Université de Liège

Faculté de Droit

THE LAW OF NATIONALITY : EUROPEAN AND INTERNATIONAL PERSPECTIVES
MATERIALS

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I. European Convention on Nationality (6 November 1997)

Preamble

The member States of the Council of Europe and the other States signatory to this Convention,

Considering that the aim of the Council of Europe is to achieve greater unity between its members;

Bearing in mind the numerous international instruments relating to nationality, multiple nationality and statelessness;

Recognising that, in matters concerning nationality, account should be taken both of the legitimate interests of States and those of individuals;

Desiring to promote the progressive development of legal principles concerning nationality, as well as their adoption in internal law and desiring to avoid, as far as possible, cases of statelessness;

Desiring to avoid discrimination in matters relating to nationality;

Aware of the right to respect for family life as contained in Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Noting the varied approach of States to the question of multiple nationality and recognising that each State is free to decide which consequences it attaches in its internal law to the fact that a national acquires or possesses another nationality;

Agreeing on the desirability of finding appropriate solutions to consequences of multiple nationality and in particular as regards the rights and duties of multiple nationals;

Considering it desirable that persons possessing the nationality of two or more States Parties should be required to fulfil their military obligations in relation to only one of those Parties;

Considering the need to promote international co-operation between the national authorities responsible for nationality matters,

Have agreed as follows:

Chapter I – General matters

Article 1 – Object of the Convention

This Convention establishes principles and rules relating to the nationality of natural persons and rules regulating military obligations in cases of multiple nationality, to which the internal law of States Parties shall conform.

Article 2 – Definitions

For the purpose of this Convention:

a “nationality” means the legal bond between a person and a State and does not indicate the person's ethnic origin;

b “multiple nationality” means the simultaneous possession of two or more nationalities by the same person;

c “child” means every person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier;

d“internal law” means all types of provisions of the national legal system, including the constitution, legislation, regulations, decrees, case-law, customary rules and practice as well as rules deriving from binding international instruments.

Chapter II – General principles relating to nationality

Article 3 – Competence of the State

1 Each State shall determine under its own law who are its nationals.

2 This law shall be accepted by other States in so far as it is consistent with applicable international conventions, customary international law and the principles of law generally recognised with regard to nationality.

Article 4 – Principles

The rules on nationality of each State Party shall be based on the following principles:

a everyone has the right to a nationality;

b statelessness shall be avoided;

c no one shall be arbitrarily deprived of his or her nationality;

d neither marriage nor the dissolution of a marriage between a national of a State Party and an alien, nor the change of nationality by one of the spouses during marriage, shall automatically affect the nationality of the other spouse.

Article 5 – Non-discrimination

1 The rules of a State Party on nationality shall not contain distinctions or include any practice which amount to discrimination on the grounds of sex, religion, race, colour or national or ethnic origin.

2 Each State Party shall be guided by the principle of non-discrimination between its nationals, whether they are nationals by birth or have acquired its nationality subsequently.

Chapter III – Rules relating to nationality

Article 6 – Acquisition of nationality

1 Each State Party shall provide in its internal law for its nationality to be acquired *ex lege* by the following persons:

a children one of whose parents possesses, at the time of the birth of these children, the nationality of that State Party, subject to any exceptions which may be provided for by its internal law as regards children born abroad. With respect to children whose parenthood is established by recognition, court order or similar procedures, each State Party may provide that the child acquires its nationality following the procedure determined by its internal law;

b foundlings found in its territory who would otherwise be stateless.

2 Each State Party shall provide in its internal law for its nationality to be acquired by children born on its territory who do not acquire at birth another nationality. Such nationality shall be granted:

a at birth *ex lege*; or

b subsequently, to children who remained stateless, upon an application being lodged with the appropriate authority, by or on behalf of the child concerned, in the manner prescribed by the internal law of the State Party. Such an application may be made subject to the lawful and habitual residence on its territory for a period not exceeding five years immediately preceding the lodging of the application.

3 Each State Party shall provide in its internal law for the possibility of naturalisation of persons lawfully and habitually resident on its territory. In establishing the conditions for naturalisation, it shall not provide for a period of residence exceeding ten years before the lodging of an application.

4 Each State Party shall facilitate in its internal law the acquisition of its nationality for the following persons:

a spouses of its nationals;

b children of one of its nationals, falling under the exception of Article 6, paragraph 1, sub-paragraph a;

c children one of whose parents acquires or has acquired its nationality;

d children adopted by one of its nationals;

e persons who were born on its territory and reside there lawfully and habitually;

f persons who are lawfully and habitually resident on its territory for a period of time beginning before the age of 18, that period to be determined by the internal law of the State Party concerned;

g stateless persons and recognised refugees lawfully and habitually resident on its territory.

Article 7 – Loss of nationality *ex lege* or at the initiative of a State Party

1 A State Party may not provide in its internal law for the loss of its nationality *ex lege* or at the initiative of the State Party except in the following cases:

a voluntary acquisition of another nationality;

b acquisition of the nationality of the State Party by means of fraudulent conduct, false information or concealment of any relevant fact attributable to the applicant;

c voluntary service in a foreign military force;

d conduct seriously prejudicial to the vital interests of the State Party;

e lack of a genuine link between the State Party and a national habitually residing abroad;

f where it is established during the minority of a child that the preconditions laid down by internal law which led to the *ex lege* acquisition of the nationality of the State Party are no longer fulfilled;

g adoption of a child if the child acquires or possesses the foreign nationality of one or both of the adopting parents.

2 A State Party may provide for the loss of its nationality by children whose parents lose that nationality except in cases covered by sub-paragraphs c and d of paragraph 1. However, children shall not lose that nationality if one of their parents retains it.

3 A State Party may not provide in its internal law for the loss of its nationality under paragraphs 1 and 2 of this article if the person concerned would thereby become stateless, with the exception of the cases mentioned in paragraph 1, sub-paragraph b, of this article.

Article 8 – Loss of nationality at the initiative of the individual

1 Each State Party shall permit the renunciation of its nationality provided the persons concerned do not thereby become stateless.

2 However, a State Party may provide in its internal law that renunciation may be effected only by nationals who are habitually resident abroad.

Article 9 – Recovery of nationality

Each State Party shall facilitate, in the cases and under the conditions provided for by its internal law, the recovery of its nationality by former nationals who are lawfully and habitually resident on its territory.

Chapter IV – Procedures relating to nationality

Article 10 – Processing of applications

Each State Party shall ensure that applications relating to the acquisition, retention, loss, recovery or certification of its nationality be processed

within a reasonable time.

Article 11 – Decisions

Each State Party shall ensure that decisions relating to the acquisition, retention, loss, recovery or certification of its nationality contain reasons in writing.

Article 12 – Right to a review

Each State Party shall ensure that decisions relating to the acquisition, retention, loss, recovery or certification of its nationality be open to an administrative or judicial review in conformity with its internal law.

Article 13 – Fees

1 Each State Party shall ensure that the fees for the acquisition, retention, loss, recovery or certification of its nationality be reasonable.

2 Each State Party shall ensure that the fees for an administrative or judicial review be not an obstacle for applicants.

Chapter V – Multiple nationality

Article 14 – Cases of multiple nationality *ex lege*

1 A State Party shall allow:

a children having different nationalities acquired automatically at birth to retain these nationalities;

b its nationals to possess another nationality where this other nationality is automatically acquired by marriage.

2 The retention of the nationalities mentioned in paragraph 1 is subject to the relevant provisions of Article 7 of this Convention.

Article 15 – Other possible cases of multiple nationality

The provisions of this Convention shall not limit the right of a State Party to determine in its internal law whether:

a its nationals who acquire or possess the nationality of another State retain its nationality or lose it;

b the acquisition or retention of its nationality is subject to the renunciation or loss of another nationality.

Article 16 – Conservation of previous nationality

A State Party shall not make the renunciation or loss of another nationality a condition for the acquisition or retention of its nationality where such renunciation or loss is not possible or cannot reasonably be required.

Article 17 – Rights and duties related to multiple nationality

1 Nationals of a State Party in possession of another nationality shall have,

in the territory of that State Party in which they reside, the same rights and duties as other nationals of that State Party.

2 The provisions of this chapter do not affect:

a the rules of international law concerning diplomatic or consular protection by a State Party in favour of one of its nationals who simultaneously possesses another nationality;

b the application of the rules of private international law of each State Party in cases of multiple nationality.

Chapter VI – State succession and nationality

Article 18 – Principles

1 In matters of nationality in cases of State succession, each State Party concerned shall respect the principles of the rule of law, the rules concerning human rights and the principles contained in Articles 4 and 5 of this Convention and in paragraph 2 of this article, in particular in order to avoid statelessness.

2 In deciding on the granting or the retention of nationality in cases of State succession, each State Party concerned shall take account in particular of:

a the genuine and effective link of the person concerned with the State;

b the habitual residence of the person concerned at the time of State succession;

c the will of the person concerned;

d the territorial origin of the person concerned.

3 Where the acquisition of nationality is subject to the loss of a foreign nationality, the provisions of Article 16 of this Convention shall apply.

Article 19 – Settlement by international agreement

In cases of State succession, States Parties concerned shall endeavour to regulate matters relating to nationality by agreement amongst themselves and, where applicable, in their relationship with other States concerned. Such agreements shall respect the principles and rules contained or referred to in this chapter.

Article 20 – Principles concerning non-nationals

1 Each State Party shall respect the following principles:

a nationals of a predecessor State habitually resident in the territory over which sovereignty is transferred to a successor State and who have not acquired its nationality shall have the right to remain in that State;

b persons referred to in sub-paragraph a shall enjoy equality of

treatment with nationals of the successor State in relation to social and economic rights.

2 Each State Party may exclude persons considered under paragraph 1 from employment in the public service involving the exercise of sovereign powers.

Chapter VII – Military obligations in cases of multiple nationality

Article 21 – Fulfilment of military obligations

1 Persons possessing the nationality of two or more States Parties shall be required to fulfil their military obligations in relation to one of those States Parties only.

2 The modes of application of paragraph 1 may be determined by special agreements between any of the States Parties.

3 Except where a special agreement which has been, or may be, concluded provides otherwise, the following provisions are applicable to persons possessing the nationality of two or more States Parties:

a Any such person shall be subject to military obligations in relation to the State Party in whose territory they are habitually resident. Nevertheless, they shall be free to choose, up to the age of 19 years, to submit themselves to military obligations as volunteers in relation to any other State Party of which they are also nationals for a total and effective period at least equal to that of the active military service required by the former State Party;

b Persons who are habitually resident in the territory of a State Party of which they are not nationals or in that of a State which is not a State Party may choose to perform their military service in the territory of any State Party of which they are nationals;

c Persons who, in accordance with the rules laid down in paragraphs a and b, shall fulfil their military obligations in relation to one State Party, as prescribed by the law of that State Party, shall be deemed to have fulfilled their military obligations in relation to any other State Party or States Parties of which they are also nationals;

d Persons who, before the entry into force of this Convention between the States Parties of which they are nationals, have, in relation to one of those States Parties, fulfilled their military obligations in accordance with the law of that State Party, shall be deemed to have fulfilled the same obligations in relation to any other State Party or States Parties of which they are also nationals;

e Persons who, in conformity with paragraph a, have performed their active military service in relation to one of the States Parties of which they are nationals, and subsequently transfer their habitual residence to the territory of the other State Party of which they are nationals, shall be liable to military service in the reserve only in relation to the latter State Party;

f The application of this article shall not prejudice, in any respect, the nationality of the persons concerned;

g In the event of mobilisation by any State Party, the obligations arising under this article shall not be binding upon that State Party.

Article 22 – Exemption from military obligations or alternative civil service

Except where a special agreement which has been, or may be, concluded provides otherwise, the following provisions are also applicable to persons possessing the nationality of two or more States Parties:

a Article 21, paragraph 3, sub-paragraph c, of this Convention shall apply to persons who have been exempted from their military obligations or have fulfilled civil service as an alternative;

b persons who are nationals of a State Party which does not require obligatory military service shall be considered as having satisfied their military obligations when they have their habitual residence in the territory of that State Party. Nevertheless, they should be deemed not to have satisfied their military obligations in relation to a State Party or States Parties of which they are equally nationals and where military service is required unless the said habitual residence has been maintained up to a certain age, which each State Party concerned shall notify at the time of signature or when depositing its instruments of ratification, acceptance or accession;

c also persons who are nationals of a State Party which does not require obligatory military service shall be considered as having satisfied their military obligations when they have enlisted voluntarily in the military forces of that Party for a total and effective period which is at least equal to that of the active military service of the State Party or States Parties of which they are also nationals without regard to where they have their habitual residence.

Chapter VIII – Co-operation between the States Parties

...

Article 24 – Exchange of information

Each State Party may at any time declare that it shall inform any other State Party, having made the same declaration, of the voluntary acquisition of its nationality by nationals of the other State Party, subject to applicable laws concerning data protection. Such a declaration may indicate the conditions under which the State Party will give such information. The declaration may be withdrawn at any time.

Chapter IX – Application of the Convention

Article 25 – Declarations concerning the application of the Convention

1 Each State may declare, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, that it will exclude Chapter VII from the application of the Convention.

2 The provisions of Chapter VII shall be applicable only in the relations between States Parties for which it is in force.

3 Each State Party may, at any subsequent time, notify the Secretary General of the Council of Europe that it will apply the provisions of Chapter VII excluded at the time of signature or in its instrument of ratification, acceptance, approval or accession. This notification shall become effective as from the date of its receipt.

Article 26 – Effects of this Convention

1 The provisions of this Convention shall not prejudice the provisions of internal law and binding international instruments which are already in force or may come into force, under which more favourable rights are or would be accorded to individuals in the field of nationality.

