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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 dated 13 November 1951 from the Permanent Representative of Sweden to the United Nations:

The Permanent Swedish Representative to the United Nations presents his compliments to the Secretary-General and has the honour to transmit a memorandum, containing information on stateless persons, requested by the note of 5 April 1951 (SOA 325/04) addressed to the Swedish Minister for Foreign Affairs.

A translation of the Swedish Citizenship Act is annexed to this memorandum.

New York, 13 November 1951

Memorandum
concerning stateless persons

It may first of all be pointed out that, according to the Swedish Citizenship Act an English translation of which (in two copies) is enclosed naturalization is the only basis of acquisition in respect of which there is scope for discretionary treatment.

In practice applications of stateless persons for naturalization are dealt with on the same principles as applications of citizens of foreign countries. As a rule every applicant who meets the conditions for naturalization prescribed in above-mentioned act has his application granted. The mere fact that the applicant is stateless is not considered sufficient ground for exemption from any of the conditions for naturalization. On the other hand considerable

concessions are granted for example regarding the length of previous residence in the case of stateless women married to Swedish citizens, two years being considered sufficient. In the case of persons who have had to leave their home country for political reasons at a relatively advanced age, naturalization is usually granted - regardless of whether the applicant is stateless or not - without consideration of the fact that the applicant may not fulfill the requirements regarding means of support.

Questions regarding the right of aliens to reside in Sweden and regarding identity documents or travel documents for aliens are dealt with by the State Aliens Commission. The Commission has often to consider the statement of an alien that he is stateless, when he is applying for identity documents in Sweden. A Swedish identity document (alien's passport or travel document) may be issued to the alien without regard to the fact that he has not been able to obtain a documents of identity from the authorities of another country. The Commission therefore does not inquire into the question whether an alien applying for a Swedish document of identity is in reality stateless, if it can be established that the person in question is a political refugee from his home country or has been refused a passport by the authorities of that country. The following example may be given in illustration of this point.

The majority of the Balts in Sweden have come to this country as refugees and have consequently been given Swedish alien's passports ("främlingspass"), whether or not they are to be regarded as Soviet citizens or stateless persons at the time of leaving their home country.

Former German citizens of Jewish origin living in Sweden who have been deprived of their citizenship under the so-called Nuremberg decree may now recover their German citizenship upon application and thereby become entitled to receive a passport of their home country. For personal reasons, however, they generally prefer to retain their Swedish alien's passports. Applications for this purpose are granted by the Commission without exception. It can therefore be said that in such cases the Commission enables aliens to remain stateless even when owing to political development they can no longer be regarded as refugees in relation to their former home country.

Stockholm, 8 November 1951.

/Annex

Annex

Swedish Citizenship Act
of 22 June 1950

Article 1

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

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

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

Article 2

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

Article 3

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

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

/Article 4

Article 4

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

Article 5

If an alien man becomes a Swedish citizen in accordance with Article 3 or 4, such citizenship is acquired likewise by his unmarried children born in wedlock who are domiciled in Sweden and have not yet attained the age of eighteen years. The foregoing provision does not, however, apply to children who after the annulment of the marriage, or after divorce, or during judicial separation are in the custody of the mother.

The provisions of the first paragraph of this article regarding acquisition of citizenship along with the father on the part of children born in wedlock shall equally apply

1. to the relations between children born out of wedlock and the mother, provided that the father is not an alien having the custody of the children;
2. to the relations between children born in wedlock and a mother who is a widow;
3. to the relations between children born in wedlock and a mother whose marriage has been otherwise dissolved, or who is living apart from her husband because of a judicial separation, provided that the children are in the custody of the mother.

Article 6

The King in Council may upon application confer Swedish citizenship upon (naturalize) an alien who

1. has attained the age of eighteen years;

/2. has been

2. has been domiciled in Sweden during the last seven years;
3. is of good character; and
4. is able to support himself and his family.

Naturalization may be granted even though the conditions laid down in the first paragraph of this article are not fulfilled if it is found to be of advantage to Sweden that the applicant should be granted Swedish citizenship, or if the applicant has formerly possessed Swedish citizenship, or if the applicant is married to a Swedish citizen, or if, having regard to the applicant's circumstances, there should otherwise, be special reasons for his being granted Swedish citizenship.

If the applicant is a Danish, Finnish, Icelandic or Norwegian citizen the requirement stated in sub-paragraph 2 may be waived even if no other special reason should exist.

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

When an alien is being granted Swedish citizenship in accordance with this article, the King in Council shall decide whether the naturalization shall also apply to the applicant's unmarried children under the age of eighteen years.

Article 7

Swedish citizenship shall be lost by

1. any person who acquires foreign citizenship, having applied for such citizenship or expressly consented to receive the same;
2. any person who acquires foreign citizenship by entering the public service of another state;
3. an unmarried child under the age of eighteen years who becomes a foreign national by reason of the fact that foreign citizenship has been acquired by its parents in the manner indicated above in this article if the parents have joint custody of the child, or by one of the parents, if he or she either has sole custody or has custody together with the other

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parent and that parent is not a Swedish citizen;

4. an unmarried child under the age of eighteen years who becomes a foreign national by reason of the marriage of its parents; yet if such child is domiciled in Sweden, loss of Swedish citizenship shall only follow if the child leaves Sweden before attaining the age of eighteen years and at that time has retained its foreign citizenship.

