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OF
MARRIED WOMEN

(Report submitted by the Secretary-General)



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NATIONALITY
OF
MARRIED WOMEN

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Introduction

The present study* is a revised edition of the publication *Nationality of Married Women* issued by the Secretary-General in 1950.¹ It has been prepared and is being published at the request of the Economic and Social Council.²

The problem of the nationality of married women has been the concern of the Commission on the Status of Women since its first session in 1947, at which time its solution was included by the Commission among its "aims". Resolutions on nationality have been adopted during the various sessions of these and other United Nations bodies; a summary of these is reproduced in Annex I to the present study.

At the request of the Economic and Social Council, the Secretary-General in 1947 circulated to Member States a Questionnaire on the legal status and treatment of women, Part I, Section G of which dealt with nationality. An "Analysis of Conflicts of Laws in the Field of Nationality of Married Women"³ was prepared by the Secretary-General in compliance with a further request of the Economic and Social Council. It was based on the replies of certain Governments to the Questionnaire, and the information so obtained was supplemented by research into the legislation of other countries, whether or not Members of the United Nations. This analysis formed Part I of the original study. Its text has been revised in the present publication so as to reflect the developments which have taken place since 1950.

In order to illustrate the analysis and supply an extensive textual documentation, the Secretary-General compiled the provisions of constitutions, laws and other legal instruments dealing with the nationality of married women.⁴ This formed Part II of the original study. Since its publication, however, many countries have revised or amended their legislation on the subject; constitutional and legislative provisions of a number of other countries which were not previously available have been compiled by the Secretariat of the United Nations.⁵ Part II of the present study contains, in a revision of this document, a collection of constitutional and legislative provisions of 79 countries on the subject of nationality of married women.

Annex II indicates, in a tabulated form, the effect of marriage on the nationality of women, as it appears from the texts compiled in Part II; it is divided in two parts: effect of the marriage of an alien woman to a national, and effect of the marriage of a woman national to an alien.

* Documents E/CN.6/126 and E/CN.6/206 and addenda are embodied in this document to which the new symbol E/CN.6/254 has been given.

¹ Sales No. 1950.IV.12.

² Resolution 547 D (XVIII).

³ E/CN.6/126.

⁴ E/CN.6/129.

⁵ E/CN.6/206 and Adds. 1 to 4.

Part I

**ANALYSIS OF LEGAL SYSTEMS AND OF CONFLICTS OF
LAWS IN THE FIELD OF NATIONALITY OF
MARRIED WOMEN**

Chapter I

Classification of legal systems and sources of conflicts of laws

Conflicts of laws ⁶ in the field of nationality of married women arise where various legal systems apply divergent principles with respect to the effect, on the nationality of the wife, of the marriage itself, of the change of nationality by the husband during marriage and of the dissolution of the marriage.

As shown in the "Report based on Replies to Part I Section G (Nationality) of the Questionnaire on the Legal Status and Treatment of Women",⁷ three main systems prevail in the world of today.

(i) In the first system, the basic principle is that the nationality of the wife follows the nationality of the husband. Marriage itself, the change of nationality by the husband during marriage, and the dissolution of the marriage have therefore a direct effect on the nationality of the wife. The application of this system may lead either to negative conflicts of law (statelessness) or to positive conflicts (double nationality), where a different system obtains under the legislation of the other country concerned.

(ii) The second system also recognizes the principle that marriage to a man of a different nationality affects the nationality of the wife; however, in order to avoid statelessness and, in some cases, double nationality of the woman, the application of the principle of the unity of nationality in the family is generally subjected to the requirements of the law of the other country concerned. Thus, the woman national marrying an alien loses her original nationality only if she acquires her husband's national status through marriage. An alien woman marrying a national automatically acquires her husband's nationality, if, as a result of her marriage, she is deprived of her original nationality; if, however, she retains it, she may or may not acquire her husband's nationality; different legislations vary considerably on this point.

(iii) The third system is based on the principle of independence of women in the field of nationality: marriage, its dissolution and the change of nationality by the husband during marriage have no effect on the nationality of the wife. The application of this system by one country may result in statelessness, where the other country concerned applies the principle of unity of

⁶ "Conflicts of laws" for the purposes of this study are "inconsistencies or differences between national legislative systems of different States or countries, arising in the case of persons who have acquired rights or a status within the territory of two or more jurisdictions" (*Black's Law Dictionary*, "Conflicts of Laws", page 396 in the 1933 edition). It must be distinguished from the branch of jurisprudence known as "conflict of laws" or "private international law", "which decides which law or system is to govern in each particular case or settles the degree of force to be accorded to the law of another jurisdiction" (*Black's Law Dictionary*, *ibid.*).

⁷ Document E/CN.6/82.

nationality in the family and deprives the woman marrying an alien of her original nationality, or in double nationality, where the other country confers automatically upon an alien woman marrying a national her husband's national status.

It does not seem possible, however, to classify the legal systems of the countries of the world into three groups, according to the three main principles outlined above, because very few countries apply any one of these principles without exceptions. In most legal systems, the main principle of one of the systems prevails but it is subject to more or less serious exceptions and reservations, such as the right of choice given in certain cases to the wife. On the other hand, many countries apply one principle to one aspect of the problem and a different principle to the other: in these countries the woman national marrying an alien loses her nationality only if the law of her husband's country grants her the husband's nationality, while the alien wife acquires her husband's nationality whether or not she is released from her own nationality by the country of which she is a national.

It is obvious that, if all the countries of the world followed any one of the three prevailing systems, the causes of statelessness and of double nationality of women resulting from marriage would be eliminated; if the first system became general, the wife would always lose her original nationality but would always acquire the nationality of her husband; she would become stateless only if the husband were stateless; if the second system were universally applied, the loss of her own nationality by the wife would occur only if she acquired her husband's nationality and vice versa; if the third system prevailed, the wife would in all circumstances retain her own nationality and would not acquire that of her husband; she would be stateless only if she was stateless before marriage.

It should be noted that the recent legislation enacted in the field of nationality shows a trend towards the adoption of provisions characteristic of the third system (independence of nationality of the wife) or at least the elimination of the automatic effect of the marriage, of the change of nationality by the husband during marriage on the nationality of the wife or of the dissolution of the marriage.

Chapter II

Systems of national law

SECTION I. FIRST GROUP

The nationality of the wife follows automatically the nationality of the husband

A. General

The application of this general principle of law can affect the nationality of the woman either as a result of her marriage to a man of a different nationality or upon a change of nationality by her husband during marriage, or after the dissolution of her marriage to a man whose nationality she had acquired through marriage.

The nationality of the married woman is generally affected in two different ways: on the one hand, she acquires a new nationality (or she resumes her original nationality)—a positive effect; on the other hand, she loses either her original nationality or her nationality acquired through marriage—a negative effect.

If fully applied, the principle that “the nationality of the wife follows the nationality of the husband” has the following effects:

The alien woman marrying a national automatically acquires her husband’s nationality; the woman national marrying an alien automatically loses her original nationality.

The alien woman whose alien husband acquires the nationality of the country during marriage, acquires automatically his new nationality; the woman national whose husband, a national, loses his nationality during marriage, automatically loses her nationality.

The alien woman, married to a national, loses her nationality acquired through marriage, upon dissolution of the marriage; the woman national married to an alien re-acquires automatically her original nationality (lost through marriage), upon dissolution of the marriage.

No country applies all these rules without any exception or reservation. Each one of the legal systems in force based on the principle of law enunciated above departs somewhat from its strict implementation, particularly with respect to the effect of dissolution of marriage on the nationality of the wife.

The legal systems of the various countries can, however, be classified in groups depending on how closely they follow this general principle.

An attempt will be made to give some typical examples of each group, starting with the legislation which departs the least from the idea of the unity of nationality in the family and ending with that in which the application of this idea is subject to the most serious exceptions.

B. *Legal systems in which the wife acquires automatically her husband's nationality through marriage and retains this nationality after the dissolution of the marriage*

The distinctive character of these legal systems is the concern for the preservation of the unity of nationality in a family even after the dissolution of the marital tie. The family continues to exist after the death of the husband, national of the country concerned; in many cases, this family continues to live in that same country, of which the children are nationals. Similar situations may occur after a divorce, particularly when the children are left in the custody of the mother.

The legal systems of this group are characterized by the following common features:

The alien woman marrying a national automatically acquires her husband's nationality.

The woman national marrying an alien automatically loses her original nationality.

The alien woman whose alien husband acquires the country's nationality during marriage, automatically acquires her husband's new nationality.

The woman national whose husband, a national, loses his nationality during marriage, automatically loses her nationality.

The alien woman married to a national retains her nationality acquired through marriage, even after its dissolution, unless she renounces it.

The woman national married to an alien does not automatically re-acquire her original nationality, lost through marriage, even after its dissolution.

Indonesia (Law No. 3 of 10 April 1946 concerning citizens and residents of Indonesia) is typical of this group of countries:

"Article 2. (1) A married woman shall take during the subsistence of her marriage the citizenship of her husband;

"(2) A married woman may not make an application or a declaration relating to change of citizenship.

"...

"Article 9. (1) A woman who has forfeited her Indonesian citizenship in consequence of her marriage may within one year after the dissolution of her marriage recover her citizenship by declaring in writing to the Minister of Justice that she desires to do so...

"Article 10. (1) A woman who in consequence of her marriage has acquired Indonesian citizenship shall retain the same after the dissolution of her marriage, unless she submits in writing to the Minister of Justice within one year after the dissolution of her marriage a declaration that she no longer desires to be an Indonesian citizen."

The same general principles are applied, among others, in the legislations of Afghanistan, Liechtenstein and Spain.

C. *Legal systems in which the nationality of the alien wife of a national follows automatically that of her husband, but the nationality of the woman national is not affected by her marriage to an alien*

Many countries follow the principle of the unity of nationality in the family where the husband is a national and the wife an alien, but depart from it where.

a woman national marries a citizen of a foreign country. Their concern is to preserve this unity when the whole family can be integrated in the nationality of the country and to preserve at the same time the tie of allegiance to the homeland of its nationals, including women married to aliens.

The main features of these legal systems are as follows:

The alien woman marrying a national acquires automatically her husband's nationality.

The woman national marrying an alien retains her own nationality.

Typical for this group is the Turkish Law of 12 June 1928:

"Article 13. Alien women who marry Turks become Turkish citizens. Turkish women who marry aliens remain Turkish."

Another example can be found in the Peruvian Constitution of 9 April 1933:

"Article 6. An alien woman married to a Peruvian acquires the nationality of her husband. A Peruvian woman who is married to an alien retains Peruvian nationality unless she expressly renounces it."

D. Legal systems in which the wife acquires automatically the nationality of her husband, unless she declines it, and loses her own nationality, unless she makes a declaration to the contrary

In this group of legal systems, the idea of unity of nationality in the family is combined with a certain right of choice of the woman.

In some of these, this right of choice is the same for the alien woman marrying a national and for the woman national marrying an alien. In such systems:

The alien woman marrying a national acquires automatically her husband's nationality, unless she declines it.

The woman national automatically loses her own nationality when marrying an alien, unless she declares her wish to retain it.

The Belgian Law of Nationality of 4 August 1926, amended by the Law of 15 October 1932, is a case in point:

"Article 4. A foreign woman who marries a Belgian national, or whose husband becomes a Belgian national by option, acquires the nationality of her husband.

"However, she may renounce Belgian nationality by means of a declaration made in the form prescribed in Article 22, during the six months subsequent to the date of marriage if she can prove that she possesses foreign nationality or that she recovers it upon making the declaration. (Law of 4 August 1926, article 12, amended by the Law of 15 October 1932, article 1).

"Article 18. The following persons lose Belgian nationality:

"...

"2. A woman marrying a foreigner of a specified nationality, if she acquires the nationality of her husband under the law of the foreign country concerned;

"3. A woman whose husband voluntarily acquires foreign nationality, if the nationality of the husband is conferred upon her under the foreign law.

"However, a Belgian woman, unless she only acquired Belgian nationality by marriage, may, in these two cases, retain her Belgian nationality if, within six months of the date of marriage or the date upon which the husband changed nationality, she makes a declaration in conformity with Article 22."

In certain other countries, the right of choice has the effect of giving the woman—whether a national or an alien—the nationality of that country unless she declines it expressly. Its main features are the following:

The alien woman marrying a national automatically acquires her husband's nationality, unless she declines it.

The woman national marrying an alien retains her own nationality unless she declares her wish to be released from it and to acquire her husband's nationality.

The French Nationality Code of 19 October 1945 is typical for this group of legislations:

“*Article 37.* Subject to the provisions of Articles 38, 39, 40 and 41, a foreign woman marrying a French national acquires French nationality upon the celebration of the marriage.

“*Article 38.* The [foreign] woman whose national law permits her to retain her nationality, has the right to declare, prior to the celebration of the marriage, that she declines the French nationality.

“*Article 94.* A French woman marrying a foreign national retains her French nationality unless, before the celebration of the marriage, she makes an express declaration, under the conditions and in the form established in Article 101 *et seq.*, that she renounces the said nationality.

“... ”

“In that case, the woman is released of her allegiance to France as from the date of the marriage ceremony.”

SECTION II. SECOND GROUP

The nationality of the wife follows automatically the nationality of the husband, subject to the requirements of the law of the other country concerned, in order to avoid statelessness and double nationality

A. General

This group of legal systems is not primarily based on the principle of the unity of nationality in the family: the main object is to avoid statelessness and, in some cases, double nationality of married women. These legal systems present, therefore, a certain character of flexibility, in order to meet the requirements of the legislation of the other country concerned.

Two main sub-groups can be distinguished within this group: in the first, the nationality of the wife follows as a rule that of her husband, except where the application of this principle would result in statelessness; in the second sub-group, the nationality of the wife follows automatically the nationality of her husband, but only where the application of the husband's national law would otherwise result in statelessness or in double nationality of the wife.

B. *Legal systems in which the alien wife of a national acquires automatically her husband's nationality and the woman national who marries an alien loses her nationality provided she acquires his nationality*

This group of legal systems comes close to the systems analysed in the First Group above, as far as the basic principle is concerned, but this basic principle is superseded, in the case of the woman national who marries an alien, by the practical concern to avoid conflicts of laws resulting in statelessness.

The main features of this group are the following:

The alien woman marrying a national automatically acquires his nationality.

The woman national marrying an alien automatically loses her nationality, provided her husband's nationality is extended to her.

The alien woman whose alien husband acquires the country's nationality during marriage, automatically acquires his new nationality.

The woman national whose husband, a national, loses his nationality during marriage loses her nationality except where her husband's new nationality is not extended to her.

The Italian Act on Nationality of 13 June 1912 is typical for this group; it reads as follows:

“Article 10. A married woman cannot assume a citizenship different from her husband's, even if there is a personal separation between them. A foreign woman who marries a citizen acquires Italian citizenship.

“...

“A female citizen who marries a foreigner loses Italian citizenship, if her husband possesses a citizenship which may be communicated to her by the marriage...

“Article 11. If the husband, being a citizen, becomes a foreigner, the wife who has residence in common with him loses Italian citizenship if she acquires that of her husband; ...”

A similar system is applied in many other countries among which are Greece, Hungary, Iran, the Netherlands. However, not all of these countries provide for the same effect on the nationality of the wife of a change of nationality by the husband during marriage.

