL OF THE STATUTORY
REQUIREMENTS BEING WAIVED

40. In the present Chapter are examined a number of cases where certain specified categories of persons may acquire a country's nationality either automatically by operation of law, or by privileged procedures such as declaration, registration, option, or by naturalization, some or all of the statutory requirements being waived.1/

Section I: Former nationals of the country and children of nationals and of former nationals

(a) Re-acquisition of nationality by former nationals

41. In the following country a category of former nationals has re-acquired the country's nationality by operation of law:

United Kingdom and Colonies: "... Section 14 of the British Nationality Act, 1948 ... automatically restored British nationality on 1st January, 1949 to women who had lost it, under previous legislation, on marrying an alien." (E/2164/Add.5)

42. In the following countries nationality may be re-acquired by privileged procedures by all or certain categories of former nationals.

1. Belgium: Article 19 of the Consolidated Nationality Act of 14 December 1932, annexed to the reply of Belgium reads as follows:

"Article 19. A Belgian national by birth who has lost this status in pursuance of article 18, paragraph 1, first sub-paragraph2/, may recover his nationality by a declaration of option, always provided that he has been habitually resident in Belgium or in the colony during the two years immediately preceding his declaration. Such an option shall be subject to the provisions of Article 7.3/

1/ For a discretionary power of the competent authority to waive some or all of the statutory requirements in respect to any applicant for naturalization see paragraph 38 above.

2/ This provision concerns the loss of Belgian nationality by a person voluntarily acquiring another nationality.

3/ See paragraph 45 below.
"A woman of Belgian nationality by birth, who has lost this status in pursuance of article 18, paragraphs 2 and 3\(^1\), may recover her nationality, upon the dissolution of her marriage, by a declaration of option, always provided that she has been habitually resident in Belgium or in the colony during the year immediately preceding her declaration.

"A child who has lost Belgian nationality in pursuance of article 18, paragraph 4\(^2\), may recover his nationality between the ages of 16 and 22, by a declaration of option, always provided that he has been habitually resident in Belgium or in the colony during the year immediately preceding his declaration. Such an option shall be subject to the provisions of article 9.\(^3\)

"A declaration of option made in pursuance of this article shall be submitted to the judicial authority for approval and the confirmatory ruling shall be registered in conformity with article 11."

(E/2164, Annex)

2. Denmark: "With regard to the re-acquisition of Danish nationality the new Act contains a provision that is intended to counteract statelessness. It prescribes that persons, who had acquired Danish nationality at birth and who had been resident in this country till they are 18 may re-acquire lost Danish nationality by unilateral declaration when they have been resident in this country for two years and are either stateless or prove that they will lose their foreign nationality as a consequence of such re-acquisition. In conformity with this rule the aforesaid agreement puts residence in Norway or Sweden until 12 years of age on a par with residence in this country."

(E/2169/Add.18, p.2)

3. Ecuador: "The legislations of most countries stipulate that a naturalized alien loses his acquired nationality if he remains absent from the country for a specified length of time. An Ecuadorian who, after

\(^1\) These provisions concern the loss of Belgian nationality by a woman marrying an alien, or whose husband voluntarily acquires another nationality.

\(^2\) This provision concerns the loss of Belgian nationality by minor and not emancipated children of a person losing Belgian nationality under the other provisions of the same Article.

\(^3\) See paragraph 45 below.
becoming naturalized in another country, leaves that country and returns to Ecuador, thereby losing his acquired nationality, does not remain stateless because; under our legislation, he recovers his Ecuadorian nationality if he establishes his residence in the country for a certain length of time and expresses the desire to regain his original nationality (Article 16 of the Constitution and Article 17 of the Naturalization Regulations)" (E/2164/Add.4, p. 2).

4. France: "The term 'French by acquisition' is applied to persons who having been born aliens, have become French nationals since birth. The most common method of acquisition (is) the decree of reinstatement ...". (E/2164/Add.15, p.8 footnote (4))

5. Norway: "The new [Norwegian Nationality] Act of 8 December 1950] contains a provision calculated to mitigate the problem of statelessness also in so far as the regaining of Norwegian nationality is concerned. Section 4 provides that a person having acquired Norwegian nationality at birth and who has resided in the country until the age of 18, may regain Norwegian nationality by making a declaration to that effect, provided he has again resided in the country for two years and is either stateless, or proves that he will lose his foreign nationality on resuming Norwegian nationality. Also, in so far as this rule is concerned, it is provided in the above-mentioned convention that residence in either Sweden or Denmark until the age of 12 shall be deemed equal to residence in Norway." (E/2164/Add.1, p.2)

Mention should also be made of Sections 13 and 14 of the Norwegian Nationality Act of 8 December 1950, annexed to the reply of Norway, which read as follows:

"Section 13.

"A woman who has lost Norwegian nationality under the Act of 21 April 1888, or the Act of 8 August 1928, by reason of her marriage to a man who at the time was a national of another country or has subsequently acquired foreign nationality, reacquires Norwegian nationality, provided she would not have lost it under this Act, by making, at the latest within 5 years from the coming into force of this Act, a written declaration before such authority"
authority as the King determines stating her intention to become a Norwegian national. However, if she lost her Norwegian nationality because she married a national of an enemy country during the period 9 April 1940 - 31 December 1948 this provision does not apply unless she resides in Norway when this Act comes into force or takes up residence in this country before expiry of the stipulated five-year period."

"Section 14.

"A person who has lost Norwegian nationality under section 6b of the Act of 21 April 1868 because he has left the country with the intention not to return, but who would not have lost it under section 8 of this Act, reacquires Norwegian nationality by making a written declaration before such authority as the King determines, stating his intention to become a Norwegian national. A person who has become a national of another country cannot make such declaration. ..."

(E/2164/Add.1, Annex)

6. Sweden: Articles 4 and 18 of the Swedish Nationality Act of 22 June 1950, annexed to the second reply of Sweden read as follows:

"Article 4.

"A person who has acquired Swedish citizenship by birth, and has been uninterruptedly domiciled in Sweden up to the age of eighteen years, and has lost his or her Swedish citizenship, may recover such citizenship after having resided in Sweden for two years by making notification in writing to the provincial government of the province in which is situated the parish where he or she is registered. A person who is a citizen of a foreign state shall, however, not recover his Swedish citizenship unless he proves by so doing he would lose his foreign citizenship."

"Article 18.

"A woman who under previous legislation has lost her Swedish citizenship as a consequence of having married an alien or because her husband has become a foreign national, but who under the provisions of the present

Under an agreement to which Denmark, Norway and Sweden are parties the residence in either one of the other contracting countries until the age of 12 shall be deemed equal to residence in the country.
The Act would have remained a Swedish citizen, recovers Swedish citizenship by notifying her desire to do so in accordance with the further provisions to be issued by the King in Council. Such notification may not be made later than 31 December 1955. (E/2164/Add.16, Annex).

7. United Kingdom and Colonies: "... Section 16 (1) of the British Nationality Act, 1948 ... allows certain persons, on attaining their majority, to regain British nationality lost in childhood through the parents' loss of that nationality (under Section 12 (2) of the British Nationality and Status of Aliens Act, 1914). (E/2164/Add.5).

8. Yugoslavia: "Persons who lost their citizenship as a consequence of having followed their parents upon their release or renunciation of citizenship, if they are permanently residing in the F.P.R. of Yugoslavia, may reacquire Yugoslav citizenship by a simplified procedure. They may reacquire it by filing a statement within seven years of having reached full age." (E/2164/Add.18, p.3).

43. In the following country nationality may be reacquired by former nationals by naturalization, most of the statutory requirements being waived:

Japan: "A waiver of the conditions [for naturalization] as to domicile, age and capacity, and property requirements may be granted if the applicant is:

"...

d. A person who has lost Japanese nationality (excluding one who has lost Japanese nationality after one's naturalization in Japan) and has a domicile in Japan." (E/1869/Add.3, p.2).

In Norway and in Sweden where the competent authority has discretionary powers to waive statutory requirements for naturalization in the case of any applicant, special mention is made in the respective Nationality Acts of the two countries of the case of a former national of the country.
(b) Acquisition of nationality by children of nationals or of former nationals

44. In the following countries nationality may be acquired by certain categories of children of nationals or of former nationals by operation of law:

1. **Denmark**: "The [Danish nationality] Act [of 27 May 1950] ... contains a provision to the effect that persons who, before the entry into force of the Act, were born in wedlock in this country as children of a Danish mother and a foreign father acquire Danish nationality at the entry into force of the Act, provided that they have not acquired any foreign nationality, either at birth or at a later date and provided that they are under 18 at the date of the entry into force of the Act." (E/1869/Add.18, p.3).

2. **Finland**: "The Law on Nationality [of 9 May 1941] contains the following provisions for the elimination of statelessness:

   "(a) paragraph 18 item 2. Finnish nationality is retroactively and automatically granted to stateless persons referred to above under items A(a) ... if they at the date of entry into force of this law, are unmarried and under 21 years of age, and if their actual domicile, at that date is Finland." (E/2164/Add.8, p.2.)

3. **Norway**: Section 11 of the Norwegian Nationality Act of 8 December 1950, annexed to the reply of Norway, reads as follows:

   "Child mentioned under Section 1, first paragraph 2, being under eighteen years of age at the time this Act comes into force, acquires as from that time Norwegian nationality provided it is not and has not been a national of any other country." (E/2164/Add.1, Annex).

4. **Sweden**: "... children born [in wedlock in Sweden] before [the Swedish Nationality] Act [of 22 June 1950] comes into force [of whose parents only the mother is a Swedish national] will acquire Swedish nationality as soon as the Act comes into effect, if they are not yet eighteen years of age and are not and have never been nationals of any

---

1/ Under this provision Finnish nationality is granted to a legitimate child whose mother is a citizen of Finland and whose father is without nationality, if the child, on account of its birth, does not become a citizen of some other state.

2/ Under this provision a child acquires Norwegian nationality at birth, when it is legitimate and born in the country of a Norwegian woman, provided the father is not a national of any country, or the child does not acquire the nationality of the father at birth. It should be further noted that, under a special agreement signed by Denmark, Norway and Sweden, the birth in any one of the two other contracting states is considered equal to the birth in the country.
In the following countries nationality may be acquired by privileged procedures by children of nationals and former nationals:

1. **Belgium**: Articles 6 to 9 of the Consolidated Nationality Act of 14 December 1932, annexed to the reply of Belgium, read as follows:

   "Article 6. The following may acquire Belgian nationality by option, under the conditions and in the form prescribed hereunder:
   
   1. Children born in Belgium;
   2. Children born in the colony or abroad of parents, one of whom is or formerly was a Belgian national.

   "Article 7. The option may not be exercised where under the national law of his own country the person concerned may obtain authorization to retain his nationality in the event of his acquiring another.

   "Article 8. The option may be exercised subject to the following two conditions:
   
   1. The optant must have been habitually resident in Belgium or in the colony during the year immediately preceding the declaration of option. In addition, he must have been habitually resident in Belgium or in the colony either from his fourteenth to his eighteenth year of age, or for a period of not less than nine years.
   2. The declaration of option must be made before the optant has completed his twenty-second year.

   "Residence abroad during minority for such time as the father is in Belgian Government service abroad shall be deemed to constitute residence in Belgium or in the colony.

   "In the case of a child born of foreign parents, one of whom was formerly a Belgian national, the residential qualification laid down in paragraph 1 above is confined to the year immediately preceding the option.

   "Article 9. In the case of an applicant who proves that he has been prevented from making his declaration of option since attaining the age of twenty-one, disqualification may be removed by the court which gives its ruling with respect to the approval of the option." (E/2164/Annex)

---

1/ It should be noted that under a special agreement signed by Denmark, Norway and Sweden the birth in any of the two other contracting States is considered equal to birth in the country.

---

2/ Burma:
2. 

"A child born outside the Union, one of whose parents is a citizen, shall, if the child is not otherwise a citizen, be entitled if still a minor and in the custody of the parent, to the grant of a certificate of citizenship on the application of the parent, on the parent redeeming his or her domicile in the Union. Provided that if the child within one year after attaining majority fails to make a declaration renouncing any foreign national status to which he may be entitled and electing to retain Union citizenship, he shall cease on the expiry of that year to be a citizen of the Union. If the said child is a major, the Minister may grant him a certificate of citizenship, provided that the Minister is satisfied (a) that he is of good character and (b) that he intends either to reside permanently in the Union or to enter or continue in the service of the Union or of the constituent state thereof or any religious, charitable or commercial organization established in the Union vide Section 12 (1) and (2) of the Union Citizenship Act, 1947. (E/2164/Add.10, pp. 304)

3. 

"... the following categories are eligible to be granted citizenship [By Registration] :

"...

"(ii) Persons over 21 years of age who can establish that their mothers are citizens of Ceylon by descent." (E/2164/Add.2, pp. 1-2)

Mention should also be made of the reply of the Government of Uruguay.

The child of a national who has not acquired Uruguayan nationality at birth may, under certain conditions, acquire natural citizenship (as distinct from nationality) (see paragraph 24 above).

46. In the following categories nationality may be acquired by children of nationals and former nationals by naturalization, some or all of the statutory requirements being waived:

1. 

Article 4 of the Nationality Law of China, an alien in the categories mentioned in the following sub-paragraphs, who is at present domiciled in China, shall be eligible for naturalization, even though he has not been continuously domiciled for a period of more than five years, if

"1. His mother or father was previously a Chinese,

"...

"Aliens mentioned in sub-paragraphs 1... shall not be eligible for naturalization unless they have continuously resided in China for more than three years..." (E/2164/Add.2, p. 5)
2. **Japan**: "A waiver of the five-year domiciliary requirements /for naturalization/ may be granted if the alien is domiciled in Japan and:

"...

"b. Is the child of one who was a Japanese national (excluding child by adoption) and has had a domicile or residence in Japan consecutively for three years or more

"...

"A waiver of the conditions as to domicile, age and capacity, and property requirements may be granted if the applicant is:

"...

"b. A child (excluding child by adoption) of a Japanese national and has a domicile in Japan;...

"..." (E/1859/Add.3, p.2)

46 bis. For the case of children of persons acquiring or reacquiring the country's nationality, see paragraphs 53-57 below.

**Section II: Persons born in the country**

47. In the following countries nationality may be acquired under certain conditions by persons born in the country by operation of law:

1. **France**: "The term 'French by acquisition' is applied to persons who, having been born aliens, have become French nationals since birth. The most common methods of acquisition are: ... residence in France at the time of attaining majority (/a method which applies only to persons born in France/)." (E/2154/Add.19, p.8, footnote (*)).

2. **Greece**: "Paragraph 2 of ... article 14 of the Civil Law of 1856, added by article 1 of the ... Legislative Decree of 16 September 1926 provides that Greek is he who being born and domiciled in Greece has no foreign nationality." (E/1869/Add.6, 1:1)

/48. It will be noted that the countries mentioned in this section generally apply **jus sanguinis** as the means for determining nationality at birth (see paragraph 76 below). The provisions mentioned in the text are designed to mitigate to a certain extent the effects of a strict application of **jus sanguinis**.
48. In the following countries nationality may be acquired by privileged procedures by persons born in the country:

1. **Belgium**: See Articles 5 to 8 of the Consolidated Nationality Act of 14 December 1932, reproduced in Section I, point (b) (Acquisition of the country's nationality by children of nationals and former nationals), in particular sub-paragraph 1 of Article 6.

2. **Burma**: "A child born in the Union and subject to the jurisdiction thereof of parents both of whom not being citizens of the Union are domiciled in the Union may on attaining majority, apply for a certificate of citizenship, provided that he is then permanently resident in the Union. These provisions are for children born within the Union and they are contained in Section ... 12 (3) of the Union Citizenship Act, 1948." (E/2164/Add.10, p. 3)

3. **Denmark**: "Though *jus s sola* has not been adopted as a general principle, the new Act [The Danish Nationality Act of 27 May 1950] as was also the case with the former Danish nationality legislation contains provisions whereby the principle of descent is waived in favour of persons born in this country ... Stateless persons who are born in this country and who by staying here till they are 18 acquire an attachment to this country beyond the mere formal fact that the child was born on Danish territory, can become Danish nationals by unilateral declaration.

The above-mentioned concessions to the *jus s sola* principle may be extended by agreement, so that birth in one of the other Nordic countries (Finland, Iceland, Norway and Sweden) is considered equal to birth in this country, and residence in one of those countries is considered equal to residence in this country (until the person in question has reached 12 years of age). Such agreements were concluded with Norway and Sweden on December 21, 1950, and entered into force on January 1, 1951." (E/1869/Add.13, p. 2)

4. **France**: "The term 'French by acquisition' is applied to persons who, having been born aliens, have become French nationals since birth. The most common methods of acquisition are: declaration before a *juge de paix*; ... ([a] methods [which applies] only to persons born in France)" (E/2164/Add.19, p. 8, footnote (4)).

5. **Norway**: ...
5. **Norway:** "Among provisions of importance to stateless persons may be mentioned those of section 3 of the Norwegian Nationality Act of 8 December 1950, according to which a stateless person born in Norway and having been in continual residence there, acquires Norwegian nationality when he, after attaining the age of 18 and before reaching the age of 23, declares his intention to become a Norwegian national. Under the convention above referred to, birth in Denmark and Sweden is in this respect considered as equal to having been born in Norway, and also residence in those countries up to the age of 12 is considered as equal to having resided in Norway." (E/2164/Add.1, p.2)

6. **Sweden:** "The Act of 22 June 1950 contains certain provisions to facilitate the acquisition of Swedish nationality by stateless persons. Thus, a stateless person who was born in Sweden and has resided there without interruption, has an unconditional right to become a Swedish national." (E/1869/Add.9, p.2)

49. In the following countries nationality may be acquired by persons born in the country by naturalization, some or all of the statutory requirements being waived:

1. **China:** "Article 4 of the Chinese Nationality law, which lay down conditions governing applications for naturalization by certain particular categories of aliens, are applicable to stateless persons. ... The ... law provides as follows: "Article 4. An alien in the categories mentioned in the following sub-paragraphs, who is at present domiciled in China, shall be eligible for naturalization, even though he has not been continuously domiciled for a period of more than five years, if "...

"3. He was born in Chinese territory;"

"..."

"Aliens mentioned in sub-paragraphs ... 3 shall not be eligible for naturalization, unless they have continuously resided in China for more

1/ Under a special agreement between Denmark, Norway and Sweden the birth in one of the two other contracting states and the residence within till the age of 12 are considered equal to birth and residence in the country itself.
than three years; but this shall not apply to aliens mentioned in sub-
paragraph 3 where father or mother was born in Chinese territory."
(E/2164/Add.13, p.3)

2. Japan: "A waiver of the five-year domiciliary requirements for
naturalization may be granted if the alien is domiciled in Japan and:
"...
"c. Was born in Japan and either has had a domicile or residence
in Japan consecutively for three years or more, or has a father or
mother (excluding father and mother by adoption) born in Japan."
(E/1869/Add.3, p.2)

Section III: Members of families of persons acquiring or re-acquiring
the country's nationality

(a) Spouse of a person acquiring or re-acquiring the
country's nationality

50. In the following countries the wife of a person acquiring or re-acquiring
the country's nationality acquires the nationality of the country by operation
of law.

1. Belgium: "Article 4 of the Consolidated Nationality Act of
14 December 1932, annexed to the reply of Belgium, reads in part, as
follows:
"Article 4. A foreign woman ... whose husband becomes a Belgian national
by option, acquires the nationality of her husband.

"However, she may renounce Belgian nationality by means of a
declaration made in the form prescribed in article 22, during the six
months subsequent to the date of marriage or to the date on which her
husband acquired Belgian nationality, provided that she can prove that
she possesses foreign nationality or that she recovers it upon making the
declaration.

"She may at any time, subject to the conditions described above,
renounce Belgian nationality after the dissolution of the marriage."
(E/2164/Annex)

2. China: "... Articles 8 of the Chinese Nationality Law, which
lay down conditions governing applications for naturalization by certain
particular categories of aliens, are ... applicable to stateless persons.
Thus, the ... law provides as follows:
'Article 8. The wife of a naturalized person ... shall acquire Chinese
nationality at the same time as the naturalized person, if his national law does not provide to the contrary."

(E/2164/Add.13, p. 3)

51. In the following country, the wife of a person acquiring the country's nationality by naturalization, may acquire the country's nationality either by privileged procedure, or by naturalization the statutory requirements being waived:

Belgium: Article 15, paragraph 1, of the Consolidated Nationality Act of 14 December 1932, annexed to the reply of Belgium reads as follows:

"A foreign woman whose husband acquires Belgian nationality by naturalization, follows the nationality of her husband if, within six months of the registration of the instrument of naturalization, she declares her intent to claim the benefit of the present article. The said declaration of intent shall conform to the formalities stipulated in article 10. However, she may apply for naturalization jointly with her husband and, in this case, she is exempt from the requirements prescribed by articles 12 and 13." (E/2164, Annex).

52. Mention should also be made of facilities granted in certain countries to the alien spouse of a national of the country for acquiring the country's nationality. Although these provisions have been primarily designed to facilitate the acquisition of nationality upon marriage, and are therefore examined in Chapter IV of the part of this Report dealing with the operation of nationality laws (See paragraphs 92 to 96 below) they may also have a bearing in the case when the spouse acquires subsequently to marriage a foreign nationality.

(b) Children of a person acquiring or re-acquiring the country's nationality

53. In the following countries the children of persons acquiring or re-acquiring the country's nationality acquire the nationality of the country by operation of law:

1. Belgium: Article 5 of the Consolidated Nationality Act of 14 December 1932, annexed to the reply of Belgium, reads as follows:

"Article 5. Minor children who have not been emancipated acquire
Belgian nationality when the parent who has custody of them voluntarily acquires or recovers Belgian nationality.

"Provided, however, that they prove that they possess foreign nationality or that they recover it upon making the declaration, they may, until the completion of their twenty-second year, renounce Belgian nationality by means of a declaration made in the form prescribed in article 22." (E/2164, Annex)

2. China: "Article 8 of the Chinese Nationality Law ... applicable to stateless persons. Thus, the law provides as follows:

"Article 8. The child of a naturalized person who is a minor under his national law shall acquire Chinese nationality at the same time as the naturalized person, if his national law does not provide to the contrary." (E/2164/Add.13, p. 3)

3. Ecuador: Article 11 of the Constitution, annexed to the second reply of Ecuador, reads, in part, as follows:

"Article 11. The following are Ecuadorians by naturalization:

"(c) Persons who were born abroad of alien parents and who were under eighteen years of age at the time their parents became naturalized in Ecuador. In that case they shall retain their nationality unless they expressly renounce it." (E/2164/Add.4, Annex 1).

4. France: "The term 'French by acquisition' is applied to persons who, having been born aliens, have become French nationals since birth. The most common methods of acquisition are... the decree of naturalization or reinstatement (extending collectively to all children under age)."

(E/2164/Add.19, p. 8, footnote 4).

5. Israel: See paragraph 25 above.

6. Norway: Section 5 of the Norwegian Nationality Act of 8 December 1950, annexed to the reply of Norway reads as follows:

"If a man acquires Norwegian nationality under section 3½ or section 4½, his unmarried children similarly acquire Norwegian nationality,

1/ This provision concerns the acquisition of Norwegian nationality by an alien born in the country (see paragraph 48 above).

2/ This provision concerns the re-acquisition of Norwegian nationality by a person born in Norway who has lost Norwegian nationality for reason of prolonged sojourn abroad (see paragraph 42 above)."
nationality, provided they are legitimate, reside in the country, and are under 18 years of age. However, this does not apply to children who have remained in the care of the mother after the marriage has been declared invalid or annulled or the parents have been divorced or separated according to a judicial decision or an administrative order. If a woman acquires Norwegian nationality as mentioned above, the provisions of the first paragraph are similarly applicable in respect of:

1. Child born out of wedlock except if the father is an alien and has the custody of the child,

2. Child born in wedlock, provided she is a widow,

3. Child born in wedlock, provided she has the custody of it and the marriage has been declared invalid or has been annulled, or the parents have been divorced or have been separated by a judicial decision or an administrative order.” (E/2164/Add.1, Annex).

7. Sweden: Article 5 of the Swedish Nationality Act of 22 June 1950, annexed to the reply of Sweden, reads as follows:

“If an alien man becomes a Swedish citizen in accordance with Article 3 of 4 of the Swedish Nationality Act, such citizenship is acquired likewise by his unmarried children born in wedlock who are domiciled in Sweden and have not yet attained the age of eighteen years. The foregoing provision does not, however, apply to children who after the annulment of the marriage, or after divorce, or during judicial separation are in the custody of the mother. The provisions of the first paragraph of this article regarding acquisition of citizenship along with the father on the part of children born in wedlock shall equally apply.

1. To the relations between children born out of wedlock and the mother, provided that the father is not an alien having the custody

1/ This provision concerns the acquisition of Swedish citizenship by an alien born in the country (see paragraph 48 above).

2/ This provision concerns the re-acquisition of Swedish citizenship by a person born in Sweden and having lost Swedish citizenship for reason of prolonged sojourn abroad (see paragraph 42 above).
of the children;

"2. To the relations between children born in wedlock and a mother who is a widow;

"3. To the relations between children born in wedlock and a mother whose marriage has been otherwise dissolved, or who is living apart from her husband because of a judicial separation, provided that the children are in the custody of the mother." (E/2164/Add.16, Annex).