2 This Convention does not prejudice the application of:

a the 1963 Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality and its Protocols;

b other binding international instruments in so far as such instruments are compatible with this Convention,

in the relationship between the States Parties bound by these instruments.

Article 29 – Reservations

1 No reservations may be made to any of the provisions contained in Chapters I, II and VI of this Convention. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, make one or more reservations to other provisions of the Convention so long as they are compatible with the object and purpose of this Convention.

2 Any State which makes one or more reservations shall notify the Secretary General of the Council of Europe of the relevant contents of its internal law or of any other relevant information.

3 A State which has made one or more reservations in accordance with paragraph 1 shall consider withdrawing them in whole or in part as soon as circumstances permit. Such withdrawal shall be made by means of a notification addressed to the Secretary General of the Council of Europe and shall become effective as from the date of its receipt.

...

5 A State Party which has made reservations in respect of any of the provisions in Chapter VII of the Convention may not claim application of the said provisions by another State Party save in so far as it has itself accepted these provisions.

Done at Strasbourg, this sixth day of November 1997, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe.

II. Code of Belgian Nationality – Act of 28 June 1984 (as amended)

Chapitre 1er - DISPOSITIONS GENERALES

Article 1 - Dans le présent Code, l'obtention de la nationalité s'appelle acquisition ou attribution, suivant qu'elle est ou non subordonnée à un acte volontaire de l'intéressé tendant à cette obtention.

Article 2 - L'attribution, l'acquisition, la perte ou le recouvrement de la nationalité belge, de quelque cause qu'ils procèdent, ne produisent d'effet que pour l'avenir.

Article 3 - La filiation n'a d'effet de plein droit en matière de nationalité belge que si elle est établie avant que l'enfant n'atteigne l'âge de dix-huit ans ou ne soit émancipé avant cet âge.

Artide 4 - La preuve de la nationalité belge est faite en établissant l'existence des conditions et formalités requises par la loi belge.

Toutefois, lorsque la nationalité belge trouve sa seule source dans la filiation ou l'adoption, elle est tenue pour établie, sauf preuve contraire, si la personne dont l'intéressé prétend tenir cette nationalité a joui d'une manière constante de la possession d'état de Belge.

La possession d'état de Belge s'acquiert par l'exercice des droits qui sont conférés exclusivement aux Belges.

Article 5 - § 1er. Les personnes qui sont dans l'impossibilité de se procurer un acte de naissance dans le cadre des procédures d'obtention de la nationalité belge, peuvent produire un document équivalent délivré par les autorités diplomatiques ou consulaires de leur pays de naissance. En cas d'impossibilité ou de difficultés sérieuses à se procurer ce dernier document, elles pourront suppléer à l'acte de naissance, en produisant un acte de notoriété délivré par le juge de paix de leur résidence principale.

§ 2. L'acte de notoriété contiendra la déclaration faite par deux témoins, de l'un ou de l'autre sexe, parents ou non parents, des prénoms, nom, profession et domicile de l'intéressé et de ceux de ses père et mère, s'ils sont connus; le lieu et, autant que possible, l'époque de sa naissance et les causes qui empêchent de produire l'acte de naissance. Les témoins signeront l'acte de notoriété avec le juge de paix et, s'il est des témoins qui ne puissent ou ne sachent signer, il en sera fait mention.

§ 3. L'acte de notoriété sera présenté au tribunal de première instance du ressort. Le tribunal, après avoir entendu le procureur du Roi, donnera ou refusera son homologation, selon qu'il trouvera suffisantes ou insuffisantes les déclarations des témoins, et les causes qui empêchent de produire l'acte de naissance.

§ 4. Si l'intéressé est dans l'impossibilité de se procurer cet acte de notoriété, il peut y être suppléé, avec l'autorisation du tribunal, donnée sur requête, le ministère public entendu, par une déclaration sous serment de l'intéressé lui-même.

Article 7bis - § 1er. Pour pouvoir introduire une demande ou une déclaration visant à l'obtention de la nationalité belge, l'étranger doit être en séjour légal au moment de l'introduction de cette demande ou de cette déclaration.
§ 2. On entend par séjour légal, la situation de l'étranger admis ou autorisé à

séjourner plus de trois mois dans le Royaume ou autorisé à s'y établir, conformément aux dispositions de la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers.

Chapitre II - ATTRIBUTION DE LA NATIONALITE BELGE.

Section 1 - Attribution de la nationalité belge en raison de la nationalité du père ou de la mère.

Article 8 - . § 1er. Sont Belges:
1° l'enfant né en Belgique d'un auteur belge;
2° l'enfant né à l'étranger:
a) d'un auteur belge né en Belgique ou dans des territoires soumis à la souveraineté belge ou confiés à l'administration de la Belgique;
b) d'un auteur belge ayant fait dans un délai de cinq ans à dater de la naissance une déclaration réclamant, pour son enfant, l'attribution de la nationalité belge;
c) d'un auteur belge, à condition que l'enfant ne possède pas, ou ne conserve pas jusqu'à l'âge de dix-huit ans ou son émancipation avant cet âge, une autre nationalité.
Celui à qui la nationalité belge a été attribuée en vertu du premier alinéa, 2°, c, conserve cette nationalité tant qu'il n'a pas été établi, avant qu'il n'ait atteint l'âge de dix-huit ans ou n'ait été émancipé avant cet âge, qu'il possède une nationalité étrangère.

§ 2. Pour l'application du paragraphe 1er, l'auteur doit avoir la nationalité belge au jour de la naissance de l'enfant ou, s'il est mort avant cette naissance, au jour de son décès.

§ 3. La filiation établie à l'égard d'un auteur belge après la date du jugement ou de l'arrêt homologuant ou prononçant l'adoption n'attribue la nationalité belge à l'enfant que si cette filiation est établie à l'égard de l'adoptant ou du conjoint de celui-ci.

§ 4. La personne à laquelle a été attribuée la nationalité belge de son auteur conserve cette nationalité si la filiation cesse d'être établie après qu'elle a atteint l'âge de dix-huit ans ou été émancipée avant cet âge. Si la filiation cesse d'être établie avant l'âge de dix-huit ans ou l'émancipation antérieure à cet âge, les actes passés avant que la filiation cesse d'être établie et dont la validité est subordonnée à la possession de la nationalité belge ne peuvent être contestés pour le seul motif que l'intéressé n'avait pas cette nationalité. Il en est de même des droits acquis avant la même date.

Section 2 - Attribution de la nationalité belge en raison d'une adoption.

Article 9 - Devient Belge à la date à laquelle l'adoption produit ses effets, s'il n'a pas à cette date atteint l'âge de dix-huit ans ou n'est pas émancipé:

1° l'enfant né en Belgique et adopté par un Belge;
2° l'enfant né à l'étranger et adopté:

a) par un Belge né en Belgique ou dans des territoires soumis à la souveraineté belge ou confiés à l'administration de la Belgique;

b) par un Belge ayant fait, dans un délai de cinq ans à partir de la date à laquelle l'adoption produit ses effets, une déclaration réclamant l'attribution de la nationalité belge pour son enfant adoptif qui n'a pas atteint l'âge de dix-huit ans ou n'est pas émancipé avant cet âge;

c) par un Belge, à condition que l'enfant ne possède pas une autre nationalité.
La déclaration prévue au premier alinéa, 2°, b, est faite, inscrite et mentionnée conformément à l'article 22, § 4.

L'enfant auquel la nationalité belge a été attribuée en vertu du premier alinéa, 2°, c, conserve cette nationalité tant qu'il n'a pas été établi, avant qu'il n'ait atteint l'âge de dix-huit ans ou n'ait été émancipé avant cet âge, qu'il possède une nationalité étrangère.

Section 3 - Attribution de la nationalité belge en raison de la naissance en Belgique.

Article 10 - Est Belge, l'enfant né en Belgique et qui, à un moment quelconque avant l'âge de dix-huit ans ou l'émancipation antérieure à cet âge, serait apatride s'il n'avait cette nationalité.

Toutefois, l'alinéa 1er ne s'appliquera pas si l'enfant peut obtenir une autre nationalité moyennant l'accomplissement par son ou ses représentants légaux d'une démarche administrative auprès des autorités diplomatiques ou consulaires du pays de ses auteurs ou de l'un de ceux-ci.

L'enfant nouveau-né trouvé en Belgique est présumé, jusqu'à preuve du contraire, être né en Belgique.

L'enfant auquel la nationalité belge a été attribuée en vertu du présent article conserve cette nationalité tant qu'il n'a pas été établi, avant qu'il n'ait atteint l'âge de dix-huit ans ou n'ait été émancipé avant cet âge, qu'il possède une nationalité étrangère.

Article 11 - Est Belge l'enfant né en Belgique d'un auteur né lui-même en Belgique et y ayant eu sa résidence principale durant cinq ans au cours des dix années précédant la naissance de l'enfant.

Devient Belge à la date à laquelle l'adoption produit ses effets, à moins qu'il n'ait, à cette date, atteint l'âge de dix-huit ans ou n'ait été émancipé, l'enfant né en Belgique et adopté par un étranger né lui-même en Belgique et y ayant eu sa résidence principale durant cinq ans au cours des dix années précédant la date à laquelle l'adoption produit ses effets.

La filiation établie à l'égard d'un auteur visé à l'alinéa 1er, après la date du jugement ou de l'arrêt homologuant ou prononçant l'adoption n'attribue la nationalité belge à l'enfant que si cette filiation est établie à l'égard de l'adoptant ou du conjoint de celui-ci.

La personne à laquelle la nationalité belge a été attribuée en vertu de l'alinéa 1er, conserve cette nationalité si la filiation cesse d'être établie après qu'elle a atteint l'âge de dix-huit ans ou a été émancipée. Si la filiation cesse d'être établie avant l'âge de dix-huit ans ou l'émancipation, les actes passés quand la filiation était encore établie et dont la validité est subordonnée à la possession de la nationalité belge ne peuvent être contestés pour le seul motif que l'intéressé n'avait pas cette nationalité. Il en est de même des droits acquis avant la même date.

Article 11bis - § 1er. Est Belge l'enfant né en Belgique, dont les auteurs ou, en cas d'adoption, les adoptants font avant qu'il n'ait atteint l'âge de douze ans une déclaration réclamant pour lui l'attribution de la nationalité belge, conformément au présent article. Ces auteurs ou adoptants doivent avoir leur résidence principale

en Belgique durant les dix années précédant la déclaration [et l'un au moins d'entre eux doit être admis ou autorisé à séjourner de manière illimitée dans le Royaume au moment de celle-ci] et l'enfant doit y avoir eu la sienne depuis sa naissance.

§ 2. Lorsque la filiation de l'enfant est établie à l'égard de ses auteurs, la déclaration est faite conjointement par ceux-ci. S'il a été adopté par deux personnes, elle est faite conjointement par les deux adoptants.

Toutefois si l'un des auteurs ou l'un des adoptants est décédé, s'il est dans l'impossibilité de manifester sa volonté, s'il a été déclaré absent ou s'il n'a plus sa résidence principale en Belgique mais consent à l'attribution de la nationalité belge, la déclaration de l'autre auteur ou de l'autre adoptant suffit.

Lorsque la filiation de l'enfant n'est établie qu'à l'égard d'un de ses auteurs ou si l'enfant n'a été adopté que par une seule personne, la déclaration est faite par cet auteur ou cet adoptant. Toutefois, si l'adoptant est le conjoint de l'auteur, la déclaration est faite par les deux intéressés.

§ 3. La déclaration est faite contre récépissé devant l'officier de l'état civil du lieu de la résidence principale de l'enfant. [...] En même temps qu'il communique au procureur du Roi copie du dossier, l'officier de l'état civil en transmet également copie à l'Office des étrangers et à la Sûreté de l'Etat. [...] Le procureur du Roi peut s'opposer à l'attribution de la nationalité belge dans le délai de quatre mois, ... à compter de la déclaration faite devant l'officier de l'état civil, lorsque la déclaration vise un autre but que l'intérêt de l'enfant à se voir attribuer la nationalité belge.

S'il estime ne pas devoir s'y opposer, il envoie une attestation de non-opposition à l'officier de l'état civil. La déclaration est immédiatement inscrite et mentionnée conformément à l'article 22, § 4.

Au terme du délai de quatre mois, prolongé éventuellement conformément à l'alinéa 3, et à défaut d'opposition ou d'envoi d'une attestation de non-opposition à l'officier de l'état civil, la déclaration est inscrite d'office et mentionnée conformément à l'article 22, § 4.

Toutefois, à défaut de communication visée à l'alinéa 1er, l'inscription n'a pas lieu; l'officier de l'état civil en informe immédiatement l'intéressé.

§ 4. L'acte d'opposition doit être motivé. Il est notifié à l'officier de l'état civil et, par lettre recommandée à la poste, au déclarant ou aux déclarants par les soins du procureur du Roi.

Après avoir entendu ou appelé le ou les déclarants, le tribunal de première instance statue sur le bien-fondé de l'opposition [ou de la déclaration en cas d'application du § 3, alinéa 7]. La décision doit être motivée. [...]

§ 5. Le dispositif de la décision définitive prononçant la mainlevée de l'opposition est envoyé à l'officier de l'état civil par les soins du ministère public. La déclaration est immédiatement inscrite et mentionnée, conformément à l'article 22, § 4.

[...]

§ 7. A défaut du consentement exigé au § 2, deuxième alinéa, la déclaration peut néanmoins être souscrite par l'auteur ou l'adoptant, devant l'officier de l'état civil de la résidence principale de l'enfant. Celui-ci la communique immédiatement au parquet du tribunal de première instance du ressort. Le procureur du Roi en dresse acte, sans délai.