C. Legal systems in which the alien wife of a national automatically acquires her husband's nationality where she has lost her own as a result of marriage, and the woman national who marries an alien loses her nationality only if she acquires his nationality and renounces her own

While all countries within this group provide for automatic acquisition of the husband's nationality by the wife who lost her own as a result of marriage, three main types of legislation can be distinguished within this sub-group, according to the provision made for the alien wife of a national who has not lost her nationality as a result of marriage.

(a) Legal systems in which the alien wife of a national who has not lost her own nationality as a result of marriage may decline or renounce her husband's nationality:

This system is applied in the Dominican Republic, Laos and Saudi Arabia.

The relevant provision of the Dominican Republic Civil Code reads as follows:

“Article 12. A foreign woman who marries a Dominican shall acquire her husband's status, unless the law of her country authorizes her to retain her nationality, in which case she shall have the option of stating in the marriage record that she declines Dominican nationality.”

The laws of France and Belgium (see First Group above) also allow the alien wife of a national who has retained her original nationality to renounce her husband's nationality under certain conditions.

- (b) Legal system in which the alien wife of a national who has not lost her own nationality as a result of marriage may acquire her husband's nationality at her request:

Costa Rica is the only country in which this rule is strictly applied. The relevant provision of its Constitution of 7 November 1949 (reproduced in the Law of 29 April 1950) reads as follows:

"Article 14. The following are Costa Rican by naturalization:

"...

"5. An alien woman who, on marriage with a Costa Rican, loses her nationality or declares her intention to become a Costa Rican; ..."

- (c) Legal system in which no special provision is made for the acquisition of her husband's nationality by an alien wife who has not lost her own nationality as a result of marriage:

This legal system is applied in China as it appears from its Law of 5 February 1929 which makes special provision only for the alien woman marrying a Chinese and losing her own nationality as a result of her marriage, as follows:

"Article 2. (1) A foreign woman who marries a Chinese national and who thereby loses her nationality under the law of her own country, acquires Chinese nationality."

SECTION III. THIRD GROUP

The nationality of the wife is independent of that of her husband

A. General

This system is based on the principle of the independence of women in the field of nationality. Numerous countries have adopted it in recent years.⁸

In some countries, this principle is fully applied: marriage has no effect whatever on the status of women with respect to nationality. The same is true, *a fortiori*, of the husband's change of nationality during marriage or of the dissolution of the marriage. The only means for the spouses to achieve unity of nationality in the family is for the wife to apply for her husband's nationality by way of ordinary naturalization proceedings or for the husband to apply for his wife's nationality through similar proceedings.

Another large group of countries, while also recognizing the principle of independence of the woman in the field of nationality, grants the alien wife of a national the right to obtain her husband's nationality either by request or by privileged or simplified procedures.

B. *Legal systems in which marriage, change of nationality by the husband during marriage and dissolution of the marriage have no effect on the status of the wife with respect to nationality*

The main features of this group are the following:

The alien woman marrying a national does not acquire her husband's nationality.

⁸ In the past 25 years (since 1929) at least 20 countries which provided previously for automatic effects of marriage on the nationality of women have modified their legislation which at present applies the principle of independence.

The woman national marrying an alien does not lose her original nationality.

The alien woman whose husband acquires the country's nationality during marriage does not acquire his new nationality.

The woman national whose husband, a national, loses his nationality during marriage, does not lose her nationality.

The legislation of Poland is typical of this group of countries. The Act on Nationality of 8 January 1951 provides as follows:

"Article 5.

"1. A marriage contracted by a Polish national with a person who does not possess Polish nationality entails no change in the nationality of the spouse.

"2. A change in the nationality of one of the spouses entails no change in the nationality of the other spouse."

Several other countries apply similar principles. For example, the Constitution of Honduras of 28 March 1936 contains the following provision:

"Article 9. Neither matrimony nor its dissolution affect the nationality of husband, wife, or their children."

C. *Legal systems in which marriage and changes of nationality by the husband during marriage give the wife the right to obtain her husband's nationality either at her request or by privileged procedures and to renounce her original nationality*

A large group of countries apply the same basic principles as in sub-group B above, but make special provisions for the alien wife of a national who wishes to achieve the unity of nationality in the family.

The main features of this group are as follows:

The alien woman marrying a national does not acquire her husband's nationality automatically, but may acquire it, either at her request or through a simplified procedure.

The woman national marrying an alien does not lose her original nationality, except if she renounces it.

The alien woman whose alien husband acquires the country's nationality does not acquire his new nationality, except through independent naturalization proceedings.

The woman national whose husband, a national, loses his nationality during marriage, does not lose her nationality.

Two main types of legislation emerge from this group: in one, the alien woman marrying a national can acquire her husband's nationality as a matter of right, by simple request; in the other, she has the benefit of privileged procedures for the acquisition of her husband's nationality.

(a) *Legal systems in which the alien woman marrying a national can acquire her husband's nationality as a matter of right, by simple request, registration or declaration:*

The British Nationality Act of 1948 is typical of these systems; its general principles, as embodied in sections 6 and 19, are the following:

The woman national marrying an alien does not lose her nationality, except if she renounces her British nationality.

An alien woman who marries a national becomes a national if she applies to become a citizen and takes an oath of allegiance. She may also seek naturalization independently if she wishes, but would then have to fulfil the normal requirements.

If an alien husband acquires United Kingdom citizenship, the wife may register as a citizen or she may apply on her own behalf to be naturalized provided she fulfils the ordinary requirements.

This system which is applied in some other countries of the Commonwealth (New Zealand, Pakistan) constitutes a marked departure from the previous legislation of these countries under which the nationality of the wife followed as a rule that of her husband.

Among other countries with similar legislations are: Bolivia, Ecuador, Luxembourg, Mexico, Nicaragua.

(b) Legal systems in which the alien woman marrying a national can acquire her husband's nationality through privileged procedures:

A large number of countries have adopted in recent years legislation giving to the alien wife of a national (and, in many cases, to the alien husband of a woman national) the benefit of privileged procedures for the acquisition of their nationality. The provisions made for the alien woman who marries a national vary considerably from one country to the other.

Some legal systems provide for a declaration or an application to a competent authority to be made by the alien woman married to a national; this authority has the right to decline the request.

Examples of this system can be found in the legislation of Czechoslovakia and Venezuela.

The Czechoslovak Nationality Act of 13 July 1949 states in its section 2:

“[Acquisition of nationality] By marriage:

“(i) An alien woman acquires Czechoslovak nationality by marriage to a national, if the District National Committee, acting on her application, declares itself in agreement with such acquisition. The application must be made before the marriage or within six months after the marriage, at the latest. Even if the agreement is granted after the marriage, the foreign woman is considered as having acquired [Czechoslovak] nationality on the day of the marriage.”

Similarly, article 23 of the Constitution of Venezuela of 1953 states that:

“The following persons shall be Venezuelan nationals by naturalization: ...

“(3) The alien wife of a Venezuelan national who declares her desire to be a Venezuelan national and whose declaration is accepted; ...”

In a large number of countries an alien wife of a national can acquire her husband's nationality through privileged naturalization procedures.

In some of these countries the alien wife of a national must, in order to be naturalized, be eligible for naturalization on the same conditions as other aliens except for the condition of residence, the required length of which is reduced in her case. For example, under the statutory provisions in force in the United States (Immigration and Nationality Act of 27 June 1952, section

319a) an alien spouse of a national must be otherwise eligible for naturalization but the length of his/her residence in the United States is reduced from five years to three, immediately preceding the date of filing his/her petition.

The Union Citizenship Act of Burma of 1948 applies a similar principle but limits the privilege of reduced length of residence to the wife of a national, as follows:

“*Section 11.* (1) Any woman who is married to a citizen of the Union may, after continuous residence in the Union for at least one year, apply to the Minister for a certificate of citizenship.”

In another group of countries the alien wife of a national is exempted from some of the conditions required of other aliens but must comply with some others.

The Japanese Nationality Law of 1950 is typical of this group. It reads as follows:

“*Article 4.* The Attorney General shall not permit the naturalization of an alien unless he or she fulfils all of the following conditions:

“(1) That one has had a domicile in Japan for five or more years consecutively;

“(2) That one is twenty years of age or more and a person of full capacity according to the law of his or her native country;

“... ”

“(4) That one has property or ability enough to lead independent living;

“... ”

“*Article 6.* With respect to an alien who falls under any one of the following items, the Attorney General may permit the naturalization of the alien even when the said alien does not fulfil the conditions indicated in items (1), (2) and (4) of Article 4:

“(1) The wife of a Japanese national;

“... ”

A similar provision is made for the alien wife of a Syrian by the Legislative Decree of 4 February 1953 on Syrian Nationality. Its relevant provisions are the following:

“*Article 4.* (1) Syrian nationality may be granted to any alien who fulfils the following conditions, that is to say if he:

“... ”

“(c) has been effectively resident in Syria for not less than five consecutive years immediately before submitting his application for naturalization;

“... ”

“(f) is able to speak, read and write Arabic;

“(g) if required to do so, changes his foreign name into an Arab name as provided for by law.

“... ”

“*Article 9.* (1) An alien woman who marries a Syrian national acquires Syrian nationality by decree on her application, the conditions laid down in article 4, paragraph 1 (c), (f) and (g) not being applicable in her case.”

Finally in several countries the alien wife of a national can be naturalized even if she does not fulfil any of the conditions required by law for the naturali-

zation of other aliens. This system is reflected, among others, in the nationality laws of Israel and of the Scandinavian countries.

The Nationality Law of Israel (1952) provides in article 7 that the spouse of an Israel national “may obtain Israel nationality by naturalization even if he or she is a minor or does not meet the requirements of section 5 (a)”. [Section 5 (a) enumerates the conditions required of an alien in order to be eligible for naturalization.]

Article 6 of the Swedish Nationality Act of 22 June 1950 provides as follows:

“*Article 6.* The Crown shall have power, on application being made, to grant Swedish nationality (naturalization) to a foreigner who:

- “(1) Has attained the age of eighteen years;
- “(2) Has resided in this country for seven years;
- “(3) Is known to be of good character; and
- “(4) Is able to support himself and his family.

“If it is considered that the grant of Swedish nationality to the applicant is for the benefit of the country, if the applicant previously possessed Swedish nationality, if the applicant is married to a Swedish national, or if there are other weighty reasons for his naturalization, Swedish nationality may be conferred upon him irrespective of whether or not the conditions laid down in the first paragraph have been fulfilled...”

Chapter III

International conventions

General

For the purpose of the present study, and in order to present a simple and up-to-date picture of the solutions given at the present time to conflicts of laws in the field of nationality of married women on the international level, only such international conventions are being considered as are in force and deal directly with the nationality of married women.⁹ These show the application on the international level of the basic principles illustrated in chapter II (Systems of national law).

Section I. Bilateral convention

Franco-Belgian Convention on Nationality of Married Women of 9 January 1947

The only bilateral convention on the nationality of married women which is at present in force is the Franco-Belgian Convention of 9 January 1947,¹⁰ which has replaced the convention of 12 September 1928.¹¹ This change, made necessary by the change in the internal legislation of France (French Nationality Code of 1945, see above, chapter II, section I. D.), does not affect the principle embodied in the convention of 1928, according to which the nationality of the Belgian woman marrying a Frenchman, as well as that of the French woman marrying a Belgian, follows the rules of the law of the country where the marriage is celebrated, if this country is France or Belgium; no provision is made in the convention concerning the effect on the nationality of the wife of a Franco-Belgian marriage celebrated outside of both countries.

The Convention of 9 January 1947 reads as follows:

“*Article 1.* Through her marriage to a Belgian, celebrated in Belgium, a French woman shall acquire Belgian nationality unless she declares within six months from the date of her marriage and in the forms laid down by Belgian law that she desires to retain French nationality.

⁹ In documents E/CN.6/79 and E/CN.6/79/Corr.1, “Treaties and Conventions in the Field of the Nationality of Women”, prepared by the Secretary-General in accordance with resolution 154 C (VII) of the Economic and Social Council, the Secretary-General presented to the Commission on the Status of Women a survey of all the relevant international conventions and agreements, irrespective of whether they are in force or obsolete, both those which deal with problems of nationality of women as their main purpose and those which contain arrangements concluded in accordance with territorial changes and exchanges of populations.

¹⁰ Registered with the United Nations under No. 568, 9 September 1949; see E/CN.6/79/Corr. 1.

¹¹ *League of Nations Treaty Series*, volume CXXIII, page 93.

“If the marriage is celebrated in France, a French woman marrying a Belgian shall retain her nationality, unless before the marriage she expressly declares in the forms laid down by French law that she desires to acquire, in accordance with the provisions of Belgian law, her husband’s nationality...

“... ”

“Article 2. A Belgian woman marrying a Frenchman in Belgium shall acquire French nationality unless within six months from the day of her marriage she declares in the forms and conditions stipulated by Belgian law that she desires to retain her nationality.

“If the marriage is celebrated in France, a Belgian woman marrying a Frenchman shall acquire French nationality unless she expressly declares, before the marriage and in the forms and time limits laid down by French law that she desires to retain her nationality...”

This convention applies exclusively to marriages between nationals of the two countries, parties to the convention, and only to marriages celebrated on the territory of one of these two countries.

A bilateral convention has a limited field of application. Moreover, the law of the place of celebration of the marriage (*lex loci*) can be applied only between countries the legal systems of which in the field of nationality of married women are based on similar principles, which is the case for France and Belgium (see above, chapter II, section I.D.). Inasmuch as there is no necessary permanent link between the personal status of the spouses and the place of celebration of their marriage, it is doubtful whether the law prevailing in that place could generally be made the law governing so important a part of the personal status of the wife as her nationality.

Section II. Multilateral conventions

Among the multilateral conventions concluded for the regulation of the questions of nationality, three conventions deal specifically with the problem of nationality of married women. One is the Hague Convention of 12 April 1930, the two others are the Conventions of Montevideo of 1933.

A. *The Hague Convention on certain questions relating to the conflict of nationality laws, of 12 April 1930*¹²

The primary purpose of this Convention was the elimination of statelessness and of its causes. Its authors did not seek to promote the recognition of women’s rights nor to achieve equality of these rights in the field of nationality: they sought primarily to reconcile the various legislations so as to eliminate cases of conflicts of laws leading to statelessness and, in some cases, to double nationality. The provisions of the Convention dealing with the nationality of married women are therefore based essentially on the principle that neither marriage nor the change of nationality by the husband during marriage should deprive

¹² As of 1 November 1954, the following 14 countries are parties to this convention: Australia, Belgium, Brazil, Burma, Canada, China, Great Britain and Northern Ireland, India, Monaco, the Netherlands, Norway, Pakistan, Poland, Sweden.

Twenty-seven countries had signed the Convention but have not yet ratified it. They are: Chile, Colombia, Cuba, Czechoslovakia, Denmark, Egypt, Estonia, France, Free City of Danzig, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Luxembourg, Mexico, Peru, Portugal, Salvador, Spain, Switzerland, Union of South Africa, Uruguay, Yugoslavia.

a women of her nationality; this idea is similar to the basic principle applied in the legislations of the Second Group analysed above (see chapter II, section II).

These provisions read as follows:

“*Article 8.* If the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband.

“*Article 9.* If the national law of the wife causes her to lose her nationality upon a change in the nationality of her husband occurring during marriage, this consequence shall be conditional on her acquiring her husband’s new nationality.