54. In the following country the children of a certain category of persons acquiring the country's nationality may acquire the nationality of the country by privileged procedure:

Burma: "On the joint application of a woman who has been granted a certificate of citizenship under section 11 (2) of the Union Citizenship Act, 1948, and her husband, the Minister shall have registered as a citizen any minor child not already a citizen and born before the date of grant of citizenship to the mother vide section 11 (4) of the Union Citizenship Act, 1948." (E/2164/Add.10, p. 3)

55. In the following country one category of children of persons acquiring the country's nationality may acquire the country's nationality either by privileged procedure, or by naturalization with a waiver of statutory requirements:

Belgium: Article 15 of the Consolidated Nationality Act of 14 December 1932, annexed to the reply of Belgium, reads, in part, as follows:

"... sons and unmarried daughters having attained their majority or obtained their emancipation, whose father acquired Belgian nationality by naturalization before the completion of their twenty-fifth year follow the nationality of the father if they declare intent to claim the benefit of the present article. The said declaration of intent shall conform to the formalities stipulated in article 10. However, they may apply for naturalization jointly with their father and, in this case, exempt from the requirements prescribed by articles 12 and 13" (E/2164, Annex).

1/ See paragraph 95 below.
56. In the following countries the competent authority may, at its discretion, include or not include children of the person being granted the country's nationality in the grant of nationality.

1. **Burma:** Section 9 of the Union Citizenship Act, 1948, annexed to the reply of Burma reads, in part, as follows:

   "(1) The Minister may, in granting a certificate of naturalization to an alien, include in the certificate the names of any or all of the minor children of the applicant who were born before the date of the certificate and are not already citizens of the Union if they are
   
   (a) either in his sole legal custody, or (b) in the legal custody of any person who is a citizen of the Union.

   "(2) The minor children whose names are so included in the certificate shall be deemed to have become citizens of the Union or from the date of the certificate, provided however that any child so included may, within one year of attaining his majority, make a declaration of alienage and he shall thereupon cease to be a citizen of the Union." (E/2164/Add.10, Annex IV)

2. **Norway:** Section 6 of the Norwegian Nationality Act of 1950 reads, *inter alia*, as follows:

   "If the applicant for naturalization has unmarried children under 18 years of age, the authority issuing the certificate of citizenship shall decide whether it also includes the children." (E/2164/Add.1/Annex)

3. **Sweden:** Article 6 of the Swedish Nationality Act of 22 June 1950, reads, *inter alia*, as follows:

   "When an alien is being granted Swedish citizenship in accordance with this article, the King in Council shall decide whether the naturalization shall also apply to the applicant's unmarried children under the age of eighteen years." (E/2164/Add.16, Annex).

57. Mention should also be made of the replies of Pakistan and of the United Kingdom concerning acquisition of the country's nationality by a minor child of a citizen of the country (see paragraph 32 above).

   Section IV: **Persons having rendered certain services to the country**

58. In the following country an alien who has rendered certain services to
the country may acquire the country's nationality by privileged procedure:

(Ceylon) "... persons of the following categories are eligible to be granted citizenship (by Registration):

"...

"(iii) Persons ordinarily resident in Ceylon and who have rendered
     distinguished service to the country." (E/2164/Add.2, p. 2).

59. In the following countries an alien who has rendered certain services to the country may acquire the country's nationality by naturalization with a waiver of all or certain statutory requirements:

1. Belgium: Article 12, last paragraph, of the Consolidated Nationality Act of 14 December 1932, annexed to the reply of Belgium, reads as follows:

"Final naturalization may be granted, without further condition,
for outstanding services to the State or to the Colony." (E/2164, Annex).

2. Ecuador: "A person who has served honourably at any time in the Armed Forces of the Union for a period or periods aggregating three years may be naturalized under Section 13 of the Union Citizenship Act, 1948, if the petition for naturalization is filed while he is still in the service or within six months after the termination of such service, upon full compliance with all the requirements of the said Act, with the following exceptions:

"(i) no notice of intention shall be required, and
"(ii) no residence within the Union shall be required.” (E/2164/Add.10, page 5).

3. Ecuador: Article 11 of the Constitution, annexed to the reply of Ecuador, reads, in part, as follows:

"The following are Ecuadorian by naturalization:

(a) Persons who have been granted Ecuadorian nationality by
    Congress for services rendered to the country;" (E/2164/Add.4,
    Annex I).

4. Iran: "The Iranian Cabinet may confer nationality on the following without regard to the conditions (which applicants for Iranian citizenship must satisfy):

a. Those who have performed a great service for Iran." (E/2164/Add.2, p. 2).

/Section V:
Section V: Persons having certain special connexion with the country

60. The replies of the Governments of the following countries contain information on conditions under which certain specified groups of persons, having a special connexion with the country, may acquire the country's nationality:

1. Ceylon: See paragraph 20 above (acquisition of citizenship of Ceylon by registration by persons of Indian and Pakistani origin, who have entered the country before attainment of independence by Ceylon).

2. Finland: "A. The Law on Nationality of 9 May 1941 (No. 325/41) contains the following provisions for the avoidance of new cases of statelessness:

   "(d) paragraph 13. Finnish nationality is granted, on account of birth, to a legitimate child born in Finland, whose parents are Ingermanlandian or East-Carelian refugees of Finnish origin and at the date of the entry into force of this law (1 July 1941) reside in Finland; also to the illegitimate child of an Ingermanlandian or East-Carelian woman, if the child is born in Finland.

   "B. The law on Nationality contains the following provisions for the elimination of statelessness:

   "(a) paragraph 18 item 2: Finnish nationality is retroactively and automatically granted to stateless persons referred to above under items... A (d), if they, at the date of the entry into force of this law, are unmarried and under 21 years of age, and if their actual domicile at that date is Finland.

   "(b) ... According to paragraph 14 the application for Finnish citizenship of Ingermanlandian or East-Carelian refugees can be complied with even if it is not certain that they are able to earn their living." (E/2164/Add.8; p. 2).

3. Israel: See paragraph 20, above. (Automatic acquisition of citizenship by Jews who return to their homeland and take up permanent residence in Israel).

4. Jordan: See paragraph 19, above. (Arrangements made and facilities given to Palestinians for avoidance of statelessness).

5. Norway: Section 6 of the Norwegian Nationality Act of 8 December 1950, annexed to the reply of Norway, reads, in part, as follows:

   /*The condition
"The condition mentioned in the first paragraph under 2½ may be dispensed with...in other respects, when the applicant is a national of either Denmark, Finland, Iceland or Sweden." (E/2164, Annex).

6. **Pakistan:** Sections 6 and 7 of the Pakistan Citizenship Act, 1951, annexed to the reply of Pakistan, read as follows:

"**Citizenship by migration**

"6. (1) The Central Government may, upon his obtaining a certificate of domicile under this Act, register as a citizen of Pakistan by migration any person who before the commencement of this Act migrated to the territories now included in Pakistan from any territory in the Indo-Pakistan sub-continent outside those territories:

"Provided that the Central Government may, by general or special order, exempt any person or class of persons from obtaining a certificate of domicile required under this sub-section.

"(2) Registration granted under the preceding sub-section shall include, besides the person himself, his wife, if any, unless his marriage with her has been dissolved, and any minor child of his dependent whether wholly or partially upon him.

"**Persons migrating from the territories of Pakistan:**

7. Notwithstanding anything in sections 3, 4 and 6, a person who has after the first day of March, 1947, migrated from the territories now included in Pakistan to the territories now included in India shall not be a citizen of Pakistan under the provisions of these sections:

"Provided that nothing in this section shall apply to a person who, after having so migrated to the territories now included in India has returned to the territories now included in Pakistan under a permit for resettlement or permanent return issued by or under the authority of any law for the time being in force." (E/2164/Add.6, Annex),

---

1/ See paragraph 28 in Section I of Chapter I of this Part, Category I - Admission and Sojourn in the country - d notice of intention.
Section 20 of the same Act reads as follows:

"20. The Central Government may upon such terms and conditions as it may by general or special order specify register a citizen of a Commonwealth country as a citizen of Pakistan." (ibid)

7. **Poland**: "The new Polish law concerning citizenship of 8 January 1951 expressed the belief that statelessness constitutes a harmful element in the life of a state. For this reason the law empowered the state authorities to consider as Polish citizens persons who arrived in Poland as foreigners without a specified citizenship. Such action on the part of the state authorities can take place ex officio without the application of the interested person.

"The provisions of Article 3 of the law empower the State authorities to decrease the number of persons belonging to the category of stateless to the minimum. The authorities are limited in their decision only by the provision which requires the residence of stateless persons in Poland at least from 9 May 1945" (E/2164/Add.7, p. 1).

8. **Sweden**: Article 6 of the Swedish Nationality Act of 22 June 1950, annexed to the reply of Sweden, reads, in part, as follows:

"If the applicant for naturalization is a Danish, Finnish, Icelandic or Norwegian citizen the requirement stated in subparagraph 2 may be waived even if no other special reason should exist." (E/2164/Add.16, Annex).

9. **Syria**: "...Syria has settled the problem of previously stateless gypsies settled in its territory by according them Syrian nationality under certain conditions prescribed by the laws of this country" (E/2164/Add.17, p. 1).

10. **United Kingdom and Colonies**: The Second Schedule to the British Nationality Act, annexed to the reply of the United Kingdom, reads, in part, as follows:

"British protected persons

3. The qualifications for naturalization of a British protected person who applies therefor are:

1 See paragraph 28 above.

/"(a) that he
"(a) that he is ordinarily resident in the United Kingdom and has been so resident throughout the period of twelve months, or such shorter period as the Secretary of State may in the special circumstances of any case accept, immediately preceding his application; or

"(b) that he is in Crown service under His Majesty's government in the United Kingdom, and

"the qualifications specified in sub-paragraphs (c)\(^1\), (d)\(^2\) and (e)\(^3\) of paragraph 1 of this Schedule.

"Application to colonies, protectorates and trust territories

"4. The foregoing provisions of this Schedule shall, in their application to any colony, protectorate or United Kingdom Trust Territory, have effect as if

"....

"(b) for the reference in ... sub-paragraph (a) of paragraph 3 thereof to residence in the United Kingdom there were substituted a reference to residence in that colony, protectorate or territory; and

"(c) for the reference therein to the English language there were substituted, in the case of a British protected person, a reference to the English language or any other language in current use in that colony, protectorate or territory..." (E/2164/Add.3, Annex 1).

Section 6 of the same Act reads, in part, as follows:

"6-(I) Subject to the provisions of sub-section (3) of this section, a citizen of any country mentioned in sub-section (3) of section one of this Act\(^4\) or a citizen of Eire, being a person of full age and capacity, shall be entitled, on making application therefor to the Secretary of State in the prescribed manner, to be registered as a

\(^1\) See paragraph 37 above.

\(^2\) See paragraph 29 above.

\(^3\) See paragraph 28 above.

\(^4\) The following countries are mentioned in this provision: Canada, Australia, New Zealand, the Union of South Africa, Newfoundland, India, Pakistan, Southern Rhodesia and Ceylon.
citizen of the United Kingdom and Colonies if he satisfies the Secretary of State either -
"(a) that he is ordinarily resident in the United Kingdom and has been so resident throughout the period of twelve months, or such shorter period as the Secretary of State may in the special circumstances of any particular case accept, immediately preceding his application; or
"(b) that he is in Crown service under His Majesty's Government in the United Kingdom.


"(3) A person who has renounced, or has been deprived of, citizenship of the United Kingdom and Colonies under this Act shall not be entitled to be registered as a citizen thereof under this section, but may be so registered with the approval of the Secretary of State." (Ibid).
III. THE QUESTION OF REDUCING, AS FAR AS POSSIBLE, THE NUMBER OF CASES OF STATELESSNESS CREATED BY THE OPERATION OF NATIONALITY LAWS

61. Paragraph 7 of resolution 319 B (XI) of the Economic and Social Council reads, inter alia, as follows:

"Invites States... if necessary, to re-examine their nationality laws with a view to reducing as far as possible the number of cases of statelessness created by the operation of such laws."

62. The replies of the governments of the following twenty-nine countries contain comments or information relating to this part of the Council's invitation: Australia, Belgium, Burma, Canada, Ceylon, China, Czechoslovakia, Denmark, Ecuador, Egypt, Finland, France, Greece, Ireland, Iran, Israel, Japan, New Zealand, Norway, Pakistan, Poland, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom, United States of America, Uruguay and Yugoslavia.

CHAPTER I. GENERAL COMMENTS CONCERNING THE PROBLEM OF RE-EXAMINING NATIONALITY LAWS WITH A VIEW TO REDUCING, AS FAR AS POSSIBLE, THE NUMBER OF CASES OF STATELESSNESS CREATED BY THE OPERATION OF SUCH LAWS

63. The reply of the government of one country, Israel, which has recently achieved independence, contains a statement to the effect that it has not enacted as yet a nationality law. The Government has, however, submitted to the legislature a Bill on citizenship and it may be supposed that its basic principles, aimed at bringing the law into harmony with Article 15 of the Universal Declaration of Human Rights and with the Resolution of the Economic and Social Council on the elimination of statelessness will remain unaffected:

Israel: See part of the reply (E/1869/Add.11) reproduced in paragraph 25 above.

64. The replies of the governments of the following countries contain a statement to the effect that statelessness does not occur as a result of the operation of the nationality laws of these countries:

1. Ceylon: "There are no cases of statelessness in Ceylon caused by the operation of Ceylon laws, and the question does not therefore arise".
   (E/1869/Add.2, page 1).

/2. Switzerland:
2. Switzerland: "Since 1848, when Switzerland became a federal State, it has always tried to avoid cases of statelessness being created by its legislation. It has done so, firstly, by expressly providing (1) that Swiss nationality cannot be lost unless a foreign nationality is held or acquired. This applies in all cases, including change of status, marriage release on request and withdrawal.

Follows a description of provisions concerning acquisition of Swiss nationality by birth:

"In this way Switzerland completely avoids cases of statelessness being created by its own legislation". (E/1069/Add.10, page 2).

65. The reply of the government of one country, Uruguay, also states that since no person born in the country is stateless and no person can become stateless through the loss of the country's nationality, the country's legislation does not give rise to statelessness. The reply states further that as the nationality of the country cannot be acquired otherwise than by birth in the country, certain persons are or become stateless either because they did not acquire a foreign nationality at birth, or because they have lost their foreign nationality (although stateless persons as other aliens may, under certain conditions, acquire citizenship, as distinct from nationality):

Uruguay:* 1. CAUSES OF STATELESSNESS

1. No persons born in the territory of the Republic are stateless

"Article 65 of the National Constitution adopts the jus soli as the basis for nationality in Uruguay."

"Any person born in Uruguay is therefore a national of the Oriental Republic whether he be the child of Uruguayans, aliens, stateless, or unknown persons."

* See also the part of the reply of the Government of Uruguay reproduced in paragraph 24 above.

The following footnotes are footnotes contained in the original reply of the Government of Uruguay:

1/ Oriental and not Uruguayan; in correct usage, however, the two expressions are interchangeable.

2/ The place of birth, not the place of registration of birth, determines nationality.

3/ In the case of an abandoned child, the place of birth is considered to be the place where the child was found. See Article 28 of the Civil Register Act of 11 February 1879."
II. No person can become stateless through loss of Uruguayan nationality

(1) According to Article 71 of the Constitution, Uruguayan nationality is not lost even by naturalization in another country.

(2) Loss of nationality may not be imposed as a punishment.

(3) An Uruguayan woman does not lose her nationality by marrying a foreigner or a stateless person.

(4) Uruguayan nationality may not be renounced.

II. Naturalization of Stateless Persons

I. Stateless persons may not acquire Uruguayan nationality by law

II. Uruguayan nationality cannot be acquired by marriage

Hence an alien woman who, in accordance with the law of her own country acquires her husband's nationality and loses her own nationality at marriage, will be stateless if she marries an Uruguayan.

III. Uruguayan nationality cannot be acquired as a concession from the State

5. CONCLUSION

Uruguayan legislation provides no means whereby stateless persons may become Uruguayans.

On the other hand, Uruguayan legislation does not give rise to statelessness.

Moreover, the status of stateless persons in Uruguay is so similar to that of aliens that, generally speaking, their position does not improve through the acquisition of foreign nationality.

1/ See part of the reply of the Government of Uruguay reproduced in paragraph 29 above.

/"Finally,
"Finally, without ceasing to be stateless, stateless persons may achieve a status similar to that of Uruguayans merely by obtaining citizenship". (E/2164/Add.11, pages 1-2 and 11).

66. The replies of the governments of the following countries contain a statement to the effect that the problem of reducing, as far as possible, the number of cases of statelessness resulting from the operation of nationality laws has been solved by them:


2. Iran: "The Iranian Government has solved the problem of reducing statelessness through a Nationality Act of 1954 defining Iranian citizenship" (E/2164/Add.21).

3. Poland: "On 8 January 1951, a new Polish law concerning citizenship was issued. This law solved the problem of statelessness in a progressive and democratic spirit.

   "The new Polish law expressed the belief that statelessness constitutes a harmful element in the life of a State ..."

   "..........................................................

   "The most characteristic expression of the spread of progress represented by the new Polish law is shown in the full establishment of the principle of the equality of the sexes.

   "..........................................................

   "The principle of equality of sexes on which the new Polish law about citizenship of 8 January 1951 is based, expressed the spirit of progress and social justice.

   "The Polish legislation concerning citizenship in a progressive and democratic way tries to liquidate the problem of statelessness". (E/2164/Add.7, pages 1-3).

67. The replies of governments of the following countries contain statements to the effect that their nationality laws are designed with a view to reducing as far as possible the number of cases of statelessness resulting from their...
operation, although in some of the countries statelessness may occur in certain cases.

1. **Australia**: "The Nationality and Citizenship Act, which came into force on 26 January 1949, was drafted with a view to avoiding statelessness wherever possible ...

2. **Belgium**: "Since the legislative reforms of 1909, my country has sought to eliminate the causes of statelessness as far as possible. The act of 15 October 1932 represents the most recent step in that direction by rendering it impossible to renounce Belgian nationality in cases where that would result in depriving the applicant of any nationality.

"Nevertheless, our present legislation still contains provisions which can give rise to statelessness.

"These are primarily provisions concerning the forfeiture of nationality. They are, however, regulations to meet exceptional circumstances, where they would be required to protect the higher interests of the State; their application is very limited and will no doubt diminish still further in the course of time.

"The provisions on the effect of the recognition of illegitimate children may mean that a child born in Belgium of legally unknown parents, which has been considered as a Belgian, would lose its nationality. If recognized in the first place by an alien, such a child would lose the status of a Belgian national even if it did not acquire the nationality of the alien.

1/ For details on this last point see Chapters II to VI (paragraphs 73 to 150).

"This is due
"This is due to the fact that our legislation adheres to the system of jus sanguinis. The illegitimate child of an alien father cannot retain Belgian nationality, which it possessed on a precarious basis and by virtue of an assumption which has been proved false; similarly, a legitimate child, born in Belgium of an alien father whose nationality is not transmitted to the child is not regarded as a Belgian national. In both cases, the statelessness is merely provisional, since a child born in Belgium is entitled to acquire Belgian nationality by option.

"Thus, it does not seem that Belgian legislation or nationality need be revised in order to conform with the wishes expressed by the Economic and Social Council of the United Nations". (E/1864/Add.7, pp. 2-3)

The Department of Foreign Affairs wishes to point out that Belgian legislation has been designed to reduce to a minimum all provisions which might cause persons to find themselves without nationality.

".............................................

"Certain provisions of the Belgian law may, however, in a very limited number of cases, lead to statelessness.

".............................................

"For reasons of public security, further legislation has been passed regulating loss of Belgian nationality.

"............................................." (E/2161., pp. 2-3).

3. Canada: "The Canadian Government is in agreement with the spirit and intent of paragraph 7 (of Economic and Social Council resolution 319 iii (XI)), it is the policy of the Canadian Government to take cognizance of the problem of statelessness whenever Canadian citizenship legislation is under review. In fact as recently as June of this year1/ amendments were made to the Canadian Citizenship Act to provide for the elimination of certain forms of statelessness. As the whole problem of statelessness in relation to Canadian legislation has been reviewed recently by the competent Canadian authorities, there would not appear to be any necessity at the present time to re-examine the citizenship laws of Canada."

(E/1869, p. 1)

1/ The reply of the Government of Canada is dated 26 October 1950.

/4. China:
4. **China:** "Acquisition of Chinese nationality by birth... Article 1, sub-paragraphs 1, 2 and 3 of the Chinese Nationality Law... and sub-paragraph 4 of the same Article give rise to a nationality of origin; there is not the least possibility of creating stateless persons.

"On the other hand, under Article 2 of the same law, an alien may likewise acquire Chinese nationality through quasi-blood relationship... There is little likelihood... that the operation of this Article could ever lead to statelessness, unless the person concerned is unwilling to acquire Chinese nationality.

"Loss of Chinese nationality by post-natal occurrences. It is possible that cases of statelessness are more frequently created by the operation of laws governing loss of nationality..." (E/2164/Add.1, p. 4)

5. **Denmark:** "Danish legislation on citizenship has recently been completely revised. The new Act of 27 May 1950 entered into force on 1 January 1951. The Act is formulated in accordance with the Hague Convention of 12 April 1930 concerning certain questions relating to conflicting citizenship legislation (Denmark has not become a party to the above Convention).

"One of the main features of the new Act is that it seeks to avoid statelessness in so far as this is possible without reducing the natural demand that Danish nationality should be acquired only by persons who have a reasonable attachment to this country..." (E/1869/Add.18, pp. 1-2)

6. **Finland:** "With reference to the United Nations' note... in which States are invited to re-examine their nationality laws with a view to reducing or eliminating statelessness, we beg to point out that the enactment of new laws to this effect has been, in Finland, practically unnecessary. In future legislation, however, the recommendation in question will be taken into consideration within the bounds of possibility." (E/2164/Add.8, p. 1)

7. **France:** See the part of the reply of the Government of France reproduced in paragraph 69 below in fine.

8. **Greece:** "It is evident that the provisions of Article 14 of the Civil Law of 1856 as amended and completed by article 1 of the Legislative Decree..."
Decree of 13 September 1926 limit to a large extent the cases of stateless persons in Greece. Accordingly, there is no need, in our opinion to amend or complete the Greek legislation in this respect." (E/1369/Add.6, p. 2)

9. Ireland: "The operation of Irish nationality law does not create statelessness, except in the provision which authorises revocation of a certificate of naturalization, and, in fact, since the passing of the Irish Nationality and Citizenship Act, 1935, no certificate has been revoked." (E/1869/Add.17, p. 1)

10. Japan: "It is the opinion of General Headquarters /Supreme Commander for the Allied Powers in Japan/ that ... the nationality law /Public Law 147, enacted May 4, 1950/ reduces to a minimum the number of cases of statelessness created by its operation." (E/1869/Add.3, p. 2)

11. New Zealand: "Under the British Nationality and New Zealand Citizenship Act, 1948, the New Zealand legislation relating to nationality and citizenship, all persons born in New Zealand, with unimportant exceptions, automatically become New Zealand citizens. It follows that statelessness does not arise in the case of persons born in New Zealand; nor, in view of the provisions in the New Zealand legislation relating to the acquisition of New Zealand citizenship by descent, is statelessness likely to arise in respect of legitimate children born outside New Zealand of a father who is a New Zealand citizen.

"Under the New Zealand legislation statelessness cannot arise as a result of marriage or the dissolution thereof, or even through voluntary renunciation of citizenship.

"Under certain provisions of the British Nationality and New Zealand Citizenship Act, 1948, a New Zealand citizen may be deprived of his citizenship, but such a person would become stateless only if he did not possess a second nationality or failed to revert to his former or original nationality. The number of cases of deprivation of New Zealand citizenship is small, and the most common ground is continued residence of a naturalized New Zealand citizen in his country of origin." (E/2164/Add.3, 96. 1-2)

/12. Norway:
12. **Norway**: "... it may be pointed out that Norwegian nationality legislation was recently made the subject of a thorough revision. The new act, the Nationality Act of 8 December 1950 ... came into force on the first of January of this year.\(^1\) This Act, which like the earlier act of 8 August 1924, is in conformity with the Hague Convention of 12 April 1930, will in certain respects have the effect of mitigating the problem of statelessness to a greater degree than was the case under the Act previously in force." (E/2164/Add.1, p. 1)

13. **Sweden**: "... first of all it must be pointed out that the Swedish laws regarding nationality have recently been completely revised. The new law, the Swedish Nationality Act of 22 June 1950, will come into force on 1 January 1951.\(^2\) The Act is in accordance with the Hague Convention of 12 April 1930 concerning certain questions relating to the conflict of nationality laws which Sweden has ratified. The chief feature of the Act is that it attempts to prevent statelessness in so far as this can be done." (E/1869/Add.9, p. 1).

14. **Union of South Africa**: "Although the condition of statelessness, in the existing Union legislation, can arise (for example where a former South African citizen loses this status through inability to comply with certain of the provisions of the South African Citizenship Act, 1949) it is thought that in actual practice such cases will not be of sufficiently frequent occurrence to justify any revision of the Union's nationality legislation." (E/1869/Add.15, pp. 1-2)

...circumstances under which statelessness can result from legislation in the Union of South Africa arise from the failure to comply with the minimum requirements for the acquisition or retention of South African citizenship." (E/2164/Add.9, p. 1)

1/ For clauses of the South African Citizenship Act, 1949, under which persons may become stateless see the second reply of the Government of South Africa (E/2164/Add.9) and Chapter VI below.

15. **United Kingdom**: "The nationality laws of the United Kingdom and the Colonies are such that the possibilities of statelessness arising

---

1/ The reply of the Government of Norway is dated 4 October 1951.
2/ The first reply of the Government of Sweden is dated 5 December 1950.
thereunder are reduced to the minimum. In particular, no person can be born stateless in the United Kingdom and the Colonies; and no person born within the United Kingdom and the Colonies can at any time become stateless by the sole operation of United Kingdom law." (E/1869/Add.14, p.1)
See also the second reply of the United Kingdom (E/2164/Add.5).