Sur avis du procureur du Roi et après avoir entendu ou appelé les auteurs ou les adoptants, le tribunal de première instance se prononce sur l'agrément de la déclaration. Il l'agrée s'il estime le refus de consentement abusif et si la déclaration ne vise pas d'autre but que l'intérêt de l'enfant à se voir attribuer la nationalité belge. La décision doit être motivée.

[...]

Le dispositif de la décision définitive d'agrément mentionne l'identité complète de l'enfant; il est transcrit à la diligence du ministère public sur le registre mentionné à l'article 25 du lieu de la résidence principale de l'enfant. La déclaration a effet à compter de la transcription.

Section 4 - Attribution de la nationalité belge par effet collectif d'un acte d'acquisition.

Article 12 - En cas d'acquisition volontaire ou de recouvrement de la nationalité belge par un auteur ou un adoptant qui exerce l'autorité sur la personne d'un enfant qui n'a pas atteint l'âge de dix-huit ans ou n'est pas émancipé avant cet âge, la nationalité belge est attribuée à ce dernier.

Chapitre III - ACQUISITION DE LA NATIONALITE BELGE.

Section 1 - Acquisition de la nationalité belge par déclaration de nationalité

Article 12bis - Peuvent acquérir la nationalité belge en faisant une déclaration conformément au § 2 du présent article, s'ils ont atteint l'âge de dix-huit ans :

1° l'étranger né en Belgique et y ayant sa résidence principale depuis sa naissance;

2° l'étranger dont l'un des auteurs ou adoptants possède la nationalité belge au moment de la déclaration, pour autant que l'adoption ait produit ses effets avant que l'adopté n'atteigne l'âge de dix-huit ans ou n'ait été émancipé avant cet âge. Si le déclarant a sa résidence principale à l'étranger, il doit montrer qu'il a conservé des liens effectifs avec son auteur ou adoptant belge et cet auteur ou adoptant doit avoir fixé sa résidence principale en Belgique au moment de la déclaration;

3° l'étranger qui peut faire valoir sept années de résidence principale en Belgique couvertes par un séjour légal et qui, au moment de la déclaration, a été admis ou autorisé au séjour pour une durée illimitée.

§ 2.La déclaration est faite contre récépissé devant l'officier de l'état civil du lieu où le déclarant a sa résidence principale. [...] En même temps qu'il communique au procureur du Roi copie du dossier, l'officier de l'état civil en transmet également copie à l'Office des étrangers et à la Sûreté de l'Etat.

Dans le cas prévu au § 1er, 2°, et si le déclarant a sa résidence principale à l'étranger, sa déclaration est faite devant le chef de la mission diplomatique ou du poste consulaire de carrière belge de cette résidence principale. [...]

En même temps qu'il communique au procureur du Roi copie du dossier, le chef de la mission diplomatique ou du poste consulaire de carrière belge en transmet également copie à l'Office des Etrangers et à la Sûreté de l'Etat.

Dans un délai de quatre mois à compter de la déclaration faite devant l'officier de l'état civil visée à l'alinéa 1er ou dans ce même délai prolongé de quinze jours à compter de la déclaration faite devant le chef de la mission diplomatique ou du poste consulaire de carrière belge, le procureur du Roi peut émettre un avis négatif sur l'acquisition de la nationalité belge lorsqu'il y a un empêchement résultant de faits personnels graves, qu'il doit préciser dans les motifs de son avis, ou lorsque les conditions de base visées au § 1er, qu'il doit indiquer, ne sont pas remplies.

[...]

A l'expiration du délai de quatre mois, éventuellement prolongé conformément à l'alinéa 6, et à défaut d'avis négatif du procureur du Roi ou de transmission d'une attestation signifiant l'absence d'avis négatif, la déclaration est inscrite d'office et mentionnée conformément à l'article 22, § 4. Toutefois, à défaut de communication visée à l'alinéa 1er, l'inscription n'a pas lieu, l'officier de l'état civil en informe immédiatement l'intéressé. Notification de l'inscription est faite à l'intéressé par l'officier de l'état civil. La déclaration a effet à compter de l'inscription.

§ 3. L'avis négatif doit être motivé. ...

Le procureur du Roi ou l'officier de l'état civil dans le cas visé au § 2, alinéa 8, dernière phrase, communique à l'intéressé que, sauf si celui-ci demande la saisine du tribunal conformément au § 4, l'officier de l'état civil transmettra son dossier à la Chambre des représentants, de sorte que l'intéressé puisse déposer un mémoire en réponse au greffe de la Chambre des représentants, dans un délai d'un mois.

L'officier de l'état civil communique le dossier de l'intéressé ainsi que, le cas échéant, l'avis négatif du procureur du Roi à la Chambre des représentants ou, en application du § 4, au Tribunal de première instance. La communication à la Chambre des représentants tient lieu de demande de naturalisation ....

§ 4. Dans les quinze jours suivant la date de réception de [l'information visée au § 2, alinéa 8, dernière phrase, ou de] l'avis négatif visé au § 3, l'intéressé peut inviter l'officier de l'état civil, par lettre recommandée à la poste, à transmettre son dossier au Tribunal de première instance.

Après avoir entendu ou appelé l'intéressé, le Tribunal de première instance statue sur le bien-fondé de l'avis négatif ou de la déclaration .... La décision doit être motivée.

[...]

Le dispositif de la décision définitive par laquelle l'avis négatif est déclaré non fondé est envoyé à l'officier de l'état civil par les soins du ministère public. La déclaration est immédiatement inscrite et mentionnée conformément aux dispositions de l'article 22, § 4. Le § 2, alinéas 5 et 6, est également d'application.

Section 2 - Acquisition de la nationalité belge par option

Article 13 - Peuvent acquérir la nationalité belge par option, dans les conditions et suivant les formes déterminées par les articles 14 et 15:
1° l'enfant né en Belgique;
2° l'enfant né à l'étranger dont l'un des adoptants, possède la nationalité belge au moment de la déclaration
3° l'enfant né à l'étranger et dont, au moment de cette naissance, l'un des auteurs ou adoptants était ou avait été Belge;
4° l'enfant qui, pendant au moins un an avant l'âge de six ans, a eu sa résidence

principale en Belgique avec une personne à l'autorité de laquelle il était légalement soumis.

Article 14 - Celui qui fait une déclaration d'option doit, au moment de celle-ci:
1° être âgé de dix-huit ans et avoir moins de vingt-deux ans;
2° avoir eu sa résidence principale en Belgique durant les douze mois qui précèdent;
3° avoir eu sa résidence principale en Belgique depuis l'âge de quatorze ans jusqu'à l'âge de dix-huit ans, ou pendant neuf ans au moins.
Cette dernière condition n'est pas requise si, au moment de la naissance du déclarant, l'un de ses auteurs ou adoptants [était ou avait été Belge.
Peut être assimilée à la résidence en Belgique, la résidence en pays étranger, lorsque le déclarant prouve qu'il a conservé des attaches véritables avec la Belgique.

Article 15 - La déclaration d'option est faite contre récépissé devant l'officier de l'état civil du lieu où le déclarant a sa résidence principale. [...] En même temps qu'il communique au procureur du Roi copie du dossier, l'officier de l'état civil en transmet également copie à l'Office des étrangers et à la Sûreté de l'Etat.

Si le déclarant a sa résidence principale à l'étranger, sa déclaration est faite devant le chef de la mission diplomatique ou du poste consulaire de carrière belge de cette résidence. [...] En même temps, qu'il communique au procureur du Roi copie du dossier, le chef de la mission diplomatique ou du poste consulaire de carrière en transmet également copie à l'Office des étrangers et à la Sûreté de l'Etat.

§ 2. Dans un délai de quatre mois à compter de la déclaration [...], le procureur du Roi peut émettre un avis négatif sur l'acquisition de la nationalité belge lorsqu'il existe un empêchement résultant de faits personnels graves, qu'il doit préciser dans les motifs de son avis, ou lorsque les conditions de base, qu'il doit indiquer, ne sont pas remplies.

[...] Lorsqu'il estime ne pas devoir émettre d'avis négatif, il envoie une attestation à l'officier de l'état civil, signifiant l'absence d'avis négatif. La déclaration d'option est immédiatement inscrite et mentionnée conformément aux dispositions de l'article 22, § 4.

A l'expiration du délai de quatre mois ... et à défaut d'avis négatif ou de communication d'une attestation signifiant l'absence d'avis négatif, la déclaration d'option est inscrite d'office et mentionnée conformément aux dispositions de l'article 22, § 4. Toutefois, à défaut de communication visée à l'alinéa 1er, l'inscription n'a pas lieu; l'officier de l'état civil en informe immédiatement l'intéressé.

Notification de l'inscription est faite à l'intéressé par l'officier de l'état civil.

La déclaration a effet à compter de l'inscription.

§ 3. L'avis négatif doit être motivé. ...

Le procureur du Roi ... communique au déclarant que l'officier de l'état civil transmettra son dossier à la Chambre des représentants, de sorte que le déclarant puisse déposer un mémoire en réponse au greffe de la Chambre des représentants, dans le délai d'un mois, à moins qu'il ne demande la saisine du tribunal conformément à l'article 12bis, § 4.

L'officier de l'état civil communique le dossier ainsi que, le cas échéant, l'avis

négatif du procureur du Roi à la Chambre des représentants ou, en application de l'article 12bis, § 4, au Tribunal de première instance. La communication à la Chambre des représentants tient lieu de demande de naturalisation ....

Section 3 - Acquisition de la nationalité belge par le conjoint étranger d'une personne belge.

Article 16 - § 1er. Le mariage n'exerce de plein droit aucun effet sur la nationalité.

§ 2. 1° L'étranger qui contracte mariage avec un conjoint de nationalité belge ou dont le conjoint acquiert la nationalité belge au cours du mariage, peut, si les époux ont résidé ensemble en Belgique pendant au moins trois ans et tant que dure la vie commune en Belgique, acquérir la nationalité belge par déclaration faite [...] conformément à l'article 15.

2° L'étranger qui contracte mariage avec un conjoint de nationalité belge ou dont le conjoint acquiert la nationalité belge au cours du mariage, peut, si les époux ont résidé ensemble en Belgique pendant au moins six mois et tant que dure la vie commune en Belgique, acquérir la nationalité belge par déclaration faite [...] conformément à l'article 15, à condition qu'au moment de la déclaration, il ait été autorisé ou admis, depuis au moins trois ans, à séjourner plus de trois mois ou à s'établir dans le Royaume.

3° [...]
4° Peut être assimilée à la vie commune en Belgique, la vie commune en pays étranger lorsque le déclarant prouve qu'il a acquis des attaches véritables avec la Belgique.

Section 4 - Acquisition de la nationalité belge en raison de la possession d'état de Belge

Article 17 - La personne qui a joui de façon constante durant dix années de la possession d'état de Belge peut, si la nationalité belge lui est contestée, acquérir la nationalité belge par une déclaration faite conformément à l'article 15. Le procureur du Roi ne peut émettre un avis négatif à l'acquisition de la nationalité belge pour un motif autre que le caractère insuffisant de la possession d'état alléguée.

La déclaration doit être faite avant l'expiration d'un délai d'un an depuis que les faits de possession d'état ont cessé d'être établis. Ce délai est prorogé jusqu'à l'âge de dix-neuf ans si le déclarant est une personne dont la filiation à l'égard d'un auteur belge a cessé d'être établie alors qu'il n'était pas émancipé et n'avait pas atteint l'âge de dix-huit ans.

Section 5 - Acquisition de la nationalité belge par naturalisation

Article 18 - La naturalisation confère la nationalité belge.

Article 19 - Pour pouvoir demander la naturalisation, il faut être âgé de dix-huit ans accomplis et avoir fixe sa résidence principale en Belgique depuis au moins trois ans; ce délai est réduit à deux ans pour celui dont la qualité de réfugié ou d'apatride a été reconnue en Belgique en vertu des conventions internationales qui y sont en vigueur [...].

Peut être assimilée à la résidence en Belgique, la résidence à l'étranger lorsque le

demandeur prouve qu'il a eu, pendant la durée requise, des attaches véritables avec la Belgique.

La résidence principale visée à l'alinéa 1er doit être couverte par un séjour légal.

Article 20 - [Abrogé]

Article 21 - La demande de naturalisation est adressée à l'officier de l'état civil du lieu où l'intéressé a sa résidence principale ou à la Chambre des représentants.

Si l'intéressé à sa résidence principale à l'étranger, sa demande sera transmise au chef de la mission diplomatique ... de cette résidence ; celui-ci la communique à la Chambre des représentants. Les formulaires de demande ... pourront être obtenus dans les administrations communales ou dans chaque mission diplomatique ou poste consulaire de carrière belges.

Le formulaire de demande est signé par le demandeur qui fera précéder sa signature de la mention manuscrite " Je déclare vouloir acquérir la nationalité belge et me soumettre à la Constitution, aux lois du peuple belge et à la Convention de sauvegarde des droits de l'homme et des libertés fondamentales ".

§ 2. La demande de naturalisation devient caduque si, après son introduction, son auteur cesse [d'être en séjour légal ou] d'avoir sa résidence principale en Belgique ou perd les attaches visées à l'article 19, deuxième alinéa.
La demande de naturalisation est ajournée si le demandeur introduit une demande d'acquisition de la nationalité sur la base des articles 12bis à 17.

§ 3. Si la demande de naturalisation est adressée à l'officier de l'état civil, celui-ci transmet la demande de naturalisation ainsi que les pièces ... à la Chambre des représentants dans le délai de quinze jours suivant la réception de la demande de naturalisation.