“*Article 10.* Naturalization of the husband during marriage shall not involve a change in the nationality of the wife except with her consent.

“*Article 11.* The wife who, under the law of her country, lost her nationality on marriage, shall not recover it after the dissolution of the marriage except on her own application and in accordance with the law of that country. If she does recover it, she shall lose the nationality which she acquired by reason of the marriage.”

The purpose of article 8 is to alleviate the consequences of the deprivation of their own nationality of women marrying foreigners by making this deprivation conditional on their acquiring the nationality of their husbands.

Similarly, article 9 of the Hague Convention does not attempt to change the principle followed in internal legislations which deprive a wife of her nationality upon a change in the nationality of her husband during marriage, but seeks to limit its application to cases where the wife would acquire her husband’s new nationality.

Article 10 has the effect of making the nationality of the wife independent of that of her husband in case of acquisition by the latter of a new nationality through naturalization during marriage. This provision avoids the statelessness and double nationality which would have ensued for the wife as a result of the application of two conflicting systems of national law.

Article 11 of the convention deals with the case of double nationality resulting from the dissolution of marriage; this provision states that the wife will not recover her own nationality after the dissolution of the marriage, except if she so desires, in which case she shall lose her husband’s nationality acquired by marriage.

In its report to the Hague Conference, the First Committee of the Conference, which had heard the views of women’s international associations, stated that the text of article 8 was a compromise between the conception of equality of sexes and that of the subordinate status of the wife (nationality of the wife follows that of her husband). The Committee did not attempt to decide in favour of either of these two systems, leaving it to the legislatures of the various countries, but proposed the texts of articles 8 and 9 “simply to remedy some of the defects resulting from existing conditions”.¹³ However, “Recommendation VI” proposed by the First Committee and adopted by the Conference reads as follows:

“VI. The Conference recommends to the States the study of the question whether it would not be possible:

¹³ League of Nations, Official No. A.19.1931.V.

“(1) To introduce into their law the principle of the equality of the sexes in matters of nationality, taking particularly into consideration the interests of the children;

“(2) And especially to decide that, in principle, the nationality of the wife shall henceforth not be affected without her consent either by the mere fact of marriage or by any change in the nationality of her husband.”

In July 1931, the Committee of Representatives of Women’s International Organizations transmitted to the Secretary-General of the League of Nations a report stressing the principle of equality between men and women in the field of nationality, pointing out its most important applications and protesting against the writing in the Convention of “an unequal treatment of men and women”; it was declared that “the spirit of the Codification should not confine itself to the mere registration of existing rules but should aim at adapting them, as far as possible, to contemporary conditions of international life”.¹⁴

Similar requests were embodied in reports presented in the following years to the Secretary-General of the League of Nations by several other women’s organizations. The Committee of Representatives of Women’s Organizations expressly recommended the reconsideration of the Hague Nationality Convention and the deletion from this Convention of the “four articles that discriminated against women”. (articles 8, 9, 10 and 11).¹⁵

The Women’s Committee of the Labour and Socialist International, however, addressed in 1935 a memorandum to the League of Nations in which it stated that the ratification of the Montevideo Convention by all States could be “detrimental to the position of women in certain countries” and invited the League “to work out the text of a Convention to safeguard the married woman’s right of choice and to protect her from a change of nationality without her consent”.¹⁶

B. *The Montevideo Conventions of 1933*

The Montevideo Convention on the Nationality of Women, signed on 26 December 1933,¹⁷ has been the first to proclaim in its article 1 the principle of equality of sexes as regards nationality. The pertinent part of this Convention reads as follows:

“The Governments represented in the Seventh International Conference of American States:

“Wishing to conclude a convention on the Nationality of Women ... have agreed upon the following:

“Article 1

“There shall be no distinction based on sex as regards nationality in their legislation or in their practice.”

¹⁴ Annex to League of Nations, Official No. A.19.1931.V.

¹⁵ League of Nations, Official No. A.23.1932.V.

¹⁶ League of Nations, Official No. A.19(a).1935.V.

¹⁷ As of 1 November 1954, the following 12 countries were parties to this Convention: Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama and the United States of America.

The number of signatures not perfected by ratification was eight: Argentina, Bolivia, Dominican Republic, El Salvador, Haiti, Paraguay, Peru and Uruguay.

Implementing this principle, the Montevideo Convention on Nationality of the same date ¹⁸ has declared that marriage or its dissolution will not affect the nationality of the husband or wife, and that the naturalization or loss of nationality by the husband will not affect any member of his family. Its provisions dealing with this problem read as follows:

“Article 5. Naturalization confers nationality solely on the naturalized individual and the loss of nationality, whatever shall be the form in which it takes place, affects only the person who has suffered the loss.

“Article 6. Neither matrimony nor its dissolution affects the nationality of the husband or wife or of their children.”

¹⁸ As of 1 November 1954, the following five countries are parties to this Convention: Chile, Ecuador, Honduras, Mexico and Panama.

Part II

CONSTITUTIONS, LAWS AND OTHER LEGAL INSTRUMENTS RELATING TO THE NATIONALITY OF MARRIED WOMEN

Afghanistan

NATIONALITY ACT OF 8 NOVEMBER 1936

Article 10. If a man acquires Afghan nationality, his wife and children also become Afghan subjects...

Article 11. An Afghan woman who marries an alien, in conformity with the provisions of the *chariat*, loses her Afghan nationality; however, in case of separation or dissolution of marriage by divorce or death of the husband, she recovers Afghan nationality upon presentation of a certificate proving the dissolution of the marriage or the death of the husband.

Article 12. The alien woman who marries an Afghan national becomes Afghan and acquires Afghan nationality. If a woman, widow or divorced wife of an alien, marries an Afghan national and if she has children of her marriage to the alien, these children are considered as Afghan and have Afghan nationality; however, when they reach the age of legal majority, they have the right to choose within six months the nationality of their father and lose the Afghan nationality. If the woman recovers her former nationality upon separation from her Afghan husband or after his death, she has the right to renounce Afghan nationality provided she makes application to the Ministry of Foreign Affairs;...

Albania

ACT No. 377 OF 16 DECEMBER 1946

Article 2. A person possessing Albanian nationality cannot at the same time possess a foreign nationality.

Article 7. An alien may regularly acquire Albanian nationality if:

1. He submits an application for naturalization.
2. He is not less than eighteen years of age and is fit for work.
3. He has been continuously resident in Albania for a period of five years before submission of his application.
4. He has been permitted to renounce his former nationality, or can show proof that his former nation does not oppose his acquisition of Albanian nationality.
5. He can show that his conduct has been such as to make it likely that he will become a loyal citizen of the People's Republic of Albania.

Article 8. A person who has contracted marriage with a man or woman of Albanian nationality shall not be required to satisfy the requirements of article 7, paragraphs 2, 3 and 4...

Article 14. Withdrawal of nationality. Albanian nationality may be withdrawn from any person whose country of origin has been at war with the Albanian people, if he has shown before or during the war an attitude prejudicial to the interests of the Albanian people and the People's Republic of Albania.

Article 16. Loss of nationality in pursuance of article 14, paragraph 1, shall extend to the spouse and the children, unless they are able to prove that they entertain no relations with the person from whom nationality has been withdrawn, and unless they have conducted themselves satisfactorily or are of Albanian origin.

Andorra

DECREE OF 17 JUNE 1939 CONCERNING ANDORRAN NATIONALITY

Article 3. An alien woman may on marrying an Andorran national opt to retain her nationality or to take her husband's nationality. In either case she shall make an express declaration before a notary stating the nationality for which she opts, and shall be strictly bound to transmit a copy thereof to the law officers' department (*sindicatura*).

Article 4. An Andorran woman not being a tenant in tail (*no pubilla*) may on marrying an alien opt, by delivering a copy of the notarial instrument to the law officers' department as prescribed in the preceding article, to retain her Andorran nationality or to take her husband's nationality.

Article 5. In both cases to which articles 3 and 4 apply the person affected shall be strictly bound to transmit the notarial instrument to the law officers' department within one year from the date of solemnization of the marriage, failing which she shall be deemed to have renounced her right to Andorran nationality.

Article 7. An alien marrying an Andorran female tenant in tail (*pubilla*) shall be entitled to acquire Andorran nationality, subject to the strict requirement that he shall within one year from the date of solemnization of the marriage renounce before a notary the nationality which he had before the marriage...

Article 8. A woman entitled at law to succeed to the estate of an Andorran family or house shall, for purposes of nationality only, be deemed to be a tenant in tail.

There may not be in the same family or house a male (*hereu*) and a female tenant in tail.

Argentina

ACT 14.354 ON NATIONALITY, CITIZENSHIP AND NATURALIZATION

Article 6. A person who is an Argentine national by birth loses his citizenship if he:

...

(c) is naturalized in a foreign country.

Article 8. An alien who has been resident in the territory of the Republic for two continuous years acquires Argentine nationality by naturalization at his request if he fulfils the other conditions prescribed by article 10 of this Act.

Article 9. An alien who has been resident in the Republic for five continuous years acquires the aforesaid nationality automatically, unless he is disqualified by any one of the provisions set forth in article 11.

Australia

NATIONALITY AND CITIZENSHIP ACT NO. 83 OF 1948 AS AMENDED BY ACT NO. 58 OF 1950

Article 12. (2) Notwithstanding anything contained in the last preceding sub-section, the Minister may, upon application in the prescribed form, grant a certificate of registration as an Australian citizen to a person who is a citizen of a country to which section seven of this Act applies or an Irish citizen and is not of full age or is a woman married to an Australian citizen and is residing with her husband in Australia or New Guinea as a permanent resident.

Article 15. (4) Notwithstanding anything contained in section fourteen of this act or in sub-section (1) of this section, the Minister may, upon application in the prescribed form, grant a certificate of naturalization as an Australian citizen to an alien woman who satisfies him:

- (a) That she is the wife or widow of an Australian citizen; and
- (b) That she has resided with her husband in Australia or New Guinea, or partly in Australia and partly in New Guinea, for a continuous period of not less than one year.

Article 18. (1) Where, under the law of some country other than Australia, an Australian citizen acquires, at birth or whilst not of full age or by reason of marriage, the nationality or citizenship of that country, he may, at any time after attaining the age of twenty-one years or after the marriage, make a declaration renouncing his Australian citizenship.

...

(3) Where a person ceases to be an Australian citizen or is deprived of his Australian citizenship under the provisions of this division and his wife acquires, under the law of some country other than Australia, the nationality or citizenship of her husband, she may, at any time after acquiring that nationality or citizenship, make a declaration renouncing her Australian citizenship.

Article 26. (3) Where a person who remains, or is deemed to be, a British subject without citizenship marries a woman who is not a British subject, she shall not, by reason of the marriage, become a British subject.

(4) Where a woman who remains, or is deemed to be, a British subject without citizenship marries an alien or an Irish citizen she shall not, by reason of the marriage, cease to be a British subject.

Article 27. Where, at any time prior to the date of commencement of this Act, a woman ceased to be a British subject by reason that:

- (a) On her marriage to an alien she acquired the nationality of her husband;
- or

(b) During the continuance of the marriage, her husband, being a British subject, acquired a new nationality and, by reason of her husband acquiring the new nationality, she also acquired that nationality, she shall be deemed, for the purposes of this Act, to have been a British subject immediately prior to that date.

Austria

NATIONALITY ACT OF 1949

Article 2. Austrian nationality is acquired:

...

(2) By marriage;

...

Article 4. (1) An alien woman acquires the nationality of her husband by marriage.

(2) The legally effective reunion of spouses judicially separated *a mensa et thoro* shall have the same effect as marriage.

Article 5. ... (7) If Austrian nationality is granted to an alien, the wife acquires the nationality of the husband, provided that the marriage is valid and the spouses are not judicially separated *a mensa et thoro*.

Article 6. If a male alien assumes a public professorship in an Austrian institution of higher education, he shall acquire Austrian nationality. If his children are not of full age and capacity, they shall receive Austrian nationality provided that the female children are unmarried. His wife shall also acquire Austrian nationality, provided that the marriage is valid and the spouses are not judicially separated *a mensa et thoro*.

Article 7. Austrian nationality is lost:

(1) By marriage;

(2) By deprivation of citizenship.

Article 8. (1) A married woman shall lose her Austrian nationality by marriage to an alien, provided it is established that, under the laws of the State of which the husband is a national, she acquires the nationality of that State by the marriage. Nevertheless, she may be permitted to retain her Austrian nationality if there are good grounds for so doing.

(2) Women who have lost or lose their Austrian nationality in consequence of a marriage contracted with an alien between 27 April 1945 and 19 January 1950 may be permitted subsequently to retain their Austrian nationality as provided in paragraph 1, provided that application therefor is made before 19 July 1950. Such retention of nationality shall take effect as from the date of the authorization.

(3) The legally effective reunion of spouses judicially separated *a mensa et thoro* shall have the same effect as marriage.

Article 9. (1) Austrian nationality is lost by deprivation, provided that there is no provision to the contrary in national defence legislation:

...

(2) Loss of nationality by deprivation shall extend to the wife, if she simultaneously acquires foreign nationality and if the marriage is valid and the spouses are not judicially separated *a mensa et thoro*.

Belgium

ACT OF 14 DECEMBER 1932 ON THE ACQUISITION, LOSS AND RECOVERY OF NATIONALITY

Article 4. A foreign woman who marries a Belgian national, or whose husband becomes a Belgian national by option, acquires the nationality of her husband.

However, she may renounce Belgian nationality by means of a declaration made in the form prescribed in article 22, during the six months subsequent to the date of marriage if she can prove that she possesses foreign nationality or that she recovers it upon making the declaration. (Act of 4 August 1926, article 12, amended by the Act of 15 October 1932, article 1.)

She may at any time, subject to the conditions described above, renounce Belgian nationality after the dissolution of the marriage. (Act of 15 October 1932, article 1.)

Article 15. A foreign woman whose husband acquires Belgian nationality by naturalization, follows the nationality of her husband if, within six months of the registration of the instrument of naturalization, she declares her intent to claim the benefit of the present article. The said declaration of intent shall conform to the formalities stipulated in article 10. However, she may apply for naturalization jointly with her husband and, in this case, she is exempt from the requirements prescribed by articles 12 and 13.

Article 18. The following persons lose Belgian nationality:

...

(2) A woman marrying a foreigner of a specified nationality, if she acquires the nationality of her husband under the law of the foreign country concerned;

(3) A woman whose husband voluntarily acquires foreign nationality, if the nationality of the husband is conferred upon her under the foreign law.

However, a Belgian woman, unless she acquired Belgian nationality only by marriage, may, in these two cases, retain her Belgian nationality if, within six months of the date of marriage or the date upon which the husband changed nationality, she makes a declaration in conformity with article 22. (Act of 15 May 1922, article 18, 3, as amended by the Act of 4 August 1926, article 17 and the Law of 15 October 1932, article 9.)

Article 19. ...

A woman of Belgian nationality by birth, who has lost this status in pursuance of article 18, paragraphs 2 and 3, may recover her nationality, upon the dissolution of her marriage, by a declaration of option, always provided that she has been habitually resident in Belgium or in the colony during the year

immediately preceding her declaration. (Act of 15 May 1922, article 19, 1, as amended by the Act of 4 August 1926, article 18 and the Act of 15 October 1932, article 7.)