16. **United States of America**: "Statelessness may result at birth, or after birth, it seems safe to say that the number of cases of statelessness resulting from the operation of American law governing the acquisition of nationality at birth are quite negligible.

'Statelessness after birth results largely from the operation of expatriation statutes. The ways in which American nationality can be lost are set forth in sections 401 and 404 of the Nationality Act of 1940. These methods all ... require voluntary action by the individual ..............

"cases of statelessness resulting from the nationality laws of the United States are few in number. The United States continues, however, to re-examine its nationality legislation from time to time, keeping always in mind the desirability of decreasing as much as possible remaining cases of statelessness." (E/1869/Add.12, pp. 2-3)

63. The reply of the government of one country also states that the nationality rules of the country as embodied in various texts provide a solution for most cases of statelessness; nevertheless the country is now revising its nationality laws in order to bring them in line with the modern principles of international law.

**Ecuador:** 1/ "My government considers that our nationality rules, as set forth in the Constitution, the Civil Code, the Act and Regulations respecting aliens and the supplementary provisions of the Sanchez de Bustamante Code, provide a solution for most cases of statelessness due to political, social or legal causes, such as the existence of conflicting systems of acquisition of nationality by marriage, by change in the husband's nationality by marriage, by law of nationality as a penalty, by transfer.

1/ See also parts of the two replies of the Government of Ecuador (E/1869/Add.5 and E/2164/Add.4) reproduced in paragraph 39 above.
of territorial sovereignty, etc. Nevertheless, Ecuador is now revising its nationality laws in order to bring them into line with the modern principles of international law." (E/1869/Add.5, p. 2)

69. The replies of the governments of the following countries contain statements as to causes giving rise to statelessness and as to possible action on a national or international level, for eliminating such causes or for reducing the number of stateless persons:

1. **Egypt:** "There is now in Egypt a considerable number of foreigners of undetermined nationality; most of whom have disposed of their original nationality through their own personal efforts - thus the Egyptian Government is experiencing great difficulty in sending them to their country of origin.

"........................................................................

"With regard to persons of unknown nationality (apatrids) the Egyptian Government is of the opinion that the problem of such persons can easily be solved by sending them to the countries where their services are required, in order that they may not be a burden to the country where they are now living." (E/2164/Add.14, pp. 1-2)

2. **France:** "Every State has absolute discretion to define its nationals in accordance with the national interest. In some cases the legislature defines the acts or events which give rise to the presumption that the person concerned will subsequently conduct himself in conformity with that interest (descent, birth in the country concerned, solemn declaration, residence, marriage), in other cases, it leaves it to the Government to select individually the persons who show that they merit the privilege of being admitted to the national community (naturalization stricto sensu).

"The first of these two methods of designating nationals is by far the more important for it ensures the stability of the State by fixing the nationality of most of the population from the birth of each individual. In France, for example, out of a population of 42 million, 2 million are aliens, 2 million have acquired French nationality since birth and 38 million are French nationals by birth."
It is obviously desirable, from the point of view of international law, that the causes of double nationality, like those of statelessness, should be removed.

The ideal would be to have one person, one nationality. This means that the nationality laws in the seventy-five sovereign States would have to be not only identical but also so worded that:

1) there can be no loss of nationality A without the acquisition of nationality B;
2) multiple nationality shall be avoided by means of a compulsory option at the actual time at which the conditions for acquiring the second nationality are fulfilled.

It is unlikely that, in the existing state of affairs, governments would agree to waive their right to deprive of their nationality the handful of person (or the hundreds or thousands, as it might be in some countries) who engage in anti-national activities in times of peace or of war.

... A stateless person is a person upon whom birth does not confer or who does not acquire after birth a nationality under any of the seventy-five legislations on nationality.

Out of the 300,000 refugees at present residing in France 160,000 are still stateless by reason of the laws now governing loss of nationality in their countries of origin; that is to say approximately half the refugees would not, were they to return to their countries of origin, recover the status of nationals of those countries.

A change in the law of the country of origin would, of course, suffice to restore his nationality to a stateless person even if, being instinctively apprehensive, he preferred to remain in the host country as a 'refugee who has recovered a particular nationality'. Moreover the refugees from Eastern European countries, for whom the term 'neo-refugees' has been coined, have not yet all made up their minds where they intend to settle, and such refugees are daily entering or leaving France both by official and by clandestine routes.

"There are
"There are few stateless persons who are not also refugees. Their status is often the result of the unfortunate conjunction of two domestic legislations. For example, a Swiss woman who marries an alien loses her nationality; between 1927 and 1945 a Swiss woman marrying a Frenchman was required by French law to sign a declaration before she could become a French national. Between these two dates any Swiss woman who failed, through being ill-informed, to sign this declaration did not become a French national. Between these two dates any Swiss woman who failed, through being ill-informed, to sign this declaration did not become a French national and lost her Swiss nationality. Legislation was required to enable such persons to escape from the status of statelessness (in France the Act of 22 May 1949 and the Ordinance of 6 January 1945).

A person who is not a refugee might, nevertheless, be stateless simply by virtue of the law of the country of which he is a national. For example, if a Frenchman by naturalization, having lost his nationality of origin by acquiring French nationality, is deprived of the latter, as a result of a serious conviction for a crime against the ordinary law he becomes stateless, though not a refugee, for as long as he remains in France.

There are very few stateless persons in the world who were previously French nationals, certainly less than 500, all of them non-refugees.

The 15,000 or so withdrawals of nationality owing to a review of the naturalizations or to the deprivation of nationality of persons who formed the nucleus of the Free French Forces between 1940 and 1944 were cancelled after the Liberation.

Generally speaking, the French Government never confers or withdraws French nationality as a reward or punishment, and the relevant legislation contains every kind of provision likely to remove the causes of statelessness. Under Article 96 of the Code of 19 October 1945, only individuals having another nationality and behaving in France as active nationals of the other State in a manner inconsistent with French national interests, are deprived of their French nationality." (E/2164/Add.10, pp. 3-6)

3. Turkey: "Actually there are about 1,122 stateless persons in Turkey. As this number indicates the problem of stateless persons in Turkey is not of a serious nature."
"Children, born in Turkey from parents that are both or either of them stateless, are Turks according to Section B of Article 2 of the Turkish Law on Nationality. By preventing children born in Turkey from becoming stateless by birth this provision of the law stops the increase of the number of stateless persons.

"Cases of statelessness arise mostly as a result of denationalization and the consequent inability to acquire another nationality. Denationalization is often effected by States in the exercise of their absolute sovereignty for considerations of public order and security. The avoidance of the ensuing complications is dependent on a certain amount of sacrifice by States of their absolute rights. Its achievement can pave the way towards the formulation of an international rule regarding denationalization. This is deemed desirable".

For the provisions of Article 9, 10 and 11 of the Turkish Law of Nationality, reproduced in the reply of the Government of Turkey, see Chapter VI below. (E/2164/Add.15, pp. 1-2)

In the reply of the government of one country are set out the conditions under which statelessness may occur, in particular in the case of withdrawal of the country's nationality, and the guarantees offered to the person liable to have his nationality withdrawn.

Yugoslavia: See the reply of the Government of Yugoslavia, E/2164/Add.18 and Chapter VI below.
CHAPTER II. ACQUISITION OF NATIONALITY AT BIRTH

71. Nationality at birth is acquired in accordance either with jus soli or with jus sanguinis. In the first case the child acquires the nationality of the country where the birth occurred; in the second case he acquires the nationality of his parents. Statelessness at birth occurs where an individual does not acquire any nationality at birth, either jus soli, or jus sanguinis. Statelessness at birth is acquired, but contain a general statement that statelessness cannot result from the operation of their laws.

1. Ceylon: see paragraph 64 above.
2. Ireland: see paragraph 67 above.

73. Group I. Country applying jus soli as the exclusive means for determining nationality at birth

Uruguay: see paragraph 65 above, Chapter I of this Part.

For conditions under which the child of an Uruguayan born abroad may acquire the citizenship of the Republic, see paragraph 20 above.

74. Group II. Countries applying jus soli as a primary means and jus sanguinis as a secondary means for determining nationality at birth

1. Australia: "Persons born in Australia acquire Australian citizenship at birth unless they are the children of diplomatic representatives here of other countries. A person born outside Australia of a father who is an Australian citizen acquires Australian citizenship if the birth is registered at an Australian consulate within a prescribed time". (E/2.64/Add.20, p.1)

2. Iran: "The following are considered to be Iranian citizens:

"b. Children born in Iran;
"c. Children born abroad of Iranian fathers;
"d. Children born in Iran whose parentage is not established;"

(E/2164/Add.21, p.1)

3. Israel: Under the Bill of Citizenship submitted in June 1950 by the Government of Israel to the Knesset and now in the Committee stage. [1]


//"Any child
"Any child born in Israel and not included in the aforementioned categories who does not at birth acquire a foreign nationality, and foundlings found in Israel, are deemed to be Israel citizens as from the date of birth (Section 4 (b) and (f)).

"In supplementing the foregoing jus soli provisions for the acquisition of Israel citizenship by children, the jus sanguinis principle is applied as a secondary measure; a child of an Israel citizen, though born abroad, is an Israel citizen if at the time of birth his parent was permanently residing in Israel... The requirements as to citizenship or residence applying to parents... are deemed to be fulfilled if either of the parents... complies therewith." (E/1869/Add.11, p.2)

4. New Zealand: "Under the British Nationality and New Zealand Citizenship Act, 1948, the New Zealand legislation relating to nationality and citizenship, all persons born in New Zealand, with unimportant exceptions, automatically become New Zealand citizens. It follows that statelessness does not arise in the case of persons born in New Zealand; nor, in view of the provisions in the New Zealand legislation relating to the acquisition of New Zealand citizenship by descent, is statelessness likely to arise in respect of legitimate children born outside New Zealand of a father who is a New Zealand citizen." (E/2164/Add.3, p.1)

1/ See the part of the reply of the Government of Israel reproduced in paragraph 20.
5. **Union of South Africa:** "Clauses of the South African Citizenship Act, 1949, under which persons may become stateless are cited hereunder:

"Article 3 (2)

'Persons falling under this article who are not citizens or nationals of some State other than the Union, are stateless'." (E/216V/Add.9, P.3)

6. **United Kingdom and Colonies:** "Any person born in the United Kingdom and Colonies is a citizen at birth under Section 4 of the British Nationality Act, 1948 (unless the father has certain diplomatic immunity or unless the father is an enemy alien and the child is born in an enemy-occupied territory). Such a person passes on this citizenship automatically to his legitimate children born abroad. Special provision is also made in this Section for citizenship to be passed on to subsequent generations born in foreign territories and, in certain circumstances, to those born in the self-governing commonwealth countries. Thus (except as mentioned above) no one could be born stateless in the United Kingdom and Colonies, nor would his descendants normally run any risk of being stateless if born abroad." (E/216V/Add.5)

Sections 4 and 5 of the British Nationality Act, 1943, annexed to the second reply of the United Kingdom reads as follows:

1/ Article 3 of the South African Citizenship Act, 1949 reads as follows:

"3. (1) Every person born in the Union on or after the date of commencement of this Act who is not a prohibited immigrant under any law relating to immigration shall, subject to the provisions of sub-section (2), be a South African citizen.

'(2) No person shall be a South African citizen by virtue of sub-section (1) if, at the time of his birth:

(a) his father enjoyed diplomatic immunity in the Union and was not a South African citizen; or

(b) his father was an enemy alien and the birth occurred at a place under occupation by the enemy and his mother was not a South African citizen; or

(c) his father was an enemy alien without the right of permanent residence in the Union and was interned or detained in custody in the Union and his mother was not a South African citizen; or

(d) his father was a prohibited immigrant under the law then in force, in the Union." (See "Statutes of the Union of South Africa 1946", published by Authority, Cape Town, 1949, p.418.)

Mention should also be made of article 6 of the Act under which certain persons born outside the Union after the date of commencement of the Act are South African citizens by descent (see Ibid., p.420)."
"Citizenship by birth

1. Subject to the provisions of this section, every person born within the United Kingdom and Colonies after the commencement of this Act shall be a citizen of the United Kingdom and Colonies 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) his father possesses such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to His Majesty and is not a citizen of the United Kingdom and Colonies; or

(b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy."

"Citizenship by descent

5. (1) Subject to the provisions of this section, a person born after the commencement of this Act shall be a citizen of the United Kingdom and Colonies by descent if his father is a citizen of the United Kingdom and Colonies at the time of the birth;

Provided that if the father of such a person is a citizen of the United Kingdom and Colonies by descent only, that person shall not be a citizen of the United Kingdom and Colonies by virtue of this section unless:

(a) that person is born or his father was born in a protectorate, protected state, mandated territory or trust territory or any place in a foreign country where by treaty, capitulation, grant, usage, sufferance or other lawful means, His Majesty then was or had jurisdiction over British subjects; or

(b) that person's birth having occurred in a place in a foreign country other than a place such as is mentioned in the last foregoing paragraph, the birth is registered at a United Kingdom consulate within one year of its occurrence, or, with the permission of the Secretary of State, later; or

(c) that person's father is, at the time of the birth, in Crown service under His Majesty's government in the United Kingdom; or

(d) that person is born in any country mentioned in sub-section (3) of section one of this Act in which a citizenship law has then taken effect and does not become a citizen thereof on birth.

/(2) If the
(2) If the Secretary of State so directs, a birth shall be deemed for the purposes of this section to have been registered with his permission notwithstanding that his permission was not obtained before the registration." (E/2164/Add.5; Annex I)

7. United States of America: "Under the Fourteenth Amendment to the United States Constitution, all persons born in the United States and subject to the jurisdiction thereof acquire the citizenship of the United States at birth, so that there are few, if any, cases of persons being born in the United States without acquiring a nationality. The statutory law of the United States (Nationality Act of 1940, Section 201, United States statutes, Volume 54, page 1,138; United States Code, Volume 8, Section 601) also provides for the acquisition of American citizenship by birth abroad to American parents so that it seems safe to say that the number of cases of statelessness resulting from the operation of American law governing the acquisition of nationality at birth are quite negligible." (E/1869/Add.12, p.2)

75. Group III. Country applying jus sanguinis as the exclusive means for determining nationality at birth

Switzerland: "Swiss nationality by paternal affiliation can be acquired unconditionally. If paternal affiliation is not secured and if the mother is Swiss, the child acquires at birth the Swiss nationality of its mother. The same applies in the case of legitimate affiliation to a Swiss female. If the child does not acquire foreign nationality at birth." (E/1869/Add.10, pp.1-2)

76. Group IV: Countries applying jus sanguinis as a primary means and jus soli as a secondary means for determining nationality at birth

1. Belgium: "Certain provisions of the Belgian law may ..., in a very limited number of cases, lead to statelessness. Such would be the case for the following: a legitimate child, born in Belgium of a stateless father." (E/2164, p.2)

To the reply of the Government of Belgium is annexed the text of the Consolidated Nationality Act of 14 December 1932. Articles 1 and 2 of the Act read as follows:
"Article 1. The following are Belgian nationals:

1. Legitimate children, even if born abroad, of fathers having Belgian nationality at the time of their birth;

2. Children born in Belgium of legally unknown parents.

A foundling discovered in Belgium is presumed, pending proof to the contrary, to have been born in Belgian territory.

"Article 2. An illegitimate child whose maternal filiation is legally established during its minority and before its emancipation follows the nationality of its mother at the time of the act of recognition or judgment of filiation. Where such judgment is rendered only after the mother's death, the child follows the nationality of the mother at the time of her decease.

"If voluntary or judicial recognition of paternal filiation precedes or coincides with that of maternal filiation, the child follows the father's nationality." (Ibid., Annex)

2. China: "Acquisition of Chinese nationality by birth. Article 1, sub-paragraphs 1, 2 and 3 of the Chinese Nationality Law follow the doctrine of jus sanguinis. A person always acquires Chinese nationality wherever he is born, if 'at the time of his birth his father was a Chinese', 'if he was born after the death of his father who was a Chinese at the time of his death', or if 'while his father is unknown or stateless, his mother is a Chinese'. Sub-paragraph 4 of the same article, however, follows the doctrine of jus soli. Thus, any person 'born in Chinese territory' would acquire Chinese nationality 'if both his parents are unknown or stateless'. The situations mentioned in the above provisions give rise to a nationality of origin; there is not the least possibility of creating stateless persons." (E/2164/Add.13, p.4)

3. Denmark: "... a child born in wedlock whose father is a Danish national will acquire Danish nationality at birth, regardless of the place of birth. In the same way as hitherto, a child born out of wedlock whose mother is a Danish national will acquire Danish nationality regardless of the place of birth.

"Though jus soli has not been adopted as a general principle, the new Danish Nationality Act of 27 May 1950 - as was also the case with the former..."
the former Danish nationality legislation - contains provisions whereby the principle of descent is waived in favour of persons born in this country. Thus a child born in wedlock in this country, whose mother is a Danish national and whose father is a stateless person, will acquire Danish nationality at birth, and the same applies to a child born in wedlock in this country, whose mother is a Danish national and whose father holds a foreign nationality, which the child does not acquire at birth ...

" ........

"The above-mentioned concessions to the jus soli principle may be extended by agreement, so that birth in one of the other Nordic countries (Finland, Iceland, Norway and Sweden) is considered equal to birth in this country ... Such agreements were concluded with Norway and Sweden on December 21, 1950, and entered into force on January 1, 1951.

(E/2164/Add.8, p.2)

4. Finland: "The Law on Nationality of 9 May 1941 (No. 325/41) contains the following provisions for the avoidance of new cases of statelessness:

"(a) paragraph 1, item 2. Finnish nationality is granted to a legitimate child whose mother is a citizen of Finland and whose father is without nationality, if the child, on account of its birth, does not become a citizen of some other State;

"(b) paragraph 2. A foundling met with in Finland is considered a Finnish citizen until it has been established that the same possesses the nationality of some other State;

" ........

"(d) paragraph 13. Finnish nationality is granted, on account of birth, to a legitimate child born in Finland, whose parents are Ingermanlandian or East-Carelian refugees of Finnish origin and at the date of the entry into force of this law (1 July 1941) reside in Finland; also to the illegitimate child of an Ingermanlandian or East-Carelian woman, if the child is born in Finland." (E/2164/Add.8, p.2)

/5. France:
5. **France**: "France has adopted, as a fundamental method for the absorption of immigrants, the *jus soli* operating in two stages (birth in France of the individual concerned and birth in France of one of his parents." (E/2164/Add.19, p.3) 

"The term 'French from birth' is applied to persons who are French by descent and to any person of foreign origin who is born in France and one of whose parents was likewise born in France." (Ibid., p.3)

6. **Greece**: 

"1) Paragraph c) of article 14 of the Civil Law of 1856, as amended by article 1 of the Legislative Decree of 13 September 1926 'on amendments to the Civil Law' provides that 'Greek is he who was born in Greece to unknown father or mother or of unknown nationality'.

"2) Paragraph c)2) of the same article 14 of the Civil Law of 1856, added by article 1 of the above-mentioned Legislative Decree of 13 September 1926 provides that 'Greek is he who being born and domiciled in Greece has no foreign nationality', and

"3) Paragraph f) of the same article 14 of the Civil Law of 1856, added by the above-referred Legislative Decree of 13 September 1926, provides that 'Greek is he who being born in Greece to foreign parents did not acquire, according to the law of the country to which the parents belong, the nationality they had at the time of his birth'." (E/1869/Add.6, p.1)

7. **Japan**: "The *nationality* law enacted May 4, 1950 provides that Japanese nationality is acquired at birth:

"a) When the father is a Japanese national;

"b) When the father who died prior to the birth of the child was a Japanese national at the time of his death;

"c) When the mother is a Japanese national if the father is unknown or has no nationality.

"However, acquisition of nationality by place of birth is provided for when both parents are unknown or have no nationality, in a case where the child is born in Japan." (E/1869/Add.3, p.1)
8. Norway: "The new [Nationality] Act [of 8 December 1950], like the previous one, is based on the principle of *jus sanguinis*. Common to both Acts is, thus, the provision that Norwegian nationality is acquired at birth by children born in wedlock when the father is a Norwegian national, and by children born out of wedlock when the mother is a Norwegian national. The new Act contains, however, in Section 1 (2) the further provision that Norwegian nationality is acquired by legitimate children born in Norway of a Norwegian mother when the father is stateless or the child does not at birth acquire the nationality of the father. The last-mentioned provision has been included to cover cases where the father is a national of a country where the principle of *jus soli* is strictly enforced. It should be noted that the new Act empowers the king to conclude agreements with the other Northern countries - Denmark, Finland, Iceland and Sweden - embodying *inter alia* the provision that in this respect birth in a country party to the agreement shall be considered as equal to having been born in Norway. By Convention of 21 December 1950 agreement to this effect has been concluded with Denmark and Sweden." (E/2164/Add.1, pp.1-2)

Section 1 of the Norwegian Nationality Act of 8 December 1950, annexed to the reply of Norway reads as follows:

"Section 1. "A child acquires Norwegian nationality at birth, when:
"1. It is legitimate, and the father is a Norwegian national,
"2. it is legitimate and born within the country of a Norwegian woman, provided the father is not a national of any country, or the child does not acquire the nationality of the father at birth,
"3. it is illegitimate and born of a woman who is a Norwegian national. Foundlings who are found within the country are considered Norwegian nationals until information to the contrary is forthcoming." (ibid., Annex)
9. Poland: "Based on the opinion that statelessness is harmful, the new Polish law (concerning citizenship of 2 January 1951) consequently solves the problem of children born, or found, in Poland from unknown parents, or from parents whose citizenship is unknown (Article 7). These children receive ex jure Polish citizenship. The application in such cases of jus soli excludes the possibility of the existence of the category of stateless persons from children of stateless and unknown parents. The tendency to eliminate statelessness was best expressed in Article 6, point 2 of the Polish law which stated that: if one of the parents is a Polish citizen and the other's citizenship is unknown, or unspecified, the child will receive ex jure, a Polish citizenship independently, whether it was born in Poland or in another country."

"Expressed by this article, as well as by the new law itself, the principle of equality of sexes consequently decided about the extension of jus sanguinis, which applies equally to sexes both on the mother's or father's side. According to the old Polish law, based on the privileged position of man, a child born in a foreign country from a stateless father and Polish mother, was stateless. Under the new law, however, such a child will automatically receive a Polish citizenship."

(E/2164/Add.7, pp.1-2)

10. Sweden: "The new law, the Swedish Nationality Act of 22 June 1950, will come into force on 1 January 1951 ... Just as heretofore, a child born in wedlock, whose father or mother is a Swedish national, acquires Swedish nationality at birth, regardless of the place of his birth. In addition there are certain groups who under the former law were stateless at birth, and who under the new law are born Swedish nationals. This applies to children born in wedlock in Sweden, of whose parents only the mother is a Swedish national, born in wedlock in Sweden, of whose parents only the mother is a Swedish national, provided that the father is not a national of any State and provided that the child at birth does not acquire the nationality of the father." (E/1869/Add.9, p.1)

Article 1 of the Swedish Nationality Act of 22 June 1950, annexed to the second reply of Sweden, reads as follows:
"Article 1

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

1. any child born in wedlock whose father is a Swedish citizen;
2. any child born in wedlock in Sweden, of whose parents only the mother is a Swedish citizen, provided that the father is not a citizen of any State or that the child does not acquire the father's citizenship by birth;
3. any child born out of wedlock whose mother is a Swedish citizen. Any foundling, that has been come upon in Sweden shall be deemed to be a Swedish citizen until the contrary be discovered to be the case." (E/2164/Add.16, Annex)

Under Article 10 of the Act, upon agreement with Denmark, Finland, Iceland or Norway, the king in Council may order, namely that in applying Article 1, paragraph 1, sub-paragraph 2, birth in a contracting State shall be deemed equivalent to birth in Sweden (Ibid.).

11. Turkey: "Children, born in Turkey from parents that are both or either of them stateless, are Turks according to Section B of Article 2 of the Turkish 'Law on Nationality'. By preventing children born in Turkey from becoming stateless by birth this provision of the law stops the increase of the number of stateless persons." (E/2164/Add.15, p.1)

77. In the following countries nationality at birth is also determined in accordance with jus sanguinis; however the country's nationality is automatically acquired by a child of a national when the child is born in the country:

1. Burma: "A child born after the commencement of the Constitution in the Union one of whose parents is a citizen shall be a citizen of the Union provided, however, that if the father is an alien such child shall cease to be a citizen on the expiry of a year after he attains majority unless within that time he makes a declaration of alienage in respect of any citizenship other than that of the Union and elects to retain the citizenship of the Union.

" ........."
"Necessary provisions have also been made for children born outside the Union to become Union citizens. A child born outside the Union after the commencement of the Constitution, of a father who is a citizen, is a citizen of the Union, provided that the child's birth was registered in the manner and within the time prescribed under the Union Citizenship Act, 1948 at the appropriate Consulate of the Union. A child born outside the Union, after the commencement of the Constitution, of a parent who, being a citizen, was at the time of the child's birth in the service of the Union is a citizen of the Union, provided that if the other parent was an alien and if the child within one year after attaining majority fails to make a declaration renouncing any foreign national status to which he may be entitled and electing to retain Union Citizenship, he shall, on the order of the Federal Commissioner for Citizenship of the Union vide section 5 (b) and (c) of the Union Citizenship Act, 1948. (7/2164/Add.10, pp.2-3)

The text of the Union Citizenship Act, 1948, is annexed to the reply of Burma (Ibid., Annex II).

2. Czechoslovakia:

"1. A child born in the territory of the Czechoslovak Republic is a Czechoslovak citizen even if one parent only is a Czechoslovak citizen and the other parent is a foreigner.