La Chambre des représentants délivre au demandeur un récépissé attestant le dépôt d'un dossier de demande complet. Au plus tard dans les cinq jours ouvrables qui suivent le dépôt de la demande de naturalisation, une copie de celle-ci ...est communiquée par la Chambre des représentants au parquet du tribunal de première instance de la résidence principale du demandeur, à l'Office des étrangers et à la Sûreté de l'Etat, pour avis à fournir dans un délai de quatre mois sur les critères prévus à l'article 19 et les circonstances prévues à l'article 15, § 2, ainsi que sur tout autre élément dont la Chambre souhaite être informée. [...]

L'avis est réputé favorable à défaut d'observations formulées par le parquet, l'Office des étrangers et la Sûreté de l'Etat dans les quatre mois, éventuellement prolongé conformément à l'alinéa précédent, à dater du dépôt d'un dossier complet de demande a la Chambre des représentants.

La Chambre des représentants statue sur l'octroi de la naturalisation selon les modalités déterminées dans son règlement.

§ 4. Lorsque le demandeur a fait, conformément aux articles 12bis et 15, une déclaration de nationalité faisant l'objet d'un avis négatif du procureur du Roi, la Chambre des représentants statue sur l'octroi de la naturalisation.

La Chambre des représentants peut inviter le demandeur ... à déposer un mémoire en réponse à l'avis négatif. Dans ce cas, la Chambre des représentants peut charger les instances visées au § 3 de procéder dans les deux mois à une enquête complémentaire sur les motifs qui ont fondé l'avis négatif et sur les éléments

invoqués par le demandeur dans son mémoire en réponse. [...]

§ 5. L'acte de naturalisation, adopté par la Chambre des représentants et sanctionne par le Roi sur la proposition du Ministre de la Justice, sera publié au Moniteur belge.

Cet acte sortira ses effets à compter du jour de cette publication.

Chapitre IV - PERTE DE LA NATIONALITE BELGE.

Article 22 - § 1er. Perdent la qualité de Belge :

1° [...]
2° celui qui, ayant atteint l'âge de dix-huit ans, déclare renoncer à la nationalité belge; cette déclaration ne peut être faite que si le déclarant prouve qu'il possède une nationalité étrangère ou qu'il l'acquiert ou la recouvre par l'effet de la déclaration;

3° l'enfant non émancipé n'ayant pas atteint l'âge de dix-huit ans et soumis à l'autorité d'un seul auteur ou adoptant, lorsque celui-ci perd la nationalité belge par l'effet du [...] 2°, à la condition que la nationalité étrangère de l'auteur ou de l'adoptant soit conférée à cet enfant ou que celui-ci la possède déjà; lorsque l'autorité sur l'enfant est exercée par les père et mère ou par les adoptants, l'enfant non émancipé n'ayant pas atteint l'âge de dix-huit ans ne perd pas la nationalité belge tant que l'un d'eux la possède encore; il la perd lorsque cet auteur ou adoptant vient lui-même à la perdre, à la condition que cet enfant acquière la nationalité d'un de ses auteurs ou adoptants ou qu'il la possède déjà; la même règle s'applique au cas où l'autorité sur l'enfant est exercée par le père ou la mère et son conjoint adoptant;

4° l'enfant non émancipé n'ayant pas atteint l'âge de dix-huit ans, adopté par un étranger ou par des étrangers, à la condition que la nationalité de l'adoptant ou de l'un d'eux lui soit acquise par l'effet de l'adoption ou qu'il possède déjà cette nationalité; il ne perd pas la nationalité belge si l'un des adoptants est Belge ou si l'auteur conjoint de l'adoptant étranger est Belge;

5° le Belge né à l'étranger a l'exception des anciennes colonies belges lorsque :
a) il a eu sa résidence principale et continue à l'étranger de dix-huit à vingt-huit ans;
b) il n'exerce à l'étranger aucune fonction conférée par le Gouvernement belge ou à l'intervention de celui-ci, ou n'y est pas occupé par une société ou une association de droit belge au personnel de laquelle il appartient;
c) il n'a pas déclare, avant d'atteindre l'âge de vingt-huit ans, vouloir conserver sa nationalité belge; [...]

6° l'enfant non émancipé n'ayant pas atteint l'âge de dix-huit ans et soumis à l'autorité d'un seul auteur ou adoptant, lorsque celui-ci perd la nationalité belge par l'effet du 5°; lorsque l'autorité sur l'enfant est exercée par les père et mère ou par les adoptants, l'enfant non émancipé n'ayant pas atteint l'âge de dix-huit ans ne perd pas la nationalité belge tant que l'un d'eux la possède encore; il la perd lorsque cet auteur ou adoptant vient lui-même à la perdre; la même règle s'applique au cas où l'autorité sur l'enfant est exercée par le père ou la mère et son conjoint adoptant;

7° celui qui est déchu de la nationalité belge en vertu de l'article 23.

§ 2. [Abrogé]

§ 3. Le § 1er, 5° et 6°, ne s'applique pas au Belge qui, par l'effet d'une de ces dispositions, deviendrait apatride.

§ 4. Les déclarations prévues au § 1er, 2° et 5°, sont faites devant l'officier de l'état civil de la résidence principale du déclarant et, à l'étranger, devant le chef d'une mission diplomatique ... belge. ... L'officier de l'état civil instrumente sans l'assistance de témoins. Ces déclarations sont, en outre, mentionnées en marge de l'acte de naissance dressé ou transcrit en Belgique.

Article 23 - § 1er. Les Belges qui ne tiennent pas leur nationalité d'un auteur belge au jour de leur naissance et les Belges qui ne se sont pas vu attribuer leur nationalité en vertu de l'article 11 peuvent être déchus de la nationalité belge :

1° s'ils ont acquis la nationalité belge sur la base de faits qu'ils ont présentés de manière altérée ou qu'ils ont dissimulés, ou sur la base de fausses déclarations ou de documents faux ou falsifiés qui ont été déterminants dans la décision d'octroi de la nationalité;

2° s'ils manquent gravement à leurs devoirs de citoyen belge.

§ 2. La déchéance est poursuivie par le ministère public. Les manquements reprochés sont spécifiés dans l'exploit de citation.

§ 3. L'action en déchéance se poursuit devant la Cour d'appel de la résidence principale en Belgique du défendeur ou, à défaut, devant la Cour d'appel de Bruxelles.

[...]

§ 9. La personne qui a été déchue de la nationalité belge ne peut redevenir belge que par naturalisation.

Dans le cas visé au § 1er, 1°, l'action en déchéance se prescrit par cinq ans à compter de la date de l'obtention de la nationalité belge par l'intéressé.

Chapitre V – Recouvrement de la nationalité belge

Article 24 - Celui qui a perdu la nationalité belge autrement que par déchéance peut, par une déclaration faite [...] conformément à l'article 15, la recouvrer aux conditions qu'il soit âgé d'au moins dix-huit ans et qu'il ait eu sa résidence principale en Belgique pendant les douze mois qui précèdent la déclaration.

Si cette dernière condition n'est pas remplie ou si la perte de la nationalité belge procède d'une renonciation, le procureur du Roi peut néanmoins juger ne pas devoir émettre d'avis négatif, après avoir apprécié les circonstances dans lesquelles le déclarant a perdu la nationalité belge, ainsi que les raisons pour lesquelles il veut la recouvrer.

Chapitre VII - DISPOSITIONS TRANSITOIRES.

Article 26 - § 1er. Les dispositions des articles 10, 12, 13, 15 à 17, 22, premier et deuxième alinéas, et 25 des lois sur l'acquisition, la perte et le recouvrement de la nationalité, coordonnées le 14 décembre 1932 et modifiées par les lois des 21 mai 1951, 22 décembre 1961, 17 mars 1964, 2 avril 1965 et 10 octobre 1967, demeurent applicables aux déclarations souscrites en vue d'acquérir ou de

recouvrer la nationalité belge ainsi qu'aux demandes de naturalisation introduites avant l'entrée en vigueur du présent Code.

[...]

Article 27 - Les personnes ayant obtenu la grande naturalisation ou la naturalisation ordinaire sont considérées comme ayant acquis la nationalité belge par naturalisation.

[...]

Article 29 - L'entrée en vigueur des articles 8 à 10 du Code de la nationalité belge n'a pas pour effet d'attribuer la nationalité belge à l'étranger qui, lors de cette entrée en vigueur, est âgé de dix-huit ans accomplis.

Article 30 - Le délai de résidence à l'étranger prévu à l'article 22, § 1er, 5° du Code de la nationalité belge prend cours à la date d'entrée en vigueur dudit Code.

* * *

III. Italian Act of 5 February 1992 on Citizenship (extracts)

Article 1
1. The following shall be citizens by birth:
(a) children whose father or mother are citizens;
(b) persons born in the territory of the Republic both of whose parents are unknown or stateless, or who do not have the citizenship of their parents under the law of the State to which the latter belong.
2. Children found in the territory of the Republic whose parents are unknown shall be deemed citizens by birth in the absence of proof of their possession of any other citizenship.

Article 2
1. Recognition or judicial declaration of the filiation of a person while he or she is still a minor shall determine the person's citizenship in accordance with the provisions of the present Act.
2. If a person whose filiation is recognized or declared is of full age, he or she shall retain his or her citizenship status, but may declare, within one year of such recognition or judicial declaration, or of the declaration that foreign legislation has effect, that he or she chooses the citizenship determined by the filiation.
...

Article 3
1. A foreign minor adopted by an Italian citizen shall acquire citizenship.
...
3. If the adoption of an adopted person is revoked by that person, he or she shall loose Italian citizenship, provided he or she possesses or has reacquired another citizenship.
4. In other cases or revocation the adopted person shall retain Italian citizenship. However, if the adoption is revoked while the adopted person is of full age, he or she may, within one year of such revocation, renounce Italian citizenship, provided he or she possesses or has reacquired another citizenship.

Article 4
1. An alien or stateless person whose father or mother, or one of whose direct ascendants in the second degree were citizens by birth shall become a citizen:
(a) if he or she actually performs military service for the Italian State, having previously expressed the wish to acquire Italian citizenship;
(b) if he or she obtains public employment in the service of the State, including service abroad, and declares the wish to obtain Italian citizenship;
(c) if, having reached full age, they have had legal residence for at least two years in the territory of the Republic and declare, within one year of attaining their majority, that they wish to obtain Italian citizenship.
2. Aliens born in Italy who have been legally resident in Italy up to the attainment of their majority shall become citizens if, within one year of that date they declare the wish to obtain Italian citizenship.

Article 5
The alien or stateless spouse of an Italian citizen shall acquire Italian citizenship if he or she has been legally resident for at least six months in the territory of the Republic, or for three years after the date of the marriage, if the latter has not been dissolved or annulled or has not ceased to have civil effects and there is no legal separation.

Article 6
1. The following shall prevent the acquisition of citizenship as referred to in article 5:
(a) conviction of one of the offences referred to in volume two, title I, chapters I, II and III of the Criminal Code;
(b) conviction of an offence not involving criminal intent for which the law provides a statutory penalty of not less than three years of imprisonment with hard labour; or sentencing for a non-political offence to more than one year of imprisonment by a foreign judicial authority, where the conviction is recognized in Italy;
(c) the existence, in the case concerned, of proven intent prejudicial to the safety of the Republic.
[...]
3. Rehabilitation of the person concerned shall cause cessation of the preventive effects of the conviction or sentencing.

[...]

Article 8
1. The Minister for the Interior may, by a reasoned Order, reject an application as referred to in article 7 where there exists any of the grounds referred to in article 6 for denying acquisition of citizenship. Where the grounds relate to the safety of the Republic, the Order shall be issued if approved by the Council of State. The application, if rejected, may be resubmitted five years after the making of the order.
2. An Order rejecting the application may not be made if a period of two years has elapsed since the date of submission of the application accompanied by the prescribed documentation.

Article 9
1. Italian citizenship may be granted by Order of the President of the Republic upon the recommendation of the Minister for the Interior, following consultation of the Council of State, to:
(a) aliens whose father or mother or one of whose direct ascendants in the second degree have been citizens by birth, or who were born in the territory of the Republic and who, in both these cases, have been legally resident in the territory for at least three years, subject to the provisions of article 4, paragraph 1, subparagraph (c);
(b) aliens of full age who have been adopted by an Italian citizen and who have been legally resident in the territory of the Republic for at least five years after their adoption;
(c) aliens who, for at least five years, have been in the service of the State, including service abroad;
(d) citizens of a State member of the European Community who have been legally resident for at least four years in the territory of the Republic;
(e) stateless persons who have been legally resident for at least five years in the territory of the Republic;
(f) aliens who have been legally resident for at least ten years in the territory of the Republic.
2. By an Order of the President of the Republic ..., citizenship may be granted to an alien who has rendered eminent services to Italy, or where its granting is in the special interest of the State.

Article 10
An Order granting citizenship shall not have effect unless, within six months of notification of the Order, the person concerned has sworn to be faithful to the

Republic and to observe the Constitution and the laws of the State.

Article 11
A citizen who has acquired or reacquired the citizenship of another country shall retain Italian citizenship, but may renounce the latter if he or she resides or establishes residence abroad.

Article 12
1. An Italian citizen shall lose Italian citizenship if, having accepted public employment or office from a foreign State or public agency or from an international agency in which Italy is not a participant, or if, while performing military service for a foreign State, he or she fails to comply with the specified period, with any instruction communicated to him by the Italian Government to give up the employment, office or military service.
2. An Italian citizen who, during a state of war with a foreign State, has accepted or has not given up public employment or office, or has performed military service for such State where these are not obligatory, or who has voluntarily acquired the citizenship of such State, shall lose Italian citizenship upon cessation of the state of war.