Bolivia

CONSTITUTION OF 23 NOVEMBER 1945, AS AMENDED ON 26 NOVEMBER 1947

Article 40. A Bolivian woman married to an alien does not lose her nationality. An alien woman married to a Bolivian man acquires the nationality of her husband, provided she makes a declaration to this effect and resides in the country; she does not lose her Bolivian nationality even by widowhood or divorce.

Brazil

NATIONALITY ACT NO. 818 OF 18 SEPTEMBER 1949

Article 8. The conditions of naturalization are the following:

...

II. Continued residence on Brazilian territory during a minimum period of five years immediately preceding the petition for naturalization.

Article 9. The period of residence prescribed in article 8 shall be reduced when the applicant for naturalization fulfils one of the following conditions:

(1) Has a Brazilian child or a Brazilian spouse.

...

Article 11. An alien woman who has been married for over five years to a Brazilian diplomat in service, will have to fulfil only the conditions prescribed in paragraphs 3 and 7 of article 8.

The application for naturalization must be submitted with the proof of marriage duly authorized by the Brazilian Government, if such condition was required at the time of the celebration of marriage.

Bulgaria

BULGARIAN NATIONALITY ACT OF 6 MARCH 1948

Article 4. Marriage between a person of Bulgarian nationality and an alien does not involve the change of nationality of the spouses.

Every alien marrying a person of Bulgarian nationality can become a Bulgarian citizen provided he/she is free from his/her former nationality.

Likewise, a spouse can become a Bulgarian citizen if his/her spouse has already acquired Bulgarian nationality.

Article 6. Only the person who acquires a foreign nationality with the authorization of the Minister of Justice loses Bulgarian nationality (article 14). This rule is applicable to minors.

Article 9. The deprivation of Bulgarian nationality of one of the spouses does not involve the deprivation of Bulgarian nationality of the other spouse and of their minor children.

Burma

THE UNION CITIZENSHIP ACT NO. XXVI OF 1948

Section 10. Subject to the provision of this Act a married woman shall be capable of acquiring or divesting herself of citizenship of the Union in all respects as if she were *feme sole*; and no woman shall acquire or lose such citizenship by marriage.

Section 11. (1) Any woman who is married to a citizen of the Union may, after continuous residence in the Union for at least one year, apply to the Minister for a certificate of citizenship.

(2) The Minister, if satisfied that the applicant, not being under a disability, has married a citizen of the Union and has been resident for a period of not less than one year immediately preceding the date of her application, may, on the applicant giving an undertaking to renounce her foreign national status, grant to the applicant a certificate of citizenship.

(3) A certificate of citizenship shall not take effect until the applicant has made a declaration, either on oath or affirmation, renouncing her status as a citizen of any foreign country.

Cambodia

CIVIL CODE

Chapter I. Nationality

Article 23. An alien woman legally married to a Cambodian national shall become a Cambodian national unless she is French, in which case she shall retain her nationality and transmit it to the children of the marriage.

Upon dissolution of her marriage an alien woman shall recover her nationality if she applies therefor to the French authorities within three months from the date of the dissolution. She shall lose her Cambodian nationality upon contracting a new marriage with an alien.

Article 24. A Cambodian woman legally married to an alien shall retain her nationality and transmit it to the children of the marriage, unless her husband is French, in which case she shall acquire French nationality for the duration of the marriage and upon its dissolution shall recover her Cambodian nationality...

Canada

CANADIAN NATIONALITY ACT 1946

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

(a) Either he has filed in the office of the Clerk of the Court for the judicial district in which he resides, not less than one nor more than five years prior to the date of his application, a declaration of intention to become a Canadian citizen, the said declaration having been filed by him after he attained the age of eighteen years; or he is the spouse of and resides in Canada with a Canadian citizen; or he is a British subject;

...

(c) He has resided continuously in Canada for a period of one year immediately preceding the date of the application and, in addition, except where the applicant has served outside of Canada in the armed forces of Canada during time of war or where the applicant is the wife of and resides in Canada with a Canadian citizen, has also resided in Canada for a further period of not less than four years during the six years immediately preceding the date of the application.

Ceylon

CITIZENSHIP ACT NO. 18 OF 1948 AS AMENDED BY THE CITIZENSHIP AMENDMENT ACT OF 1950

Section 11. (1) This section shall apply to any applicant for registration as a citizen of Ceylon who has the following qualifications:

- (a) That the applicant is of full age and of sound mind;
- (b) That the applicant:

...

(ii) Is the spouse, or the widow or widower, of a citizen of Ceylon by descent or registration, and has been resident in Ceylon throughout a period of one year immediately preceding the date of the application, or

(c) That the applicant is, and intends to continue to be, ordinarily resident in Ceylon.

Section 20. A person who is a citizen by descent or by registration shall cease to be a citizen of Ceylon if he voluntarily or by operation of law becomes a citizen of any other country.

Chile

DECREE OF THE MINISTRY OF FOREIGN AFFAIRS, No. 494 OF 6 MAY 1935, PROMULGATING THE CONVENTION ON NATIONALITY OF MONTEVIDEO AS A LAW OF THE REPUBLIC

Article 6. Neither matrimony nor its dissolution affect the nationality of the husband or wife or of their children.

SUPREME DECREE No. 3690 OF 16 JULY 1941

Article 4. Applicants who, five years before submission of the application [for naturalization] have married a Chilean or who have Chilean children are exempted from the requirement of production of identity papers issued by the authorities of the country of origin or papers from their last place of residence [before coming to Chile].

China

NATIONALITY ACT OF 5 FEBRUARY 1929

Article 2. (1) A foreign woman who marries a Chinese national and who thereby loses her nationality under the law of her own country, acquires Chinese nationality.

Article 8. The wife of a naturalized person and his children, recognized as such by the law of their own country, shall concurrently acquire citizenship in the Republic of China, unless a provision to the contrary exists in the laws of their original country.

Article 10. (1) A Chinese woman who marries a foreigner and applies to the Ministry of the Interior for authorization to renounce Chinese nationality, loses her Chinese nationality.

Colombia

CONSTITUTION OF 1886 AS AMENDED IN 1945

Article 9. A person shall lose his status as a Colombian national if he acquires a certificate of naturalization in a foreign country and becomes domiciled abroad;...

LAW NO. 22-BIS OF 29 FEBRUARY 1936

Article 3. ...The foreign wife of either a Colombian national or a naturalized alien must make her own application for naturalization.

Article 4. ...The wife of a Colombian national may apply after two years' residence.

Costa Rica

CONSTITUTION OF 7 NOVEMBER 1949

Article 14. Are Costa Ricans by naturalization:

...

(5) The foreign woman who, when marrying a Costa Rican, loses her nationality, or expresses her desire to be a Costa Rican.

Article 16. The condition of Costa Rican is lost:

(1) If another nationality is adopted;

(2) When the naturalized Costa Rican voluntarily leaves the territory of the Republic for more than six consecutive years; the only exception will be if he can prove that his entailments with the country have endured.

Article 17. The loss of the condition of Costa Rican does not extend to the husband, wife or children...

ALIENS AND NATURALIZATION ACT OF 29 APRIL 1950

Article 2. The following are Costa Rican by naturalization:

...

5. An alien woman who, on marriage with a Costa Rican, loses her nationality or declares her intention to become a Costa Rican;

...

Article 4. Loss of Costa Rican nationality does not extend to the spouse or the children, who will continue to enjoy it so long as they do not lose it under article 16 of the Political Constitution; acquisition of Costa Rican nationality does not extend to the spouse who retains his or her own nationality, unless he or she applies for naturalization under this Act.

...

Article 6. If under the laws of the country of which the husband is a national the Costa Rican wife cannot acquire his nationality, she shall retain her Costa Rican nationality unaltered; if on the contrary she loses her nationality under the laws of his country, she may, if the marriage is dissolved and she returns to Costa Rica, resume her nationality as a natural-born or naturalized Costa Rican, whichever was her status before the marriage. In any case, if the option is in her choice, a Costa Rican woman should clearly state in the marriage document what her future nationality is to be, so that the Registrar may note it in the relevant entry in the marriage register. In order to re-acquire Costa Rican nationality, it shall be sufficient for her to renounce the nationality of the husband, for which purpose an appearance shall be entered before the Registrar either by her in person or by a representative holding special powers of attorney granted in Costa Rica.

Cuba

CONSTITUTION OF 4 APRIL 1952

Article 13. Cubans by naturalization are:

...

(2) An alien who marries a Cuban woman, and an alien woman who marries a Cuban, in case offspring result from such union, or if they maintain two years of continuous residence in the country after their marriage, and provided that they previously renounce the nationality of their origin.

Article 16. Neither marriage nor its dissolution affects the nationality of husband, wife or their children. A Cuban woman married to an alien shall retain Cuban nationality.

An alien woman married to a Cuban, and an alien married to a Cuban woman, shall retain his or her original nationality, or shall acquire Cuban nationality upon his or her prior option, as regulated by the Constitution, the law or international treaties.

Czechoslovakia

THE CZECHOSLOVAK NATIONALITY ACT OF 13 JULY 1949 (No. 194)

Acquisition of nationality

Section 2. By marriage:

(i) An alien woman acquires Czechoslovak nationality by marriage to a national, if the District National Committee, acting on her application, declares itself in agreement with such acquisition. The application must be made before the marriage or within six months after the marriage, at the latest. Even if the agreement is granted after the marriage, the foreign woman is considered as having acquired [Czechoslovak] nationality on the day of the marriage.

Loss of nationality

Section 5. By marriage:

A woman national loses her nationality by marriage with an alien, provided she acquires by marriage her husband's nationality under the legal system of his country. The District National Committee can, however, on the woman's application made before the marriage, or at the latest, within six months after marriage, declare that she retains her [Czechoslovak] nationality. Even if a favourable decision on this application is rendered after the marriage, no loss of nationality is deemed to have occurred.

Denmark*

DANISH NATIONALITY ACT OF 27 MAY 1950

Article 6. Nationality can be acquired by naturalization in accordance with the Constitution...

Article 7. Danish nationality shall be lost by:

1. A person who acquires a foreign nationality, upon application or by expressed consent.

...

* A "Circular Respecting the Granting of Danish Nationality" of 24 March 1952 reads as follows:

I. GENERAL REQUIREMENTS

1. Residence

As a generale rule, Scandinavians must have resided in Denmark without interruption for at least seven years and other aliens for at least ten years.

...

II. SPECIAL REQUIREMENTS FOR PARTICULAR GROUPS OF APPLICANTS

A female applicant married to a Danish national may as a rule expect to be naturalized after she has resided in Denmark with her Danish husband for one and one-half years. If she was married to a Danish national before she immigrated to Denmark, or if there are special circumstances, the residence requirement may be further relaxed or even dispensed with entirely.

Such applicants will usually not be obliged to meet the requirements concerning conduct, support or language.

...

Article 9. A person who is or who wishes to become a national of a foreign country can be released of his/her Danish nationality by Royal Decree. If the applicant is not already a national of a foreign country the release shall take place on the condition that the applicant shall acquire the nationality of another country within a fixed time limit.

Article 13.

...

A woman who, under the legislation which was previously in force, has lost her Danish nationality through her marriage to an alien or because her husband became a foreign national, but who would have retained her Danish nationality if the present Act had been in force, may regain her nationality by making a written declaration of her wish to do so addressed to higher authorities (in Copenhagen, to the magistrate) or to any other official authorized by the Minister of the Interior. Such a declaration may not, however, be made after 31 December 1955.

A woman who reaches the age of twenty-two years before 1 January 1954 and who upon reaching that age is or has been married shall lose her Danish nationality in accordance with article 8, paragraph 1, only at the end of the year 1953.

Dominican Republic

CONSTITUTION OF 1947

Article 8, paragraph 4. No Dominican can claim the status of alien as a result of naturalization or through any other cause. The law may provide penalties for those who, being Dominicans, claim the possession of a foreign nationality. Nevertheless, a Dominican woman married to a foreigner may acquire her husband's nationality.

CIVIL CODE

Article 12. (As amended by Act No. 3354 of 3 August 1952). A foreign woman who marries a Dominican shall acquire her husband's status, unless the law of her country authorizes her to retain her nationality, in which case she shall have the option of stating in the marriage record that she declines Dominican nationality.

Article 19. (As amended by Act No. 3354 of 3 August 1952.) A Dominican woman who marries an alien and who wishes to acquire her husband's nationality, provided the law of his country permits it, shall expressly state that wish, which shall be noted in the marriage record. If she wishes to acquire her husband's nationality after the marriage has taken place, she must do so through naturalization.

NATURALIZATION ACT NO. 1683 OF 16 APRIL 1948

Article 3. A woman married to an alien who becomes a naturalized Dominican may obtain naturalization without being required to reside permanently in the country, provided that she makes the necessary application at the same time as her husband and is in the country when such application is made.

Once the husband is naturalized, she may become naturalized without further formalities, provided that she is resident in the country at the date of application and that the application is authorized by the husband. Such authorization is not required if, on applying for naturalization, the wife can show that the laws of her own country do not require the spouse's authorization in order to obtain another nationality. In either case, the necessary fees must be paid.

Article 22. A woman who is Dominican by birth or origin, who marries an alien and has thereby acquired her husband's nationality either voluntarily or by naturalization, or who has acquired that nationality as a result of her marriage in virtue of legislation enacted prior to Act 485 of 15 January 1944 as amended by article 19 of the Civil Code, may have her Dominican nationality restored either while she is married or after the dissolution of her marriage, provided that she expresses such intention to the Ministry for the Interior and Police and simultaneously establishes residence in the country if she has not done so previously.

Article 23. When the marriage has not been dissolved, the aforesaid declaration of intention shall be referred to the Executive Authority who may decide that it shall have no effect and that the woman shall retain her husband's nationality.

Ecuador

CONSTITUTION OF 31 DECEMBER 1946

Article 12. Neither matrimony nor its dissolution affects the nationality of husband and wife.

DECREE NO. 985 GOVERNING NATURALIZATION, EXTRADITION AND DEPORTATION

Article 5. The alien woman, wife of an alien who has applied for naturalization, can apply for her naturalization jointly with her husband. In this case, the decrees of naturalization will be granted individually.

Article 6. The alien woman, wife of an Ecuadorean citizen, can acquire her husband's nationality, either by declaration made at the time of her marriage to the effect that she adopts the Ecuadorean nationality and renounces her previous nationality, or at any time after her marriage by means of an application addressed to the Minister of Foreign Affairs who will take the necessary decision.

Egypt

ACT NO.160 OF 1950 ON EGYPTIAN NATIONALITY AS AMENDED BY ACT NO. 194 OF 1951

Article 8. The wife of an alien who acquires Egyptian nationality shall become Egyptian unless, within the year following her husband's naturalization, she declares her desire to retain her original nationality.

...

Article 9. An alien woman who marries an Egyptian does not acquire Egyptian nationality unless she declares her desire to do so in the marriage instrument or unless she submits an application to the Minister of the Interior after

the marriage; subject to the proviso that in either case the Minister of the Interior must be notified and the marriage must have lasted at least two years from the date of notification.

Nevertheless, the Minister of the Interior may, by a decision taken before the expiration of the period provided for in the first paragraph and accompanied by a statement of his reasons, deny to the alien wife the right to acquire Egyptian nationality. An alien wife, however, who acquires Egyptian nationality does not lose it when the marriage is dissolved unless she should re-marry an alien or ordinarily reside abroad or unless she should re-acquire her foreign nationality.

...