"2. A child born in the territory of the Czechoslovak Republic is a Czechoslovak citizen unless sufficient evidence is adduced that he or she is a citizen of another State." (7/2164/Add.12, p.1)
CHAPTER III. EFFECT OF CHANGE IN STATUS (RECOGNITION, LEGITIMATION AND ADOPTION) ON NATIONALITY

78. The reply of the following government of one country contains a statement to the effect that in that country a child cannot become stateless for reason of a change in its status:

Switzerland: "... Swiss nationality cannot be lost unless a foreign nationality is held or acquired. This applies in all cases, including change of status ..." (E/1369/Add.10, p.1)

79. Other replies contain separate information on the effects of one or several causes of change of status on nationality due to one or more causes.

SECTION I: Recognition of children born out of wedlock

80. The replies of the Governments of the following countries contain statements to the effect that a child born out of wedlock may become stateless as a consequence of recognition by his father or by his mother or by both parents:

1. Belgium: "The provisions on the effect of the recognition of illegitimate children may mean that a child born in Belgium of legally unknown parents, which has been considered as Belgian, would lose its nationality. If recognized in the first place by an alien, such a child would lose the status of a Belgian national even if it did not acquire the nationality of the alien.

"This is due to the fact that our legislation adheres to the system of jus sanguinis. The illegitimate child of an alien father cannot retain Belgian nationality, which it possessed on a precarious basis and by virtue of an assumption which has been proved false; ... the statelessness is merely provisional, since a child born in Belgium is entitled to acquire Belgian nationality by option." (E/1869/Add.7, p.2)

"Certain provisions of the Belgian law may ... in a very limited number of cases, lead to statelessness.

"Such would be the case for the following: ... an illegitimate child recognized first by its mother whose country's law does not extend her nationality to the child; an illegitimate child recognized by its father either before or after recognition by its mother, if the law of the father's country does not extend the father's nationality to the child." (E/2164, p.2)
For the text of article 2 of the consolidated Nationality Act of 14 December 1932, annexed to the second reply of Belgium, see Chapter II of this Part, paragraph 76.

2. China: "... under Article 2 of the Nationality Act of China, an alien may ... acquire Chinese nationality through quasi-blood relationship, that is to say, if being an illegitimate child, he is acknowledged by his father or mother, who is a Chinese, as his or her child ... There is little likelihood, therefore, that the operation of this article could ever lead to statelessness, unless the person concerned is unwilling to acquire Chinese nationality.

"... It is possible that cases of statelessness are more frequently created by the operation of laws governing loss of nationality. The provisions of the Nationality Law of the Republic of China governing the loss of Chinese nationality are as follows:

"Article 10. A Chinese shall lose his or her nationality if:

"1. .........

"2. His or her father is an alien and has acknowledged him or her as his child; or

"3. His or her mother is an alien and has acknowledged him or her as her child, in case his or her father is unknown or has not made such acknowledgement.

"The loss of Chinese nationality under the provision of sub-paragraphs 2 and 3 of the preceding paragraph shall only apply to a person who is a minor according to Chinese law or who has not been married to a Chinese husband." (E/2164/Add.13, pp.4-5)

SECTION II: Legitimation of children born out of wedlock as a result of the marriage of their parents

81. It results from the replies of the Governments of the following countries that, although the nationality of a child born out of wedlock may be affected by the change in its status resulting from the marriage of its parents, statelessness may not occur for the child:

1. Belgium
1. **Belgium**: Article 3 of the Consolidated Nationality Act of 12 December 1932, annexed to the second reply of Belgium, reads as follows:

"Article 3. An illegitimate child legitimized during its minority and before its emancipation follows the nationality of its father, if the latter is a Belgian national or the national of a country under whose laws legitimized children are given the nationality of their father." (E/2164, Annex)

2. **Burma**: Section 5 of the Union Citizenship Act, 1948, annexed to the reply of Burma, contains the following explanation:

"Explanation III - Any child born out of wedlock who is legitimated by reason of the subsequent marriage of the parents shall, for the purpose of this section, have all the rights of a child born in lawful wedlock." 1/ (E/2164/Add.10, Annex IV)

3. **Finland**: "The law on Nationality of 9 May 1941 (No. 325/41) contains the following provisions for the avoidance of new cases of statelessness:

" ............ "

"(c) paragraph 3 item 2. If husband and wife have a child born before their marriage, it also becomes citizen of Finland if it is unmarried and under 21 years of age."

" ............ " (E/2164/Add.8, p.2)

4. **Norway**: Sections 2 and 7 (4) of the Norwegian Nationality Act of 8 December 1950, annexed to the reply of Norway, read as follows:

"Section 2.

"If a Norwegian man and an alien woman have a child together prior to their marriage, the child acquires Norwegian nationality when they marry, provided it is unmarried and under 18 years of age."

"Section 7

"Norwegian nationality is lost by:

" ............ "

1/ For the provisions in Section 5 of the Union Citizenship Act, 1948, see paragraph 75 above.
"4. An unmarried child under 18 years of age who acquires the nationality of another country as a result of the parents marrying each other. However, if the child resides in this country, it does not lose its Norwegian nationality unless it leaves the country before reaching the age of 18 and at that time possesses the nationality of another country." (E/2164/Add.1, Annex)

5. Sweden: Articles 2 and 7 (4) of the Swedish Citizenship Act of 22 June 1950, annexed to the second reply of Sweden, read as follows:

"Article 2

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

"Article 7

"Swedish nationality shall be lost by

" ........

"4. An unmarried child under the age of eighteen years who becomes a foreign national by reason of the marriage of its parents; yet if such child is domiciled in Sweden, loss of Swedish citizenship shall only follow if the child leaves Sweden before attaining the age of eighteen years and at that time has retained its foreign citizenship." (E/2164/Add.16, Annex)

6. United Kingdom and Colonies: Section 23 of the British Nationality Act, 1948, annexed to the second reply of the United Kingdom, reads as follows:

"23 - (1) A person born out of wedlock and legitimated by the subsequent marriage of his parents shall, as from the date of the marriage or of the commencement of this Act, whichever is later, be treated, for the purpose of determining whether he is a citizen of the United Kingdom and Colonies, or was a British subject immediately before the commencement of this Act, as if he had been born legitimate.

"(2) A person shall be deemed for the purpose of this section to have been legitimated by the subsequent marriage of his parents if by the law of the place in which his father was domiciled
domiciled at the time of the marriage the marriage operated immediately or subsequently to legitimate him, and not otherwise." (E/2164/Add.5, Annex V)

SECTION III: Adoption

82. It appears from the replies of the governments of the following countries that the nationality of a child may be affected by adoption. However, the replies refer only to acquisition of the country's nationality through adoption, and not to loss of nationality.

1. Burma: Section 2 of the Union Citizenship Act, 1948, annexed to the reply of Burma reads, in part, as follows:

"2. In this Act, unless the context otherwise requires, the expression:
" " ........
" 'child' includes a legally adopted child."

The part of the reply of Burma (E/2164/Add.10, Annex 4) concerning acquisition of nationality at birth should, therefore, be read in the light of this definition.

2. China: "... under article 2 of the [Nationality] Law of China, an alien may likewise acquire Chinese nationality through quasi-blood relationship, that is to say ... if he is adopted by a Chinese as his adopted child ... There is little likelihood, therefore, that the operation of this article could ever lead to statelessness, unless the person concerned is unwilling to acquire Chinese nationality. (E/2164/Add.13, p.4)

3. Israel: "Under the Bill on Citizenship, submitted by the Government of Israel, in June 1950, to the Knesset "a child adopted by an Israel citizen permanently residing in Israel, acquires Israel citizenship as from the date of adoption (Section 4 (e)). The requirements as to citizenship or residence applying to ... adopters, are deemed to be fulfilled if ... one of the two adopters complies therewith." (E/1869/Add.11, p.2)

1/ See paragraph 75, above.
4. United Kingdom and Colonies: "A minor child can ... acquire citizenship of the United Kingdom and Colonies through adoption in this country by such a citizen (Section 16 of the Adoption of Children Act, 1950)." (E/2164/Add.5)
CHAPTER IV. EFFECTS OF MARRIAGE, OF CHANGES OF NATIONALITY
BY ONE OF THE SPOUSES DURING MARRIAGE AND OF THE
DISSOLUTION OF MARRIAGE ON NATIONALITY

The present Chapter is based on such information, pertaining to the question of the effects of marriage, of changes of nationality by one of the spouses during marriage and of the dissolution of marriage, as is contained in the replies of governments pursuant to resolutions 319 B (XII) and 352 (XII) of the Economic and Social Council. In most cases the information relates to the effects of marriage, of changes of nationality during marriage and of the dissolution of marriage on the nationality of the wife. However, in certain cases, the information concerns also the effects of these events on the nationality of the husband. 1/

SECTION I: Effects of marriage on the nationality of the spouses 2/

Statelessness occurs for a woman who marries an alien ii, according to the nationality law of the country of which she is a national, she loses the country's nationality and, according to the nationality law of the country of which her husband is a national, she does not acquire that country's nationality. In order to ascertain whether statelessness may occur as a result of marriage, it is therefore necessary to examine the nationality law of each country from two different points of view:

1/ The question of the effects of marriage, of changes of nationality during marriage and of the dissolution of marriage on the nationality of married women has been examined in a previous report prepared by the Secretary-General on the request of the Commission on the Status of Women (see paragraph 11 of the Introduction). In Part I of the report on "Nationality of Married Women" is to be found a detailed comparative analysis of conflicts of laws, which may in certain cases lead, to statelessness, as well as the classification of the existing legal systems according to the effects of marriage, of changes of nationality during marriage and of the dissolution of marriage on the nationality of married women. In Part II of the report on "Nationality of Married Women" are reproduced extracts from constitutions, laws and other legal instruments relating to the matter which were in force in 60 countries at the time when the report was concluded.

2/ For reasons explained in paragraph 83 above, the question of the effect of marriage on nationality is examined primarily from the point of view of the wife.

/(i) the effect
I. Application of the nationality law to a woman who is a national of the country and marries an alien

A. Cases where statelessness does not occur for a woman who is a national of the country when she marries an alien

85. The replies of the governments of the following countries contain statements to the effect that marriage does not affect the nationality of a woman who is a national of the country:

1. **Burma**: Section 10 of the Union Citizenship Act, 1948, annexed to the reply of Burma, reads, inter alia, as follows:

   "10. ... a married woman shall be capable of ... divesting herself of citizenship of the Union in all respects as if she were feme sole; and no woman shall ... lose such citizenship by marriage."

   (E/2164/Add.10, Annex 17)

2. **Ecuador**: "Article 12 of the Constitution eliminates the possibility of statelessness in the case of an Ecuadorian woman who marries an alien. The article states: "Neither matrimony nor its dissolution affects the nationality of husband or wife. Consequently, as long as an Ecuadorian woman who marries an alien does not express a desire to acquire her husband's nationality, she remains Ecuadorian." (E/2164/Add.14, p.2)

3. **Norway**: "... a woman who is a Norwegian national in no circumstances loses her Norwegian nationality by reason of her marriage to an alien."¹

   (E/2164/Add.1, p.2)

4. **Poland**: "The most characteristic expression of the spread of progress represented by the new Polish law is shown in the full establishment of the principle of equality of the sexes.

¹ For conditions under which a woman, who has lost her Norwegian nationality under previous legislation for reason of marrying an alien, may reacquire Norwegian nationality, see paragraph 42 above.
"In the light of the old regulations the dependency of women on men and the inferior position of women concerning the decision about their citizenship... was fully expressed.

"The new law, however, solves this question according to the principle of equality of sexes. Consequently, article 5 states - (a) the marriage by a Polish citizen to a non-Polish citizen does not result in a change of citizenship of both... The application of this general provision gives the following effect. ... The Polish wife does not lose her citizenship in the case of marriage to a foreigner, even if her husband's country's legislation automatically offers her his citizenship."

(E/2164/Add.7, pp.2-3)

5. Sweden: "It must... be pointed out that Swedish women who marry aliens do not thereby lose their Swedish nationality." (E/1869/Add.9, p.21)

6. United Kingdom and Colonies: "(Under the British Nationality Act, 1948) a woman no longer loses her United Kingdom citizenship when she marries an alien, whether or not she acquires her husband's nationality." (E/2164/Add.5)

7. Uruguay: "An Uruguayan woman does not lose her nationality by marrying a foreigner or a stateless person." (E/2164/Add.11, p.2)

86. The reply of the government of one country contains a statement to the effect that, under the proposed Bill on Citizenship, the nationality of both spouses is not affected by marriage to an alien, but that they have a right to opt out of the country's nationality, provided a foreign nationality has been acquired:

Israel: (Under the proposed Bill on Citizenship) "Israel citizenship is lost in the following cases:

"........."

"(b) By acquisition of a foreign nationality and opting out of Israel citizenship (Section 11).
"........." (E/1869/Add.1, p.3)

1/ For conditions under which a woman, who has lost British nationality under previous legislation for reason of marrying an alien, reacquires citizenship of the United Kingdom and Colonies, see paragraph 41 above.

/87. The replies
87. The replies of the governments of the following countries contain a statement to the effect that a woman loses the country's nationality upon marriage to an alien, but only if she acquires her husband's nationality:

1. Belgium: Article 18 of the Coordinated Nationality Act of 14 December 1932, annexed to the second reply of Belgium, reads, in part, as follows:

"Article 18. The following persons lose Belgian nationality:

2. A woman marrying a foreigner of a specified nationality, if she acquires the nationality of her husband under the foreign law.

" (E/2164, Annex)

2. Czechoslovakia: "A woman who is a Czechoslovak citizen loses her citizenship by marriage to a foreigner provided that she acquires her husband's citizenship in accordance with the law of his country." (E/2164/Add.12, p.2)

3. Switzerland: "Swiss nationality cannot be lost unless a foreign nationality is held or acquired. This applies in all cases, including marriage." (E/1869/Add.10, p.1)

88. The replies of the governments of the following countries contain a statement to the effect that statelessness does not occur for a woman who is a national of the country when she marries an alien:

1. Denmark: "Both the new (Nationality) Act (of 27 May 1950) and the Act of 1925 exclude the possibilities that a Danish woman may become stateless by marrying a foreigner ..." (E/1869/Add.18, p.3)

2. New Zealand: "Under the New Zealand legislation statelessness cannot arise as a result of marriage ..." (E/2164/Add.3, p.1)

89. Mention should further be made of the replies of the governments of the following countries which contain a statement of a general nature that statelessness may not result from the operation of their nationality laws:

1. Ceylon: See paragraph 64 above.

2. Ireland: See paragraph 67 above.

90. Mention should also be made of the replies of the governments of the following countries which list the cases where statelessness may result from the operation of their nationality laws and do not mention the case of a woman who marries an alien:

/1. Australia:

B. Case where statelessness may occur for a woman who is a national of the country when she marries an alien

91. The reply of the government of one country contains a statement to the effect that in a few instances statelessness may occur for a woman who is a national of the country when she marries an alien:

China: "Article 10. A Chinese shall lose his or her nationality if
1. Upon marriage to an alien she has applied for permission to renounce
her Chinese nationality and has been granted such permission by the
Ministry of the Interior.

" ...........

"An analysis of the text of the above-mentioned provisions of the
Nationality Law of the Republic of China governing loss of Chinese
nationality shows that the loss of Chinese nationality through the
operation of the various sub-paragraphs of article 10 of this law would
seldom lead to the creation of statelessness. Occasionally, such a
situation may arise when a Chinese woman loses her Chinese nationality
on marriage with an alien but does not, under the national law of her
husband, acquire the nationality of the latter. Nevertheless, such
instances are few and far between." (E/2164/Add.13, pp.4-5)

II. Application of the nationality law to a woman who is an alien
and marries a national of the country

A. Cases where statelessness does not occur for a woman who is an alien and marries a national of the country

92. The replies of the governments of the following countries contain a
statement to the effect that the alien woman acquires automatically the
country's nationality when she marries a national of the country. In one of
the countries the woman is entitled to renounce the country's nationality,
provided, however, that she retains or recovers her nationality:

/1. Belgium:
1. **Belgium**: Article 4 of the Consolidated Nationality Act of December 1932, annexed to the reply of Belgium, reads, *inter alia*, as follows:

"Article 4. A foreign woman who marries a Belgian national, ... acquires the nationality of her husband.

However, she may renounce Belgian nationality by means of a declaration made in the form prescribed in article 22, during the six months subsequent to the date of marriage or to the date on which her husband acquired Belgian nationality, provided that she can prove that she possesses foreign nationality or that she recovers it upon making the declaration." 1/

" ...........

(E/2164, Annex)

2. **Iran**: "The following are considered to be Iranian citizens:

" ...........

"(e) Foreign-born wives of Iranian citizens."

(E/2164/Add.21, p.1)

93. The reply of the government of one country contains a statement to the effect that, under the proposed Bill on Citizenship, each of the spouses who is an alien acquires the country's nationality when he marries a national of the country, the alien spouse has, however, a right to opt out of the country's nationality, provided his or her nationality is maintained;

3. **Israel**: (Under the Bill on Citizenship, submitted by the Government of Israel to the Knesset), "Israel citizenship is acquired by marriage if one of the spouses, whether husband or wife, is an Israel citizen; a right to opt out of Israel citizenship is given to a spouse who maintains his or her foreign nationality and by express declaration renounces Israel citizenship." (E/1869/Add.11, p.3)

B. Cases where statelessness may occur for a woman who is an alien and marries a national of the country

94. The replies of the governments of the following countries contain a statement to the effect that the alien woman does not acquire the nationality of the country when she marries a national of the country:

1/ Under Article 12 of the same Law the alien woman who marries a Belgian national may also obtain final naturalization after having habitually resided in the country for not less than ten years (instead of fifteen years).
1. **Poland:** "... Article 5 (of the Polish law concerning citizenship of 8 January 1951) states ... the marriage by a Polish citizen to a non-Polish citizen does not result in a change of the citizenship of both ... The application of this general provision gives the following effect. The wife with a foreign citizenship does not receive a Polish citizenship because of marriage with a Polish citizen ..." (E/2164/Add.7, pp.2-3)

2. **Uruguay:** "Uruguayan nationality cannot be acquired by marriage. Hence an alien woman who, in accordance with the law of her own country acquires her husband's nationality and loses her own nationality at marriage, will be stateless if she marries an Uruguayan." (E/2164/Add.11, p.2)

95. The replies of the governments of the following countries, where the alien woman does not acquire the country's nationality upon marriage with a national, contain statements to the effect that she may acquire the country's nationality either by privileged procedure, or by naturalization with a waiver of all or of certain statutory requirements. In some of the countries similar facilities for acquiring the country's nationality are also provided for the alien husband of the woman who is a national.1/

1/ In Belgium and in Iran, where the alien woman acquires the country's nationality when she marries a national of the country (see paragraph 92), facilities are offered to the alien husband, under certain conditions, for the acquisition of the wife's nationality;

"Article 12 ... This period (of habitual residence for not less than fifteen years required for final naturalization) ... is reduced to ten years in the case of an alien who is married to a woman of Belgian nationality by birth or is the widower or divorced husband of a woman of Belgian nationality by birth by whom he has had one or more children ..."

1. **Belgium:** "Article 13 ... This period (of habitual residence for not less than ten years required for ordinary naturalization), however, is reduced to five years in the case of an alien who is married to a woman of Belgian nationality by birth, by whom he has had one or more children." (E/2164, Annex)

2. **Iran:** "The Iranian Cabinet may confer nationality on the following without regard to the ... conditions (for naturalization):

"5. Foreign born husband of Iran wives after the birth of a child in Iran." (E/2164/Add.21, p.2)
1. Australia: "Special facilities are ... accorded to an alien woman who is the wife or widow of an Australian citizen. She may be granted a certificate (of naturalization) if she has resided in Australia, New Guinea or Nauru for not less than one year". (E/2164/Add.20, p.2)

2. Burma: "Section 11 (1) and (2) of the Union Citizenship Act, 1948 provides that any alien woman who is married to a citizen of the Union may after continuous residence in the Union for at least one year apply for a certificate of citizenship and a certificate of citizenship may be granted to her on her undertaking to renounce her foreign national status". (E/2164/Add.10, p.4)

3. China: "... an alien woman who is married to a Chinese husband could also acquire Chinese nationality. There is little likelihood, therefore, that the operation of this article could ever lead to statelessness, unless the person concerned is unwilling to acquire Chinese nationality". (E/2164/Add.13, p.4)

4. Ceylon: "... persons of the following categories are eligible to be granted citizenship (by registration).

"(1) Persons over 21 years of age who are married to citizens of Ceylon.

" ................" (E/2164/Add.2, p.2)

5. Ecuador: Article 6 of the Naturalization Regulations, annexed to the reply of Ecuador, reads as follows:

"Article 6. An alien woman who is married to an Ecuadorian citizen can acquire her husband's nationality, either by a declaration made at the time of her marriage to the effect that she adopts Ecuadorian nationality and renounces her previous nationality, or at any time after her marriage by means of an application addressed to the Minister for Foreign Affairs who shall take the appropriate decision." (E/2164/Add.4, Annex III).

6. France: "... between 1927 and 1945, a Swiss woman marrying a Frenchman was required by French law to sign a declaration before she could become a French national. Between these two dates any Swiss woman who failed, through being ill informed, to sign this declaration did not become a French national and lost her Swiss nationality. Legislation /was required
was required to enable such persons to escape from the status of statelessness (in France the Act of 22 May 1949 and the Ordinance of 6 January 1945)." (E/2164/Add.19, p.6)

7. **Japan**: "A waiver of the five-year domiciliary requirements (for naturalization) if the alien is domiciled in Japan and:

   "a. Is the husband of a Japanese national and has had a domicile or residence in Japan consecutively for three years or more;

   "………………

   " A waiver of the conditions as to domicile, age and capacity, and property requirements may be granted if the applicant is:

   "a. The wife of a Japanese national; ...

   "………………" (E/1869/Add.3, p.2)

8. **Pakistan**: Section 10 of the Pakistan Citizenship Act, 1951, annexed to the reply of Pakistan, reads as follows:

   "Married women

   "10. (1) Any woman who by reason of her marriage to a Commonwealth citizen before the first day of January, 1949, has acquired the status of a Commonwealth citizen shall, if her husband becomes a citizen of Pakistan, be a citizen of Pakistan.

   (2) Subject to the provisions of sub-section (1) and sub-section (2) a woman who has been married to a citizen of Pakistan under Section 3, 1/ or 2/ or 3/ shall be entitled, on making application therefor to the Central Government in the prescribed manner, and, if she is an alien, 4/ on obtaining a certificate of domicile and taking the oath of allegiance in the form set out in the Schedule to this Act, to be registered as a citizen of Pakistan whether or not she has completed twenty-one years of her age and is of full capacity.

1/ Section 3 deals with citizenship at the date of commencement of the Act.
2/ Section 4 deals with citizenship by birth.
3/ Section 5 deals with citizenship by descent.
4/ "In this Act - "alien means a person who is not a citizen of Pakistan or a Commonwealth citizen". (Pakistan Citizenship Act, 1951, Section 1).
(3) Subject as aforesaid, a woman who has been married to a person who, but for his death, could have been a citizen of Pakistan under the provisions of sub-section (1) of section 6/ (whether he migrated as provided in that sub-section or is deemed under the proviso to section 7/ to have so migrated) shall be entitled as provided in sub-section (2) subject further, if she is an alien/ to her obtaining the certificate and taking the oath therein mentioned.

(4) A person who has ceased to be a citizen of Pakistan under section 14 or who has been deprived of citizenship of Pakistan under this Act shall not be entitled to be registered as a citizen thereof under this section but may be so registered with the previous consent of the Central Government." (E/2164/Add.6, Annex)

9. Norway: "Dispensation from ... conditions /for naturalization/ may ... be granted when special considerations make it reasonable to do so. The Act mentions, inter alia, the case of an applicant who is married to a Norwegian national and lives with the spouse". (E/2164/Add.1, p.3).

Section 6 (2) of the Norwegian Nationality Act of 8 December 1950, annexed to the reply of Norway, reads, in part, as follows: "... an applicant who is married to a Norwegian national and lives with the spouse may be granted nationality even though he does not fulfil ... the conditions [In sub-section 17]. (Ibid, Annex).

10. Sweden: "Considerable concessions [with respect to exemption from the conditions for naturalization] are granted for example regarding the length of previous residence in the case of stateless women married to Swedish citizens, two years being considered sufficient".

(E/2164/Add.16, pp.1-2).

Article 6 of the Swedish Citizenship Act of 22 June 1950, annexed to the reply of Sweden, reads, inter alia, as follows: "Naturalization may be granted even though the conditions laid down in the first paragraph of this article are not fulfilled if ... the applicant is married to a Swedish citizen ... " (Ibid, Annex).

1/ Section 6 deals with Citizenship by migration.
2/ Section 7 deals with persons migrating from the territories of Pakistan.
3/ See foot note (4) above.
11. United Kingdom and Colonies: "Registration, a simpler method than naturalization, is open only to certain women and children. Under Section 6 (2) of the British Nationality Act, 1948, the alien wife of a citizen of the United Kingdom and Colonies (this term includes a citizen of the United Kingdom and Colonies by naturalization) has the right to be registered herself as such a citizen." (E/216/Add.5).

Section 6 (2) of the British Nationality Act, 1948, annexed to the second reply of the United Kingdom, reads as follows:

"(2) Subject to the provisions of sub-section (3) of this section, a woman who has been married to a citizen of the United Kingdom and Colonies shall be entitled, on making application therefor to the Secretary of State in the prescribed manner, and, if she is a British protected person or an alien, on taking an oath of allegiance in the form specified in the First Schedule to this Act, to be registered as a citizen of the United Kingdom and Colonies, whether or not she is of full age and capacity" (Ibid, Annex I).