Article 13
1. A person who has lost Italian citizenship shall reacquire it:
(a) if he or she effectively performs military service for the Italian State and has previously declared the wish to reacquire citizenship;
(b) if he or she enters or has entered public employment in an agency of the State, even abroad, and declares the wish to reacquire citizenship;
(c) if he or she declares the wish to reacquire citizenship and has established or establishes residence in the territory of the Republic within one year of such declaration;
(d) one year after the date on which he or she established residence in the territory of the Republic, provided citizenship has not been expressly renounced during that period;
(e) if, having lost citizenship for not having complied with the instruction to give up employment or an office accepted from a foreign State or public agency or from an international agency, or military service for a foreign State, he or she declares the wish to reacquire it, provided he or she has established residence for at least two years in the territory of the Republic and furnishes proof of having given up the employment or office taken up or the military service performed notwithstanding the instruction referred to in article 12, paragraph 1.
2. Citizenship may not be reacquired by a person who lost it under the provisions of article 3, paragraph 3, or of article 12, paragraph 2.
...

Article 14
Minor children of a person who acquires or reacquires Italian citizenship who live with that person shall acquire Italian citizenship but may renounce it once they have attained their majority if they have the citizenship of another country.

Article 15
The acquisition or reacquisition of citizenship shall take effect, except as provided in article 13, paragraph 3, on the day following that on which the requirements are fulfilled and the required formalities have been completed.

Article 16
1. A stateless person who is legally resident in the territory of the Republic is subject to Italian law as far as the exercise of civil rights and the obligation to perform military service are concerned.

2. An alien who is recognized as a refugee by the Italian State in accordance with Italian law and international treaties is regarded as a stateless person for the purposes of the Present Act, save with respect to military service obligations.

[...]

Article 24

1. An Italian citizen who acquires, reacquires or opts for citizenship of a foreign country must, within three months of such acquisition, reacquisition or option or of his or her attainment of majority, if later, give notice thereof by a declaration made to the civil registrar of the place of residence, or, if he or she resides abroad, to the competent consular authority.
2. The declarations referred to in paragraph 1 shall be governed by the same rules as the declarations referred to in article 23.
3. Any person who does not fulfill the obligations laid down in paragraph 1 shall be subject to an administrative fine of from 200,000 lire to 2 million lire. Prefects shall have competence to impose such administrative fines.

* * *

IV. French Nationality Law (extracts from the French Civil Code)

CHAPTER II - Of French Nationality by Birth

SECTION I - Of French Persons by Parentage

Art. 18
Is French a child one parent of whom at least is French.

Art. 18-1
If however only one of the parents is French, the child who was not born in France has the power to repudiate the status of French within six months preceding and twelve months following his majority.

That power is lost if the alien or stateless parent acquires French nationality during the minority of the child.

SECTION II - Of French Persons by Birth in France

Art. 19
Is French a child born in France of unknown parents.

He shall however be deemed to have never been French if, during his minority, his parentage is established as regards an alien and if, under the national law of his parent, he has the nationality of the latter.

Art. 19-1
Is French:
1° A child born in France of stateless parents;
2° A child born in France of alien parents and to whom the transmission of the nationality of either parent is not by any means allowed by foreign Nationality Acts.
He shall however be deemed to have never been French if, during his minority, the foreign nationality acquired or possessed by one of his parents happens to pass to him.

[...]

Art. 19-3
Is French a child born in France where one at least of his parents was himself or herself born there.

Art. 19-4
Where however only one parent was born in France, a child who is French under the terms of Article 19-3 has the power to repudiate this status within six months preceding and twelve months following his majority.
That power is lost where one of the parents acquires French nationality during the minority of the child.

SECTION III – Common Provisions

Art. 20

A child who is French under this Chapter shall be deemed to have been French as from his birth, even where the statutory requirements for the granting of French nationality were fulfilled only at a later date.

[...]

Art. 20-1
The parentage of a child has effect on his nationality only where it is established during his minority.

[...]

Art. 20-5
The provisions of Articles 19-3 and 19-4 shall not apply to children born in France of diplomatic agents or of regular consuls of foreign nationalities.

[...]

CHAPTER III - Of the Acquisition of French Nationality

SECTION I - Of the Modes of Acquiring French Nationality

Paragraph 1 – Of the Acquisition of French Nationality by Reason of Parentage

Art. 21
As of right, ordinary adoption has no effect on the nationality of an adopted child.

Paragraph 2 – Of the Acquisition of French Nationality by Reason of Marriage

Art. 21-1
As of right, marriage has no effect on nationality.

Art. 21-2
An alien or stateless person who marries and whose spouse is of French nationality may, after a period of four years from the marriage, acquire French nationality by way of declaration provided that, at the time of the declaration, the community of living both affective and physical has not come to an end and the French spouse has kept his or her nationality.

The duration of the community of living shall be raised to five years where the alien, at the time of the declaration, either does not prove that he has resided in France uninterruptedly and legally for at least three years from the marriage, or does not demonstrate that his French spouse was registered in the registers of French citizens living abroad, during the period of residence abroad.

The foreign spouse must also prove a sufficient knowledge of the French language, according to his or her condition.

...

Art. 21-4
By a decree in *Conseil d'Etat*, the Government may, on grounds of indignity or lack of assimilation other than linguistic, oppose the acquisition of French nationality by the foreign spouse within a period of one year after the date of the acknowledgement of receipt ..., or, where the registration was refused, after the day when the judgment which admits the lawfulness of the declaration has

entered into force.

Are deemed to constitute a lack of assimilation the situation of the polygamous foreign spouse or the indictment of the foreign spouse on the basis of Article 222-9 of the Criminal Code, when the act was committed on a minor of fifteen years.

If there is an opposition by the Government, the party concerned shall be deemed to have never acquired French nationality.

However, the validity of transactions concluded between the declaration and the decree that challenges it may not be objected to on the ground that the maker was not allowed to acquire French nationality.

Art. 21-5
Where a marriage is declared to be void by a judgment of a French court, or of a foreign court whose authority is acknowledged in France, the declaration laid down in Article 21-2 may not lapse with regard to the spouse who married in good faith.

Art. 21-6
The annulment of a marriage may not have any effect on the nationality of the children born thereof.

Paragraph 3 - Of the Acquisition of French Nationality by Reason of Birth and Residence in France

Art. 21-7
Every child born in France of foreign parents acquires French nationality on his coming of age where, at that time, he has his residence in France and has had his usual residence in France for a continuous or discontinuous period of at least five years, from the age of eleven.

...

Art. 21-9
Any person who fulfils the requirements laid down in Article 21-7 in order to acquire French nationality loses the power to disclaim it where he enlists in French forces.
Any minor born in France of foreign parents who is regularly recruited as a volunteer acquires French nationality at the date of his recruitment.

Art. 21-10
The provisions of Articles 21-7 to 21-9 may not apply to children born in France of diplomatic agents and of regular consuls of foreign nationality. ...

Art. 21-11
A minor child born in France of foreign parents may from the age of sixteen claim French nationality by declaration ... where, at the time of his declaration, he has in France his residence and has had his usual residence in France for a continuous or discontinuous period of at least five years, from the age of eleven.

Under the same terms, French nationality may be claimed, on behalf of the minor child born in France of foreign parents, from the age of thirteen, in which event the requirement of usual residence in France should be fulfilled from the age of eight. The personal consent of the minor is requested, except when he is prevented from expressing his will due to a mental illness. ...

Paragraph 4 - Of the Acquisition of French Nationality by Reason of a Declaration of Nationality

Art. 21-12
A child who was the subject of an ordinary adoption by a person of French nationality may, up to his majority, declare ... that he claims the status of French, if he resides in France at the time of his declaration.
However, the obligation of residing is dispensed with where the child was adopted by a person of French nationality who does not have his usual residence in France.

May, in the same way, claim French nationality:
1° A child, who, for at least five years, has been sheltered and brought up by a person of French nationality or who, for at least three years, has been entrusted to the Children's aid service;
2° A child sheltered in France and brought up in conditions that allowed him to receive, during five years at least, a French education from either a public body, or a private body offering the features determined by a decree in *Conseil d'Etat*.

Art. 21-13
May claim French nationality by declaration ... persons who have enjoyed in a constant way the apparent status of French for the ten years prior to the declaration.
Where the validity of the transactions concluded before the declaration was made conditional on the entitlement of French nationality, that validity may not be objected to on the sole ground that the declarant had not that nationality.

...

Paragraph 5 - Of the Acquisition of French Nationality by a Decision of the Government

Art. 21-14-1
French nationality may be conferred by decree, on a proposal from the Minister of Defence, to an alien recruited in French armies who was wounded on duty during or on the occasion of an operational action and who makes a request herefor.
...

Art. 21-15
Except in the circumstances referred to in Article 21-14-1, the acquisition of French nationality by a decision of the Government results from a naturalisation granted by decree at the request of the alien.

Art. 21-16
Nobody may be naturalised unless he has his residence in France at the time of the signature of the decree of naturalisation.

Art. 21-17
Subject to the exceptions laid down in Articles 21-18, 21-19 and 21-20, naturalisation may be granted only to an alien who proves an usual residence in France for five years before the submission of the request.

Art. 21-18
The probationary period referred to in Article 21-17 shall be reduced to two years:
1° As regards the alien who has successfully completed two years of university education in view of getting a diploma conferred by a French university or establishment of higher education;

2° As regards the alien who gave or can give significant services to France owing to his competences and talents ;
3° As regards the alien who presents an exceptional integration process, taking into account the activities undertaken or the actions accomplished in the civic, scientific, economic, cultural or sports fields.

Art. 21-19
May be naturalised without the requirement of a probationary period:
...
4° An alien who actually performed military services in a unit of the French army or who, in time of war, enlisted voluntarily in French or allied armies;
6° An alien who gave exceptional services to France or one whose naturalisation is of exceptional interest for France. In this event, the decree of naturalisation may be granted only after taking Conseil d'Etat's opinion and on the basis of a reasoned report from the competent Minister;
7° An alien who obtained the status of refugee in accordance with the Act no 52-893 of 25 July 1952 establishing a French Office for the protection of refugees and stateless persons.

...

Art. 21-21
French nationality may be conferred by naturalisation on a proposal from the Minister of Foreign Affairs to any French-speaking alien who makes the request thereof and who contributes by his eminent deeds to the influence of France and to the prosperity of its international economic relations.

Art. 21-22
Nobody may be naturalised unless he has reached the age of eighteen. ...

Art. 21-23
Nobody may be naturalised where he is not of good character or has incurred one of the sentences referred to in Article 21-27 of this Code.
However, sentences delivered abroad may be overlooked; in this event the decree that pronounces naturalisation may be enacted only after assent of the *Conseil d'Etat*.

Art. 21-24
Nobody may be naturalised unless he proves his assimilation into the French community, and specially owing to a sufficient knowledge, according to his condition, of the French language, of French history, French culture and society, ... and of the rights and duties conferred by French nationality, as well as of the adhesion to the fundamental principles and values of the Republic.

Following the control of his assimilation, the applicant shall sign the Charter of Rights and Obligations of the French Citizen....

Art. 21-24-1
The requirement of knowledge of the French language shall not apply to political refugees and stateless persons who have resided in France regularly and usually for at least fifteen years and who are over seventy.

[...]

Paragraph 6 -Provisions Common to Some Modes of Acquiring French Nationality

Art. 21-26

Is equivalent to a residence in France where that residence is a requirement for the acquiring of French nationality:
1° The residing abroad of an alien who exercises a private or public professional activity on behalf of the French state or of a body whose activity is of special interest for French economy or culture;
2° A residing in those countries in customs union with France which are named by a decree;
3° A presence outside France, in time of peace as in time of war, in a regular unit of the French army or for the duties laid down in Book II of the Code of National Service;
4°A residing outside France as a volunteer for national service.

The equivalence as to residence which benefits one spouse shall be extended to the other where they actually live together.

Art. 21-27
Nobody may acquire French nationality or be reinstated in that nationality where he has been sentenced either for ordinary or serious offences that constitute a damage to the fundamental interests of the nation or an act of terrorism or, whatever the offence concerned may be, to a penalty of six months' imprisonment or more without suspension.

It shall be likewise for the person who has been subject either to an exclusion order not expressly revoked or repealed or to a banishment of the French territory not fully enforced.

It shall be likewise for the person whose residence in France is irregular with respect to the statutes and conventions concerning the residence of aliens in France.

The provisions of this Article shall not apply to a minor child who may acquire French nationality under Articles 21-7, 21-11, 21-12 and 22-1, nor to a condemned person who has benefited from a rehabilitation by operation of law or by a judicial rehabilitation in accordance with Article 133-12 of the Penal Code, or the entry of whose sentence has been excluded from the certificate no 2 of the police record, in accordance with Articles 775-1 and 775-2 of the Code of Criminal Procedure.

Art. 21-27-1
When acquiring French nationality by decision of the authorities or by declaration, the person concern indicates to the competent authority the nationality or nationalities that he already possesses, the nationality or nationalities that he will keep next to the French nationality and the nationality or nationalities that he will waive.

Art. 21.28
The representative of the State in the department... organizes, within six months after the acquisition of the French nationality, a ceremony welcoming into the French nationality, aimed at those who reside in the departement and have obtained the nationality under the articles 21 ff.
...

SECTION II – Of the Effects of Acquiring French Nationality

Art. 22
A person who has acquired French nationality enjoys all the rights and is bound to all the duties attached to the status of French, from the day of that acquisition

Art. 22-1
A minor child one of the parents of whom acquires French nationality, becomes French as of right where he has the same usual residence as that parent, or resides in turn with that parent in the event of separation or divorce.
...