Article 12. The wife of an Egyptian authorized to acquire a foreign nationality shall lose her Egyptian nationality if she necessarily assumes her husband's nationality in pursuance of the law governing her new nationality, unless, in the year following her husband's naturalization, she declares her desire to retain her Egyptian nationality.

...

Article 13. An Egyptian woman who marries an alien shall retain her Egyptian nationality unless, when the marriage is solemnized or during her married life, she makes a declaration stating that she wishes to acquire her husband's nationality in conformity with the law of his country.

In case of dissolution of the marriage, the Egyptian wife may recover her nationality of origin by submitting an application, subject to the approval of the Minister of the Interior.

...

El Salvador

POLITICAL CONSTITUTION, 1950

Article 12. The following are Salvadoreans by naturalization:

...

5. Aliens of either sex who, after two years' residence in El Salvador, marry Salvadoreans, provided that they opt at the time of marriage for Salvadorean nationality, and aliens who, being married to Salvadoreans, have resided in El Salvador for two years and apply to the competent authorities for naturalization.

Persons who become Salvadoreans by naturalization must expressly renounce any other nationality.

Ethiopia

NATIONALITY LAW OF 22 JULY 1930

2. A regular marriage of an Ethiopian subject with a foreign woman confers upon the latter the Ethiopian nationality.

3. Is considered, in this case, as a regular marriage:
- (a) The marriage of an Ethiopian subject performed in Ethiopia, with a foreign woman, according to the Ethiopian civil marriage provisions creating between them the community of property;
 - (b) The marriage of an Ethiopian subject, performed abroad with a non-Ethiopian woman, in conformity with the law and forms of celebration of marriage of the country where such union is taking place.
4. The regular marriage of a woman of Ethiopian nationality with a foreigner makes her forfeit her Ethiopian nationality if her marriage with the foreigner in question confers upon her the nationality of her husband; otherwise she retains her Ethiopian nationality. In the case where such a woman, forfeiting her Ethiopian nationality, would be the owner of real estate, the status of her property will be dealt with in conformity with the law enacted for this purpose by the Imperial Ethiopian Government.
5. Is considered as regular marriage:
- (a) The marriage performed in Ethiopia between an Ethiopian woman and a foreigner, before the consular authorities of the husband;
 - (b) The marriage of an Ethiopian woman, performed abroad with a foreigner, according to the national law of the husband and in conformity with the legal forms of celebration of marriage of the country where such union is taking place.
11. Loses Ethiopian nationality:
- (a) The Ethiopian subject who acquires another nationality;
 - (b) The Ethiopian woman by her marriage to a foreigner.
16. The naturalization thus granted by decree will not extend its effects to the naturalized person's legitimate wife unless the latter personally applies for the benefit thereof.
18. The Ethiopian woman who, by her marriage to a foreigner, has lost her Ethiopian nationality, will be able to recover it as a result of the dissolution of her marriage, through a divorce, or physical separation or on account of her husband's death, if she returns to reside in Ethiopia and applies to the Ethiopian Government for reintegration into her original Ethiopian nationality.

Finland

ACT OF 9 MAY 1941 RESPECTING THE ACQUISITION AND LOSS OF FINNISH CITIZENSHIP

Article 3. An alien woman who marries a Finnish man acquires citizenship by the marriage...

Article 4. An alien may acquire Finnish citizenship by making application therefor if:

- (1) He has attained twenty-one years of age;

(2) His ordinary residence and home has for the five immediately preceding years been in Finland;

(3) His conduct is known to be irreproachable; and

(4) He is and presumably will continue to be able to support himself and his family.

A married couple may not be granted Finnish citizenship unless they make a joint application: provided that a married alien may be granted Finnish citizenship on his own application if the other spouse is a Finnish citizen, or both spouses have ceased to cohabit and therefore live apart, or the other spouse has been missing for not less than three years, or there are other special reasons for granting Finnish citizenship.

Article 6. An applicant may be granted Finnish citizenship even though he does not meet the requirement set out in article 4, first paragraph, sub-paragraph (2), if he was formerly a Finnish citizen, or is married to a Finnish citizen, or his spouse with whom he is jointly applying for Finnish citizenship meets the aforesaid requirement, or there are special reasons for granting him Finnish citizenship.

Article 10. A Finnish citizen who is admitted to the citizenship of another country upon his application shall lose his Finnish citizenship. A Finnish citizen who becomes a citizen of another country otherwise than upon his application shall lose his Finnish citizenship if his actual residence and domicile are outside Finland; if he resides in Finland he shall lose his Finnish citizenship on removing his residence from Finland.

A foreign-born woman married to a Finnish man shall lose Finnish citizenship if:

In addition to having Finnish citizenship she has retained the citizenship which she possessed before her marriage and her husband acquires that citizenship; or

She has retained her former citizenship and, after dissolution of the marriage with the Finnish man, marries a man who is a citizen of the country whose citizenship she has retained. (Act of 23 July 1943.)

Article 11. A person who by birth has acquired both Finnish citizenship and a foreign citizenship shall lose his Finnish citizenship upon attaining twenty-one years of age if at that time he is a citizen of the foreign country and does not have his ordinary residence and home in Finland, or, being subject to military service in Finland, has not performed or begun to perform regular military service there, or has not attended a Finnish-language or Swedish-language school in Finland for at least two years, or has not otherwise had any such relationship with Finland as would indicate solidarity with that country.

When a Finnish man loses Finnish citizenship as provided in the first paragraph, his wife shall also lose Finnish citizenship if she was born an alien and has retained foreign citizenship.

France

FRENCH NATIONALITY CODE OF 19 OCTOBER 1945

Article 37. Subject to the provisions of articles 38, 39, 40 and 41, a foreign woman marrying a French national acquires French nationality upon the celebration of the marriage.

Article 38. The [foreign] woman whose national law permits her to retain her nationality, has the right to declare, prior to the celebration of the marriage, that she declines the French nationality. This right may be exercised without any authorization, even when the woman is a minor.

Article 39. During the six months following the celebration of the marriage, the Government may by decree object to the acquisition of French nationality.

In the event of an objection by the Government, the woman concerned shall be deemed never to have acquired French nationality...

Article 40. An alien woman against whom an expulsion order or restricted residence order has been issued, the original terms of which have not been expressly rescinded, shall be excluded from the benefit of article 37.

Article 42. A woman does not acquire French nationality if her marriage to a French national is annulled by a decision of a French court or by a decision enforceable in France, even if the marriage was contracted in good faith...

Article 64. The following may be naturalized without any condition as to length of residence:

...

(4) The wife and child of a foreigner who acquires French nationality.

Article 94. A French woman marrying a foreign national retains her French nationality, unless before the celebration of the marriage, she makes an express declaration, under the conditions and in the form established in article 101 *et seq.*, that she renounces the said nationality...

In that case, the woman is released of her allegiance to France as from the date of the marriage ceremony.

Article 96. The Frenchman who, in fact, acts as a national of a foreign country can, if he has the nationality of that country, be deprived, by decree, of his French nationality.

In such case, he is liberated of his allegiance to France as of the date of the decree.

The measures taken in respect of him may be extended to his wife and minor children if they have a foreign nationality. However, no such measure may be extended to minor children unless it is also extended to the wife.

Article 100. The loss [of nationality] may also be extended to the wife and minor children of the person concerned, if they are of foreign origin and have retained foreign nationality.

Germany (Federal Republic of)

BASIC LAW OF THE FEDERAL REPUBLIC OF GERMANY OF 23 MAY 1949

Article 3, section 2. Men and women shall have equal rights.*

Article 16, section 1. No one may be deprived of his (her) German citizenship. Citizenship may be lost only by operation of law; and no person shall lose citizenship against his (her) will if he (she) is thereby rendered stateless.

Greece

CIVIL LAW OF 1856 AS AMENDED AND SUPPLEMENTED BY DECREE LAW OF 12 AUGUST 1927 AND LAW NO. 2280 OF 1940

Article 17. ...

The wife of a naturalized Greek subject acquires Greek nationality as of right upon the naturalization of her husband. She may, however, if she is of foreign origin, repudiate this nationality within one year of her husband's naturalization by making a declaration before the municipal or communal authorities of her place of domicile. Her declaration must be accompanied by a certificate from the competent foreign authority to the effect that she retains her former nationality.

Article 21. A foreign woman who marries a Greek national acquires Greek nationality.

Article 24. The wife and children of a person who has lost Greek nationality remain Greek subjects.

* A memorandum by the Permanent Observer of the Federal Republic of Germany to the United Nations reads as follows:

"This Article, which became effective on April 1, 1953, has abrogated or materially changed most of the provisions of the Nationality Act of July 22, 1913, which up to then governed the nationality of married women. Since then the legal situation is as follows:

"(a) Marriage of a foreign woman with a German national does not bestow German nationality on that woman.

"(b) A German woman does not lose her German nationality by marriage to an alien.

"(c) A German woman loses her German nationality by acquiring a foreign nationality, provided that this acquisition occurs on her own application, and provided further that she does not have her domicile or permanent residence in Germany.

"(d) If a foreign husband is naturalized in Germany, such naturalization does not automatically extend to his wife. His wife has to make an application of her own for naturalization.

"(e) A German woman may be discharged from German nationality upon her own application."

The German Nationality Act of 22 July 1913 contains the following provisions:

Article 6. Marriage with a German bestows the citizenship of the husband on the wife.

Article 16 (2). If, during marriage, the husband acquires German nationality, this nationality is extended to the wife.

Article 17 (6). The German woman who marries an alien loses her German nationality.

Article 18. If the husband loses his German nationality, this loss will be extended to the wife only with her consent.

Article 25. A Greek woman who has married a foreigner loses Greek nationality, if by virtue of her marriage she acquires the nationality of her husband. If her husband becomes a naturalized Greek subject, or dies, or upon divorce, she may recover Greek nationality by making a declaration, before the municipal authority of the place where she proposes to establish her domicile, of her intention to recover the said nationality, whether she is already a resident of Greece or has recently returned from abroad.

Guatemala

POLITICAL STATUTE OF 10 AUGUST 1954

Article 9. ...

An alien shall be a Guatemalan national by naturalization if:

...

(c) Being a woman married to a Guatemalan national, she opts for her husband's nationality.

A person shall on naturalization expressly renounce any other former nationality...

Article 13. Guatemalan nationality shall be forfeited:

(a) By naturalization in a foreign country;...

Haiti

ACT OF 22 AUGUST 1907 AS AMENDED BY ACT NO. 220 OF 23 OCTOBER 1942

Article 9. The alien woman married to a Haitian follows the nationality of her husband.

The Haitian woman married to an alien retains her Haitian nationality.

Article 15. The Haitian woman whose Haitian husband is naturalized abroad during marriage, retains her Haitian nationality unless she is naturalized abroad.

Honduras

CONSTITUTION OF 28 MARCH 1936

Article 9. Neither matrimony nor its dissolution affect the nationality of husband, wife, or their children.

Hungary

NATIONALITY ACT LX OF 1948 ISSUED ON 30 DECEMBER 1948

Article 3. (1) Hungarian nationality by marriage is acquired by any woman of non-Hungarian nationality who marries a Hungarian citizen.

(2) The woman shall keep her Hungarian nationality acquired in accordance with the provisions of paragraph (1) upon the death of her husband or if the Court dissolves the marriage or separates the spouses from bed and board.

Article 12. Any woman contracting marriage with a foreign citizen shall lose her Hungarian nationality unless she does not acquire by such marriage the nationality of her husband.

Article 19. (1) The Minister of the Interior may renaturalize also in default of the requirements set out in paragraph (a) of article 4:

...

2. Any woman having lost her Hungarian nationality through marrying a non-Hungarian national if

(a) She has become a widow, or

(b) Her marriage has been dissolved by a judicial decision valid according to Hungarian law, or

(c) If she has been living for more than a year in Hungary separated from her husband.

(2) In applying paragraph (1), item 2 (b), a decision separating the spouses from bed and board shall be regarded equivalent to a decision dissolving the marriage if the marriage cannot be dissolved according to the law of the country of the husband.

Article 22. (1) Any woman having lost her Hungarian nationality by marriage shall re-acquire her Hungarian nationality if her marriage has been declared invalid by Court decision provided such judgment is valid according to Hungarian law. The re-acquisition of Hungarian nationality takes place on the day on which the judicial decision becomes valid.

Iceland

ICELANDIC NATIONALITY ACT (EFFECTIVE 1 JANUARY 1953)

Article 6. Nationality may be granted by statute in accordance with the Constitution.

Before an application for nationality is submitted to the Althing, the Ministry of Justice shall have received a report thereon from the chief of police and from the local authority of the applicant's place of residence...

Article 7. Icelandic nationality shall be lost by

(1) Any person acquiring foreign nationality by application or express consent;...

Article 11. ... A woman who under the previous law has lost Icelandic nationality by marrying a foreign national or by acquiring foreign nationality either by marriage or because her husband has acquired the same, but who would have retained her Icelandic nationality if the provisions of this Act had been in force previously, may recover her nationality by notifying the Ministry of Justice in writing before 31 December 1957 of her wish to do so.

A woman who before 1 January 1956 reaches the age of twenty-two and is or has been married at that time shall not lose Icelandic nationality under the first paragraph of article 8 before the end of 1956...

India

BRITISH NATIONALITY AND STATUS OF ALIENS ACT, AS AMENDED*

Section 10

(1) Subject to the provisions of this section, the wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien.

(2) Where a woman has (whether before or after the commencement of this Act) married an alien, and was at the time of her marriage a British subject, she shall not, by reason only of her marriage, be deemed to have ceased to be a British subject unless, by reason of her marriage, she acquired the nationality of her husband.

...

(4) Where a man ceases, during the continuance of his marriage, to be a British subject and, by reason of his acquisition of a new nationality, his wife also acquires that nationality, she may, whether her marriage is still continuing or not, at any time within the period of twelve months from the date on which she so acquired that nationality, or at such later time as the Secretary of State may in special circumstances allow, make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to have remained a British subject.

Section 11

A woman who, having been a British subject, has by, or in consequence of, her marriage become an alien, shall not, by reason only of the death of her husband, or the dissolution of her marriage, cease to be an alien, and a woman who, having been an alien, has by, or in consequence of, her marriage become a British subject, shall not, by reason of the death of her husband or the dissolution of her marriage, cease to be a British subject.

Section 14 (1)

Any person who by reason of his having been born within His Majesty's dominions and allegiance or on board a British ship is a natural-born British subject, but who at his birth or during his minority became under the law of any foreign State a subject also of that State, and is still such a subject, may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

Indonesia

LAW NO. 3 OF 10 APRIL 1946 CONCERNING CITIZENS AND RESIDENTS OF INDONESIA

Article 2. (1) A married woman shall take during the subsistence of her marriage the citizenship of her husband;

* According to the communication received by the Secretary-General from the Government of India, a citizenship bill is under consideration in India; until this bill becomes law, there is no nationality law in India apart from the provisions of Part II of the Constitution dealing with citizenship in general.

(2) A married woman may not make an application or a declaration relating to change of citizenship.

Article 9. (1) A woman who has forfeited her Indonesian citizenship in consequence of her marriage may within one year after the dissolution of her marriage recover her citizenship by declaring in writing to the Minister of Justice that she desires to do so...

Article 10. (1) A woman who in consequence of her marriage has acquired Indonesian citizenship shall retain the same after the dissolution of her marriage, unless she submits in writing to the Minister of Justice within one year after the dissolution of her marriage a declaration that she no longer desires to be an Indonesian citizen...