"A woman, who being a foreign citizen, marries a citizen of the Federal People's Republic of Yugoslavia, after 6 April 1941, shall not acquire the citizenship of the Federal People's Republic of Yugoslavia by marriage, but she may acquire it by naturalization, pursuant to Article 9, para. 2 of this Law.

"In the desire to prevent statelessness of such persons, the Yugoslav legislation provides all possible facilities for their acquiring Yugoslav citizenship by naturalization. To that effect, they have only to file an application and must have reached 18 years of age, irrespective of sex". (E/216/Add.18, p.4).

Subsection (3) of section 6 reads as follows:

"(3) A person who has renounced, or has been deprived of, citizenship of the United Kingdom and Colonies under this Act shall not be entitled to be registered as a citizen thereof under this section, but may be so registered with the approval of the Secretary of State" (Ibid).
96. The reply of the government of one country contains a statement to the effect that a particular category of alien women married to nationals of the country are not entitled to acquire the country's nationality by privileged procedure, and unless recognized as citizens or nationals of another State, may become stateless.

Union of South Africa: "Circumstances under which statelessness can result from legislation in the Union of South Africa arise from the failure of persons to comply with the minimum requirements for the acquisition ... of South African citizenship. Clauses of the South African Citizenship Act, 1949, under which persons may become stateless are ...."

" ............

"Article 14 (2)

"Women classified under this article, and unable to comply with its requirement, are stateless unless recognized as citizens or nationals of another State."¹/ (E/2164/Add.9, p.1).

¹/ Article 14 of the South African Citizenship Act, 1949, reads as follows:

"14 (1) A woman who -

"(a) in consequence of her marriage to a person who was a British subject by virtue of his naturalization in the Union or a Union national, was immediately prior to the date of the commencement of this Act, a British subject or, as the case may be, a Union national; or

"(b) is in terms of section thirteen deemed to have been, immediately prior to the date of commencement of this Act, a British subject or a Union national; and

"(c) is not by virtue of the provisions of sections two or five a South African citizen by birth or descent,

shall be a South African citizen under this section and shall for the purposes of this Act be deemed to be a South African citizen by registration: Provided that if she originally acquired Union or British nationality in consequence of or by naturalization, or if, as the case may be, her husband was a British subject by virtue of his naturalization in the Union, she shall for the purposes of this Act be deemed to be a South African citizen by naturalization.

(2) The provisions of sub-section (1) shall not apply to a woman who has not, at any time prior to the date of commencement of this Act, been lawfully admitted to the Union for permanent residence therein". (See Statutes of the Union of South Africa 1949, published by Authority, Capetown 1949, pp. 432 & 434).
Section II: Effects of changes of nationality during marriage on the nationality of the other spouses

97. If the husband loses his nationality during marriage and, according to the law of the country of which both of them were nationals, the wife also loses the country's nationality, statelessness may occur for her, unless she is able to acquire her husband's new nationality.

A. Cases where statelessness does not occur for a woman whose husband loses the country's nationality

98. The replies of the governments of the following countries contain statements to the effect that the wife does not lose the country's nationality when her husband loses his nationality:

1. Burma: Section 10 of the Union Citizenship Act, 1948, annexed to the reply of Burma, reads, in part, as follows:

"10. Subject to the provisions of this Act, a married woman shall be capable of ... divesting herself of citizenship of the Union in all respects as if she were fema sole: ..." (E/216/4/Add.10, Annex IV)

2. Czechoslovakia: "Loss of citizenship of one spouse does not affect the citizenship of the second spouse ..." (E/216/4/Add.12, p.2)

3. Poland: "The change of citizenship either by husband or wife does not result in the change of citizenship of the other." (E/216/4/Add.7, p.3)

99. The reply of the government of one country contains a statement to the effect that the loss of the country's nationality by a married woman when her husband voluntarily acquires another nationality is conditioned by the acquisition by her of her husband's new nationality.

Belgium: Article 18 of the Consolidated Nationality Act of 14 December 1932, annexed to the reply of Belgium, reads, in part, as follows:

"Article 18. The following persons lose Belgian nationality:

"......"
"3. A woman whose husband voluntarily acquires foreign nationality, if the nationality of the husband is conferred upon her under the foreign law.

However, a Belgian woman, unless she acquired Belgian nationality only by marriage, may, in these two cases, retain her Belgian nationality if, within six months of the date of marriage or the date upon which the husband changed nationality, she makes a declaration in conformity with article 22." (E/2164, Annex)

100. The reply of the government of one country contains a general statement to the effect that the country's nationality cannot be lost unless another nationality is held or acquired:

Switzerland: See paragraph 64 above.

101. The reply of the government of one country contains a statement to the effect that the nationality rules of the country provide for solution of cases of statelessness arising, namely, out of a change in the husband's nationality after marriage.

Ecuador: "My government considers that our nationality rules ... provide a solution for most cases of statelessness due to politico-social or legal causes, such as ... change in the husband's nationality after marriage ..." (E/1869/Add.5, p.3)

102. The replies of the governments of the following countries contain a general statement to the effect that statelessness is not created by the operation of the country's nationality law:

1. Ceylon: See paragraph 64 above.
2. Ireland: See paragraph 67 above.

103. It should also be noted that in the replies of governments of the following countries are listed either the cases where statelessness may arise from the operation of their nationality law, or the grounds on which the country's nationality is lost, and do not mention the change of the husband's nationality amongst those cases or grounds:

1. Australia (see document E/2164/Add.10)
2. Denmark (see document E/1869/Add.18)
3. Israel (under the Bill of Citizenship) (see document E/1869/Add.11

/4. New
4. *New Zealand* (see document E/2164/Add.3)
5. *Norway* (see document E/2164/Add.1)
6. *Pakistan* (see document E/2164/Add.6)
7. *Sweden* (see document E/1869/Add.9)
8. *Turkey* (see document E/2164/Add.15)
9. *Union of South Africa* (see document E/2164/Add.9)
10. *United Kingdom and Colonies* (see document E/2164/Add.5)
11. *United States of America* (see document E/1869/Add.12)
12. *Yugoslavia* (see document E/2164/Add.18)

104. The replies of *Denmark*, *Norway* and *Sweden* contain also a statement to the effect that their legislation is in conformity with the provisions of the Convention on certain questions relating to the conflict of nationality laws, signed at The Hague, 12 April 1930 (see documents E/1869/Add.18, E/1869/Add.7 and E/2164/Add.1, respectively).

105. It should finally be noted that the reply of the government of one country contains a general statement to the effect that statelessness may not arise as the nationality of the country cannot be lost:

**Uruguay**: See paragraph 65 above.

B. Case where statelessness may occur for a woman whose husband loses the country's nationality

106. The reply of the government of one country contains a statement to the effect that a married woman, whose husband is deprived of the country's nationality, is entitled to renounce voluntarily the country's nationality:

**Belgium**: Article 18 bis and 18 quater of the Consolidated Nationality Act of 14 December 1932, as amended, annexed to the reply of Belgium, reads, in part, as follows:

"Article 18 bis
" . . . . .

It will be noted that the provisions quoted in the text above do not make the renunciation of nationality by the married woman dependent upon the possession or acquisition of a foreign nationality. For the case of the Belgian woman who loses Belgian nationality when her husband acquires a foreign nationality see paragraph 101 above.
"Paragraph 8. The wife ... of a Belgian national deprived of nationality may renounce Belgian nationality within six months of the date of registration of the judgment of deprivation."

"........."

"Article 18 quater"

"Paragraphs 8 and 9 of article 18 bis shall apply in cases of deprivation of nationality in pursuance of article 18 ter."

(E/2165, ...)

SECTION III: Effects of dissolution of marriage on nationality

107. Statelessness would occur for a woman, who has acquired the nationality of a country, by marrying a national of the country, if she were deprived of that nationality upon the dissolution of marriage and would not reacquire the nationality of her country of origin. In order to ascertain whether statelessness may occur as a result of the dissolution of marriage it is therefore necessary to examine the nationality law of each country from two different points of view:

(i) the effect of dissolution of marriage on the nationality of the woman who has acquired the nationality of the country by marrying a national of the country, and

(ii) the effect of marriage of a woman who was a national of the country and has lost that nationality by marrying an alien.

I. Application of the nationality law to a woman who has acquired the country's nationality by marrying a national of the country

Cases where statelessness cannot occur, upon dissolution of marriage, for a woman who has acquired the country's nationality by marrying a national of the country

108. The replies of the governments of the following countries contain a statement to the effect that the dissolution of marriage does not affect the nationality of the wife:

1. Burma: Section 10 of the Union Citizenship Act, 1948, annexed to the reply of Burma, reads, in part, as follows:

"10. Subject to the provisions of this Act a married woman shall be capable of ... divesting herself of citizenship of the Union in all respects as if she were feme sole; ..." (E/2164/Add.10, Annex IV)

/2. Ecuador:
2. Ecuador: "Article 12 of the Constitution ... states: 'Neither matrimony nor its dissolution affects the nationality of husband or wife.'" (E/216/Add.4, p.2)

110. The reply of the government of one State contains a general statement to the effect that this country applies the principle of equality of sexes:

Poland: See paragraph 66 above.

110. The reply of the government of one country contains a statement to the effect that an alien woman who has acquired the country's nationality by marrying a national may renounce that nationality after the dissolution of marriage, however only if she either holds or reacquires a foreign nationality:

Belgium: Article 4 of the Consolidated Nationality Act of 14 December 1932, annexed to the reply of Belgium, reads, inter alia, as follows:

"Article 4: A foreign woman who marries a Belgian national ... acquires the nationality of her husband.

..."

"She may at any time (provided that she can prove that she possesses foreign nationality, or that she recovers it upon making the declaration) renounce Belgian nationality after the dissolution of the marriage." (E/216/Add.3)

111. The reply of the government of one country contains a general statement to the effect that the country's nationality cannot be lost, unless another nationality is held or acquired:

Switzerland: See paragraph 64 above.

112. The reply of the government of one country contains a statement to the effect that statelessness cannot occur as a result of dissolution of marriage.

New Zealand: "Under the New Zealand legislation statelessness cannot arise as a result of ... dissolution (of marriage)." (E/216/Add.3, p.1)

113. The reply of the governments of the following countries contain a general statement to the effect that statelessness is not created by the operation of the country's nationality law:

1. Ceylon: See paragraph 64 above.

2. Ireland: See paragraph 67 above.

/114. It should
114. It should also be noted that in the replies of the governments of the following countries are listed either the cases where statelessness may arise, or the grounds on which the country's nationality is lost; the replies do not mention the dissolution of marriage amongst these cases or grounds:

1. Australia (see document E/2164/Add.10)
2. Denmark (see document E/1869/Add.18)
3. Israel (under the Bill on Citizenship) (see document E/1869/Add.11)
4. Norway (see document E/2164/Add.1)
5. Pakistan (see document E/2164/Add.6)
6. Sweden (see document E/2164/Add.16)
7. Turkey (see document E/2164/Add.15)
8. Union of South Africa (see document E/2164/Add.9)
9. United Kingdom and Colonies (see document E/2164/Add.5)
10. United States of America (see document E/1869/Add.2)
11. Yugoslavia (see document E/2164/Add.18)

115. It should finally be noted that the reply of the government of one country contains a general statement to the effect that statelessness may not occur as the nationality of the country cannot be lost:

Uruguay: See paragraph 65 above.

II. Application of the nationality law to a woman who has lost the country's nationality by marrying an alien

116. No reply mentions that the country's nationality is automatically reacquired upon dissolution of marriage by a woman who has lost the country's nationality by marrying an alien.

117. The reply of the government of one country contains information on conditions under which a woman, who has lost the nationality of the country on marrying an alien may recover the nationality of the country after the dissolution of marriage:

Belgium: See paragraph 42 above.
118. Mention should also be made of facilities offered in the following countries to former nationals in general for reacquiring the country's nationality:

1. **Denmark:** See paragraph 42 above.
2. **Ecuador:** See paragraph 42 above.
3. **France:** See paragraph 42 above.
4. **Japan:** See paragraph 42 above.
5. **Norway:** See paragraph 42 above.
6. **Sweden:** See paragraph 42 above.
7. **United Kingdom and Colonies:** See paragraph 42 above.
CHAPTER V. EFFECTS OF VOLUNTARY ACTS AFFECTING THE NATIONAL STATUS OF AN INDIVIDUAL ON THE NATIONALITY OF THE INDIVIDUAL, HIMSELF AND OF HIS CHILDREN

SECTION I: Effects of voluntary acts affecting the national status of an individual on his own nationality

119. Statelessness may occur as a result of a voluntary act affecting an individual's nationality in two groups of cases:

(1) In certain countries the acquisition of a foreign nationality by a national of the country is conditioned by the necessity to secure a release from the country's nationality. Should such a release become operative without regard to whether or not the individual has actually acquired or not the foreign nationality, its result for him may be statelessness;

(2) In certain other countries the nationality of the country may be renounced by the national. Here again, should the renunciation be possible without regard to whether or not the individual holds or acquires a foreign nationality, the result for him may be statelessness.

The two situations resulting from the release of nationality and of the renunciation of nationality, being very similar, are studied together in the present Report.

A. Cases where as a result of a voluntary act affecting the national status of an individual statelessness does not occur

120. The replies of the governments of the following countries contain a statement to the effect that a release from the country's nationality becomes operative only if another nationality is held or acquired:

1. Denmark: "Release from Danish nationality can only be effected on application and only if the applicant is a national of another State. If the applicant is not a national of another State, an application for release from Danish nationality can only be granted or the condition that the applicant acquires a foreign nationality within a certain period, and in these cases the release from Danish nationality will not be effective until the foreign nationality has been acquired. Thus statelessness cannot be created by the granting of an application for release from Danish nationality." (E/1969/Add.18, p.)
2. **Norway:** "Sections 7 and 9 of the Norwegian Nationality Act of 8 December 1950, annexed to the reply of Norway, read, *inter alia*, as follows:

"**Section 7**

"Norwegian nationality is lost by:

"1. a person who acquires the nationality of another country by application or by express consent,

" .......... 

"**Section 9**

"A Norwegian national may upon application be released from his Norwegian nationality by the king, or by the authority the king empowers thereto, provided the applicant is a national of another country or intends to become one. If the applicant does not possess any foreign nationality, his release shall be subject to the condition that he acquires such foreign nationality within a stipulated period of time." (E/2164/Add.1, Annex: 1)

3. **Poland:** "A negative position to the problem of statelessness is found in the exclusion from the law, the action to relieve a person of their Polish citizenship (Article 11). The new Polish law [concerning citizenship of 8 January 1951](#), however, introduces as a basic condition in the change of Polish citizenship to receive a permission for a change of citizenship. This permission does not automatically result in the loss of Polish citizenship. The loss of Polish citizenship is not realized until the receipt of a foreign citizenship." (E/2164/Add.7, p.2)

4. **Sweden:** Articles 7 and 9 of the Swedish Citizenship Act of 22 June 1950, annexed to the second reply of Sweden, read, *inter alia*, as follows:

"**Article 7**

"Swedish citizenship shall be lost by:

"1. any person who acquires foreign citizenship having applied for such citizenship or expressly consented to receive the same;

" .......... 

"**Article 9**
"Article 9
"Upon application the king in Council may release from Swedish citizenship a person who is or desires to become a foreign national. If the applicant is not already a foreign national it shall be made a condition of release that he or she shall acquire citizenship in another State within a specified limit of time." (E/2164/Add.16, Annex)
5. Switzerland: "... Swiss nationality cannot be lost unless a foreign nationality is held or acquired. This applies in all cases, including ... release on request or withdrawal." (E/1869/Add.10, p.1)
5. Yugoslavia: "In order to avoid the statelessness of persons from citizenship, Article 19 of the Law on Citizenship of the Federal People's Republic of Yugoslavia provides, inter alia, that the person concerned should submit proofs that he (she) has been or shall be granted a foreign citizenship. Besides this, it is also provided by the same article that the competent authority, when it seems it necessary, may grant release from citizenship under the condition that the released person, within a fixed term, should submit proofs that he (she) was granted foreign citizenship. If not, the release has no effect, as well as in the case where the person so released remains in the F.P.R. of Yugoslavia and fails to acquire a foreign citizenship within the term of one year." (E/2164/Add.18, pp.4-5)
121. The replies of the Governments of the following countries contain a statement to the effect that a renunciation of the country's nationality is possible only when the person concerned holds another nationality.
1. Japan: "Article 10 of the Nationality law of Japan of 4 May 1950 requires a Japanese national to have foreign nationality before renouncing Japanese nationality, thus preventing statelessness during the interim between renunciation and acquisition of a new nationality." (E/1869/Add.3, p.2)
2. United Kingdom and Colonies: "... no citizen of the United Kingdom and Colonies either loses or is required to renounce that citizenship on acquiring some other citizenship or nationality.
/" ... As a
... As a precaution against statelessness, a citizen of the United Kingdom and Colonies cannot renounce this citizenship (Under Section 19 of the British Nationality Act, 1948) unless he or she is of full age and already has some other citizenship or nationality. But provided these two conditions are satisfied, the Secretary of State has no authority (except in time of war) to refuse to register a declaration of renunciation." (E/2165/Add.5)

122. The reply of the Government of one country contains a statement to the effect that, under the Biloxi Citizenship of this country, a renunciation or cancellation of citizenship is possible when the individual concerned has acquired a foreign nationality:

Israel: "[Under the Bill on Citizenship] Israeli citizenship is lost in the following cases:

(a) By acquisition of a foreign nationality,

(1) if the foreigner, with the consent of the Minister of Interior, renounces his Israeli citizenship, or

(2) if the Minister of Interior cancels the Israeli citizenship of the foreigner, where this is deemed necessary in the interest of the State (Section 10 (a))." (E/1869/Add.11, p.3)

123. The reply of the Government of one country contains a statement to the effect that, under the country's legislation, statelessness cannot arise, namely, through voluntary renunciation of citizenship:

New Zealand: "Under the New Zealand legislation statelessness cannot arise ... through voluntary renunciation of citizenship." (E/2164/Add.3, p.1)

124. The reply of the Government of one country contains a statement to the effect that the country's nationality is lost by voluntary acquisition of a foreign nationality. In one case a formal renunciation and in another case a release are necessary, but in both cases when a foreign nationality has been acquired:

Belgium: 1/ Article 18 of the Consolidated Nationality Act of 14 December 1932, annexed to the reply of Belgium, reads, inter alia, as follows:

1/ For the case of the children of a person having been deprived of his Belgian nationality, see paragraph 136 below.
"Article 18. The following persons lose Belgian nationality:

1. A person who voluntarily acquires a foreign nationality. A foreign nationality shall be deemed to have been voluntarily acquired by a person who, after automatically acquiring that nationality, renounces Belgian nationality by a declaration in conformity with article 22.

However, if the person concerned is still liable to military service on the active or reserve list, the acquisition of a foreign nationality will not entail loss of Belgian nationality except by authorization of the King.

"........." (E/2164, Annex)

125. The replies of the Governments of the following countries contain a statement to the effect that the country's nationality is lost when a foreign nationality is voluntarily acquired, without mentioning the necessity of renouncing formally, or of obtaining a release from the country's nationality.

1. **Burma**: Section 14 of the Union Citizenship Act, 1948, annexed to the reply of Burma, reads, in part, as follows:

"14. A citizen of the Union, not being under a disability, who obtains a certificate of naturalization in a foreign State or by any voluntary or formal act other than marriage becomes naturalized in any foreign State, shall forthwith be deemed to have ceased to be a citizen of the Union;

"........." (E/2164/Add.10, Annex IV)

2. **Ecuador**: "Article 15 (b) of the Constitution of the Republic stipulates that an Ecuadorian loses his nationality if he becomes naturalized in another State. This confirms what is stated above, namely, that nationality is regarded as a voluntary link." (E/2164/Add.8, p.2)

Article 15 of the Constitution of Ecuador, annexed to the reply of Ecuador, reads, in part, as follows:

"Article 15. Ecuadorian nationality is lost:

"(a) ...........

"(b) by naturalization in another State." (ibid., Annex I)
3. **France:*** "... A French person who is of age, voluntarily acquiring foreign nationality ceases to be a French national, except in the case of a male national under the age of fifty (article 87 of the French Nationality Code and article 9 of the Decree of 19 October 1945)." (E/216/Add.19, p.3)

126. The replies of the Governments of the following countries, containing a general statement to the effect that statelessness does not result from the operation of the country's nationality laws, should also be noted:

1. **Cyprus:** See paragraph 64 above.
2. **Ireland:** See paragraph 67 above.

127. Finally it should be noted that the reply of the Government of one country contains a statement to the effect that no person can become stateless through loss of the country's nationality:

**Uruguay:** "No person can become stateless through loss of Uruguayan nationality.

"(1) According to Article 71 of the Constitution, Uruguayan nationality is not lost even by naturalization in another country.

" .........

"(4) Uruguayan nationality may not be renounced." (E/216/Add.11, pp. 1-2)

B. **Cases where statelessness may occur as a result of a voluntary act affecting the national status of an individual**

128. The reply of the Government of one country contains a statement to the effect that statelessness does not occur when an individual acquires another nationality, but may occur by voluntary renunciation of the country's nationality:

**United States of America:** "The ways in which American nationality can be lost are set forth in sections 401 and 404 of the Nationality Act of 1940. These methods, all of which require voluntary action by the individual, may be summarized as follows:

"1. Naturalization in a foreign State.
"2. Taking an oath of allegiance to a foreign State.
" .........

/"6. Formally
6. Formally renouncing American citizenship while abroad.

It will readily be seen that some of these methods ... do not result in statelessness, some may or may not so result, and still others in most cases do so result. For example, under (1) ..., statelessness seldom, if ever, results. Under (2) ... statelessness may result, but it is usually possible for the individual, if he desires, to acquire the nationality of the foreign State to which the oath is taken ... If, as may sometimes be the case, statelessness results from (6), it is normally because the individual desires to be stateless ..." (E/1869/Add.12, pp.2-3)

129. The reply of the Government of one country states that statelessness may in some cases occur when a national of the country, desiring to acquire a foreign nationality, applies for and obtains a permission to renounce the country's nationality. The reply mentions also the restrictions provided by the law for obtaining of such permission:

China: "Article 11. A person who desires to acquire a foreign nationality may, with the authorization of the Ministry of the Interior, renounce his Chinese nationality, provided that he is over twenty years of age and has legal capacity according to Chinese law.

An analysis of the texts of the above-mentioned provisions of the Nationality Law of the Republic of China governing the loss of Chinese nationality ... through 'voluntary' acquisition of foreign nationality might lead to statelessness. Still, such a situation will arise only when the party concerned willingly chooses to become stateless. Moreover, the Ministry of the Interior of the Republic of China, in authorizing such cases of renunciation of Chinese nationality, is subject to the restrictions provided in the various sub-paragraphs of Articles 12 and 13. Thus:

Article 12. The Ministry of the Interior shall not authorize renunciation of Chinese nationality by a person who falls under one of the following categories namely:
1. If having reached the age for military service and not having been exempted from military service, he has not yet performed military service;
2. If he is actually performing military service;
3. If he is in the Chinese civil service or is serving as a military officer.

Article 13. A person who falls under one of the following categories may not renounce his nationality even though he complies with the provisions of Article 11, namely:

1. If he is a suspect or defendant in criminal proceedings,
2. If he has received a sentence in criminal proceedings and its execution has not yet been completed;
3. If he is a defendant in civil proceedings,
4. If he has been subject to measures of compulsory execution the enforcement of which has not yet been completed,
5. If he has been declared bankrupt and has not yet been discharged.
6. If he has been in default in the payment of taxes, or if, because of such default, he has been subject to punishment the execution of which has not yet been completed.

In practice, therefore, there is again no need to express concern over the occurrence of the above-mentioned situations.

130. The reply of the Government of one country mentions cases where a national of the country may surrender his nationality and where statelessness may occur as a result of such a surrender:

Union of South Africa: "Clauses of the South African Citizenship Act, 1949, under which persons may become stateless are cited hereunder:

"Article 16 (2)

"Persons who have lost their original nationality after being naturalized in the Union will become stateless as soon as they make a declaration surrendering their South African citizenship."
"Article 16 (3)

"Any person surrendering his South African citizenship in terms of this article will become a stateless person unless he is a national of another State."1/ (E/2164/Add.9, p.1)

131. It should finally be noted that the reply of the Government of one country contains a statement to the effect that a person having acquired a foreign nationality without having obtained a special authority may be deprived of the country's nationality.

Turkey: "Article 9 of the Turkish "Law on Nationality:"7 - Turkish nationals who voluntarily acquire another nationality without obtaining special authority . . . may be denationalized by a decision of the Cabinet." (E/2164/Add.15)

SECTION II: Effects of changes of the parents nationality on the nationality of the children

A. Cases where statelessness does not occur for the children

132. The reply of the Government of one country contains a statement to the effect that minor children of a national who loses the country's

1/ The provision mentioned in the text read as follows:

"16 (1) . . . . .

"(2) A person who became a South African citizen by reason of the issue of a certificate of registration or naturalization granted to him while he was a minor may, at any time within a period of twelve months after attaining the age of twenty-one years, make a declaration in the prescribed form renouncing his South African citizenship.

"(3) A person who is a South African citizen by virtue of the provisions of sub-section (2) of section two or sub-section (3) of section nine may, at any time within a period of twelve months after the date of commencement of this Act, make a declaration in the prescribed form renouncing his South African citizenship." (See Statutes of the Union of South Africa, 1949, published by Authority, Cape Town, 1949, p.438.)