Article 8

A Swedish citizen who was born outside Sweden and who has at no time been domiciled or lived there under circumstances indicating a connexion with Sweden shall lose his Swedish citizenship upon attaining the age of twenty-two years. Upon application previously made by such person the King in Council may, however, permit him to retain such citizenship.

Whenever any person loses his or her Swedish citizenship in accordance with the first paragraph of this article, such loss of citizenship shall also apply to any children who have acquired citizenship as a consequence of the said person's being a Swedish citizen.

Article 9

Upon application the King in Council may release from Swedish citizenship a person who is or desires to become a foreign national. If the applicant is not already a foreign national it shall be made a condition of release that he or she shall acquire citizenship in another state within a specified limit of time.

Article 10

Upon agreement with Denmark, Finland, Iceland or Norway, the King in Council may order the application of one or more of the provisions under (a)-(c) below. The expression "contracting state" in these provisions refers to any state or states with which Sweden has concluded an agreement as to the application of the provision in question.

(a) In applying Article 1, paragraph 1, sub-paragraph 2, and Article 3, birth in a contracting state shall be deemed equivalent to birth in Sweden.

As far as Articles 3 and 4 are concerned, domicile up to the age of twelve years in a contracting state shall be deemed equivalent to domicile in Sweden.

(b) A citizen of a contracting state who has

1. acquired citizenship otherwise than through naturalization;
2. reached the age of twenty-one but not sixty years;
3. been domiciled in Sweden for the last ten years; and
4. has not been sentenced to imprisonment during that period, may acquire Swedish citizenship by notification in writing to the provincial government of the province in which is situated the parish where he or she is registered. The provisions of Article 5 shall apply to such acquisition of citizenship.

(c) Any person who has lost his or her Swedish citizenship and has thereafter continuously been a citizen of a contracting state may recover his or her Swedish citizenship by making application in writing to that effect, after having taken up residence in Sweden, to the provincial government of the province in which is situated the parish where he or she is registered. The provisions of Article 5 shall apply to such acquisition of citizenship.

Article 11

When application is made in accordance with Articles 3, 4 or 10, the provincial government shall decide whether or not Swedish citizenship has been acquired as a result of the application, and inform the applicant of their decision.

Any person who desires to obtain a declaration to the effect that he or she is a Swedish citizen may make application to the King in Council, who may issue such a declaration after consulting the Supreme Administrative Court; matters of the kind referred to in the first paragraph of this article may, however, not be reviewed in this connexion.

Article 12

Appeals against a decision of a provincial government in matters arising under the present Act shall be made to the King in Council in the manner

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prescribed for appeals against the decisions of administrative authorities and government offices.

Article 13

Any person who has attained the age of eighteen years may himself make an application or notification in accordance with the present Act notwithstanding the fact that he is in the custody of another person.

No notification can be made through a guardian or custodian.

Article 14

Further provisions regarding application in accordance with Article 6, and the examination of the evidence required for the consideration of such applications, as well as such other regulations as may be found requisite for the application of this Act, shall be issued by the King in Council.

Transitional provisions

Article 15

This Act shall come into force on 1 January 1951.

By this Act the Act of 23 May 1924, (No. 130) concerning the Acquisition and Loss of Swedish Citizenship is repealed with the exception of the first paragraph of Article 13; when a person becomes a Swedish citizen in accordance with the said provision, what is laid down in Article 5 of the present Act for such cases as are therein referred to shall apply except insofar that the condition as to domicile in Sweden shall not apply.

Article 16

Any child born in wedlock in Sweden before 1 January 1951, of whose parents only the mother was a Swedish citizen at the time of its birth, acquires Swedish citizenship upon the entry into force of this Act, provided that it has not attained the age of eighteen years and that it is not and has never been a citizen of another state.

Article 17

A person who attains the age of twenty-two years during the year 1951 may make a notification as provided by Article 3 until the end of the year 1952.

Article 18

A woman who under previous legislation has lost her Swedish citizenship as a consequence of having married an alien or because her husband has become a foreign national, but who under the provisions of the present Act would have remained a Swedish citizen, recovers Swedish citizenship by notifying her desire to do so in accordance with the further provisions to be issued by the King in Council. Such notification may not be made later than 31 December 1955.

Article 19

A woman who is attaining the age of twenty-two years during any of the years 1951-1953, and who upon attaining this age is or has been married, shall not lose her Swedish citizenship until the end of the year 1953 under the conditions set out in Article 8.

Article 20

Any provision in any treaty between Sweden and a foreign state shall be observed even if it be in conflict with the provisions of the present Act, provided that the treaty is still valid at the time when the said Act shall come into force.