Iran

CIVIL CODE

Book II. Nationality (Law of 16 February 1935)

Article 976. The following persons are Iranians:

...

6. Any alien woman married to an Iranian;...

Article 984. The wife and children under age of a person naturalized in accordance with this statute shall be regarded as Iranian nationals.

However, the wife, within one year of the date of her husband's naturalization, and children under age within one year following their eighteenth birthday, may, by submitting a declaration in writing to the Ministry of Foreign Affairs, opt for the husband's or father's former nationality...

Article 986. An alien woman who becomes an Iranian by marriage may, if the marriage is dissolved by divorce or by the husband's death recover her former nationality, provided that she notifies in writing the Ministry of Foreign Affairs.

Nevertheless, where there are children of a marriage dissolved by the husband's death, the widow may not exercise this right for so long as the children are under the age of eighteen years...

Article 987. An Iranian woman who marries an alien shall retain her Iranian nationality unless under the law of the country of which her husband is a national she follows her husband's nationality.

However, after her husband's death or upon the dissolution of the marriage, she shall recover her nationality of origin, with all the rights and privileges attaching thereto, on the mere submission of an application to the Ministry of Foreign Affairs together with the death certificate of her husband or the document evidencing the dissolution of the marriage.

Observation 1. Where under the law of the country of which her husband is a national an Iranian woman may opt either for her nationality of origin or for the nationality of her husband and she wishes to acquire the nationality of her husband, she may on submission of an application in writing to the Ministry of Foreign Affairs, be authorized to acquire that nationality, provided that her application is supported by sufficient reasons...

Iraq

NATIONALITY LAW OF 9 OCTOBER 1924 AS AMENDED BY NATIONALITY (AMENDMENT) LAW OF 25 FEBRUARY 1925

Article 17. The wife of an Iraq national shall be deemed to be an Iraq national; the wife of an alien shall be deemed to be an alien.

(i) Provided that a woman who has acquired Iraq nationality by marriage may within three years after the death of her husband or dissolution of the marriage renounce her Iraq nationality by declaration made in the form hereinafter provided and shall hereupon cease to be an Iraq national.

(ii) Provided also that a woman who has lost Iraq nationality by marriage, may resume it by declaration made in the form hereinafter provided within three years from the death of her husband or the dissolution of her marriage.

Article 19. If a widow or divorced woman who is an alien, marries an Iraq national, her children born before the said marriage shall not by reason only of such marriage acquire Iraq nationality.

Ireland

NATIONALITY AND CITIZENSHIP ACTS, 1935 AND 1937

Article 4. (4) Where the applicant for a certificate of naturalization is the spouse of a person who is under this Act deemed (in virtue of permanent residence in Saorstát Eireann) to be a natural-born citizen of Saorstát Eireann, the Minister may, if he so thinks proper, dispense in the case of such applicant with compliance by such applicant with so much of this section as relates to residence in Saorstát Eireann prior to the application for a certificate of naturalization.

...

Article 11. Whenever the Minister revokes a certificate of naturalization, then, if the person to whom such certificate related is, at the time of such revocation, married and his wife or her husband (as the case may be) was immediately before such revocation a citizen of Saorstát Eireann, the following provisions shall have effect, that is to say:

(a) Such revocation shall not of itself prejudice or affect such citizenship of such wife or husband;

...

Article 15. ...

(2) The marriage, on or after the date of the passing of this Act, of a citizen of Saorstát Eireann to a person who is not a citizen of Saorstát Eireann shall not of itself operate to deprive the party to such marriage who is previous thereto a citizen of Saorstát Eireann of his said citizenship or to confer citizenship of Saorstát Eireann on the party to the said marriage who is not a citizen of Saorstát Eireann previous thereto.

Article 16. ...

(3) Where one of the parties to a marriage solemnized (whether in or outside Saorstát Eireann) on or after the date of the passing of this Act is, immediately before such marriage, a citizen of Saorstát Eireann and the other of such parties is, immediately before such marriage, not a citizen of Saorstát Eireann, and such parties intend permanently to have their ordinary residence outside Saorstát Eireann after such marriage, the said party who is, immediately before such marriage, a citizen of Saorstát Eireann shall at the time appointed by the next following sub section of this section cease to be a citizen of Saorstát Eireann unless he or she shall before the expiration of one year after such marriage make and lodge with the Minister in the prescribed form and manner a declaration of election to retain Saorstát Eireann citizenship as his or her post-nuptial citizenship.

(4) The time at which any particular person shall cease to be a citizen of Saorstát Eireann by virtue of the next preceding sub-section of this section shall be whichever of the following times is applicable to his or her case, that is to say:

(a) If such person shall, on or within one year after his or her marriage, acquire the nationality of his or her spouse—the expiration of such year, or

(b) If such person has not, before the expiration of one year after his or her marriage, acquired the nationality of his or her spouse—the date on which he or she acquires such nationality.

Article 18. Where—

(a) One of the parties to a marriage solemnized (whether in or outside Saorstát Eireann) on or after the date of the passing of this Act, is immediately before such marriage, a citizen of Saorstát Eireann and the other of such parties is, immediately before such marriage, not a citizen of Saorstát Eireann, and

(b) Such parties intend permanently to have their ordinary residence in Saorstát Eireann, and

(c) The party to such marriage who, immediately before such marriage, was not a citizen of Saorstát Eireann duly applies under this Act for a certificate of naturalization and lodges with the Minister with the application for such certificate a declaration in the prescribed form electing to take citizenship of Saorstát Eireann as his or her post-nuptial citizenship, and proves in the prescribed form and manner to the satisfaction of the Minister that he or she has ceased or will, upon the acquisition of citizenship of Saorstát Eireann, cease to be a citizen of any other country,

the provisions of this Act in relation to residence in Saorstát Eireann before the application as a condition precedent to the issue of a certificate of naturalization shall, in respect of the said party so applying for such certificate, be subject to the following modifications, that is to say, if the said party is a man the said condition in relation to residence shall be that such party shall have been ordinarily resident in Saorstát Eireann for a period of two years ending on the date of such application, and if such party is a woman the Minister shall dispense with compliance by such party with the said condition in relation to residence.

Article 19. (1) The death of a person shall not effect any change in or loss of the citizenship of the surviving wife or husband of such person.

(2) The acquisition of citizenship of Saorstát Eireann by a person shall not of itself confer citizenship of Saorstát Eireann on the wife or husband of such person, and the loss of citizenship of Saorstát Eireann by a person shall not deprive the wife or husband of such person of such citizenship.

(3) The acquisition by a person of citizenship of a country other than Saorstát Eireann shall not of itself deprive the wife or husband of such person of citizenship of Saorstát Eireann.

Israel

NATIONALITY LAW OF 1 APRIL 1952

Article 5. (a) A person of full age, not being an Israel national, may obtain Israel nationality by naturalization if:

- (1) He is in Israel; and
- (2) He has been in Israel for three years out of the five years immediately preceding the day of the submission of his application; and
- (3) He is entitled to reside in Israel permanently; and
- (4) He has settled, or intends to settle, in Israel; and
- (5) He has some knowledge of the Hebrew language, and
- (6) He has renounced his prior nationality or has proved that he will cease to be a foreign national upon becoming an Israel national.

...

Article 7. The spouse of a person who is an Israel national or who has applied for Israel nationality and meets or is exempt from the requirements of section 5 (a) may obtain Israel nationality by naturalization even if she or he is a minor or does not meet the requirements of section 5 (a).

Italy

ACT NO. 555 OF 13 JUNE 1912 ON NATIONALITY

Article 10. A married woman cannot assume a citizenship different from her husband's, even if there is a legal separation between them. A foreign woman who marries a citizen acquires Italian citizenship. She retains it also during her widowhood, except in the case when she re-acquires her original citizenship, by remaining abroad, or transferring abroad her residence.

A female citizen who marries a foreigner loses Italian citizenship, if her husband possesses a citizenship which may be communicated to her by the marriage. In case of dissolution of the marriage, she becomes again a citizen, if she resides in the Kingdom, or if she returns there, and in both cases declares that she is willing to re-acquire citizenship. The fact of residence in the Kingdom for over two years after the dissolution of the marriage, if there are no children born from that marriage, shall be tantamount to this declaration.

Article 11. If the husband, being a citizen, becomes a foreigner, the wife who has residence in common with him loses Italian citizenship if she acquires that of her husband; but she may re-acquire it, in conformity with the provisions of the preceding article.

If the husband, being a foreigner, becomes a citizen, the wife acquires citizenship if she has residence in common with him.

If, however, husband and wife are legally separated, and there exist no children born from their marriage, who, in pursuance of the following article, should acquire their father's new citizenship, the wife may declare her willingness to maintain her own citizenship.

Japan

NATIONALITY LAW OF 4 MAY 1950

Article 4. The Attorney-General shall not permit the naturalization of an alien unless he or she fulfils all of the following conditions:

(1) That the alien has had a domicile in Japan for five or more years consecutively;

(2) That the alien is twenty years of age or more and a person of full capacity according to the law of his or her native country;

...

(4) That the alien has property or ability enough to lead independent living;

...

Article 6. With respect to an alien who falls under any one of the following items, the Attorney-General may permit the naturalization of the alien even when the said alien does not fulfil the conditions indicated in items (1), (2) and (4) of Article 4:

(1) The wife of a Japanese national;

...

Article 8. A Japanese national shall lose his or her Japanese nationality when he or she acquires a foreign nationality at his or her own will.

Hashemite Kingdom of Jordan

NATIONALITY LAW NO. 6 OF 4 FEBRUARY 1954

Article 8. (1) The wife of a Jordanian shall be a Jordanian national, and the wife of an alien shall be an alien.

(2) A woman who has acquired Jordanian nationality by marriage may renounce the same within two years from the death of her husband or the dissolution of her marriage by making a declaration in the form prescribed in this Law, and shall thereby lose her Jordanian nationality.

(3) A woman who has lost her Jordanian nationality by marriage may recover the same within two years from the death of her husband or the dissolution of her marriage by making a declaration in the form prescribed in this Law.

Korea

NATIONALITY LAW NO. 16 OF 20 DECEMBER 1948

Article 3. An alien who is a person as laid down below shall acquire the nationality of the Republic of Korea:

1. The wife of a national of the Republic of Korea; ...

Article 4. If an alien desires to acquire the nationality of the Republic of Korea, he must satisfy the following conditions:

...

2. If a woman she must not be the wife of an alien; ...

Article 5. Any alien may apply to the Minister of Justice for the grant of naturalization, provided that he satisfies the following conditions:

1. He must have resided continuously in the Republic of Korea for not less than five years;

2. He must be over the age of twenty years;

...

4. He must have sufficient resources to maintain himself independently or be able to earn his livelihood; ...

Article 7. An alien who fails to satisfy the conditions laid down under nos. 1, 2 and 4 of article 5 may be naturalized, provided that he resides in the Republic of Korea and fulfils any of the conditions laid down below:

...

3. That if a woman, she has not acquired the nationality of the Republic of Korea but is the wife of a person who has acquired that nationality...

Article 8. The wife of a person who has acquired the nationality of the Republic of Korea shall acquire that nationality also unless otherwise provided by the law of her country...

Article 9. The wife of an alien shall not be naturalized except together with her husband.

Article 12. A national of the Republic of Korea shall forfeit the nationality of the Republic of Korea if:

- (1) He is married to an alien and acquires the nationality of the spouse...

Article 13. Where the wife or minor son of a man who has forfeited the nationality of the Republic of Korea acquires his nationality, they shall forfeit the nationality of the Republic of Korea.

Laos

ACT NO. 138 ON ACQUISITION AND LOSS OF LAOTIAN NATIONALITY OF 6 APRIL 1953

Article 3. A Laotian woman marrying an alien shall retain Laotian nationality unless at the time of solemnization of the marriage she expressly declares

her desire to acquire the nationality of her husband in accordance with the law of the State...

Article 4. An alien woman marrying a Laotian national shall assume the status of her husband unless her own status allows her to retain her original nationality and she avails herself of that right at the time of the marriage...

Article 5. A person entitled to opt under articles 3 and 4 and over eighteen years of age on the entry into force of this Act and domiciled in Laos since his majority shall have Laotian nationality unless he disclaims it within a year from the date of publication of this Act.

Article 6. This Act shall not apply to a French national or to his descendants. The provisions of law relating to such persons shall continue in force and may be amended only by agreement between the French Government and the Royal Government.

Lebanon

ORDINANCE NO. 15/S OF 19 JANUARY 1925

Article 4. A woman married to a foreigner who has become a naturalized Lebanese, and the children of age of a naturalized foreigner will be able, if they apply therefor, to obtain the Lebanese nationality, without condition of residence, either by an ordinance which confers this nationality on the husband, father or mother, or by a special ordinance ...

Article 5. A foreign woman who marries a Lebanese becomes a Lebanese.

Article 6. A Lebanese woman who marries a foreigner will lose her nationality, provided, however, that the national law of her husband grants her the nationality of the latter, otherwise she will remain a Lebanese.

Article 7. A woman who has lost her Lebanese nationality by the fact of her marriage to a foreigner, will be able, after the dissolution of this marriage, to recover, by an ordinance of the chief of the State, the Lebanese nationality provided she resides in Greater Lebanon or comes back thereto and states her wish to reside therein.

Liberia

LAW OF 8 FEBRUARY 1922

Section 70. Wife of Citizen. Any woman of Negro descent married to a citizen of the Republic of Liberia is a citizen thereof; and it is immaterial whether the husband became a citizen before or after marriage. Any woman who acquires Liberian citizenship by marriage shall be assumed to have retained it after the termination of the marital relation by death or absolute divorce if she continues to reside in the Republic of Liberia, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens or, if she resides abroad, she may retain Liberian citizenship by registering as a Liberian citizen before a Liberian consul within one year after the termination of the marital relation.

Section 71. A Liberian Woman who Marries a Foreigner. A Liberian woman who marries a foreigner takes the nationality of her husband. At the termination of the marital relation, by death or absolute divorce, she may resume her Liberian citizenship; if abroad, by registering as a Liberian citizen within one year with a Consul of the Republic of Liberia, or by returning to reside in the Republic of Liberia; or if residing in the Republic of Liberia at the termination of the marital relation by continuing to reside therein.

Liechtenstein

ACT OF 14 NOVEMBER 1933 CONCERNING THE ACQUISITION AND LOSS OF NATIONALITY

Article 3. Liechtenstein nationality is acquired:

- (a) By birth and legitimation;
- (b) By marriage;
- (c) By naturalization.

...

Article 5. If an alien woman marries a Liechtenstein national she acquires Liechtenstein nationality without special grant, subject, however, to the provisions of article 29 of the Communes Act of 24 May 1864.

Similarly, if an alien obtains Liechtenstein nationality by naturalization, his wife acquires the said nationality, unless they have been judicially separated or the marriage has been dissolved or annulled.

...

Article 17. Liechtenstein nationality is lost by:

- (a) Renunciation, express or implied;
- (b) Marriage;
- (c) Deprivation of nationality.

Article 18. ...

In the case of a married man it shall be a consequence of his renunciation that his wife and legitimate minor children likewise lose Liechtenstein nationality.

Article 19. ...

In the event of implied renunciation as aforesaid, that person's wife, children and descendants shall also be deemed to have renounced Liechtenstein nationality.