Note: For texts of the provisions mentioned in Article 16 (3) see Ibid., pp. 418 and 426.
nationality, do not lose their nationality:

Burma: "Under section 14 of the Union Citizenship Act, 1948 ... loss of citizenship by the parent or parents shall not in fact deprive the children, who prior to that loss, were citizens, of their status as such." (E/2165/Add.10)

133. The reply of the Government of one country contains a statement to the effect that minor children generally cannot lose automatically or renounce the country's nationality:

United Kingdom and Colonies: "... under present legislation a child cannot while still a minor either lose automatically or even renounce citizenship of the United Kingdom and Colonies." (E/2165/Add.5)

134. The replies of the Governments of the following countries contain a statement to the effect that minor children of a national, who acquire voluntarily a foreign nationality, lose the country's nationality if they acquire the foreign nationality:

1. Belgium: Article 18 of the Consolidated Nationality Act of 14 December 1932, annexed to the reply of Belgium, reads in part, as follows:

"Article 18. The following persons lose Belgian nationality:

4. Non-emancipated minor children of a Belgian national who has become an alien under the provisions of this article and has custody of them, if they acquired foreign nationality at the same time as their father." (E/2165/Annex)

2. Norway: Section 7 of the Norwegian Nationality Act of 8 December 1950, annexed to the reply of Norway, reads, in part, as follows:

"Section 7

"Norwegian nationality is lost by:

3. An unmarried child under 18 years of age who acquires the nationality of another country because either of its parents acquires foreign nationality as mentioned under 1 and 2, when the parent has the custody of the child alone or together with the other parent and the latter is not a Norwegian national;"

(E/2165/Add.1, Annex)
3. Sweden: Article 7 of the Swedish Citizenship Act of 22 June 1950, annexed to the second reply of Sweden, reads, in part, as follows:

"Article 7
Swedish citizenship shall be lost by

••••**•

3. an unmarried child under the age of eighteen years who becomes a foreign national by reason of the fact that foreign citizenship has been acquired by its parents in the manner indicated above in this article if the parents have joint custody of the child, or by one of the parents, if he or she either has sole custody or has custody together with the other parent and that parent is not a Swedish citizen." (E/2164/Add.16, Annex)

B. Cases where statelessness may occur for the children as a result of changes in the nationality of their parent

135. The reply of the government of one country contains a statement to the effect that minor children lose citizenship together with their parents, however if the child has not acquired the foreign nationality, he does not lose his nationality unless he has left the country. The child may, further, regain the country's nationality by privileged procedure after having reached full age.

Yugoslavia: "In the case of release, minor children lose citizenship together with their parents. A minor child shall, however, not lose its Yugoslav citizenship, if it has not acquired a new one, as long as it has not left the country definitively together with its parents.

"Persons who lost their citizenship as a consequence of having followed their parents upon their release or renouncement of citizenship, if they are permanently residing in the F.P.R. of Yugoslavia, may reacquire Yugoslav citizenship by a simplified procedure. They may reacquire it by filling a statement within seven years of having reached full age.

"Thus, statelessness due to the release from citizenship is almost excluded." (E/2164/Add.18, p.5)
136. The reply of the government of one country contains a statement to the effect that the children of a person who is deprived of the country's nationality are entitled to renounce voluntarily the country's nationality:

Belgium: Article 18 bis and 18 quater of the Consolidated Nationality Act of 14 December 1932, as amended, annexed to the reply of Belgium, reads, in part, as follows:

"Article 18 bis

Paragraph 8. The children of a Belgian national deprived of nationality may renounce Belgian nationality within six months of the date of registration of the judgment of deprivation.

In the case of minor children, this time-limit is extended until the expiry of a period of six months after they attain their majority; at the age of sixteen, however, they may renounce Belgian nationality in conformity with the provisions of article 21 of this Act.

"Article 18 quater

Paragraphs 8 and 9 of article 18 bis shall apply in cases of deprivation of nationality in pursuance of article 18 ter."

(E/2230, Annex)

\[1\] It will be noted that the provisions quoted in the text above do not make the renunciation of nationality by the children dependent upon the possession or acquisition of a foreign nationality.
CHAPTER VI. WITHDRAWAL OF NATIONALITY

137. This Chapter deals with a number of situations in which an individual ceases to be the national of a country, either as a result of the automatic operation of the law of the country, or as a result of a specific decision taken by a competent authority or by a court of law. Various expressions, such as "deprivation of nationality", "forfeiture of nationality", "denationalization" (or "denaturalization", as the case may be), "loss of nationality", and the like are frequently used in different countries to cover one or several of such situations. The expression "withdrawal of nationality" has been chosen as the title of this Chapter in order to differentiate the situations examined in it from those where the loss of nationality occurs as a result of a voluntary act accomplished by the individual in order to divest himself of his former nationality. It will be noted that, although, in many cases, the withdrawal of nationality is the consequence of a voluntary act of the individual, the aim in accomplishing the act was not to divest himself of his nationality.

138. It will be further noted that withdrawal of nationality is in many, but not all cases, conducive to statelessness.

139. The countries whose governments have given information in their replies on withdrawal of nationality may be classified as follows:

A. Countries where statelessness does not occur as a result of withdrawal of the country's nationality

140. Group I. Country the nationality of which cannot be withdrawn

Uruguay: "No person can become stateless through loss of Uruguayan nationality.

" .......... "(E/2178/Add.11, pp.1-2)

141. Group II. Countries in which the withdrawal of nationality does not lead to statelessness

Switzerland: 

... Swiss nationality cannot be lost unless a foreign nationality is held or acquired. This applies in all cases, including withdrawal." (E/1869/Add.16, p.1)

/142. The reply
142. The reply of one country contains a general statement to the effect that statelessness is not created by the operation of the country's nationality laws:

Caylon: See paragraph 64 above.

B. Countries where statelessness may occur in certain cases as a result of withdrawal of the country's nationality

143. Group III. Countries in which withdrawal of nationality may be applied only, or mainly, to nationals having acquired the country's nationality otherwise than at birth

In such cases the withdrawal may be effected on one or several of the following grounds:

(i) Prolonged sojourn abroad under conditions denoting the severance of the link between the national and the country;

(ii) Participation in certain activities in a foreign country which are generally considered to be reserved to nationals of that foreign country;

(iii) Fraud exercised when obtaining the country's nationality;

(iv) Lack of good character, denoted, in particular, by a criminal conviction within a specified period of time after acquiring the country's nationality;

(v) Disloyal acts or attitudes towards the country, in particular when the country is at war.

144. The replies of the governments of the following countries contain statements to the effect that the country's nationality may be withdrawn only from such nationals as have acquired it otherwise than at birth:

In addition to the replies quoted in the text, mention should also be made of the reply of the government of Argentina (E/1869/Add.19). The reply mentions Article 31 of the Constitution which reads, inter alia, as follows:

"Article 31 ..."The law shall establish the causes, formalities and conditions governing the granting of Argentine nationality and the withdrawal thereof ..." (See Yearbook on Human Rights, 1949, p.6.)

/1. Australia:
1. **Australia:** "Australian citizenship may be lost in several ways, but broadly the circumstances in which loss of Australian citizenship can result in statelessness are the following:

   "(i) Section 20 of the Nationality and Citizenship Act results in loss of citizenship by any naturalized or registered citizen who resides outside Australia, New Guinea and Nauru for over seven years continuously (other than in the service of an Australian Government or firm or of an international organization of which Australia is a member) without giving annual notice of intention to retain citizenship. As a general rule, such persons may be expected to possess or acquire another nationality, e.g., that of the country in which they are residing, if they do not, they will become stateless. Statelessness results in these cases from the omission by the person concerned either to give notice of intention to retain citizenship or to return to Australia within seven years;

   "(ii) Section 21 of the Act empowers the Minister to deprive a naturalized or registered person of his citizenship if that person has been guilty of disloyalty; has, during a war in which Australia is or was involved, traded or communicated with an enemy; has been registered or naturalized by fraud or was not of good character at the date of naturalization or registration; or has been sentenced, within five years after registration or naturalization, to imprisonment for a year or more. If a person who is so deprived of his Australian citizenship does not possess or acquire another nationality he will become stateless. Only one person has so far been deprived of citizenship under this section. It is not considered to be practicable or desirable to limit the Minister's powers of deprivation under the section to persons who possess or will acquire another nationality at the time of deprivation." (E/2164/Add.20, pp.2-3)

2. **Burma:** Sections 18, 19, 20 and 21 and 21A of the Union Citizenship Act, 1948 (as amended) annexed to the reply of Burma, read as follows:
"18. When the Minister is satisfied that a certificate of naturalization or a certificate of citizenship granted by him has been obtained by false representation or fraud or by concealment of material circumstances or that the person to whom the certificate was granted has shown himself by act or speech to be disaffected or disloyal to the Union, the Minister may in accordance with section 20 (1), by order, revoke a certificate.

"19. Without prejudice to the powers under section 18, the Minister may revoke a certificate of naturalization or a certificate of citizenship in any case in which the person to whom the certificate was granted either:

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

(b) has, within five years of the date of the grant of the certificate, been convicted of an offence involving moral turpitude sentenced by any Court in the Union to imprisonment for a term not less than twelve months; or

(c) has since the date of the grant of the certificate been for a continuous period of not less than five years voluntarily resident out of the Union otherwise than in the service of the Union or of an international organization of which the Union is a member, and while so resident outside the Union has failed to register at the appropriate Consulate of the Union annually after a residence of one year outside the Union; or

(d) has failed to make a declaration of alienage in respect of any other citizenship within the period prescribed; or

(e) has ceased to be a citizen of the Union at any time after he has been granted a certificate of naturalization or a certificate of citizenship.
20. (1) The Minister before making the order revoking the certificate of naturalization or the certificate of citizenship may, if he thinks fit, refer the matter for enquiry as hereinafter mentioned; and in any manner connected with section 18 or 19, the Minister shall by notice to the holder of the certificate or at his last known address, give him an opportunity of claiming an enquiry, and if the holder so claims, the Minister shall refer the matter for enquiry.

"(2) An enquiry under this section shall be held by the High Court and the practice and procedure at such enquiry shall be regulated by rules of the Court.

"(3) The High Court shall communicate its findings to the Minister and such findings shall be final.

"21. When the Minister revokes a certificate of naturalization or a certificate of citizenship, the revocation shall have effect from such date as the Minister may appoint and thereupon the certificate shall be given up as cancelled, and any person refusing without reasonable cause or neglecting to give up the certificate shall be liable to imprisonment for a term not exceeding six months or to fine.

"21A. When the certificate of naturalization or the certificate of citizenship has been revoked, the holder of the certificate shall cease to be a citizen of the Union and shall be regarded as the citizen of the country of which he was a subject at the time the certificate was granted to him." (E/2164/Add.10, pp.22-23)

3. Ecuador: "Article 92 of the Constitution, annexed to the second reply of Ecuador, reads, in part, as follows:

"Article 92. The following are the powers and duties of the President of the Republic:

"...........

"(11) ... to cancel certificates of naturalization in conformity with the Constitution and the law." (E/2164/Add.4, Annex II).
4. Ireland: "The operation of Irish nationality law does not create statelessness, except in the provision which authorizes revocation of a certificate of naturalization and, in fact, since the passing of the Irish Nationality and Citizenship Act, 1935, no certificate has been revoked." (E/1869/Add.17, p.1).

5. Israel: Under the proposed Bill of Citizenship "Israel citizenship is lost in the following cases:

   "
   (d) By the cancellation, by an order of the court, of naturalization obtained by fraud (Sec. 13)" (E/1869/Add.11, p.3).

6. New Zealand: "Under certain provisions of the British Nationality and New Zealand Citizenship Act, 1948, a New Zealand citizen may be deprived of his citizenship, but such a person would become stateless only if he did not possess a second nationality or failed to revert to his former or original nationality. The number of cases of deprivation of New Zealand citizenship is small, and the most common ground is continued residence of a naturalized New Zealand citizen in his country of origin." (E/2164/Add.3, p.2).

7. United Kingdom and Colonies: "The provisions for deprivation of citizenship (under Section 20 of the British Nationality Act, 1948) apply only to persons who acquired their citizenship of the United Kingdom and Colonies by naturalization or registration. Although a person may be deprived of his citizenship of the United Kingdom and Colonies at the discretion of the Secretary of State, the permissible grounds for deprivation are strictly limited under Section 20 of the British Nationality Act, 1948. Moreover, as a further safeguard against the possibility of any arbitrary action under this Section, the person concerned has the right, unless his case falls under Section 20(4) (long absence abroad) to have his case referred to a Committee of Enquiry. It would, however, be possible for a person to become stateless as a result of such deprivation of his citizenship, but the provisions of this Section are sparingly invoked; and there have been only three cases of deprivation of citizenship since the end of the war." (E/2164/Add.5)
Section 20 of the British Nationality Act, 1948, annexed to the second reply of the United Kingdom, reads as follows:

"Deprivation of citizenship"

20. (1) A citizen of the United Kingdom and Colonies who is such by registration (including a person registered under sub-section (6) of section twelve of this Act) or is a naturalized person shall cease to be a citizen of the United Kingdom and Colonies if he is deprived of that citizenship by an order of the Secretary of State made under this or the next following section.

(2) Subject to the provisions of this section, the Secretary of State may by order deprive any such citizen of his citizenship if he is satisfied that the registration or certificate of naturalization was obtained by means of fraud, false representation or the concealment of any material fact.

(3) Subject to the provisions of this section, the Secretary of State may by order deprive any citizen of the United Kingdom and Colonies who is a naturalized person of that citizenship if he is satisfied that that citizen -

(a) has shown himself by act or speech to be disloyal or disaffected towards His Majesty; or
(b) has, during any war in which His Majesty 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 naturalized been sentenced in any country to imprisonment for a term of not less than twelve months.

(4) The Secretary of State may by order deprive any person naturalized in the United Kingdom and Colonies of his citizenship of the United Kingdom and Colonies 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 neither -
(a) been at any time in the service of His Majesty or of an international organization of which the government of any part of His Majesty’s dominions was a member; nor
(b) registered annually in the prescribed manner at a United Kingdom consulate his intention to retain his citizenship of the United Kingdom and Colonies.

(5) The Secretary of State 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 the United Kingdom and Colonies.

(6) Before making an order under this section the Secretary of State 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-sections (2) and (3) of this section, of his right to an inquiry under this section.

(7) If the order is proposed to be made on any of the grounds specified in sub-sections (2) and (3) of this section and that person applies in the prescribed manner for an inquiry, the Secretary of State shall, and in any other case the Secretary of State may, refer the case to a committee of inquiry consisting of a chairman, being a person possessing judicial experience, appointed by the Secretary of State and of such other members appointed by the Secretary of State as he thinks proper.

(Ibid, Annex I)

See also The Deprivation of Citizenship Rules, 1950, annexed to the second reply of the United Kingdom (Ibid, Annex III)

145. Mention should also be made of the reply of the government of one country containing a statement to the effect that a person having acquired the country’s nationality by birth cannot be deprived of that nationality by a unilateral act of the government:

Denmark: "Neither the new Nationality Act (of 27 May 1950), nor the legislation hitherto in force, contain any regulations whereby a person, who has
who has acquired Danish nationality by birth may be deprived of his
nationality by a unilateral act on the part of the government."
(E/1869/Add.18, p.3).

146. The replies of the governments of the following countries contain
statements to the effect that in most cases the country's nationality may be
withdrawn only from persons having acquired it otherwise than at birth:

1. France: "A person who is not a refugee might, nevertheless, be
stateless simply by virtue of the law of the country of which he is a
national. For example, if a Frenchman by naturalization, having lost
his nationality of origin by acquiring French nationality is deprived
of the latter, as a result of a serious conviction for a crime against
the ordinary law, he becomes stateless, though not a refugee, for as long
as he remains in France.

There are very few stateless persons in the world who were previously
French nationals, certainly less than 500, all of them non-refugees.

The 15,000 or so withdrawals of nationality owing to a review of the
naturalizations or to the deprivation of nationality of persons who
formed the nucleus of the Free French Forces between 1940 and 1944 were
cancelled after the Liberation.

Generally speaking, the French Government never confers or withdraws
French nationality as a reward or punishment, and the relevant legislation
contains every kind of provision likely to remove the causes of
statelessness. Under article 96 of the Code of 19 October 1945, only
individuals having another nationality and behaving in France as active
nationals of the other State in a manner inconsistent with French
national interests, are deprived of their French nationality."
(E/2164/Add.19, p.5).

2. Pakistan: Section 16 of the Pakistan Citizenship Act, 1951, annexed
to the reply of Pakistan reads as follows:

"Deprivation of citizenship

16. (1) A citizen of Pakistan shall cease to be a citizen of Pakistan
if he is deprived of that citizenship by an order under the next
following sub-sections.

(2) Subject to the provisions of this section the Central

/Government
Government may by order deprive any such citizen of his citizenship if it is satisfied that he obtained his certificate of domicile or certificate of naturalization by means of fraud, false representation or the concealment of any material fact, or if his certificate of naturalization is revoked.

(3) Subject to the provisions of this section the Central Government may by order deprive any person who is a citizen of Pakistan by naturalization of his citizenship of Pakistan if it is satisfied that that citizen -

(a) has shown himself by any act or speech to be disloyal or disaffected to the Constitution of Pakistan; or
(b) has, during a war in which Pakistan is or has been engaged, unlawfully traded or communicated with the enemy or engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist the enemy in that war; or
(c) has within five years of being naturalized been sentenced in any country to imprisonment for a term not less than twelve months.

(4) The Central Government may on an application being made or on its own motion by order deprive any citizen of Pakistan of his citizenship if it is satisfied that he has been ordinarily resident in a country outside Pakistan for a continuous period of seven years and during that period has neither -

(i) been at any time in the service of any Government in Pakistan or of an international organization of which Pakistan has, at any time during that period been a member; nor

(ii) registered annually in the prescribed manner at a Pakistan Consulate or Mission or in a country where there is no Pakistan Consulate or Mission at a Pakistan Consulate or Mission in a country nearest to the country of his residence his intention to retain Pakistan citizenship.

(5) The
(5) The Central Government shall not make an order depriving a person of his citizenship under this section unless it is satisfied that it is in the public interest that that person should not continue to be a citizen of Pakistan.

(6) Before making an order under this section the Central Government shall give the person against whom it is proposed to make the order notice in writing informing him of the grounds on which it is proposed to make the order and calling upon him to show cause why it should not be made.

(7) If it is proposed to make the order on any of the grounds specified in sub-sections (2) and (3) of this section and the person against whom it is proposed to make the order applies in the prescribed manner for an inquiry, the Central Government shall, and in any other case may, refer the case to a committee of enquiry consisting of a chairman, being a person possessing judicial experience, appointed by the Central Government and of such other members appointed by the Central Government as it thinks proper." (E/2164/Add.6, Annex).

3. Union of South Africa: "Clauses of the South African Citizenship Act, 1949, under which persons may become stateless are cited hereunder:"

"Articles 17 (1), 17 (2) and 18"

"A South African citizen who loses his citizenship in terms of the provisions of these articles will become a stateless person unless he is a national of some state other than the Union. For the purpose of Union legislation such a person is regarded as having the nationality or citizenship which he had prior to becoming South African citizen."**1/**

---

**1/** See following page for footnote.
The provisions of the South African Citizenship Act, 1949, mentioned in the text, read as follows:

"17. (1) A South African citizen by registration or naturalization shall cease to be a South African citizen if he resides outside the Union for a continuous period of at least seven years exclusive of any period during which -
(a) he so resides in the service of the Government of the Union; or
(b) he so resides as the representative or employee of a person or association of persons resident or established in the Union, or in the service of an international organization of which the Government of the Union is a member; or
(c) in the case of the wife or minor child of a person referred to in paragraph (a) or (b), such wife or child so resides with such person;
(d) in the case of the wife or minor child of a person who is a South African citizen by birth or descent, such wife or child so resides with such person; or
(e) he has at least once in every year registered in the prescribed manner at a Union Consulate or such other place as may be prescribed, his intention to retain his South African citizenship;
(2) Whenever a person ceases under sub-section (1) to be a South African citizen, his minor children who are South African citizens by registration or naturalization shall also cease to be South African citizens if the other parent of such children is not, or does not remain, a South African citizen.

"18. A person who is a South African citizen under sub-section (3) of section five (other than a person referred to in paragraph (a) of that sub-section) shall cease to be a South African citizen -
(a) in the case of the holder of a valid South African passport, upon the expiration of the period of validity of his passport unless he has before the expiration of the period of validity of his passport, lawfully entered the Union for permanent residence therein; and
(b) in the case of the minor child of the holder of a valid South African passport upon the expiration of validity of the relevant passport or upon the expiration of a period of one year after he has attained the age of twenty-one years, whichever is the earlier, unless he has, before the expiration of the period of validity of the relevant passport or, as the case may be, before he has attained the age of twenty-one years, lawfully entered the Union for permanent residence therein." (See Statutes of the Union of South Africa 1949, Published by Authority, CAPETOWN 1949, pp. 436-438).

Note: Section 5 of the South African Citizenship Act 1949, mentioned in Section 18, deals with citizenship by descent of persons born outside the Union prior to the date of commencement of the Act. Sub-section (3) of Section 5 deals, namely, with persons who, immediately prior to the commencement of the Act, were Union nationals by virtue of the provisions of paragraph (d) of section one of the Union Nationality and Flags Act, 1927.

(Ibid, p. 420).

\- United States
4. **United States of America:** "Statelessness after birth results largely from the operation of expatriation statutes. The ways in which American nationality can be lost are set forth in Sections 401 and 404 of the Nationality Act of 1940. These methods, all of which require voluntary action by the individual may be summarized as follows:

"3. Entering the armed forces of a foreign state, if one has or acquires its nationality.

"4. Accepting or performing the duties of any office, post, or employment under a foreign state for which only its nationals are eligible.

"5. Voting in a foreign political election.

"7. Deserting United States military or naval service in time of war.

"8. Committing treason against the United States, or attempting by force to overthrow the Government of the United States or bearing arms against it.

"9. Departing from or remaining outside of the jurisdiction of the United States in time of war or during a period of national emergency for the purpose of evading or avoiding military service.

"10. Residence by a naturalized citizen for two years in a foreign state of which one was formerly a national or in which the place of his birth is situated, if he acquires through such residence the nationality of such foreign state.

"11. Residence by a naturalized citizen for three years in the same foreign state, even if he does not acquire its nationality (except residence for certain specified purposes).

"12. Residence by a naturalized citizen for five years in any other foreign state, except as otherwise provided.

"It will readily be seen that some of these methods of expatriation do not result in statelessness, some may or may not so result and still others in most cases do so result. For example, under ... (3), (4), and (10), statelessness seldom, if ever, results. Under (5) statelessness may result, but it is usually possible"
possible for the individual, if he desires, to acquire the nationality of the foreign state to which the oath is taken or in which the vote was cast. Although statelessness results from (11), it is ordinarily not difficult for the individual to acquire or reacquire the nationality of the foreign state involved. There can be no doubt that expatriation under (7), (8), and (9), does result, in most cases, in the individual becoming stateless. However, these cases are relatively few. Under (12), it may be said that statelessness results to some extent. (E/1869/Add.12, pp. 2-3).

147. Group IV: Countries in which withdrawal of nationality may, in certain cases, be applied to all classes of nationals, and in some other cases, to particular classes of nationals.

148. The replies of the governments of the following countries contain statements explaining under which circumstances the nationality of the country may be withdrawn:

1. Belgium: "... our present legislation still contains provisions which can give rise to statelessness.

"These are primarily provisions concerning the forfeiture of nationality. They are, however, regulations to meet exceptional circumstances, where they would be required to protect the higher interests of the State; their application is very limited and will no doubt diminish still further in the course of time." (E/1869/Add.7, p. 2).

"For reasons of public security .... legislation has been passed regulating loss of Belgian nationality.

"Thus, the Act of 30 July 1934 provides the persons who seriously fail in their duties as Belgian citizens may lose their Belgian nationality, while under the Decree of 6 May 1944, as amended by the Decree of 7 September 1946, persons sentenced to a penalty under criminal law for offences committed in time of war against the external security of the State, automatically lose their Belgian nationality." (E/2164, p. 3).

For France, Pakistan, the Union of South Africa and the United States of America, where in certain cases of withdrawal of nationality the distinction between nationals otherwise than by birth and nationals in general is not made, see paragraph 146 above.
Articles 18 bis and 16 ter of the Consolidated Nationality Act of 14 December 1932 (as amended) annexed to the second treaty of Belgium read, in part, as follows:

"Article 18 bis,
"Paragraph 1. A Belgian national who does not derive his nationality at birth from a Belgian father may, if he seriously fails in his duties as a Belgian citizen, be deprived of his nationality at the instance of the public legal department.

The charges shall be specified in the notice of summons.

"Paragraph 2. The deprivation proceedings shall be conducted in the court of appeal of the defendant's place of domicile or, in the absence of a known place of domicile, of his last place of residence. In the absence of any known place of domicile or residence in Belgium, the court of appeal at Brussels shall have jurisdiction.

"Article 16 ter: Any person who has been sentenced, by an order or judgment by default, to a heavy penalty (peine criminelle) for an offence or attempted offence in time of war within the meaning of chapter II, book IV, title 1 of the Penal Code or of articles 17 and 18 of the Military Penal Code, no objection having been lodged against the said order or judgment and the sentence not having been executed against his person, shall automatically be deprived of Belgian nationality on the expiry of the time-limit for objection."

(E/2164 Annex)

2. Turkey: "The provisions of Articles 9, 10, and 11 of the Turkish Law on Nationality which indicate the reasons for denationalisation are as follows:

"Article 9 - Turkish nationals who voluntarily acquire another nationality without obtaining special authority, or who voluntarily perform military service in the army of a foreign state may be denationalized by a decision of the Cabinet.

