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THE PROBLEM OF STATELESSNESS

Information transmitted by States in pursuance of Economic
and Social Council resolution 352 (XII) relating
to the problem of statelessness

The Secretary-General has the honour to circulate the following communication of 4 October 1951 which he has received from the Permanent Representative of Norway to the United Nations:

"The Permanent Representative of Norway to the United Nations has the honour to refer to the Secretary-General's note of 5 April 1951 (ref. SOA/325/04) in regard to the Economic and Social Council's resolution of 13 March 1951 concerning the problem of statelessness, and would like to submit the following observations regarding the points raised in the said resolution:

"The question dealt with in the 6th paragraph of resolution 319 B iii (XI) does not affect Norway.

"As regards the 7th paragraph of the resolution, it may be pointed out that Norwegian nationality legislation was recently made the subject of a thorough revision. The new Act, the Nationality Act of 8 December 1950, a copy of which will be found enclosed, came into force on the first of January of this year. This Act, which, like the earlier Act of 8 August 1924, is in conformity with the Hague Convention of 12 April 1930, will in certain respects have the effect of mitigating the problem of statelessness in a greater degree than was the case under the Act previously in force.

"The new Act, like the previous one, is based on the principle of jus sanguinis. Common to both Acts is, thus, the provision that Norwegian nationality is acquired at birth by children born in wedlock when the father is a Norwegian national, and by children born out of wedlock when the mother is a Norwegian national. The new Act contains, however, in section 1 (2) the further provision that Norwegian nationality is acquired by legitimate children born in Norway of a Norwegian mother when the father is stateless or the child does not at birth

acquire the nationality of the father. The last-mentioned provision has been included to cover cases where the father is a national of a country where the principle of jus soli is strictly enforced. It should be noted that the new Act empowers the King to conclude agreements with the other Northern countries - Denmark, Finland, Iceland and Sweden - embodying inter alia the provision that in this respect birth in a country party to the agreement shall be considered as equal to having been born in Norway. By convention of 21 December 1950 agreement to this effect has been concluded with Denmark and Sweden. It may be observed that the provision of section 1 (2) is similarly applicable in respect of children who had not attained the age of 18 years when the Act came into force, provided they neither at birth nor later acquired the nationality of another country. Section 11 provides that such children acquire Norwegian nationality at the time the Act comes into force.

"Among other provisions of importance to stateless persons may be mentioned those of section 3, according to which a stateless person born in Norway and having been in continual residence there, acquires Norwegian nationality when he, after attaining the age of 18 and before reaching the age of 23, declares his intention to become a Norwegian national. Under the convention above referred to, birth in Denmark and Sweden is in this respect considered as equal to having been born in Norway, and also residence in those countries up to the age of 12 is considered as equal to having resided in Norway.

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

"It may also be worth mentioning that a woman who is a Norwegian national in no circumstances loses her Norwegian nationality by reason of her marriage to an alien.

/"Stateless persons

"Stateless persons are in principle offered the same facilities for acquiring Norwegian nationality (becoming naturalized) as other aliens. The conditions for granting a certificate of citizenship are that the applicant is not less than 18 years old, that he has resided in the country for at least 7 years, has shown good conduct and is able to support himself and his family. Dispensation from these conditions may, however, be granted when special considerations make it appear reasonable to do so. The Act mentions inter alia the case of an applicant who is married to a Norwegian national and lives with the spouse. However, the fact that the applicant is stateless will hardly by itself be considered as sufficient reason to dispense from the requirement of a seven-year's uninterrupted residence in the country.

New York, 14 May 1951."

The Norwegian Nationality Act of the 8 December 1950.

Chapter 1. How Norwegian nationality is acquired.

Section 1.

A child acquires Norwegian nationality at birth, when:

1. It is legitimate, and the father is a Norwegian national,
2. it is legitimate and born within the country of a Norwegian woman, provided the father is not a national of any country, or the child does not acquire the nationality of the father at birth,
3. it is illegitimate and born of a woman who is a Norwegian national.

Foundlings who are found within the country are considered Norwegian nationals until information to the contrary is forthcoming.

Section 2.