Article 20. A woman shall cease to be a Liechtenstein national if she marries an alien.

Luxembourg

ACT OF 9 MARCH 1940 ON LUXEMBOURG NATIONALITY

Article 8. The wife who applies for naturalization jointly with her husband, is not required to fulfil the conditions of age and residence determined in article 6.

Article 19. Can acquire Luxembourg nationality by option: ...

(3) The alien woman who marries a Luxembourg national or whose husband acquires by option or re-acquires Luxembourg nationality.

Article 21. In the cases provided for in article 19 (3), the declaration of option must be made within six months from the day of the marriage or from the date on which the husband has acquired or has re-acquired Luxembourg nationality.

Article 22. In the cases provided for in article 19 ... (3), the option will not be received:

(1) Where the national law of the applicant permits him/her to retain or to be authorized to retain his/her nationality while acquiring another one, unless the applicant establishes, by means of certificates or statements issued by competent authorities, that he/she has made no use of this right and that he/she is losing or has lost definitely his/her original nationality ...

Article 25. The Luxembourg nationality is lost by:

...

(2) The woman who marries an alien of a specified nationality, if she acquires necessarily her husband's nationality under the foreign law.

(3) The woman whose husband acquires voluntarily a foreign nationality, if her husband's nationality is granted to her under the foreign law; however, the woman can, in these two cases, retain the Luxembourg nationality, if she is a Luxembourg by birth, and if she makes a declaration to this effect within six months of the day of the marriage or of the day on which the husband ceased to be a Luxembourg national.

Article 26.

...

(2) The woman who has lost Luxembourg nationality by application of article 25 (2) and (3) ... can, if she is a Luxembourg by birth, recover Luxembourg nationality by simple declaration:

(a) If the marriage has been dissolved;

(b) If the husband, alien by birth, has become a Luxembourg citizen by naturalization.

This declaration will be admissible if the applicant has had her habitual residence in the Grand Duchy during one year preceding the declaration.

Article 30. The wife and the children of a Luxembourg national who has been deprived [of his citizenship] can renounce Luxembourg nationality within three months from the day of the recording of the sentence ordering the deprivation.

Mexico

POLITICAL CONSTITUTION OF 5 FEBRUARY 1917

Article 30. Mexican nationality is acquired by birth or by naturalization ...

B. The following are Mexicans by naturalization: ... II. An alien woman who contracts marriage with a Mexican and maintains or establishes her domicile in the national territory.

NATIONALITY AND NATURALIZATION ACT OF 5 JANUARY 1934

Article 2. The following are Mexicans by naturalization: ... II. An alien woman who contracts marriage with a Mexican and maintains or establishes her domicile in the national territory. Upon application by the woman concerned, who shall make the disclaimers and statements referred to in articles 17 and 18 of the said Act, the Secretariat of Foreign Affairs shall issue the necessary declaration in each case. An alien woman who thus acquires Mexican nationality shall retain it even after dissolution of the marriage.

Article 4. A Mexican woman who marries an alien does not lose her nationality by reason of such marriage.

Article 20. Acquisition of Mexican nationality by the husband after marriage entitles the wife to obtain the same nationality, provided she maintains or establishes her domicile in the Republic and applies in writing to the Secretariat of Foreign Affairs and makes the disclaimers referred to in articles 17 and 18 of the present Law. The Secretariat of Foreign Affairs shall issue the necessary declaration.

Monaco

CIVIL CODE

Article 10. [Ordinance of 13 April 1911]. In addition, the following persons may be naturalized irrespective of any condition governing residence: ...

2. A woman married to an alien when he applies for or has already obtained naturalization; ...

Article 12. An alien woman who marries a Monegasque subject follows the status of her husband.

Article 17. [Ordinance of 13 April 1911]. A person shall lose the status of Monegasque subject if:

1. He obtains naturalization in a foreign country or acquires, at his request, a foreign nationality by application of law; ...

Article 18. [Act No. 572 of 18 November 1952]. A person who has lost the status of Monegasque subject may recover this status by obtaining his reinstatement by Sovereign Ordinance.

By the same Ordinance the status of Monegasque subject may be granted to that person's wife and adult children, if they apply for it.

Article 19. [Act No. 415 of 7 June 1945]. If a Monegasque woman marries an alien she shall retain her Monegasque nationality unless she expressly declares her wish to acquire her husband's nationality in conformity with the provisions of the national law of his country.

This declaration shall be made at the time when the marriage is solemnized in response to the question which shall be put by the registrar, and shall be referred to in the marriage certificate; unless made in accordance with this provision the declaration shall be void.

However, the declaration shall remain inoperative if the wife subsequently produces evidence showing that she has been unable to acquire her husband's nationality; reference to this evidence shall be made in a marginal note to the marriage certificate.

If the marriage is solemnized abroad, the above declaration, to be valid, shall be made, before the marriage ceremony, in the presence of a diplomatic or consular representative of the Principality.

Article 20. [Act No. 415 of 7 June 1945]. A married woman of Monegasque origin who has lost her nationality through marriage may recover her Monegasque nationality on the conditions stated in the first paragraph of article 18 ...

Nepal

NEPALESE CITIZENSHIP ACT OF 1952

Article 3. An alien woman, contracting marriage with a Nepalese citizen, according to the laws and customs prevailing in the Kingdom of Nepal, shall be deemed to be a citizen of Nepal.

Article 4. A person belonging to one of the following categories, who fulfils all the formalities mentioned in this Act can acquire Nepalese citizenship:

...

(b) A woman who is born of Nepalese parents, and is married to a foreigner, shall recover Nepalese citizenship in case of her husband's death or of dissolution of marriage by divorce or desertion by the husband or legal separation from him.

...

Article 8. Any Nepalese national who acquires foreign citizenship cannot at the same time continue to retain Nepalese citizenship.

Netherlands

ACT OF 12 DECEMBER 1892, RELATIVE TO NETHERLANDERSHIP AND RESIDENTSHIP, AS AMENDED BY THE ACT OF 21 DECEMBER 1936

Article 5. During marriage the wife shall share the status of her husband, except that the wife of a Netherlander who is naturalized in another country and the Netherlands woman who marries an alien shall possess the status of Netherlander independently, when they neither do nor can acquire a foreign nationality, in the former event by the naturalization of the husband, in the latter case by concluding the marriage.

During marriage the woman who under the first section of this article possesses the status of Netherlander independently shall share the status of her husband from the time when both possess the same nationality.

A petition for naturalization cannot be filed by a married woman.

Naturalization granted to the husband shall extend by right to the wife. After dissolution of the marriage article 8 or article 9 shall apply.

Article 7. Netherlandership is lost:

1. By naturalization in another country ...
2. By a pronouncement of divestiture to be made by Us, at the request of a person who is of age, be it a man or an unmarried woman, and who possesses a foreign nationality in addition to the status of Netherlander, having obtained both these nationalities without having stated the desire to possess them, and having his or her usual residence and principal abode abroad.
3. By the acquisition of a foreign nationality through the will of the acquirer.

...

Article 8. The woman who has lost the status of Netherlander through her marriage or in consequence thereof, shall regain it by the dissolution of the marriage, provided that within one year thereafter she shall give notice of her desire to regain it, either to the mayor of the place of her residence in the Realm or to the authority designated by the Governor (General) for the district comprising the last residence in Indonesia, Surinam or the Netherlands West Indies, or to the Netherlands diplomatic representative or a Netherlands consular officer in the country in which she resides.

Article 9. The woman who through her marriage or in consequence thereof has acquired the status of Netherlander shall retain it after the dissolution of the marriage, unless within one year thereafter she gives notice of her desire not to retain it any longer, either to the mayor of her last place of residence in the Realm or to the authority designated by the Governor (General) for the district comprising her last residence in Indonesia, Surinam, or the Netherlands West Indies, or to the Netherlands diplomatic representative or a Netherlands consular officer in the country in which she resides.

New Zealand

1948, No. 15. AN ACT TO MAKE PROVISION AS TO BRITISH NATIONALITY AND AS TO
NEW ZEALAND CITIZENSHIP

Section 9.

(1) The Minister may cause to be registered as a New Zealand citizen:
(a) An alien woman who has been married to a New Zealand citizen or to a person who would but for his death have become a New Zealand citizen by virtue of any of the provisions of section sixteen of this Act ...

Section 18. [Persons who have ceased to be British subjects on loss of nationality by parent] ...

(2) A woman shall be treated for the purposes of this section as if she would have been a New Zealand citizen but for the provisions of sub-section one of section twelve of the British Nationality and Status of Aliens Act, 1914, notwithstanding that after she ceased to be a British subject she married an alien.

Section 21. [Renunciation of citizenship for reasons of dual citizenship or nationality] ...

(2) If any New Zealand citizen of full age and capacity who is also a national of a foreign country makes a declaration in the prescribed manner of his renunciation of New Zealand citizenship, the Minister shall cause the declaration to be registered; and upon the registration, that person shall cease to be a New Zealand citizen.

(3) For the purposes of this section, any woman who has been married shall be deemed to be of full age.

Section 22.

(1) The Minister may by order deprive any person of his New Zealand citizenship if the Minister is satisfied that that person has at any time, while a New Zealand citizen and of full age and capacity: (a) acquired the nationality or citizenship of a foreign country by any voluntary and formal act other than marriage ...

Nicaragua

CONSTITUTION OF 1 NOVEMBER 1950

Article 19. The following persons are Nicaraguan nationals by naturalization:

...

(3) An alien woman married to a Nicaraguan national, provided that she resides in Nicaragua and expresses the wish to acquire Nicaraguan nationality; ...

Article 20. Neither marriage nor the dissolution of marriage shall affect the nationality of the spouses or that of their children.

Norway

NATIONAL ACT NO. 3 OF 8 DECEMBER 1950

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 eighteen 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 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 ...

Section 7. Norwegian nationality is lost by:

1. A person who acquires the nationality of another country upon application or by express consent; ...

Section 9. A Norwegian national may upon application be released from his Norwegian nationality by the King, or by the authority the King empowers thereto, provided the applicant is a national of another country or intends to become one. If the applicant does not possess any foreign nationality, his release shall be subject to the condition that he acquires such foreign nationality within a stipulated period of time.

...

Pakistan

PAKISTAN CITIZENSHIP ACT NO. II OF 1951 AS AMENDED BY THE PAKISTAN
CITIZENSHIP (AMENDMENT) ACT NO. V OF 1952

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

(2) Subject to the provisions of sub-section (1) and sub-section (4) a woman who has been married to a citizen of Pakistan or to a person who but for his death would have been a citizen of Pakistan under section 3, 4 or 5 shall be entitled, on making application therefor to the Central Government in the prescribed manner, and, if she is an alien, on obtaining a certificate of domicile and taking the oath of allegiance in the form set out in the Schedule to this Act, to be registered as a citizen of Pakistan whether or not she has completed twenty-one years of her age and is of full capacity.

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

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

Section 14. (1) Subject to the provisions of this section if any person is a citizen of Pakistan under the provisions of this Act, and is at the same time a citizen or national of any other country, he shall, unless ... he makes a declaration according to the laws of that other country renouncing his status as citizen or national thereof, cease to be a citizen of Pakistan.

...

NATURALIZATION ACT NO. VII OF 1926 AS AMENDED BY NATURALIZATION
(AMENDMENT) ACT OF 1952

Section 7. (1) ... the wife of any such person to whom a certificate of naturalization is granted after the commencement of the Indian Naturalization (Amendment) Act, 1935, shall, if not already a citizen of Pakistan, in like manner be so deemed and be so entitled and so subject, if within one year, or such longer period as the Central Government may in special circumstances allow, from the date of the taking and subscribing of such oath by her husband, she makes to the Central Government a declaration that she desires to be deemed to be a citizen of Pakistan, and if she is an alien as defined in the Pakistan Citizenship Act, 1951, obtains a certificate of domicile under that Act, and takes and subscribes the oath prescribed by section 6 of this Act.

(2) When the person to whom a certificate of naturalization has been granted has taken and subscribed the oath prescribed by section 6, any wife thereafter married by ... such person shall if she ... is not a citizen of Pakistan and if such person aforesaid at the date of the marriage, retains any rights, privileges or capacities of a citizen of Pakistan under this Act, be entitled, subject, in the case of a wife, to her making to the Central Government a declaration as provided in sub-section (1) and, if necessary, upon obtaining the certificate of domicile and making and subscribing the oath as further provided in that sub-section, to the same rights, privileges and capacities, and be subject to the same obligations, duties and liabilities, to which such person aforesaid was at that date entitled and subject.

Section 9. (1) Where a certificate is revoked under section 8, the former holder thereof shall cease to be deemed to be a citizen of Pakistan.

(2) On such revocation, the Central Government may, by order in writing, direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be deemed to be citizens of Pakistan; but where no such direction is made, the status of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation:

Provided that no such order shall be made in the case of a wife unless by reason of the acquisition by her husband of a new nationality she has also acquired that nationality.

Section 10. ...

(2) Where a declaration of alienage has been made in the manner aforesaid the person making the same, and the wife of any such person, and any children of any such person who are minors and are not by birth citizens of Pakistan, shall cease to be deemed to be citizens of Pakistan.

Provided that the wife of any such person shall not cease to be deemed to be a citizen of Pakistan under this sub-section, unless by reason of the acquisition by her husband of a new nationality she has also acquired that nationality.

Panama

CONSTITUTION OF 1 MARCH 1946

Article 10. Panamanians by naturalization are:

...

(b) Aliens with three consecutive years of residence in the territory of the Republic who may have ... a spouse of Panamanian nationality provided that they make the declaration and present the proof ...

Article 15. Panamanian nationality once acquired may be lost only by express or tacit renunciation.

Express renunciation shall take the form of a written declaration made by the national to the Executive to the effect that he wishes to relinquish Panamanian nationality.

Tacit renunciation is made if the national –

(1) Acquires the nationality of a foreign country ...

Paraguay

CONSTITUTION OF 10 JULY 1940

Article 38. A person is a Paraguayan national if –

(1) He was born in Paraguayan territory; or

(2) He was born abroad of Paraguayan parents one of whom was in the service of the Republic; or

(3) He was born abroad and one of his parents was at the time a Paraguayan national, on condition that he is domiciled and has been for ten consecutive years resident in Paraguay ...

Article 41. A person shall cease to be a Paraguayan citizen if –

(1) He commits fraudulent bankruptcy;

(2) He accepts subsidies and pensions from or uses decorations granted by a foreign Government without the permission of the Executive;

(3) He makes directly, or participates in, any attempt against the independence and security of the Republic; or

(4) He is naturalized in a foreign country ...

Article 42. An alien may obtain a certificate of naturalization from a court of the Republic on proving that he has resided in Paraguay for five consecutive years, and either possesses immovable and other property, or practices a science, art or industry. A certificate of naturalization shall be revoked if the person in question is absent from the country for two consecutive years ...

Peru

CONSTITUTION OF 9 APRIL 1933 AS AMENDED ON 26 SEPTEMBER 1940

Article 6. An alien woman married to a Peruvian acquires the nationality of her husband. A Peruvian woman who is married to an alien retains Peruvian nationality unless she expressly renounces it.

Philippines

COMMONWEALTH ACT NO. 63 OF 21 OCTOBER 1936

An Act providing for the ways in which Philippine citizenship may be lost or re-acquired

Section 1. How citizenship may be lost. A Filipino citizen may lose his citizenship in any of the following ways and/or events:

...