"Article 10 - Turkish nationals, who have entered a non-military service of a foreign State and who disregard the order issued to them by the
by the government of their locality in Turkey, or the order communicated
to them in a foreign country to leave such service within a determined
period, and Turkish nationals who without permission continue to be in
the service of a State at war with Turkey, may be denationalized. The
government can, if it desires, denationalize the following: on the
declaration of general mobilization in Turkey, those Turkish nationals
who, having been officially summoned through the appropriate channels,
fail, without any excuse, to report for their compulsory military
service or of those Turkish nationals, who during their conveyance to
their assigned units or after joining a unit desert and fail to rejoin
their units within the period specified by law, and also Turkish
nationals who, according to the evidence submitted went to a foreign
country and are not able to prove the contrary; all high ranking
officers, all ranks of the services and persons liable for military
service who, having gone abroad on leave, for change of air or on
official duties, do not, without any excuse, return at the expiration
of the term of their leave or duties, and Turkish nationals residing
abroad who fail to register themselves with a Turkish Consulate for a
period exceeding five years.

"Article 11 - Former aliens, who have been granted Turkish nationality,
may, in the following circumstances, be denationalized by a decision
of the Cabinet:

"A. Those who try to undermine the internal and external
security of the Turkish Republic.

"B. Those who do not fulfill the obligations laid down by
legislation regarding military service."

(E/2164/Add.15, pp. 2-3).

3. Yugoslavia: The following dispositions of the Yugoslav Legislation
in force might cause the status of statelessness:

"LAW ON CITIZENSHIP

"Article 15. The citizenship of the Federal People's Republic of
Yugoslavia is lost by reason of absence by any person permanently
residing outside the Federal People's Republic of Yugoslavia who,
over a period of 15 years after the eighteenth year of age, failed
/to fulfill
to fulfil any public obligation towards the Federal People's Republic of Yugoslavia and in addition to that, during the last five years failed to register with a Mission of the Federal People's Republic of Yugoslavia abroad or to report in writing to the Ministry of Interior of the Federal People's Republic of Yugoslavia. Such loss of citizenship shall apply also to all children of such a person, born and permanently residing abroad, if they should not have fulfilled their obligations towards the Federal People's Republic of Yugoslavia, or registered or reported as provided in the foregoing paragraph.

"The decision on the loss of citizenship pursuant to this Article shall be brought by the Ministry of the Interior of the Federal People's Republic of Yugoslavia. Action against such decision may be taken within two years after its publication in the Official Gazette of the Federal People's Republic of Yugoslavia."

"Article 16.

'Any person belonging ethnically to the peoples whose States have been at war with the peoples of the Federal People's Republic of Yugoslavia and who, during the war or prior to it, but in connection with that war, has contravened his duties as a citizen, may be deprived of the citizenship of the Federal People's Republic of Yugoslavia.

'Any naturalized citizen of the Federal People's Republic of Yugoslavia may equally be deprived of the citizenship of the Federal People's Republic of Yugoslavia, if he obtained naturalization by using false statements or omitting to state important circumstances, or if he has been sentenced, within five years since the date of his naturalization, by a court, for a defamatory offence or for an offence against the interest of the people and the State.

'Any citizen of the Federal People's Republic of Yugoslavia whose activity abroad is, or during the war was, prejudicial to the interests of the peoples or of the State of the Federal People's Republic of Yugoslavia, or who refused to comply with his obligations of a citizen, may be deprived of his citizenship.'

"Article 17."
Article 17.

'Decisions on deprivation of citizenship pursuant to para. 1 and 2 of the preceding article shall be made by the Ministry of the Interior of the Federal People's Republic of Yugoslavia.

'Deprivation of citizenship pursuant to para. 3 of the preceding article shall be ordered either by a Court, in cases explicitly provided by the law, or by decision of the Presidium of the National Assembly of the Federal People's Republic of Yugoslavia.'

'Nevertheless, the cessation of citizenship of the Federal People's Republic of Yugoslavia does not take place ex lege, but it is necessary that the competent authorities should take a decision in each individual case, considering thereby all the circumstances of the case. Thus, the case of a person becoming stateless is practically within the control of the competent authorities, who thus have the faculty to prevent the occurrence of a considerable number of stateless persons for the above stated grounds.

'The deprivation of citizenship by sentence of the courts has been repealed. Article 1 of the Law on deprivation of citizenship of commissioned and non-commissioned officers of the former Yugoslav Army, who refused to return to Yugoslavia, of members of military formations who were in the service of the invader and who fled abroad, as well as of persons who fled after the liberation:

'All commissioned and non-commissioned officers of the former Yugoslav Army, who were taken prisoner or interned by the enemy and who refuse repatriation and remain abroad of their free will, shall lose the citizenship of the Federal People's Republic of Yugoslavia.

'All members of various anti-popular political organizations and military formations who were in the service of the invader (the so-called Yugoslav armies in the fatherland, tchetniks and Ustasha, Serbian State Guards, Domobrans, etc.) who retreated from the territory of Yugoslavia together with the enemy with whom they jointly fought against the Yugoslav army and our Allies until they reached the frontiers, and who actually are abroad,'
abroad, as well as the other members of such formations who fled earlier from this country - are deprived of the citizenship of the Federal People's Republic of Yugoslavia. Persons who have escaped from the country after the liberation shall be deprived of their citizenship, too."

"It is provided by the same law that persons who, within two months after the official announcement of the end of the repatriation term in the zone where they are residing, shall express to any Yugoslav diplomatic or military representative or to his authorized delegate their readiness to be repatriated shall not lose their citizenship. Persons who, due to disease, distance or isolation, fail to report within the due term, shall be admitted to do so later on, provided that they produce proof of their inability to do so within the fixed term.

"However, in the practice of the Yugoslav competent authorities for the questions of citizenship, the loss of citizenship does not even in this case occur *ex lege*, and a special decision is required in each case, since this is required by the system of administrative procedure applied in the F. P. I. of Yugoslavia." (E/2164/Add.18, pp. 2-4).

149. The replies of the governments of the following countries state that a national born abroad may have his nationality withdrawn under certain circumstances:

1. **Norway**: Section 8 of the Norwegian Nationality Act of 8 December 1950, annexed to the reply of Norway, reads as follows:

"Section 8.

"A Norwegian national born abroad loses his Norwegian nationality on attaining the age of 22, provided he has never previously to that time resided in this country nor has stayed there in circumstances affording evidence of solidarity with Norway. However, if such person applies for permission to retain his nationality before he has reached the age of 22, the King, or the authority the King empowers thereto, may grant the applicant a certificate of citizenship.

"If a person
"If a person loses Norwegian nationality under this section, his children similarly lose their nationality acquired through him." (E/216/Add.1, Annex).

2. Sweden: Article 8 of the Swedish Nationality Act of 22 June 1950, annexed to the second reply of Sweden, reads as follows:

"Article 8

"A Swedish citizen who was born outside Sweden and who has at no time been domiciled or lived there under circumstances indicating a connexion with Sweden shall lose his Swedish citizenship upon attaining the age of twenty-two years. Upon application previously made by such person the King in Council may, however, permit him to retain such citizenship.

"Whenever any person loses his or her Swedish citizenship in accordance with the first paragraph of this article, such loss of citizenship shall also apply to any children who have acquired citizenship as a consequence of the said person's being a Swedish citizen (E/216/Add.16, Annex).

150. For the reply of Denmark see paragraph 42 above.
CHAPTER VII. PROOF OF NATIONALITY

151. The replies of the Governments of the following countries contain statements concerning the manner in which the nationality of the country may be proved:

1. Belgium: Article 23 of the Consolidated Nationality Act of 14 December 1932, annexed to the reply of Belgium, reads as follows:

"Article 23. Belgian nationality by descent shall be deemed to have been sufficiently established by a claimant if he proves that the parent whose nationality he follows enjoys Belgian status. Belgian status is acquired by the exercise of the rights conferred by such status. Evidence to the contrary shall be admissible." (E/2164, Annex)

2. Burma: Section 6 of the Union Citizenship Act, 1948, annexed to the reply of Burma, reads as follows:

"6. (1) The Minister may, in his discretion, grant a certificate of citizenship to any person about whose status as a citizen of the Union a doubt exists or to the representative in interest of such person, and he shall specify on the certificate that the grant thereof is made for the purpose of clearing such doubt.

(2) Such certificate shall be conclusive evidence as to existence of such citizenship and the person in respect of whom it is granted shall, as from a date for that purpose to be specified in the certificate, be deemed to have been a citizen of the Union; provided that the certificate shall not be regarded as an admission that he was not, previous to the date so specified, such a citizen." (E/2164/Add.10, Annex IV)

3. Iran: "The following are considered to be Iranian citizens:

"a. All inhabitants of Iran except those whose alien status is established by their identity certificates.

".................................(E/2164/Add.21, p. 1)

4. Pakistan: Section 19 of the Pakistan Citizenship Act, 1951, annexed to the reply of Pakistan, reads as follows:

"Cases of doubt as to citizenship

"19. (1) Where a person with respect to whose citizenship a doubt
exists, whether on a question of law or fact, makes application in that behalf to the Central Government, the Central Government may grant him a certificate that at the date of the certificate he is a citizen of Pakistan.

(2) The certificate, unless it is proved to have been obtained by fraud, false representation or concealment of any material fact, shall be conclusive evidence of the fact recorded in it." (E/2164/Add.6, Annex).

5. United Kingdom and Colonies: Section 25 of the British Nationality Act, 1948, annexed to the reply of the United Kingdom, reads as follows:

"Certificate of citizenship in case of doubt

25. The Secretary of State may in such cases as he thinks fit, on the application of any person with respect to whose citizenship of the United Kingdom and Colonies a doubt exists, whether on a question of fact or of law, certify that that person is a citizen of the United Kingdom and Colonies; 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." (E/2164/Add.5, Annex: I).

152. The reply of the Government of one country contains a statement to the effect that measures have been taken to facilitate proof of citizenship of all persons born, residing and working in the country if there is no doubt that they are citizens of the country:

Czechoslovakia: "The Ministry of the Interior has . . . issued a number of provisions to facilitate proof of citizenship of all persons born, residing and working in the territory of the Czechoslovak Republic if there is no doubt that they are Czechoslovak citizens.

"These regulations which are strictly adhered to ensure a substantial reduction in the number of stateless persons." (E/2164/Add.12, p. 2).

/PART II.
PART II. SUMMARY OF THE INFORMATION CONTAINED IN THE REPLIES RECEIVED FROM GOVERNMENTS.

153. In this Part, an attempt will be made, for the convenience of the Economic and Social Council and of the International Law Commission, to present summaries of the information supplied by governments which has been analyzed in Part I of this Report.

154. This summary endeavours to restate in a systematic but shortened form the main facts set out in the preceding part of this Report, and to give a general view of the provisions indicated in the information contained in that part.

155. Details which may be essential for exact study of particular legislative provisions or administrative practices of a given country have been omitted from the summaries. For detailed study the information in the preceding Parts I, II, and III should therefore also be consulted.

I. Avoidance of statelessness in connexion with changes of territorial sovereignty

156. (a) The replies of the governments of the following countries state that the recommendation relating to the inclusion in arrangements for changes of territorial sovereignty of provisions for avoidance of statelessness does not concern them:

1. Argentina 6. Ireland
2. Chile 7. Norway
3. Denmark 8. Sweden
4. Ecuador 9. Switzerland
5. Greece 10. United States of America

157. (b) The replies of the governments of the following countries state that the recommendation has been noted and, in certain cases, either express approval, or state that the recommendation will be kept in mind, should the country be involved in changes of territorial sovereignty:

1. Australia 4. Ceylon
2. Belgium 5. India
3. Canada 6. New Zealand
4. United Kingdom

/158. (c) The
158. (c) The replies of the governments of the following countries contain texts of legislative provisions dealing with nationality in cases of incorporation of territory:

1. Pakistan
2. United Kingdom

159. (d) The reply of the government of one country states that the problem of such territorial changes concerning the country as may affect the nationality of the persons concerned will be a matter for consideration in the Peace Treaty between the country and the Allied Powers:

Japan

160. (e) The replies of the governments of the following countries contain information on measures taken by them in connexion with changes of territorial sovereignty in which the countries have been involved:

1. China
2. Hashemite Kingdom of Jordan
3. Yugoslavia

161. (f) The replies of the governments of the following countries contain information on measures taken by them in connexion with the obtaining of independence by the country:

1. Burma
2. Ceylon
3. Israel

CHAPTER I. GENERAL POSITION AS TO THE ACQUISITION OF NATIONALITY BY NATURALIZATION

II. Naturalization and similar procedures for acquiring a nationality by stateless persons habitually resident in a territory

162. In two countries there is no naturalization properly speaking, but, however, procedures akin to naturalization:

1. Ceylon: Registration of certain classes of aliens, including stateless persons, as citizens.
2. Uruguay: Acquisition of citizenship (as distinct from nationality) by certain categories of aliens, including stateless persons.

163. In two countries nationality laws have not yet been enacted. When enacted, they will provide for acquisition of the country's nationality, including acquisition by stateless persons, through naturalization:

1. India
2. Israel
SECTION I: Statutory requirements for naturalization

164. Category I, Admission and sojourn in the country and notice of intention:

1. Argentina: Two years previous continuous residence if applicant entered the country without violating the laws (after 5 years' continuous residence, Argentine citizenship is acquired automatically, subject to the right to decline it).

2. Australia: Declaration of intention at least one year after having entered the country; residence in the country for at least five years, including the year immediately preceding the application and another four years during the eight years immediately preceding the application; intention to reside in the country.

3. Belgium: Habitual residence in the country for at least 15 years in case of final naturalization, and 10 years for ordinary naturalization.

4. Burma: Five years of continuous residence in the country before the application; intention to reside in the country if naturalization is granted; notice of intention to apply for naturalization to be given at least one year and not more than five years before the application.

5. Chile: Continuous residence in the country for more than 5 years.

6. China: Continuous domicile in the country for more than 5 years.

7. Czechoslovakia: Residence in the country for a minimum period of 5 years.

8. Ecuador: Residence in the country for 5 years after obtaining the final residence certificate.

9. France: Residence in the country for 5 years.

10. Iran: Continuous or intermittent residence in the country for 5 years.

11. Israel: (Under the Bill on Citizenship); lawful residence in the country for 3 years; intention to reside in the country.

12. Japan: Domicile in the country for 5 consecutive years or more.

13. New Zealand: Notice of intention at least one year before the application; residence in the country throughout the year preceding application; at date of application total residence in the country for 5 years out of the preceding 8 years; intention to reside in the country.

14. Norway: Residence in the country for a minimum period of 7 years.

/15. Pakistan:
15. **Pakistan**: Residence in the country not less than 5 years immediately preceding adoption of the Naturalisation Act; intention to reside in the country.

16. **Sweden**: Domicile in the country for a minimum period of 7 years.

17. **United Kingdom and Colonies**: Residence in the country through 12 months immediately preceding application; residence in the country (or one of specified territories) for 4 years out of the 7 years preceding the above period of 12 months; intention to reside in the country (or in one of the specified territories).

18. **United States of America**: Lawful admission to the country for permanent residence; continuous residence for a specified period, generally 5 years.

165. **Category II**: Knowledge of the language or of the institutions of the country:

1. **Australia**: Adequate knowledge of English; adequate knowledge of responsibilities and privileges of citizen of the country.

2. **Burma**: Speaking knowledge of one of the specified languages of the country.

3. **Ecuador**: Speaking and written knowledge of Spanish; general knowledge of history, geography and Constitution of the country.

4. **Israel**: (Under the Bill on Citizenship) Some knowledge of Hebrew.

5. **New Zealand**: Sufficient knowledge of English; sufficient knowledge of responsibilities and privileges of citizen of the country.

6. **Pakistan**: Adequate knowledge of one of the vernacular languages of the country.

7. **United Kingdom and Colonies**: Sufficient knowledge of English (or, in a colony, protectorate or trust territory, of English or language recognized as being equal to it).

1/ Alternatively: residence in the country for 20 years.

/166. **Category III**.
166. Category III. Age and capacity:

1. **Australia:** Full age (21 years) and full capacity.

2. **Belgium:** 30 years for the final naturalization; 22 years for the ordinary naturalization.

3. **Burma:** 18 years.

4. **China:** 20 years and legal capacity (in the case of a stateless person, in accordance with Chinese law only).

5. **Ecuador:** Legal capacity in accordance with personal status and Ecuadorian laws.

6. **Iran:** 18 years.

7. **Israel:** (Under the Bill on Citizenship) full age.

8. **Japan:** 20 years and full capacity according to the law of the native country.

9. **New Zealand:** Full age and capacity.

10. **Norway:** 18 years.

11. **Pakistan:** Person not being a minor.

12. **Sweden:** 18 years.

13. **United Kingdom and Colonies:** Full age and capacity.

167. Minors may be naturalized in the following countries:

1. **Australia:** In certain cases.

2. **Israel:** (Under the Bill on Citizenship) on application of parent or guardian.

167. Minors may be registered as nationals in the following countries:

1. **New Zealand:** Conditions unspecified.

2. **Pakistan:** On application of parent or guardian; if child of a citizen of Pakistan, the government may register any minor.

3. **United Kingdom and Colonies:** Minor child of a citizen of the United Kingdom and Colonies; in special circumstances, any minor. See also facilities granted to children of naturalized persons (paragraphs 189 to 192 below (Section III of Chapter II of this Part)).

168. Category IV. Property or income requirements:

1. **China:** Sufficient financial means, or skill and ability to earn his living.

2. **Ecuador:** Possession of lawful property, business, occupation or office enabling him to support himself.

3. **Japan:**
3. **Japan**: Property or ability for "independent living".

4. **Norway**: Ability to support himself and family.

5. **Sweden**: Ability to support himself and family.

**169. Category V. Loss of former nationality and oath of allegiance:**

1. **Belgium**: Application for naturalization not receivable if national law authorizes to retain nationality when acquiring foreign nationality.

2. **Burma**: Naturalization does not take effect before declaration or oath or affirmation renouncing former nationality.

3. **Czechoslovakia**: Naturalization granted only if former nationality, if any, not retained.

4. **Ecuador**: Producing a certificate showing that upon naturalization former nationality will be lost.

5. **Japan**: Possession of no nationality or loss of former nationality upon naturalization.

6. **New Zealand**: Taking an oath of allegiance before naturalization becomes effective.

7. **Norway**: Certificate of naturalization issued provided within a year declaration of allegiance to Constitution is made (no declaration required if applicant under 18 years of age or insane). If according to law of country of origin release from nationality required, production of such release may be required within one year.

8. **Pakistan**: To be prepared to take oath of loyalty.

9. **Sweden**: If according to law of country of origin release from nationality required, production of such release may be made condition of naturalization.

10. **United Kingdom and Colonies**: Taking an oath of allegiance; however, renunciation of former nationality not required.

**170. Category VI. Good character:**

1. **Australia**: good character.

2. **Burma**: good character.

3. **China**: good character and behaviour.

4. **Czechoslovakia**: not to have committed act harmful to the Czechoslovak Republic or its People's democratic regime.

5. **Ecuador**: Irreproachable conduct before and during residence.
6. Japan: Upright conduct; not to have exercised certain activities considered subversive.

7. New Zealand: good character.


10. Sweden: good character.

11. United Kingdom and Colonies: good character.

171. Waiver of all or certain statutory requirements for naturalization at the discretion of the authority competent to grant naturalization: 1/

1. Czechoslovakia: In special cases residential requirement may be waived.

2. Norway: Possible waiver of any or all of the requirements.

3. Pakistan: Possibility to register as citizen any person even not having obtained a certificate of naturalization under Naturalisation Act, 1926.

4. Sweden: Possible waiver of any or all of the requirements.

5. United Kingdom and Colonies: Possible reduction of requirement as to residence; residence in certain specified countries may be considered as equivalent to residence in the country, etc.

SECTION II: Practice followed with respect to naturalization

172. (1) The replies of the following countries state that stateless persons are treated in the same way as all other aliens:

1. Australia
2. Belgium
3. Canada
4. Chile
5. Ecuador
6. Egypt 2/
7. France 2/
8. New Zealand
9. Norway
10. Syria
11. Union of South Africa
12. United Kingdom and Colonies 2/
13. United States of America

1/ For special categories of persons entitled to waiver of statutory requirements see Chapter II below.

2/ The reply contains statistical data concerning naturalization of stateless persons and/or naturalization in general.
173. (ii) The replies of the following countries state that applications from stateless persons receive in all or certain cases, sympathetic consideration:
1. Denmark
2. Iceland
3. Japan
4. Sweden (for certain categories of refugees, whether stateless persons or not).
5. Switzerland
6. Syria
7. Turkey

174. (iii) The reply of the following country states that stateless persons are generally granted naturalization on application without any further requirements:
Yugoslavia
CHAPTER II. ACQUISITION OF NATIONALITY BY SPECIFIED CATEGORIES OF PERSONS BY OPERATION OF LAW, BY PRIVILEGED PROCEDURES, OR BY NATURALIZATION, SOME OR ALL OF THE STATUTORY REQUIREMENTS BEING WAIVED

SECTION I: Former national and children of nationals and of former nationals

a) Reacquisition of nationality by former nationals

175. (i) In the following country nationality has been reacquired by a specified category of former nationals by operation of law:

United Kingdom: In the case of a woman having lost her nationality under previous legislation when marrying an alien.

176. (ii) In the following countries, nationality may be reacquired by privileged procedures by former nationals:

1. Belgium: In the cases of:
   (i) a former national having voluntarily acquired a foreign nationality;
   (ii) of a woman having lost Belgian nationality from marrying an alien;
   (iii) of a child having lost Belgian nationality when his parent has acquired a foreign nationality.

2. Denmark: In the case of a former national by birth who has resided in the country till 18 years of age.

3. Ecuador.

4. France.

5. Norway: In the case of:
   (i) a former national by birth who has resided in the country till 18 years of age;
   (ii) a woman having lost Norwegian nationality under previous legislation upon marrying an alien;
   (iii) a person having lost Norwegian nationality under previous legislation by reason of expatriation.

1/ Under a special agreement to which Denmark, Norway and Sweden are parties, residence in one of the two other countries till the age of 12 is considered equal to residence in the country, the nationality of which is acquired by privileged procedure.
6. **Sweden:** In the case of:
   (i) a former national by birth who has resided in the country till 10 years of age;\(^1\)
   (ii) a woman having lost Swedish citizenship under previous legislation upon marrying an alien.

7. **United Kingdom:** In the case of a former national who lost nationality in childhood under previous legislation.

8. **Yugoslavia:** In the case of a former national who lost nationality as a consequence of change of nationality by the parents, while still a minor.

177. (iii) In the following country a former national may reacquire the country’s nationality by naturalization with waiver of some of the statutory requirements:

**Japan**

178. **Note:** in Norway and Sweden the competent authority has discretionary power to waive statutory requirements for naturalization for any applicant. The law, however, mentions specifically the case of the former national.

b) Acquisition of nationality by children of nationals and of former nationals

179. (1) In the following countries nationality is acquired in certain cases by children of nationals or of former nationals by operation of law:

1. **Denmark:** If the legitimate child under 18 is born in the country\(^2\) and the mother is a national, provided no other nationality has been acquired at birth or later.

---

\(^1\) Under a special agreement to which Denmark, Norway and Sweden are parties, residence in one of the two other countries till the age of 12 is considered as equal to residence in the country, the nationality of which is **acquired by privileged procedure**.

\(^2\) Under a special agreement to which Denmark, Norway and Sweden are parties, birth in one of the three countries, is considered as equal to birth in the country, the nationality of which is acquired.

/2. **Finland:**
2. **Finland**: If the legitimate child is under 21 and the mother is a national, provided actual domicile is in Finland.

3. **Norway**: If the legitimate child under 18 is born in the country\(^1\) and the mother is a national, provided no other nationality has been acquired.

4. **Sweden**: If the legitimate child under 18 is born in the country\(^1\) and the mother is a national, provided no other nationality has been acquired.

180. (ii) In the following countries nationality may be acquired by privileged procedures by children of nationals or of former nationals:

1. **Belgium**: When one of the parents is a national or a former national.

2. **Burma**: On application:
   - (i) of the parent if the child is still a minor;
   - (ii) of the child if it is of full age.

3. **Ceylon**: If the mother is a citizen by descent.

181. In **Uruguay**: The child of a national, born abroad, may acquire natural citizenship (as distinguished from nationality) by privileged procedure.

182. (iii) In the following countries nationality may be acquired by children of nationals and former nationals by naturalization, some or all of the statutory requirements for naturalization being waived.

1. **China**

2. **Japan**

**SECTION II: Persons born in the country\(^2\)**

183. (i) In the following countries persons born in the country acquire the country's nationality under certain conditions by operation of law:

\(^1\) Under a special agreement to which Denmark, Norway, and Sweden are parties, birth in one of the two other countries, is considered as equal to birth in the country, the nationality of which is acquired.

\(^2\) It will be noted that the countries mentioned in this section apply *jus sanguinis* as the means for determining nationality at birth. The provisions mentioned in the text are designed to mitigate to a certain extent the effects of a strict application of *jus sanguinis*.

/1. France/
1. France: If residing in France when reaching full age.
2. Greece: If domiciled in Greece and do not possess any other nationality.

184. (ii) In the following countries nationality may be acquired by privileged procedures by persons born in the country:
1. Belgium
2. Burma: On attaining majority if parents being aliens are domiciled in Burma, provided he is then permanently resident in the Union.
3. Denmark: If born in the country and resided in the country till the age of 18.
5. Norway: If born in the country and residing in the country till the age of 18.
6. Sweden: If born in the country and residing in the country till the age of 18.

185. (iii) In the following countries persons born in the country may acquire nationality by naturalization, some or all of the statutory requirements being waived:
1. China
2. Japan

SECTION III: Members of families of persons acquiring or reacquiring the country's nationality
a) Spouse of a person acquiring or reacquiring the country's nationality

186. (1) In the following countries the wife of a person acquiring or reacquiring the country's nationality acquires the nationality of the country by operation of law:
1. Belgium: When the husband reacquires Belgian nationality by option.