CHAPTER IV - Of Loss and Forfeiture of, and of Reinstatement in French Nationality

SECTION I - Of Loss of French Nationality

Art. 23
An adult of French nationality residing usually abroad, who acquires voluntarily a foreign nationality, loses French nationality only where he so declares expressly...

...

Art. 23-2
French persons who are under the age of thirty-five years may not subscribe the declaration provided for in Articles 23 and 23-1 above unless they have complied with the duties under Book II of the Code of National Service.

Art. 23-3
Loses French nationality a French person who exercises the power to repudiate that status in the circumstances referred to in Articles 18-1, 19-4 and 22-3.
...

Art. 23-5
In the event of a marriage with an alien, the French spouse may repudiate French nationality ... if he or she has acquired the foreign nationality of her or his spouse and the usual residence of the couple is established abroad.
...

Art. 23-6
The loss of French nationality may be recorded by judgment where the party concerned, French by parentage, has not the apparent status thereof and never had his usual residence in France, if the ancestors from whom he held French nationality have not had themselves the apparent status of French or residence in France for half a century.
The judgment shall determine the date when French nationality was lost. It may decide that that nationality was lost by the predecessors of the party concerned and that the latter never was French.

Art. 23-7
A French person who actually behaves as a national of a foreign country may, where he has the nationality of that country, be declared to have lost French nationality by decree with assent of the Conseil d'Etat.

Art. 23-8
Loses French nationality a French person who, being employed in a foreign army or public service or in an international organization of which France is not a member, or more generally providing his assistance to it, did not relinquish his employment or stop his assistance notwithstanding the order of the Government.
...

SECTION II : Of Reinstatement in French Nationality

Art. 24
Reinstatement in French nationality of persons who prove to have had the status of French shall result from a decree or a declaration in accordance with the distinctions provided for in the Articles below.

Art. 24-1
Reinstatement by decree may be obtained at any age and without any requirement as to a probationary period. As to other issues, it shall be subject to the requirements and rules of naturalisation.

Art. 24-2
Persons who have lost French nationality by reason of a marriage with an alien or acquisition of a foreign nationality by an individual decision may [...] be reinstated by a declaration subscribed in France or abroad ... They must have kept or acquired patent bonds with France, especially of cultural, professional, economic or family nature.
...

SECTION III : Of Forfeiture of French Nationality

Art. 25
An individual who acquired the status of French may be declared by decree ... to have forfeited French nationality, save where forfeiture has the effect of making him stateless
1° Where he is sentenced for an act characterized as ordinary or serious offence which constitutes an injury to the fundamental interests of the Nation or for an ordinary or serious offence which constitutes an act of terrorism;
2° Where he is sentenced for an act characterized as ordinary or serious offence provided for and punished by Chapter II of Title III of Book IV of the Penal Code;
3° Where he is sentenced for evading the duties under the Code of National Service;
4° Where he committed acts incompatible with the status of French and detrimental to the interests of France for the benefit of a foreign State;
5 ° [repealed].

Art. 25-1
Forfeiture shall be incurred only where the facts of which the person concerned is accused ... occurred before the acquiring of French nationality or within ten years as from the date of acquisition.

It may be pronounced only within ten years as from the perpetration of those facts.

Where the facts of which the person concerned is accused are referred to in Article 25, 1°, the periods referred to in the two preceding paragraphs shall be extended to fifteen years.

* * *

V. German Nationality Act of 22 July 1913, as amended

CHAPTER ONE - General provisions

Section 1
A German is any person possessing citizenship in a federal state *(Bundesstaat) (sections 3 to 32)* or direct citizenship of the Reich *(sections 33 to 35)*.
Section 2 (no longer applicable)

CHAPTER TWO - Citizenship *in a federal state*
Section 3

Citizenship *in a federal state* shall be acquired
1. by birth (section 4);
2. by a declaration pursuant to section 5;
3. by adoption (section 6);
4. by the issue of a certificate pursuant to section 15 subsection 1 or 2 of the Federal Expellees Act (section 7);
4a. by transfer as a German without German citizenship within the meaning of Article 116 paragraph 1 of the Basic Law (section 40a);
5. for a foreigner by naturalisation (sections 8 to 16 and 40b).

Section 4
(1) A child shall acquire German citizenship by birth where one parent possesses German nationality. Where at the time of the birth only the father is a German national, and where for proof of descent under German law recognition or determination of paternity is necessary, the claim for acquisition shall require a determination of paternity which is valid under German law; the declaration of recognition must be made or the procedure for determination commenced before the child has attained its 23rd birthday.
(2) A child found in the territory of a federal state (foundling) shall be deemed to be a child of a citizen of that federal state until there is proof to the contrary.
(3) A child of foreign parents shall acquire German citizenship by birth in the domestic territory if one parent
1. has legally been normally resident in the domestic territory for eight years and
2. possesses a right of residence or has possessed for three years a residence permit for an unlimited period.
...
(4) German citizenship shall not be acquired in keeping with subsection 1 in the case of a birth abroad where the German parent was born abroad after 31 December 1999 and is normally resident there unless the child would otherwise become stateless. The legal consequence contemplated by the preceding sentence shall not ensue where the German parent reports the birth to the competent diplomatic representation within one year. Where both parents are German nationals, the legal consequence contemplated by the first sentence of this subsection shall only ensue where they both fulfill the conditions there stipulated.

Section 5 - Right of declaration for children born before 1 July 1993

By declaring a wish to become a German national, a child born before 1 July 1993 of a German father and a foreign mother shall acquire German citizenship where
1. there has been a recognition or determination of paternity which is valid under German law;

2. the child has legally been normally resident in the federal territory for three years; and
3. the declaration is made before attainment of the 23rd birthday.

Section 6
As a result of adoption by a German in a manner valid under German law a child that has not yet attained its eighteenth birthday at the time of application for adoption shall acquire citizenship. The acquisition of citizenship shall extend to the descendants of the child.

...

Section 8
(1) A foreigner who has settled in the domestic territory may upon his making application be granted citizenship by the federal state ... if he
1. has legal capacity ... or enjoys legal representation;
2. does not meet any of the grounds for expulsion under section 46 nos. 1 to 4, section 47 subsection 1 or 2 of the Aliens Act;
3. has his own dwelling or has found accommodation at the place of settlement and
4. is able to provide for himself and his dependents at that place.
(2) Prior to naturalisation the local authority of the place of settlement shall be heard in respect of the requirements under nos. 2 to 4....

See also section 85 ff of the Aliens Act of 9 July 1990 (simplified procedure for naturalisation) – hereinafter.

Section 9
(1) The spouses of Germans shall be naturalised in keeping with the requirements set out in section 8 where
1. they lose or give up their previous nationality or a ground exits for accepting multiple nationality ..., and
2. it is certain that they will conform to the German way of life,
unless serious interests of the Federal Republic of Germany, in particular such as concern external or internal security and international relations, speak against naturalisation.
(2) The provision made in subsection 1 shall also hold where naturalisation is applied for before the expiry of one year after the death of the German spouse or after that point in time where the judgment dissolving the marriage acquires final and binding force, and where the applicant is entitled to custody of a child issuing from the marriage and already possessing German citizenship.
(3) Minors shall enjoy parity of treatment with persons who have attained the age of majority.

...

Section 13
A former German who has not settled in the domestic territory may upon his application be naturalised *by the federal state* ... if he meets the requirements of section 8 subsection 1 nos. 1 and 2; ....

Section 14
A foreigner who has not settled in the domestic territory may be naturalised subject to the other requirements of sections 8 and 9 where ties with Germany exist which justify naturalisation.

...

Section 16
(1) *The registration (Aufnahme)* or naturalisation shall become effective with the handing over of the certificate made out for this purpose by the higher administrative authority. ...
(2) The registration or naturalisation shall extend, unless a reservation is made on the certificate, at the same time to the wife of the registered or naturalised person and to those children whose legal representation he is entitled to exercise by virtue of right of parental custody. Not included shall be daughters who are married or have been married.

Section 17
Citizenship shall be lost
1. by release (sections 18 to 24);
2. by the acquisition of a foreign citizenship (section 25);
3. by waiver (section 26);
4. by adoption by a foreigner (section 27);
5. by joining the armed forces or a comparable armed group of a foreign state (section 28) or
6. by a declaration (section 29).

Section 18
A German shall upon his application be released from citizenship if he has applied for the acquisition of a foreign citizenship and the competent body has assured him of such award.

Section 19
(1) The release of a person who is under parental custody or guardianship can only be applied for by the legal representative and only with the approval of the German guardianship court. ...
(2) The approval of the guardianship court shall not be required where the father or the mother applies for release for himself or herself and at the same time by virtue of the right of custody for a child and the applicant is entitled to custody for that child.

...

Section 22 (1) Release shall not be granted to
1. civil servants (Beamte), judges, Bundeswehr soldiers and other persons employed in a professional or official capacity under public law for as long as their professional or official capacity is not terminated, with the exception of persons exercising an honorary function;
2. persons liable for military service for as long as the Federal Ministry of Defence or an office designated by it has not stated that there are no reservations about release.
(2) (repealed)

Section 23
(1) Release shall take effect with the handing over of a certificate of release made out by the higher administrative authority of the state of origin. The certificate shall not be handed to persons who have been arrested or whose arrest or seizure has been ordered by a judicial or police authority. ...
(2) If it is intended that the release should at the same time relate to the wife or the children of the applicant, these persons must also be named in the certificate of release.

Section 24

Release shall not be deemed to have taken place where the released person has not acquired within one year of the handing over of the certificate of release the foreign citizenship of which he has been assured.

Section 25
(1) A German shall lose his citizenship upon the acquisition of a foreign citizenship where such acquisition results from his application or from the application of the husband or of the legal representative. The wife and the person represented however shall only suffer such loss where the requirements are met which under section 19 permit the making of an application for release.
(2) Citizenship shall not be lost by any person who before acquisition of the foreign citizenship has received upon his application the written approval of the competent authority of his state of origin for retention of his citizenship. Before the granting of the approval the German consul shall be heard. In taking the decision pursuant to the first sentence there shall be a weighing of the public and private interests. In the case of an applicant normally resident abroad special consideration shall be given to whether he can show convincing proof of continuing ties with Germany.
...

Section 26
(1) A German may waive his nationality if he possesses several nationalities. Such a waiver shall be put in writing.
(2) The written waiver shall require the approval of the authority competent under section 23 for the making out of the certificate of release. Approval shall be withheld where release could not be granted under section 22 subsection 1; this shall not apply however where the person making such waiver
1. has been constantly resident abroad for at least ten years or
2. has as a person liable for military service within the meaning of section 22 subsection 1 no. 2 done military service in one of the states whose nationality he possesses.
(3) The loss of nationality shall take effect with the handing over of the certificate of waiver made out by the approving authority.
(4) For minors section 19 shall apply mutatis mutandis.

Section 27
A German shall lose his citizenship as a result of an adoption by a foreigner which is valid under German law if by this he acquires the citizenship of the person adopting. There shall be no loss if he remains related to one German parent. The loss shall extend to those descendants who are minors and for whom the adopted person has sole custody where the acquisition of citizenship by the adopted person pursuant to the first sentence also extends to the descendants.

Section 28
A German who as a result of a voluntary commitment without consent under section 8 of the Act to regulate liability for military service joins the armed forces or a comparable armed group of a foreign state whose citizenship he possesses, shall lose German citizenship. This shall not apply where he is entitled to such citizenship by virtue of an international agreement.

Section 29
(1) A German who after 31 December 1999 has acquired citizenship pursuant to section 4 subsection 3 or through naturalisation pursuant to section 40b and possesses a foreign citizenship shall be required to state after attaining the age of majority and after being advised in keeping with subsection 5 whether he wishes to retain the German or the foreign citizenship. The statement shall be made in writing.

(2) Where the person incurring the obligation contemplated by subsection 1 states that he wishes to keep the foreign citizenship, German citizenship shall be lost upon the statement being received by the competent authority. It shall also be lost where no statement has been made by the 23rd birthday.
(3) Where the person incurring the obligation contemplated by subsection 1 states that he wishes to keep German citizenship, he shall be obliged to furnish proof that he has given up or lost the foreign citizenship. Where such proof is not furnished by his 23rd birthday, German nationality shall be lost unless the German has already received upon application the written approval of the competent authority to retain German citizenship (retention approval). The application for the granting of retention approval, including as a precautionary measure, may only be made up to the 21st birthday (exclusion limit). The loss of German nationality shall only take effect when the application becomes the subject of a final rejection....
(4) The retention approval pursuant to subsection 3 shall be granted where giving up or losing the foreign citizenship is not possible or cannot reasonably be expected or where multiple nationality would have to be or could be accepted or in the case of naturalisation in accordance with section 87 of the Aliens Act.

...

CHAPTER FOUR -Final provisions
Section 38
(1) Official measures in citizenship matters shall, insofar as there is no other statutory provision, be subject to costs (fees and expenses).
(2) The fee for naturalisation under this Act shall be 500 Deutschmark. It shall be reduced to 100 Deutschmark for a child that is a minor, is naturalised at the same time, and does not have an independent income for the purposes of the Income Tax Act. The acquisition of German citizenship pursuant to section 5 and the naturalisation of former Germans who have lost German citizenship by marriage to a foreigner shall be free of charge. Where there are grounds suggesting that it would be reasonable or in the public interest, the fee referred to in the first sentence may be reduced or waived.
...