If a Norwegian man and an alien woman have a child together prior to their marriage, the child acquires Norwegian nationality when they marry, provided it is unmarried and under 18 years of age.

Section 3.

An alien, who is born within the country and has resided there all his life, acquires Norwegian nationality when he, after attaining the age of 21 years but before reaching the age of 23 years, makes a written declaration before the County Sheriff (Fylkesmann) of his intention to become a Norwegian national. If he is not a national of any country, he may make such declaration when he has attained the age of 18 years; the same applies if he proves that he loses his foreign nationality by acquiring Norwegian nationality.

When Norway is at war, no national of an enemy state may acquire Norwegian nationality under the provisions of this section. The same applies to a person who is not a national of any state, but whose latest nationality was that of an enemy state.

Section 4.

If a person who acquired Norwegian nationality at birth and has resided in this country till the age of 18, has lost such nationality, he may regain Norwegian nationality by making a written declaration before the County Sheriff of his intention to resume Norwegian nationality, provided he has lived in this country during the last two years. If he is a national of another state, he may /not make such

not make such declaration unless he can prove that he loses the foreign nationality upon acquiring Norwegian nationality.

Section 5.

If a man acquires Norwegian nationality under section 3 or section 4, his unmarried children similarly acquire Norwegian nationality, provided they are legitimate, reside in the country, and are under 18 years of age. However, this does not apply to children who have remained in the care of the mother after the marriage has been declared invalid or annulled or the parents have been divorced or separated according to a judicial decision or an administrative order.

If a woman acquires Norwegian nationality as mentioned above, the provisions of the first paragraph are similarly applicable in respect of:

1. child born out of wedlock except if the father is an alien and has the custody of the child,
2. child born in wedlock, provided she is a widow,
3. child born in wedlock, provided she has the custody of it and the marriage has been declared invalid or has been annulled, or the parents have been divorced or have been separated by a judicial decision or an administrative order.

Section 6.

The King, or the authority the King empowers thereto, may upon application issue a certificate of citizenship to an alien, provided the applicant:

1. is not less than 18 years old,
2. has resided in this country during the last seven years,
3. has shown good conduct,
4. is able to support himself and his family.

An applicant who has previously been a Norwegian national may be granted nationality even though he does not fulfil the said conditions. The same applies to an applicant who is married to a Norwegian national and lives with the spouse, or in case other special reasons make it appear reasonable to grant nationality. The condition mentioned in the first paragraph under 2 may be dispensed with also in other respects, when the applicant is a national of either Denmark, Finland, Iceland or Sweden.

If the application is granted, the applicant shall be notified that a

/certificate of

certificate of citizenship will be issued to him, provided he within a year has declared his allegiance to the Constitution. Such declaration shall be made before a district judge or a town judge or before a Norwegian authority abroad. If the applicant is under 18 years of age or if he is insane, no such declaration is required.

If the applicant under the laws of his home country cannot surrender his previous nationality unless he is released from same, it is usually also required that he shall prove within a year that he has been so released.

If the applicant has unmarried children under 18 years of age, the authority issuing the certificate of citizenship shall decide whether it also includes the children.

Chapter 2. How Norwegian nationality is lost.

Section 7.

Norwegian nationality is lost by:

1. a person who acquires the nationality of another country upon application or by express consent,
 2. a person who acquires foreign nationality by accepting public service in another country,
 3. an unmarried child under 18 years of age who acquires the nationality of another country because either of its parents acquires foreign nationality as mentioned under 1 and 2, when the parent has the custody of the child alone or together with the other parent and the latter is not a Norwegian national,
 4. an unmarried child under 18 years of age who acquires the nationality of another country as a result of the parents marrying each other.
- However, if the child resides in this country, it does not lose its Norwegian nationality unless it leaves the country before reaching the age of 18 and at that time possesses the nationality of another country

Section 8.

A Norwegian national born abroad loses his Norwegian nationality on attaining the age of 22, provided he has never previous to that time resided in this country nor has stayed there in circumstances affording evidence of solidarity with Norway. However, if such person applies for permission to retain

/his nationality

his nationality before he has reached the age of 22, the King, or the authority the King empowers thereto, may grant the applicant a certificate of citizenship.