1/ Under a special agreement to which Denmark, Norway, and Sweden are parties, residence in one of the two other countries till the age of 12 is considered equal to residence in the country, the nationality of which is acquired.
2. China:
2. China: When the husband is naturalized, if the law of his
country does not provide to the contrary.

187. (ii) In the following country the wife of a naturalized person may acquire
the country's nationality either by privileged procedure, or by
naturalization with a waiver of statutory requirements:
Belgium

188. Mention should also be made of facilities granted in certain countries
to the alien spouse of a national for acquiring the country's
nationality. (See paragraphs 226 and 226 bis below)

b) Children of persons acquiring or reacquiring
the country's nationality

189. (i) In the following countries children of persons acquiring or reacquiring
the country's nationality may acquire the nationality of the country
by operation of law:
1. Belgium: If the child is a minor and not emancipated.
2. China: If the child is a minor and his national law does not
provide to the contrary.
3. Ecuador: Naturalization extends to a child of the naturalized
person under eighteen years of age.
4. France: If the child is a minor.
5. Israel: (Under the Bill on Citizenship) If the child is a
minor.
6. Norway: Child under 18 years of a person acquiring or
reactuating nationality by declaration (see Sections I and II above).
7. Sweden: Child under 18 years of a person acquiring or
reactuating nationality by declaration (see Sections I and II above).

190. (ii) In the following country one category of children of persons acquiring
nationality may acquire the country's nationality by privileged
procedure:
Burma: Minor children of an alien woman who has acquired nationality
after marrying a citizen.

/191. (iii) In
191. (iii) In the following country one category of children of persons acquiring nationality may acquire nationality either by privileged procedure, or by naturalization with a waiver of statutory requirements.

Belgium: If the child is not a minor, nor emancipated, but has not reached the age of 25.

192. (iv) In the following countries the competent authority may, at its discretion, include or not children of the applicant when granting naturalization:


SECTION IV: Persons who have rendered certain services to the country

193. (i) In the following country persons having rendered distinguished services to the country may acquire nationality by privileged procedure:

Ceylon

194. (ii) In the following countries persons having rendered distinguished services to the country may acquire nationality by naturalization, all statutory requirements being waived:

1. Belgium
2. Ecuador
3. Iran

195. (iii) In the following country persons having served honourably in the armed forces may acquire nationality by naturalization, certain statutory requirements being waived:

Burma

SECTION V: Persons having certain special connexion with the country

196. 1. Australia: Citizens of Commonwealth countries (by privileged procedure).
2. Ceylon: Persons of Indian or Pakistani origin having entered the country before independence (by privileged procedure).
3. Finland: Lapmanian and East-Corelian refugees (by naturalization, income requirement being waived); children of the persons above born in Finland (by operation of law, if born before the Law on Nationality).

/4. Israel:
4. **Israel**: (Under the Bill on Citizenship) Jews born or returning to their homeland to take up residence (by operation of law).

5. **Jordan**: Palestinians (conditions unspecified).

6. **Norway**: Nationals of Denmark, Finland, Iceland, or Sweden (by naturalization, statutory requirements being waived).

7. **Pakistan**:
   - (i) Persons having migrated before the Commencement of the Pakistan Citizenship Act from any territory in the Indo-Pakistan sub-continent (by privileged procedure);
   - (ii) citizen of a Commonwealth country (by privileged procedure).

8. **Poland**: Aliens having arrived in Poland without a specified citizenship before 9 May 1945 (by ex officio decision of authorities).

9. **Sweden**: Nationals of Denmark, Finland, Iceland or Norway (by naturalization, statutory requirements being waived).

10. **Syria**: Gypsies, formerly stateless and settled in the country (grant of citizenship under certain unspecified conditions).

11. **United Kingdom and Colonies**:
    - (i) British protected persons (by naturalization, statutory requirements as to residence being reduced to 12 months or such shorter period as the Secretary of State may decide and certain other requirements being waived);
    - (ii) citizens of Canada, Australia, New Zealand, the Union of South Africa, Newfoundland, India, Pakistan, Southern Rhodesia, and Ceylon, and of Eire (by privileged procedure under certain specified conditions).
III. The question of reducing, as far as possible, the number of cases of statelessness created by the operation of nationality laws

CHAPTER I. GENERAL COMMENTS CONCERNING THE PROBLEM OF RE-EXAMINING NATIONALITY LAWS WITH A VIEW TO REDUCING, AS FAR AS POSSIBLE, THE NUMBER OF CASES OF STATELESSNESS CREATED BY THE OPERATION OF SUCH LAWS

197. (a) Country which states that it has not yet enacted a nationality law: Israel

The reply further states that a Bill on Citizenship has been submitted to the Knesset. The Bill is in accordance with article 15 of the Universal Declaration of Human Rights and the Council's recommendation.

198. (b) Countries which state that the operation of their nationality laws does not give rise to statelessness:

1. Ceylon
2. Switzerland

199. (c) Country which states that the nationality of the country cannot be acquired otherwise than by birth in the country and cannot be lost: Uruguay

For acquisition of citizenship (as distinct from Uruguayan nationality) see paragraph 163 above.

200. (d) Countries which state that the problem of reducing, as far as possible, the number of cases of statelessness resulting from the operation of nationality laws, has been solved:

1. Czechoslovakia
2. Iran
3. Poland

201. (e) Countries which state that their nationality laws have been designed with a view to reducing, as far as possible, the number of cases of statelessness resulting from the operation of their nationality laws, but where statelessness may in certain cases occur:

1. Australia  6. Finland  11. New Zealand
5. Denmark  10. Japan  15. United Kingdom
16. United States of America
202. (c) Reply which contains information on grounds which give rise to statelessness under the operation of the country's law:

- Yugoslavia

203. (g) Country which states that the nationality rules provide for the solution of most cases of statelessness:

- Ecuador

The reply further states that the nationality laws of the country are being revised to bring them in line with the modern principles of international law.

204. The replies of the governments of the following countries contain statements giving the government's views on possible action, on a national or international level, for elimination or statelessness or for reducing the number of stateless persons:

1. Egypt
2. France
3. Turkey
CHAPTER II. ACQUISITION OF NATIONALITY AT BIRTH

205. Countries which do not indicate how nationality at birth is acquired, but state that statelessness cannot occur as a result of the operation of their nationality laws:

1. Ceylon
2. Ireland

206. Group I: Countries stating that it applies *jus soli* as the exclusive means for determining nationality at birth:

Uruguay

The reply further states that children of nationals born abroad may acquire citizenship (as distinct from nationality) by privileged procedure.

207. Group II: Countries stating that they apply *jus soli* as primary means and *jus sanguinis* as secondary means for determining nationality at birth:

1. Australia
2. Iran
3. Israel (under the Bill on Citizenship)
4. New Zealand
5. Union of South Africa
6. United Kingdom and Colonies
7. United States of America.

In countries of this group a distinction must be made between children born in the country and children of nationals born abroad:

1. Children born in the country
   Statelessness may hardly occur for children born in the country, as they acquire the country's nationality; there are, however, some exceptions.
   
   1. Australia
   2. New Zealand
   3. Union of South Africa
   4. United Kingdom and Colonies
   5. United States of America

   In Israel (under the Bill on Citizenship), a child born in the country acquires the country's nationality, unless, in some cases, he acquires at birth another nationality.

2. Children
2. Children born abroad

Statelessness may not occur for children of nationals of the country born abroad, if they satisfy certain conditions laid down in the relevant texts.

208. Group III. Country applying jus sanguinis as the sole means for determining nationality at birth:

Switzerland: the legitimate child follows paternal affiliation and maternal affiliation if paternal affiliation does not secure a nationality; the illegitimate child follows maternal affiliation.

209. Group IV: Countries applying jus sanguinis as a primary means and jus soli as a secondary means for determining nationality at birth:

1. Belgium
2. China
3. Denmark
4. Finland
5. France
6. Greece
7. Japan
8. Norway
9. Poland
10. Sweden
11. Turkey

In countries of this group there are considerable differences:

(a) in the application of jus sanguinis, and
(b) in the extent to which provisions based on jus soli supplement the application of jus sanguinis:

1. Application of jus sanguinis

A distinction is generally made between children born in and out of wedlock:

(a) Legitimate children follow paternal affiliation. However, if paternal affiliation does not secure a nationality at birth, maternal affiliation is followed if the mother is a national in the following countries:

1. China
2. Finland
3. Japan

or when the mother is a national of the country and the child is born in the country:

1. Denmark
2. Norway
3. Sweden

Under a special agreement, to which Denmark, Norway and Sweden are parties, the birth in one of the two other countries is considered as equal to birth in the country.

/In Poland
In Poland, the child acquires Polish nationality at birth if any one of the parents is a Polish national (principle of equality of the sexes).

(b) **Illegitimate children**
   Follow maternal affiliation.

2. **Supplementary provisions based on *jus soli*:**

(a) **Children born in the country of unknown parents** acquire the country's nationality:

1. Belgium  
2. China  
3. Finland  
4. Greece  
5. Japan  
6. Norway  
7. Poland  
8. Sweden

Foundlings are presumed to be born in the country:

1. Belgium  
4. Norway  
2. Finland  
5. Poland  
3. Japan  
6. Sweden

(b) **Children born in the country of parents having no nationality** acquire the country's nationality:

1. China  
2. Greece  
3. Japan  
4. Poland  
5. Turkey

For children born in Denmark, Norway or Sweden in wedlock when the father's nationality cannot be secured see 1. (a) above.

(c) **Children born in the country one of whose parents was born in the country** acquires the country's nationality (*jus soli* at second degree):

   **France**

   For countries of this group mention should also be made of facilities granted to children born in the country for acquiring the country's nationality at a later date.

210. Countries stating that *jus sanguinis* requirements are supplemented by *jus soli* requirements for determining nationality at birth:

1. Burma  
2. Czechoslovakia

/in these countries
In these countries a distinction must be made between children born in the country and children of nationals born abroad:

1. **Children born in the country**
   
   In Burma and Czechoslovakia children acquire the country's nationality if one of the parents is a national of the country.
   
   In Czechoslovakia, a foundling is deemed to be a Czechoslovak citizen, unless proof to the contrary is adduced.
   
   Mention should be made of the provision of the Citizenship Act of the Union of Burma which grants facilities for acquiring the country's nationality by a child born in Burma from alien parents (see paragraph 184 above).

2. **Children born abroad**
   
   In Burma the children of a father who is a citizen of Burma acquire the citizenship of Burma at birth, under certain conditions.
CHAPTER III. EFFECTS OF CHANGES IN STATUS (RECOGNITION, LEGITIMATION AND ADOPTION) ON NATIONALITY

211. The reply of one country states that statelessness cannot occur as a result of change in status as the loss of the country's nationality is conditioned by the acquisition of a foreign nationality:

Switzerland

Section I: Recognition of children born out of wedlock

212. Countries stating that statelessness may occur, in certain cases, for children born out of wedlock as a result of their recognition by their alien father or alien mother:

1. Belgium, 2. China

213. The replies also state that a stateless child may acquire the country's nationality as a result of recognition by a father or a mother who is a national of the country.

214. Mention should also be made of the following provisions:

In Belgium a child born in the country and a child one of whose parents is a national of the country may acquire the country's nationality by privileged procedure.

In China a child one of whose parents is a national may acquire the country's nationality by naturalization with a waiver of statutory requirements.

Section II: Legitimation of children born out of wedlock as a result of the marriage of their parents

215. Countries stating that although legitimation may affect the nationality of the child born out of wedlock, he cannot become stateless as the loss of the country's nationality is conditioned by the acquisition of a foreign nationality:

1. Belgium, 2. Burma, 3. Finland, 4. Norway,
5. Sweden, 6. United Kingdom and Colonies

In the countries mentioned above, a child, stateless at birth, may acquire the country's nationality as a result of his legitimation, if the father is a national of the country.
Section III: Adoption

216. Countries stating that a stateless person may in certain cases acquire the country's nationality as a result of adoption by a national of the country:

1. Burma, 2. China, 3. Israel (under the proposed Bill on Citizenship),
4. United Kingdom and Colonies.
CHAPTER IV. EFFECTS OF MARRIAGE, OF CHANGES OF NATIONALITY OF ONE OF THE SPOUSES DURING MARRIAGE AND OF THE DISSOLUTION OF MARRIAGE ON NATIONALITY

Section I: Effects of marriage on the nationality of the spouses

1. Application of the nationality law to a woman who is a national of the country and marries an alien

(a) Countries where a woman cannot become stateless when she marries an alien.

217. (i) Countries stating that the nationality of the woman, who is a national of the country, is not affected by her marriage with an alien:
   6. United Kingdom and Colonies, 7. Uruguay.
   In Israel (under the proposed Bill on Citizenship) the woman also retains her nationality; however she may opt out of it, provided she has acquired her husband's foreign nationality.

218. (ii) Countries stating that the woman, who is a national of the country, loses that nationality, provided she acquires her husband's foreign nationality:

219. (iii) Countries stating that the woman, who is a national of the country, cannot become stateless as a result of marriage with an alien, the reason being unspecified:
   1. Denmark, 2. New Zealand.

220. (iv) Countries stating in general that statelessness does not result from the operation of their nationality laws:
   1. Ceylon, 2. Ireland.

221. Note: The replies of Ecuador, Israel and Poland state that the above rules apply also mutatis mutandis to the husband when he is a national of the country and marries a woman who is an alien.

222. (b) Country stating that statelessness may occur for a woman, who is a national of the country, when she marries an alien:
   China.
The Chinese woman, when she marries an alien, may apply and obtain a release from Chinese nationality. The reply states that cases of statelessness are not frequent.

II. Application of the nationality law to a woman who is an alien and marries a national of the country

(a) Countries where a woman cannot become stateless when she marries a national of the country.

223. (i) Countries stating that the woman, who is an alien, acquires the country's nationality when she marries a national of the country:
   1. Belgium, 2. Iran, 3. Israel (under the proposed Bill on citizenship).

   In Belgium and in Israel she may renounce the country's nationality, provided she retains (or re-acquires) her original nationality.

224. Note: The reply of Israel states that the above rules apply also mutatis mutandis to the alien husband who marries a woman who is a national of the country. The replies of Belgium and of Iran state that statutory requirements for naturalization are waived, in whole or in part, when the applicant is the husband of a woman who is a national of the country and children were born of the marriage.

   (b) Countries where a woman may, in certain cases, become stateless when she marries a national of the country.

225. (i) Countries stating that the woman, who is an alien, does not acquire the country's nationality when she marries a national of the country:
   1. Poland, 2. Uruguay.

226. (ii) Countries stating that the woman, who is an alien, does not acquire ipso jure the country's nationality when she marries a national of the country, but may acquire the country's nationality either by privileged procedure, or by naturalization with a waiver of all or of certain statutory requirements:
226 bis. Note: The replies of Ceylon, Japan, Norway, Sweden and Yugoslavia state that identical or similar facilities for the acquisition of the country's nationality are granted to the alien husband of a woman who is a national of the country.

Section II: Effects of changes of nationality during marriage on the nationality of the other spouse

(a) Countries where a woman cannot become stateless when her husband loses the country's nationality during marriage.

227. (i) Countries stating that the loss of the country's nationality is independent for each of the spouses:

228. (ii) Country stating that the loss of the country's nationality by the wife when her husband voluntarily acquires a foreign nationality is conditioned by her acquiring the foreign nationality:
   Belgium.

229. (iii) Country stating that the country's nationality in general cannot be lost unless another nationality is held or acquired:
   Switzerland.

230. (iv) Country stating that the laws and other texts provide, namely, for the solution of cases of statelessness resulting from change in the husband's nationality after marriage:
   Ecuador.

231. (v) Countries stating in general that statelessness does not result from the operation of their nationality laws:
   1. Ceylon, 2. Ireland.

234. (vi) Countries stating either the cases where statelessness may occur as a result of the operation of their nationality laws, or the grounds on which the country's nationality may be lost, and not mentioning the change in the husband's nationality during marriage amongst such cases or grounds:

\(\text{For the case where the husband is deprived of Belgian nationality, see paragraph 237 below.}\)
235. (vi) Country stating that the country's nationality may not be lost under any circumstances:

Section III: Effects of dissolution of marriage on nationality

I. Application of the nationality law to a woman who has acquired the country's nationality by marrying a national of the country

Countries where a woman cannot become stateless as a result of dissolution of marriage.

238. (i) Countries stating that the dissolution of marriage does not affect the nationality of the woman:

1. Burma, 2. Ecuador

239. (ii) Country stating that it applies the principle of equality of the sexes:

Poland

240. (iii) Country stating that the woman can renounce upon dissolution of the marriage the country's nationality acquired by marriage, provided she possesses or re-acquires a foreign nationality:

Belgium

241. (iv) Country stating that statelessness cannot result from dissolution of marriage, the reason not being specified:

New Zealand

242. (v) Country stating that in all cases loss or renunciation of the country's nationality is conditional upon possession or acquisition of a foreign nationality:

Switzerland

243. (vi) Countries stating in general that statelessness does not result from
the operation of the country's nationality laws:

1. Ceylon, 2. Ireland
244.(vii) Country stating that the country's nationality cannot be lost under any circumstances:

Uruguay
245(viii) Countries stating either the cases where statelessness may occur as a result of the operation of their nationality laws, or the grounds on which the country's nationality may be lost, and not mentioning the dissolution of marriage amongst such cases or grounds:

II. Application of the nationality law to a woman who has lost the country's nationality by marrying an alien

Countries where facilities are granted to a woman, former national of the country, for re-acquiring the country's nationality.
246. (i) Country stating that a woman, former national of the country, may re-acquire the country's nationality by privileged procedure after dissolution of her marriage with an alien:

Belgium
247. (ii) Countries stating that former nationals of the country in general may re-acquire the country's nationality either by privileged procedures, or by naturalization with a waiver of all or certain statutory requirements:
CHAPTER V. EFFECTS OF VOLUNTARY ACTS AFFECTING THE NATIONAL STATUS OF AN INDIVIDUAL ON THE NATIONALITY OF THE INDIVIDUAL HIMSELF AND OF HIS CHILDREN

Section I: Effects of voluntary acts affecting the national status of an individual on his own nationality

(a) Countries where statelessness does not occur for an individual as a result of a voluntary act affecting his nationality status:

248. (i) Countries stating that the release from the country’s nationality becomes effective when the person holds or acquires a foreign nationality:

6. Yugoslavia

249. (ii) Countries stating that the country’s nationality may be renounced only if the person holds a foreign nationality:

1. Japan, 2. United Kingdom and Colonies

250. (iii) Country stating that the country’s citizenship may be renounced or cancelled only after the person has acquired a foreign nationality:

Israel (under the Bill on Citizenship)

251. (iv) Country stating that statelessness cannot arise through voluntary renunciation of citizenship:

New Zealand

252. (v) Countries stating that the loss of the country’s nationality follows the voluntary acquisition of a foreign nationality:


The republic of Belgium and France further state that in certain cases the loss of the country’s nationality by a person having acquired voluntarily a foreign nationality necessitates a release from the country’s nationality.

253. (vi) Countries stating in general that statelessness does not result from the operation of their nationality laws:

1. Canada, 2. Ireland

254. (vii) Country stating that the country’s nationality cannot be lost by acquisition of a foreign nationality, or renunciation of the country’s nationality:

Uruguay
(b) Countries where statelessness may occur for an individual as a result of a voluntary act affecting his national status:

255. (i) Country stating that statelessness may occur from the operation of the legislative provision authorizing a citizen to renounce the country's citizenship while abroad, and, possibly, of the operation of the legislative provisions under which a citizen loses the country's citizenship in the case of naturalization in a foreign state and of taking an oath of allegiance to a foreign state:

United States of America

256. (ii) Country stating that statelessness may occur from the operation of the legislative provision authorizing a national desiring to acquire a foreign nationality to apply for and to obtain a release from the country's nationality:

China

257. (iii) Country stating that statelessness may occur from the operation of legislative provisions allowing certain nationals of the country to surrender the country's nationality:

Union of South Africa

258. (iv) For Belgium see paragraph 237 above and paragraph 262 below.

Section II. Effects of changes of the parent's nationality on the nationality of the children

(a) Countries where statelessness cannot occur for a minor child when his parent acquires a foreign nationality:

259. (i) Country stating that the child does not lose ipso facto the country's nationality when his parent acquires a foreign nationality:

Burma

260. (ii) Country stating that a minor in general cannot lose the country's nationality either automatically or by renunciation:

United Kingdom and Colonies

261. (iii) Countries stating that the loss by a minor of the country's nationality when his parent acquires a foreign nationality is subject to the acquisition by the minor of the foreign nationality:


1/ See however paragraph 262 below.

/262. (b) Countries
262. (b) Countries stating that statelessness may sometimes occur for a minor child when his parents lose the country's nationality upon acquiring a foreign nationality:

1. Yugoslavia
The reply further states that the minor loses Yugoslav citizenship only if he has acquired a foreign nationality or has left the territory of the country. The minor is entitled to re-acquire the country's nationality by privileged procedure after having reached full age.

2. Belgium
The child of a person who has been deprived of his Belgian nationality is entitled to renounce Belgian nationality.
CHAPTER VI. WITHDRAWAL OF NATIONALITY

(a) Countries where statelessness cannot occur as a result of withdrawal of the country's nationality:

263. (i) Group I - Country stating that the country's nationality cannot be withdrawn:

Uruguay

264. (ii) Group II - Country stating that the withdrawal of the country's nationality is subject to the possession or acquisition by the person concerned of a foreign nationality:

Switzerland

265. The reply of Ceylon states that statelessness does not result from the operation of the country's nationality laws.

(b) Countries where statelessness may result in some cases from the withdrawal of the country's nationality:

(i) Group III - Countries stating that the country's nationality may be withdrawn solely, or generally, from such persons which have acquired it otherwise than at birth:

266. a) In the following countries only persons having acquired the country's nationality otherwise than at birth may have it withdrawn:

1. Australia
2. Burma
3. Ecuador
4. Ireland
5. Israel (under the proposed Bill on Citizenship)
6. New Zealand
7. United Kingdom and Colonies

Grounds:

1. seven years' absence abroad otherwise than under specified conditions; disloyalty or disloyal acts during a war; fraud or lack of good character at the time of naturalization or registration; criminal conviction within five years after naturalization.

2. fraud when acquiring certificate of naturalization or citizenship; disloyalty; disloyal acts during a war; criminal conviction within five years of grant of certificate; five years' absence abroad otherwise than under specified conditions.

3. unspecified.

4. unspecified.

5. fraud when obtaining naturalization.

6. continued residence in country of origin (other grounds unspecified).

7. fraud when obtaining naturalization or registration; disloyalty; disloyal acts during a war; criminal conviction within five years after becoming naturalized; five years' absence abroad otherwise than under specified conditions.
267. Country stating that the country's nationality cannot be lost by a person having acquired it at birth through a unilateral act of the government:

Danmark

268. (b) In the following countries in most cases only persons having acquired the country's nationality otherwise than at birth may have their nationality withdrawn; however, in some cases nationality of other classes of nationals may also be withdrawn:

1. France\(^1\)
2. Pakistan\(^2\)
3. Union of South Africa\(^3\)
4. United States of America\(^4\)

\(^1\) Grounds: Criminal conviction (naturalized nationals only); behaviour in the country as a foreign national (for persons possessing another nationality); residence abroad of the family for 50 years.

\(^2\) Grounds: Fraud when obtaining certificate of naturalization or of domicile (citizens by naturalization or migration); disloyalty, disloyal acts during a war, criminal conviction within five years of naturalization (citizens by naturalization); seven years' absence abroad otherwise than under specified conditions (all citizens).

\(^3\) Grounds: Seven years' absence abroad otherwise than under specified conditions (citizens by naturalization or registration), expiration of validity of the country's passport (certain citizens by descent).

\(^4\) Grounds: Entering armed forces of a foreign state, accepting or performing official duties in a foreign state, voting in a foreign political election, deserting in time of war, committing treason or attempting overthrow of the government by force, departing from the country or remaining abroad in time of war or of national emergency in order to evade or avoid military service (class of citizens unspecified); residence abroad for specified periods of time under specified conditions (naturalized citizens).
269. (ii) Group IV - Countries stating that in certain cases nationality may be withdrawn from all classes of nationals and in other cases from particular classes of nationals only:

1. Belgium
2. Turkey
3. Yugoslavia

270. Countries stating that under certain conditions nationality may be withdrawn from nationals born abroad and not having resided in the country till the age of twenty-two:

1. Denmark
2. Norway
3. Sweden

1/ Grounds: Grievous breach of the duties of a national (nationals having acquired nationality otherwise than from a national-born parent); criminal conviction for specified crimes under Military Penal Code (all classes of nationals).

2/ Grounds: Voluntary acquisition of foreign nationality without authority, voluntary military service in a foreign army, non-military service in a foreign state disregarding order to leave such service, same service in time of war without authority, failure to report for military service, desertion under specified conditions, military personnel on duty or on leave abroad when failing to report without showing good cause, failure to register at a consulate when residing for five consecutive years abroad (all citizens); attempt to undermine internal or external security of the country, failure to comply with duties imposed by legislation regarding military service (citizens by naturalization).

3/ Grounds: Fifteen years' residence abroad otherwise than under specified conditions; refusal to repatriation of members of military forces etc. (all classes of citizens); contravention to duties of a citizen during the war or before and in connexion, with the war (persons belonging ethnically to the peoples with whom the country has been at war).
CHAPTER VII. PROOF OF NATIONALITY

271. (a) Countries mentioning the manner in which the nationality of the country can be proved in case of doubt:

1. Belgium
2. Burma
3. Iran
4. Pakistan
5. United Kingdom and Colonies

272. (b) Country stating that the proof of nationality has been facilitated for persons born, residing and working in the country:

Czechoslovakia