ALIENS ACT

of 9 July 1990 last amended by Article 2 of the Act of 23 July 1999
(Extract)

CHAPTER SEVEN -**Simplified naturalisation**

Section 85 - Claim to naturalisation held by foreigners with a long period of residence; simultaneous naturalisation of foreign spouses and of children who are minors

(1) A foreigner who has legally been normally resident in the domestic territory for eight years shall be naturalised upon application where he
1. professes his commitment to the free democratic basic order of the Basic Law of the Federal Republic of Germany and makes a declaration that he neither pursues or supports, nor has pursued or supported, endeavours which are directed against the free democratic basic order, the existence or security of the Federation or of a Land, or which have as their objective an unlawful interference with the functioning of the constitutional organs of the Federation or of a Land or of their members, or which by the use of violence or preparatory acts aimed at this endanger external interests of the Federal Republic of Germany, or where he

offers convincing proof that he has turned aside from an earlier pursuit of or support for such endeavours;
2. possesses a residence permit or an entitlement to residence;
3. can provide for himself and his relatives who are entitled to such provision without claiming social security or unemployment benefit;
4. gives up or loses his previous citizenship and
5. has not been convicted of a criminal offence.
The requirement set out under no. 3 above shall be dispensed with where the foreigner for a reason beyond his control cannot provide support without claiming social security or unemployment benefit.
(2) The spouse of the foreigner and his children who are still minors may also be naturalised at the same time even where they have not yet legally been resident in the domestic territory for eight years....
(3) In the case of a foreigner who has not yet attained his 23rd birthday subsection 1 no. 3 shall not be applied.

Section 86 - **Grounds for exclusion**
A claim to naturalisation pursuant to section 85 shall not exist where
1. the applicant for naturalisation does not have sufficient knowledge of the German language; or
2. there are factual indicators justifying the assumption that the applicant for naturalisation pursues or supports, or has pursued or supported, endeavours which are directed against the free democratic basic order, the existence or security of the Federation or of a Land, or which have as their objective an unlawful interference with the functioning of the constitutional organs of the Federation or of a Land or of their members, or which by the use of violence or preparatory acts aimed at this endanger external interests of the Federal Republic of Germany, unless the applicant for naturalisation offers convincing proof that he has turned aside from an earlier pursuit of or support for such endeavours, or
3. there is a ground for expulsion pursuant to section 46 no. 1.

Section 87
Naturalisation where multiple nationality is accepted
(1) The requirement set out in section 85 subsection 1 no. 4 shall be dispensed with where the foreigner cannot give up his previous citizenship or can only do so under particularly difficult conditions. This shall be presumed where
1. the law of the foreign state does not make provision for giving up its citizenship;
2. the foreign state regularly refuses release and the foreigner has given the competent authority an application for release for forwarding to the foreign state;
3. the foreign state has refused release from citizenship for reasons beyond the control of the foreigner or has attached unreasonable conditions to it or has not decided within an appropriate period on a complete and formally correct application for release;
4. the naturalisation of older persons is barred by the sole obstacle of resulting multiple nationality, release is meeting with disproportionate difficulties and refusal of naturalisation would create a particular hardship;
5. giving up the foreign citizenship would bring considerable disadvantages to the foreigner, in particular of an economic or financial kind, going beyond the loss of his rights as a citizen, or
6. the foreigner is suffering political persecution within the meaning of section 51 or is being treated as a refugee under the Act to regulate measures for refugees admitted as part of humanitarian aid.
(2) The requirement set out in section 85 subsection 1 no. 4 shall also be dispensed with where the foreigner possesses the citizenship of another member state of the European Union and there is a reciprocal agreement.
(3) The requirement set out in section 85 subsection 1 no. 4 may be dispensed

with where the foreign state makes release from the previous citizenship conditional upon the performing of military service and the foreigner has received the major part of his schooling in German schools and the personal growth and development which has familiarised him with the German way of life and brought him to the age where he is liable for military service has taken place in the federal territory.
...
(5) Where release from the foreign nationality demands that the foreigner should have attained the age of majority and the requirements of subsections 1 to 4 are also not met, a foreigner who under the law of his state of origin is still a minor shall receive in derogation of subsection 1 no. 1 an assurance of naturalisation.

Section 88
Decision where there is a criminal conviction
(1) Under section 85 subsection 1 no. 5 no consideration shall be had to
1. the imposition of special measures of education and training or disciplinary measures with educative intent under the Juvenile Courts Act;
2. convictions requiring the payment of a fine up to 180 per diem fines and
3. convictions requiring the serving of a custodial sentence of up to six months which was suspended on probation and quashed upon expiry of the probationary period.
...
(3) Where a foreigner who has applied for naturalisation is the subject of investigations on suspicion of an offence, the decision on naturalisation shall be deferred till the close of proceedings, in the case of a conviction till the judgment becomes final and binding. The same shall apply where the imposition of youth custody under section 27 of the Juvenile Courts Act has been deferred.

Section 89
Interruptions of the period of lawful residence
(1) The period of normal residence in the federal territory shall not be deemed to be interrupted by stays of up to six months outside of the federal territory. Where the foreigner has stayed outside of the federal territory for longer than six months for a reason which by its nature is temporary, this time shall also be credited up to a maximum of one year to the residence period necessary for naturalisation.
(2) Where the foreigner has stayed outside of the federal territory for longer than six months for a reason which by its nature is not temporary, the earlier period of residence in the federal territory may be credited up to a maximum of five years to the residence period necessary for naturalisation.
(3) Interruptions in the lawfulness of residence shall remain out of consideration where they are attributable to the fact that the foreigner failed to apply in time for the initial granting or extension of entitlement to residence or was not in possession of a valid passport.

Section 90
Naturalisation fee
The fee for naturalisation under this Act shall be 500 Deutschmark. It shall be reduced to 100 Deutschmark for a child that is a minor, is naturalised at the same time, and does not have an independent income for the purposes of the Income Tax Act. Where there are grounds suggesting that it would be reasonable or in the public interest, the fee may be reduced or waived.

* * *

VI. Chinese Nationality Act (1991)

(Adopted at the Third Session of the Fifth National People's Congress, promulgated by Order No. 8 of the Chairman of the Standing Committee of the National People's Congress on and effective as of September 10, 1980)

Article 1
This Law is applicable to the acquisition, loss and restoration of nationality of the People's Republic of China.

Article 2
The People's Republic of China is a unitary multinational state; persons belonging to any of the nationalities in China shall have Chinese nationality.

Article 3
The People's Republic of China does not recognize dual nationality for any Chinese national.

Article 4
Any person born in China whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality.

Article 5
Any person born abroad whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality. But a person whose parents are both Chinese nationals and have both settled abroad, or one of whose parents is a Chinese national and has settled abroad, and who has acquired foreign nationality at birth shall not have Chinese nationality.

Article 6
Any person born in China whose parents are stateless or of uncertain nationality and have settled in China shall have Chinese nationality.

Article 7
Foreign nationals or stateless persons who are willing to abide by China's Constitution and laws and who meet one of the following conditions may be naturalized upon approval of their applications:
(1) they are near relatives of Chinese nationals;
(2) they have settled in China; or
(3) they have other legitimate reasons.

Article 8
Any person who applies for naturalization as a Chinese national shall acquire Chinese nationality upon approval of his application; a person whose application for naturalization as a Chinese national has been approved shall not retain foreign nationality.

Article 9
Any Chinese national who has settled abroad and who has been naturalized as a foreign national or has acquired foreign nationality of his own free will shall automatically lose Chinese nationality.

Article 10
Chinese nationals who meet one of the following conditions may renounce Chinese nationality upon approval of their applications:

(1) they are near relatives of foreign nationals;
(2) they have settled abroad; or
(3) they have other legitimate reasons.

Article 11
Any person who applies for renunciation of Chinese nationality shall lose Chinese nationality upon approval of his application.

Article 12
State functionaries and military personnel on active service shall not renounce Chinese nationality.

Article 13
Foreign nationals who once held Chinese nationality may apply for restoration of Chinese nationality if they have legitimate reasons; those whose applications for restoration of Chinese nationality have been approved shall not retain foreign nationality.

Article 14
Persons who wish to acquire, renounce or restore Chinese nationality, with the exception of the cases provided for in Article 9, shall go through the formalities of application. Applications of persons under the age of 18 may be filed on their behalf by their parents or other legal representatives.

Article 15
Nationality applications at home shall be handled by the public security bureaus of the municipalities or counties where the applicants reside; nationality applications abroad shall be handled by China's diplomatic representative agencies and consular offices.

Article 16
Applications for naturalization as Chinese nationals and for renunciation or restoration of Chinese nationality are subject to examination and approval by the Ministry of Public Security of the People's Republic of China. The Ministry of Public Security shall issue a certificate to any person whose application has been approved.

Article 17
The nationality status of persons who have acquired or lost Chinese nationality before the promulgation of this Law shall remain valid.

...

VII. Spanish Nationality Law

Civil Code, Book One, Title I : Spanish and foreigners

Article 17
1. Spanish by birth are:
a) Those born to a Spanish father or mother.
b) Those born in Spain to foreign parents if at least one of them was also born in Spain. The children of diplomatic or consular officials accredited in Spain are excepted.
c) Those born in Spain to foreign parents, if both lack a nationality or if the legislation of the State of either of the parents does not give the child a nationality.
d) Those born in Spain without determinate filiation. For this purpose minors whose first known place of sojourn is Spanish territory are presumed to be born on Spanish territory.
2. Filiation or birth in Spain, which are determined after the age of eighteen years, are not in themselves cause for the acquisition of Spanish nationality. An interested party has a right to opt for Spanish nationality by birth within two years of that determination.

Article 18
The continuous possession and use of Spanish nationality during ten years, in good faith, and based on title registered before the Civil Registry, is cause for the consolidation of the nationality even if the title that originated it is void.

Article 19
1. A foreigner under the age of eighteen years adopted by a Spaniard acquires, from the date of the adoption, Spanish nationality by birth.
2. If the adoptee is over the age of eighteen years, he may opt for Spanish nationality by birth within two years of the adoption.

Article 20
1. The following have the right to opt for Spanish nationality:
a) Those persons that are or have been under the parental authority of a Spaniard.
b) Those whose father or mother were Spanish by birth and were born in Spain.
c) Those who are included in the second paragraph of Articles 17 and 19.
2. The declaration of option shall be formulated:
a) By the legal representative of an applicant under the age of fourteen years or lacking legal capacity. In this case, the option requires authorisation from the chief officer of the Civil Registry of the domicile of the declarant, after consulting the Public Prosecutor (Ministerio Fiscal). Such authorisation shall be granted in the interest of the minor or legal incompetent.
b) By the interested party assisted by his legal representative, when the former is over the age of fourteen years or when, lacking legal capacity, is enabled by the judgment declaring the legal incompetence.
c) By the interested party, on her own, if emancipated or over the age of eighteen years. The option will expire at the age of twenty years, but in case the applicant is not emancipated according to the law of the State of which she is a national at the age of eighteen years, the term to opt will be extended for up to two years from the emancipation.
d) By the interested party, on her own, within two years following the recovery of full legal capacity. The case in which the right to opt expires according to paragraph c) is excepted.
3. Notwithstanding the preceding paragraph, the exercise of the right to choose

referred to in paragraph 1.b) of this article shall not be subject to any age limitation.

Article 21
1. Spanish nationality is acquired by a naturalisation certificate, discretionally granted by Royal Decree, when exceptional circumstances obtain relating to the interested party.
2. Spanish nationality is also acquired by residing in Spain, according to the conditions established in the following article and by a concession given by the Minister of Justice, who can deny it for reasons of public order or national interest.
3. In either case the application may be presented by:
a) The interested party who is emancipated or over the age of eighteen years.
b) Those over the age of fourteen years assisted by their legal representative.
c) The legal representative of those under fourteen years old.
d) The legal representative of those lacking legal capacity, or those lacking legal capacity, by their own or duly assisted, depending on the sentence of legal incapacity. In this case and the previous one, the legal representative will be able to apply only if the authorisation according to letter a) of paragraph 2 of the previous Article has been previously obtained.
4. The concessions by naturalisation certificate or by residency expire 180 days following their notification, if within that period the applicant fails to appear before the competent official to meet the requirements of Article 23.

Article 22
1. To grant the concession of nationality by residency, this residency should have lasted for ten years. Five years will be enough for those who have obtained refugee status, and two years in the case of nationals by birth from Latin American countries, Andorra, the Philippines, Equatorial Guinea or Portugal or of Sephardim.
2. A one year period of residency will be enough for:
a) Those who were born in Spanish territory.
b) Those who did not exercise on time the power to opt.
c) Those who were legally under the tutelage, guardianship or in the care of a Spanish citizen or institution for two consecutive years, even if they continue in this situation at the time of the application.
d) Those who at the time of the application were married to a Spaniard for a year and are not legally or de facto separated.
e) The widower or widow of a Spaniard, if at the time of the death of the spouse there was no legal or de facto separation.
f) Those born outside Spain to a father or mother, grandfather or grandmother, who had been Spanish by birth.
3. In all the cases, the residency shall be legal, continuous and immediately before the application.
For the purposes of the provisions of clause d) of the previous paragraph, the spouse that lives together with a Spanish diplomatic or consular officer accredited abroad shall be deemed to have legal residence in Spain.
4. In the proceedings covered by the legislation of the Civil Registry, the applicant must display good citizenship conduct and a sufficient degree of integration into Spanish society.
5. The granting or denial of nationality by residency is without prejudice to the possibility of starting a contentious-administrative judicial action.

Article 23
The following are common requirements for the validity of the acquisition of Spanish nationality by option, naturalisation certificate or residence:
a) That those over the age of fourteen years and capable of declaring for themselves swear or promise fidelity to the King and obedience to the

Constitution and the laws.
b) That the same person declares that he or she renounces his or her previous nationality. Those nationals by birth of those countries covered in paragraph 1 of article 24 are exempted from this requirement.
c) That the acquisition is inscribed in the Spanish Civil Registry.