If a person loses Norwegian nationality under this section, his children similarly lose their nationality acquired through him.

Section 9.

A Norwegian national may upon application be released from his Norwegian nationality by the King, or by the authority the King empowers thereto, provided the applicant is a national of another country or intends to become one. If the applicant does not possess any foreign nationality, his release shall be subject to the condition that he acquires such foreign nationality within a stipulated period of time.

Chapter 3. Special provisions under agreements with other States.

Section 10.

The King may enter into agreements with Denmark, Finland, Iceland and Sweden with a view to applying one or more of the provisions under A, B and C below. By the term "contracting state" as used in this section is understood a state with which such agreement has been concluded.

A. To have been born in a contracting state shall with respect to the provisions of section 1, first paragraph, 2, and section 3 be considered equal to having been born in this country.

Residence in a contracting state up to the age of 12 years shall with respect to the provisions of sections 3 and 4 be considered equal to residence in this country.

B. A national of a contracting state who:

1. has not acquired his nationality there by naturalization,
2. has attained the age of 21 but not the age of 60,
3. has resided in this country during the last 10 years, and
4. during this period has not been sentenced to imprisonment or detention under the provisions of section 39 or section 39a of the penal code,

acquires Norwegian nationality by recording before the County Sheriff his intention to become a Norwegian national. The provisions of section 5 are similarly applicable.

/C. If a person

C. If a person has lost his Norwegian nationality and thereafter only been a national of a contracting state, he acquires Norwegian nationality provided he takes up residence in this country and thereafter records before the County Sheriff his intention to become a Norwegian national. The provisions of section 5 are similarly applicable.

Chapter 4. Miscellaneous Provisions

Section 11.

Child mentioned under section 1, first paragraph, 2, being under 18 years of age at the time this Act comes into force, acquires as from that time Norwegian nationality provided it is not and has not been a national of any other country.

Section 12.

A person attaining the age of 22 within one year after this Act has come into force, may make a declaration as provided in section 3 until he has reached the age of 24.

Section 13.

A woman who has lost Norwegian nationality under the Act of 21 April 1888, or the Act of 8 August 1924, by reason of her marriage to a man who at the time was a national of another country or has subsequently acquired foreign nationality, reacquires Norwegian nationality, provided she would not have lost it under this Act, by making, at the latest within 5 years from the coming into force of this Act, a written declaration before such authority as the King determines stating her intention to become a Norwegian national. However, if she lost her Norwegian nationality because she married a national of an enemy country during the period 9 April 1940 - 31 December 1940 this provision does not apply unless she resides in Norway when this Act comes into force or takes up residence in this country before expiry of the stipulated five-year period.

Section 14.

A person who has lost Norwegian nationality under section 6b of the Act of 21 April 1888 because he has left the country with the intention not to return, but who would not have lost it under section 8 of this Act, requires

/Norwegian

Norwegian nationality by making a written declaration before such authority as the King determines, stating his intention to become a Norwegian national. A person who has become a national of another country cannot make such declaration.

The provisions of section 5 are similarly applicable, though it is not required that the child should reside in this country.

Section 15.

A woman, who is married or has been married and who attains the age of 22 within the first three years after this Act has come into force, does not lose her nationality under section 8 before expiry of the three-year period.

Section 16.

The guardian makes the application under sections 6, 8 and 9 when the person concerned is less than 18 years old, or when he cannot act for himself because he is insane. Otherwise it is the person concerned who make the application.

Such declaration as mentioned in section 3 (cp. section 12), section 4, section 10 B and C, section 13 and section 14 cannot be made by a guardian.

Section 17.

The King or the authority the King empowers thereto, makes such regulations as are required in order to enforce this Act.

Section 18.

This act shall come into force on 1 January 1951. If any of its provisions is at variance with a provision in a treaty, it is the treaty provision which shall apply.

This Act also applies to Svalbard and Jan Mayen, though as regards sections 3 and 4 only to the extent determined by the King.

The Norwegian Nationality Act of 8 August 1924 and the supplementary Act to the Nationality Act of 13 December 1946 are repealed when this Act comes into force."