Article 24
1. Spanish nationality will be lost by those emancipated who, habitually residing abroad, voluntarily acquire a different nationality or exclusively use the foreign nationality that was attributed to them before their emancipation. The loss will happen after three years from, respectively, the acquisition of the foreign nationality or the emancipation. Notwithstanding, those interested can avoid losing the Spanish nationality if within that term they declare to the officer in charge of the Civil Registry their will to retain it.
Acquiring the nationality by birth of Latin American countries, Andorra, the Philippines, Equatorial Guinea or Portugal is not enough to produce, according to this paragraph, the loss of the Spanish nationality by birth.
2. In any case, the emancipated Spaniards who expressly renounce Spanish nationality will lose it, if they have another nationality and habitually reside abroad.
3. Those born and residing abroad who hold Spanish nationality because they are the child of a Spanish father or mother, also born abroad, when the laws of the country of residence attribute them the nationality of that country, will lose, in every case, their Spanish nationality if they do not declare their will to retain it before the officer in charge of the Civil Registry within three years of their attaining majority or emancipation.
4. Spanish nationality will not be lost, according to this norm, if Spain is at war.

Article 25
1. Those who are not by birth Spanish will lose Spanish nationality:
a) When they exclusively use, within a three year period, the nationality they had renounced when acquiring the Spanish nationality.
b) When by their own will they enter to the military forces or exercise a political position in a foreign state against the express prohibition of the government.
2. A definitive judgment stating that the applicant has engaged in falseness, concealment, or fraud in the acquisition of Spanish nationality nullifies that acquisition, although no adverse effects will derive from it to third parties in good faith. The action of annulment shall be exercised by the Public Prosecutor (Ministerio Fiscal) on his own initiative or by petition, within fifteen years.

Article 26
1. Those who have lost Spanish nationality will be able to recover it by fulfilling the following requirements:
a) Be a legal resident in Spain. This requirement shall not apply to immigrants or children of immigrants. Other cases may be waived by the Minister of Justice in exceptional circumstances.
b) Declare before the officer in charge of the Civil Register the desire to recover Spanish nationality.
c) Register their recovery in the Civil Register.
2. Those covered by any of the situations described in the previous article will not be able to recover or acquire Spanish nationality without previous rehabilitation discretionally given by the Government.

Article 27
Foreigners have in Spain the same civil rights as the Spanish, with the exceptions established in the provisions of special laws and international treaties.

VIII. Uganda Nationality Law (Uganda Citizenship and Immigration Control Act 1999, as amended)

(...)

PART III—CITIZENSHIP.

12. Citizenship by birth.

The following persons shall be citizens of Uganda by birth :

(a) every person born in Uganda one of whose parents or grandparents is or was a member of any of the indigenous communities existing and residing within the borders of Uganda as at the first day of February, 1926, and set out in the Third Schedule to the Constitution; and
(b) every person born in or outside Uganda one of whose parents or grandparents was at the time of birth of that person a citizen of Uganda by birth.

13. Foundlings and adopted children.

(1) A child of not more than five years of age found in Uganda whose parents are not known shall be presumed to be a citizen of Uganda by birth.
(2) A child under the age of eighteen years neither of whose parents is a citizen of Uganda, who is adopted by a citizen of Uganda, shall, on application, be registered as a citizen of Uganda. ...

14. Citizenship by registration.

(1) Every person born in Uganda
(a) at the time of whose birth
(i) neither of his or her parents and none of his or her grandparents had diplomatic status in Uganda; and
(ii) neither of his or her parents and none of his or her grandparents was a refugee in Uganda; and
(b) who has lived continuously in Uganda since the ninth day of October 1962,
shall, on application, be entitled to be registered as a citizen of Uganda.

(2) The following persons shall, upon application, be registered as citizens of Uganda—
(a) every person married to a Ugandan citizen, upon proof of a legal and subsisting marriage of five years or more;
(b) every person who has legally and voluntarily migrated to and has been living in Uganda for at least ten years;
(c) every person who, on the commencement of the Constitution had lived in Uganda for at least twenty years.
...
(4) Where a person has been registered as a citizen of Uganda under subsection (2)(a) and the marriage by virtue of which that person was registered is:
(a) annulled or otherwise declared void by a court or tribunal of competent jurisdiction; or
(b) dissolved,
that person shall, unless he or she renounces that citizenship, continue to be a

citizen of Uganda.

15. Procedure for registration of citizenship.

(1) Any person to whom section 14(1) or (2) applies may apply to the board in writing ... and the board shall, on proof to its satisfaction that section 14 applies to that person, register that person as a citizen.
...
(3) A person shall not be registered as a citizen of Uganda unless he or she:
(a) where a person has more than one citizenship, he or she has made a declaration in writing in the Form specified in Form B of the Third Schedule to this Act, renouncing one of the nationalities or citizenships he or she may possess;
(b) has taken the oath of allegiance specified in the Fourth Schedule to the Constitution and set out in Form A in the Third Schedule to this Act;
(c) has made and registered a declaration of his or her intentions concerning residence as specified in Form C of the Third Schedule to this Act.
...

16. Citizenship by naturalisation.

(1) The board may grant to any alien citizenship by naturalisation subject to the provisions of this section.
(2) The board shall issue to a person granted citizenship under this section a certificate of naturalisation.
(3) An alien to whom a certificate of naturalisation is issued under this section shall become a citizen of Uganda by naturalisation from the date of the issue of the certificate of naturalisation.
(4) A person who wishes to be granted citizenship by naturalisation shall make an application to the board in writing in the prescribed form and shall comply with the requirements of subsection (5).
(5) The qualifications for naturalisation are that he or she :
(a) has resided in Uganda for an aggregate period of twenty years;
(b) has resided in Uganda throughout the period of twenty-four months immediately preceding the date of application;
(c) has adequate knowledge of a prescribed vernacular language or of the English language;
(d) is of a good character; and
(e) intends, if naturalised, to continue to reside permanently in Uganda.
(6) A person shall not be granted citizenship of Uganda under this section unless:
(a) subject to section 19, where the person has more than one citizenship, he or she has made a declaration in writing in the prescribed form, renouncing any other nationality or citizenship he or she possesses; and
(b) he or she has taken an oath of allegiance in the prescribed form in the Fourth Schedule to the Constitution and set out in the Third Schedule to this Act.
(7) The board shall refuse to grant to any alien citizenship by naturalisation if his or her immigration file contains substantial inconsistencies as to put his or her demeanour in issue.
(8) Subject to the provisions of the Constitution, the Minister may, where he or she is satisfied that reciprocal provisions are or may be made in respect of Uganda citizens under the law of any prescribed country, as regards acquisition of citizenship in the prescribed country, and that it is desirable so to do, by statutory order, make provision for reciprocal acquisitions of citizenship by citizens from that prescribed country.

17. Loss of citizenship by registration.

(1) The board may deprive a person of his or her citizenship if acquired by registration, on any of the following grounds:
(a) subject to section 19, voluntary acquisition of the citizenship of another country;
(b) voluntary service in the armed forces or security forces of a country hostile to or at war with Uganda;
(c) acquisition of Uganda citizenship by fraud, deceit, bribery or having made intentional and deliberate false statements in his or her application for citizenship;
(d) espionage against Uganda.
...

18. Loss of citizenship by naturalisation

(1) Subject to this section, the board may, by order, deprive a citizen of Uganda by naturalisation of his or her citizenship by naturalisation if the board is satisfied that the naturalisation certificate was obtained by means of fraud, false representation or the concealment of any material fact.
(2) Subject to this section, the board may, by order, deprive a person of his or her citizenship by naturalisation on any of the following grounds:
(a) subject to section 19, voluntary acquisition of the citizenship of another country;
(b) voluntary service in the armed forces or security forces of a country hostile to or at war with Uganda;
(c) acquisition of Uganda citizenship by fraud, deceit, bribery or having made intentional and deliberate false statements in his or her application for citizenship;
(d) espionage against Uganda;
(e) if he or she is convicted of an offence of treason againts Uganda;
(f) if he or she is, within five years after the date of naturalisation as a citizen of Uganda, sentenced by a court of competent jurisdiction to imprisonment for a term of five years or more;
(g) if he or she commits a criminal act against the security of the state;
(h) if he or she renounces his or her Uganda citizenship.

19. Dual citizenship

(1) A citizen of Uganda of eighteen years and above who voluntarily acquires the citizenship of a country other than Uganda may retain the citizenship of Uganda subject to the Constitution, this Act and any law enacted by Parliament.
(2) A person who is not a citizen of Uganda may, on acquiring the citizenship of Uganda, subject to the Constitution, this Act and any other law enacted by Parliament, retain the citizenship of another country.

19A. Acquisition by a citizen of Uganda of the citizenship of another country while retaining the citizenship of Uganda
(1) A citizen of Uganda who desires to acquire the citizenship of another country while retaining his or her citizenship of Uganda shall give notice in writing to the board of his or her application for the citizenship of another country.
(2) The notice under subsection (1) shall be in the prescribed form and shall be accompanied by the following—
(a) a statutory declaration stating that he or she is a citizen of Uganda only;
(b) where the person is a citizen of Uganda and another country, a declaration of renunciation of the citizenship of the third country;
(c) evidence that the applicant is of or above eighteen years of age;
(d) a copy of the application for citizenship of that other country;
(e) any other relevant information.

19B. Acquisition by a non citizen of Uganda of Uganda citizenship while

retaining the citizenship of another country

(1) A non-Ugandan citizen who wishes to acquire the citizenship of Uganda while retaining the citizenship of another country shall satisfy the conditions for citizenship specified in sections 14 and 16.

(2) In addition to the conditions prescribed in subsection (1) a non-Ugandan citizen who wishes to acquire dual citizenship under this section shall—

(a) satisfy the board that the laws of his or her country of origin permit him or her to hold dual citizenship;

(b) not be the subject of a deportation order from Uganda territory or any other country;

(c) not be under a sentence of death or imprisonment exceeding nine months imposed by a competent court, without the option of a fine;

(d) satisfy the board that he or she has been resident in Uganda for not less than ten years;

(e) satisfy the board that he or she has adequate knowledge of any prescribed vernacular language in Uganda or of English or Swahili;

(f) satisfy the board that he or she has not been in Uganda as a refugee or as a diplomat;

(g) he or she possesses rare skills and capacity for technology transfer;

(h) be willing to take the oath of allegiance;

(i) be a person of sound mind.

19C. General conditions for dual citizenship

A person applying for dual citizenship shall, before being registered, satisfy the board that—

(a) he or she is not engaged in espionage against Uganda;

(b) he or she has not served in the voluntary service of the armed forces or security forces of a country hostile to or at war with Uganda;

(c) he or she has not attempted to acquire Ugandan citizenship by fraud, deceit or bribery or by intentional or otherwise deliberate false statements in an application for citizenship;

(d) he or she does not have a criminal record;

(e) the laws of his or her country of origin permit dual citizenship;

(f) he or she is, at the time of application, of or above eighteen years of age;

(g) he or she is of sound mind;

(h) does not hold more than one citizenship;

(i) is not an undischarged bankrupt or insolvent.

19D. Persons with dual citizenship not to hold certain offices of State

(1) A person who holds the citizenship of another country in addition to the citizenship of Uganda is not qualified to hold any of the offices of State specified in the Fifth Schedule to this Act.

(2) Parliament may by resolution amend the Fifth Schedule.

(3) A resolution passed under this section shall, as soon as possible, be published in the *Gazette*.

19F. Consequences of loss of Ugandan citizenship

(1) Where a person ceases to be a citizen of Uganda, he or she shall be regarded as a citizen or national of the country, of which he or she was a citizen or national before becoming a Ugandan citizen.

(2) Where a person ceases to be a Ugandan citizen, he or she shall cease to enjoy the rights of a Ugandan citizen except rights to property acquired legally while the person was a citizen.

(3) Where a person ceases to be a Ugandan citizen, he or she shall not thereby be discharged from any obligation, duty or liability in respect of any act done or committed before he or she ceased to be a citizen of Uganda.

20. Renunciation of citizenship.

(1) If a citizen of Uganda of full age and capacity who acquires citizenship of a foreign country makes a declaration in the prescribed manner of renunciation of citizenship of Uganda, the board shall cause the declaration to be registered; and upon registration, that person shall cease to be a citizen of Uganda.
(2) The board may refuse to register any declaration of the kind mentioned in subsection (1) if it is made during any war in which Uganda may be engaged with that foreign country or if in the opinion of the board it is otherwise contrary to public policy.

24. Revocation and cancellation of citizenship.

Where a person to whom a certificate of registration or naturalisation as a citizen of Uganda has been granted under this Act does not produce within ninety days to an officer acting on behalf of the board sufficient evidence to satisfy the officer that he or she has renounced any other nationality or citizenship which he or she may have possessed, the registration or naturalisation of that person as a citizen of Uganda shall be cancelled; and he or she shall be taken never to have been so registered.

(...)

FIFTH SCHEDULE

Section 19D

OFFICES OF STATE WHICH A PERSON HOLDING DUAL CITIZENSHIP IS NOT QUALIFIED TO HOLD

1. President.
2. Vice President.
3. Prime Minister.
4. Cabinet Minister and other Ministers.
5. The Inspector General and the Deputy Inspector General of Government.
6. Technical Head of the Armed Forces.
7. Technical Heads of Branches of the Armed Forces.
8. Commanding Officers of Armed Forces Units of at least battalion strength.
9. Officers responsible for heading departments responsible for records, personnel and logistics in all branches of the Armed Forces.
10. Inspector General of Police and Deputy Inspector General of Police.
11. Heads and Deputy Heads of National Security and Intelligence Organisations, (ESO), ISO and CMI).
12. Member of the National Citizenship and Immigration Board.