(7) In the case of a woman, upon her marriage to a foreigner if, by virtue of the law in force in her husband's country, she acquired his nationality.

Section 2. How citizenship may be acquired. Citizenship may be re acquired:

...

(2) ... a woman who lost her citizenship by reason of her marriage to an alien may be repatriated in accordance with the provisions of this Act after the termination of the marital status;

COMMONWEALTH ACT NO. 473 OF 17 JUNE 1939

An Act providing for the acquisition of the Philippine citizenship by naturalization

Section 6. Widow and minor children of aliens dying after declaration of intention not required to file declaration of intention. When any alien who has declared his intention to become a citizen of the Philippines dies before he is actually naturalized, the widow and minor children of such alien may, by complying with the other provisions of this Act, be naturalized without making any declaration of intention.

Section 15. Effect of the naturalization on wife and children. Any woman who is now or may hereafter be married to a citizen of the Philippines, and who might herself be lawfully naturalized shall be deemed a citizen of the Philippines ...

Section 16. Right of widow and children of petitioners who have died. In case a petitioner should die before the final decision has been rendered, his widow and minor children may continue the proceedings. The decision rendered in the case shall, so far as the widow and minor children are concerned, produce the same legal effect as if it had been rendered during the life of the petitioner.

Poland

ACT ON NATIONALITY OF 8 JANUARY 1951

Article 5. 1. A marriage contracted by a Polish national with a person who does not possess Polish nationality entails no change in the nationality of the spouses.

2. A change in the nationality of one of the spouses entails no change in the nationality of the other spouse.

Portugal

CIVIL CODE, AS AMENDED BY THE LAW OF 16 DECEMBER 1930

Article 18. Portuguese citizens are:

...

(6) The alien woman who marries a Portuguese citizen.

Article 22. Portuguese citizenship is lost:

...

(4) By a Portuguese woman who marries an alien, except when under the local law she does not acquire the nationality of her husband as a result of her marriage. However, upon dissolution of the marriage she can recover her former Portuguese nationality if she fulfils the conditions listed in the second part of paragraph 1 of the present article.

The naturalization abroad of a Portuguese citizen does not deprive his wife of Portuguese nationality unless she declares her wish to follow the nationality of her husband.

Romania

DECREE NO. 33 OF 24 JANUARY 1952 CONCERNING CITIZENSHIP OF THE
ROMANIAN PEOPLE'S REPUBLIC

Article 4. Citizenship of the Romanian People's Republic can neither be acquired nor lost by marriage or adoption.

Saudi Arabia

ORDINANCE NO. 7/1/47 OF 5 DECEMBER 1938

Article 12. (a) A foreign woman who is married to a Saudi Arabian national acquires the Saudi nationality if she does not insist on her original nationality for a period of one year following the date of contracting marriage. She may retain her husband's nationality after he divorces her or after he dies during the existence of the marital relation, though she has no child of his, provided the laws of her country so permit. If she has Saudi children of his she does in no way lose her nationality.

(b) Subject to rules 132 and 133 of the Sharia Courts Procedure Rules*, a Saudi Arabian woman does not lose her Saudi nationality by marrying a foreigner unless she is permitted to leave the Saudi Arabian Kingdom with her husband (in accordance with the respective Ordinance) and she makes a declaration of acquiring her husband's nationality; provided she may have the right to opt for her Saudi Arabian nationality if the contract of marriage has been terminated.

...

* Prohibiting a foreigner taking his Saudi wife outside Saudi Arabia against her will.

Spain

CIVIL CODE

Article 22. A married woman follows the condition and nationality of her husband.

If a woman who is a Spanish national marries an alien, she may, upon the dissolution of the marriage, recover Spanish nationality by complying with the requirements laid down in the preceding article.

Sweden

SWEDISH NATIONALITY ACT OF 22 JUNE 1950

Article 6. The Crown shall have power, on application being made, to grant Swedish nationality (naturalization) to a foreigner who:

- (1) Has attained the age of eighteen years;
- (2) Has resided in this country for seven years;
- (3) Is known to be of good character; and
- (4) Is able to support himself and his family.

If it is considered that the grant of Swedish nationality to the applicant is for the benefit of the country, if the applicant previously possessed Swedish nationality, if the applicant is married to a Swedish national, or if there are other weighty reasons for his naturalization, Swedish nationality may be conferred upon him irrespective of whether or not the conditions laid down in the first paragraph have been fulfilled. In the case of an applicant of Danish, Finnish, Icelandic or Norwegian nationality, irrespective of whether or not there are weighty reasons for his naturalization, the conditions laid down in point 2 may be waived.

If an applicant, being an alien, does not lose his foreign nationality upon receipt of Swedish naturalization, but requires permission to renounce his former nationality from the government of his country or other authority there, it shall be laid down as a condition for the acquisition of Swedish nationality that the applicant, within a fixed time, shall produce proof to the county administrative authority as prescribed by the Crown that such permission has been granted. It shall be incumbent on the county administrative authority to determine whether due proof has been produced and to communicate his decision.

Article 7. Swedish nationality shall be lost by:

- (1) A person who acquires foreign nationality upon application or by expressed consent ...

Article 9. If a person is, or wishes to become, a national of a foreign country, and desires to be released from his Swedish nationality, he shall apply to the Crown. If the applicant is not already a national of a foreign country, it shall be laid down as a condition for his release that he shall acquire the nationality of another country within a fixed time-limit.

TRANSITIONAL PROVISIONS

Article 15. This Act shall come into force on 1 January 1951.

The Act of 23 May 1924 (No. 130) respecting the acquisition and loss of Swedish nationality is hereby repealed, with the exception of article 13, first paragraph.

Article 18. A woman who, under the provisions of the former Act, lost her Swedish nationality through her marriage to an alien or because her husband became a foreign national, but who under the provisions of the new Act would have retained her Swedish nationality, may regain her nationality by making a declaration of her desire so to do, in accordance with any further conditions which the Crown may prescribe. Such a declaration may not, however, be made later than 31 December 1955.

Article 19. A woman who attains the age of twenty-two years during the years 1951-1953 and who upon reaching that age is or has been married, shall not lose her Swedish nationality, as prescribed in article 8 of this Act, until the end of 1953.

Switzerland

FEDERAL ACT OF 29 SEPTEMBER 1952 RELATING TO THE ACQUISITION AND LOSS OF SWISS NATIONALITY

Article 3. An alien woman acquires Swiss nationality by her marriage to a Swiss national ...

Article 9. Where a woman marries an alien and was at the time of her marriage a Swiss national, she shall cease to be a Swiss national if she acquires the nationality of her husband by the marriage, or already possesses this nationality, and fails to make a declaration at the time of the announcement or solemnization of the marriage to the effect that she desires to retain Swiss nationality.

The declaration shall, if made in Switzerland, be made in writing in the presence of the Registrar of Births, Marriages and Deaths responsible for announcing or solemnizing the marriage; and, if made abroad, in the presence of a Swiss diplomatic or consular agent.

Article 58. Where a woman who was a Swiss national by birth lost her nationality by marriage to an alien before this Act became operative, her Swiss nationality shall be restored to her free of charge, even though she continues to be married to the alien, if she applies for the restoration thereof to the Federal Department of Justice and Police within one year from the commencement of this Act. Any such application by a woman who was a Swiss national by birth and who, by her conduct, has caused serious prejudice to the interests or good name of Switzerland or who has in any other way shown herself manifestly unworthy of this privilege, shall be dismissed.

Syria

LEGISLATIVE DECREE NO. 21 OF 4 FEBRUARY 1953 ON SYRIAN NATIONALITY

Article 4. 1. Syrian nationality may be granted to any alien who fulfils the following conditions, that is to say if he: ...

(c) Has been effectively resident in Syria for not less than five consecutive years immediately before submitting his application for naturalization; ...

(f) Is able to speak, read and write Arabic;

(g) If required to do so, changes his foreign name into an Arab name as provided for by law.

...

Article 8. Syrian nationality may be granted, on their application, to the wife and to the children of full age of an alien who has acquired Syrian nationality, the condition concerning residence not being applicable in their case ...

Article 9. 1. An alien woman who marries a Syrian national acquires Syrian nationality by decree on her application, the conditions laid down in article 4, paragraph 1 (c), (f) and (g) not being applicable in her case.

2. Paragraph 1 of this article shall not apply to an alien woman of Arab origin, who shall acquire Syrian nationality on marrying a Syrian national.

...

Article 12. 1. A person shall cease to be a Syrian national if he acquires a foreign nationality, provided that he has obtained a decree permitting him to renounce Syrian nationality and has discharged all his obligations and duties to the State.

2. In the circumstances described in the foregoing paragraph, the wife of the person in question may be authorized, on her application, to renounce Syrian nationality if under the law of the foreign country whose nationality her husband has acquired she is entitled to acquire that foreign nationality by the operation of law; unless this condition is satisfied she shall retain her Syrian nationality ...

Article 13. 1. A Syrian woman who marries an alien shall lose her Syrian nationality if the nationality of her husband is conferred on her by the law of the country of which he is a national; otherwise she shall remain a Syrian national.

2. A woman who loses her Syrian nationality through her marriage to an alien may, if the marriage is dissolved, recover her Syrian nationality by making an application, provided that she has her habitual residence in Syrian territory or declares, after returning to Syria, that she wishes to reside in Syria ...

4. The provisions of paragraph 1 of this article shall apply only in cases where reciprocity exists.

Thailand

NATIONALITY ACT, B. E. 2495 OF 31 JANUARY 1952 AS AMENDED BY NATIONALITY ACT (No. 2), B. E. 2496 OF 24 JANUARY 1953

Section 8. An alien woman who marries a Thai shall thereby acquire Thai nationality.

Section 13. A Thai woman who marries an alien shall lose Thai nationality provided that according to the laws of the country of her husband she may acquire the nationality of her husband, and that she has declared to the Marriage Registrar her intention to lose Thai nationality.

Section 19. Withdrawal of nationality under section 18 may be extended to the wife and to the children who have not attained the age of *sui juris* of the person whose nationality is withdrawn, provided that the wife and children acquired Thai nationality by the effect of his naturalization, except where the wife had already Thai nationality before marriage ...

Section 20. If a Thai subject who has lost Thai nationality for any reason whatsoever desires to resume Thai nationality, he shall make an application to the Minister in the manner prescribed in the Ministerial Regulations.

Permission to resume Thai nationality and the refusal of such permission shall be at the discretion of the Minister; but in the following cases the applicant has the right to resume Thai nationality, viz.:

(1) Where the applicant is a Thai woman who has lost Thai nationality by marriage with a foreigner, and her marriage has been dissolved for any reason whatsoever; ...

Turkey

ACT OF 12 JUNE 1928 AS AMENDED ON 6 APRIL 1929

Article 13. Alien women who marry Turks become Turkish citizens. Turkish women who marry aliens remain Turkish. Alien women who have lost their nationality through marriage (to Turks) have the right to re-acquire it within three years after their separation from their Turkish husbands, as a result of the dissolution of the marriage for any reason. However, if the woman who requests the return of her former nationality has no children by a Turkish father, she must transfer her domicile abroad.

Union of South Africa

SOUTH AFRICAN CITIZENSHIP ACT NO. 44 OF 29 JUNE 1949

Article 8.

...

(5) The Minister may, notwithstanding the provisions of sub-section (1), upon application in the prescribed form, grant a certificate of registration as a South African citizen to a married woman who is not an alien and who satisfies the Minister that:

- (a) She is the wife of a South African citizen; and
- (b) She has been lawfully admitted to the Union for permanent residence therein; and
- (c) She has resided with her husband in the Union for a period of not less than two years.

Article 10.

...

(6) The Minister may, notwithstanding the provisions of sub-section (1), upon application in the prescribed form, grant a certificate of naturalization as a South African citizen to a married woman who is an alien and who satisfies the Minister that:

(a) She is the wife of a South African citizen; and

(b) She has been lawfully admitted to the Union for permanent residence therein; and

(c) She has resided with her husband in the Union for a period of not less than three years.

Article 12. A married woman shall, subject to the provisions of this Act, be capable of acquiring and losing South African citizenship in all respects as if she were an unmarried person, and no woman shall acquire or lose South African citizenship by reason merely of a marriage contracted by her.

Article 13. A woman who was a Union national or a British subject whilst she was unmarried and who, in consequence of her marriage to any person prior to the date of commencement of this Act, ceased at the time of the marriage or during the subsistence thereof, to be a Union national or, as the case may be, a British subject and who would, but for such marriage, still have been a Union national or, as the case may be, a British subject immediately prior to the date of commencement of this Act, shall, for the purposes of this Act, be deemed to have been a Union national or, as the case may be, a British subject immediately prior to the said date.

Article 14.

(1) A woman who:

(a) In consequence of her marriage to a person who was a British subject by virtue of his naturalization in the Union or a Union national, was immediately prior to the date of commencement of this Act, a British subject or, as the case may be, a Union national; or

(b) Is in terms of section thirteen deemed to have been, immediately prior to the date of commencement of this Act, a British subject or a Union national; and

(c) Is not by virtue of the provisions of section two or five a South African citizen by birth or descent,

shall be a South African citizen under this section and shall for the purposes of this Act be deemed to be a South African citizen by registration: Provided that if she originally acquired Union or British nationality in consequence of or by naturalization, or if, as the case may be, her husband was a British subject by virtue of his naturalization in the Union, she shall for the purposes of this Act be deemed to be a South African citizen by naturalization.

(2) The provisions of sub-section (1) shall not apply to a woman who has not, at any time prior to the date of commencement of this Act, been lawfully admitted to the Union for permanent residence therein.

Article 15. A South African citizen who, whilst outside the Union, and not being a minor, by some voluntary and formal act, other than marriage, acquires the citizenship or nationality of a country other than the Union, shall thereupon cease to be a South African citizen.

Article 16.

(1) A South African citizen who acquires the citizenship or nationality of any country other than the Union whilst a minor or in consequence of marriage, may at any time after attaining the age of twenty-one years or, as the case may be, during the subsistence of the marriage or thereafter, make a declaration in the prescribed form renouncing his South African citizenship.

...

(4) Whenever the wife of any person who has ceased to be a South African citizen under the provisions of this part acquires, under the law of a country other than the Union, the citizenship or nationality of her husband, she may, at any time after acquiring that citizenship or nationality, make a declaration in the prescribed form renouncing her South African citizenship.

Union of Soviet Socialist Republics

CITIZENSHIP ACT NO. 198 OF 19 AUGUST 1938

*Article 5.** Matrimony by a citizen of the Union of Soviet Socialist Republics with one not such a citizen entails no change of citizenship.

United Kingdom

BRITISH NATIONALITY ACT, 1948

Article 6.

...

(2) Subject to the provisions of sub-section (3) of this section, a woman who has been married to a citizen of the United Kingdom and Colonies shall be entitled, on making application therefor to the Secretary of State in the prescribed manner, and, if she is a British protected person or an alien, on taking oath of allegiance in the form specified in the First Schedule to this Act, to be registered as a citizen of the United Kingdom and Colonies, whether or not she is of full age and capacity.

Article 14. A woman who, having before the commencement of this Act married any person, ceased on that marriage or during the continuance thereof to be a British subject, shall be deemed for the purposes of this Act to have been a British subject immediately before the commencement of this Act.

Article 19. (1) If any citizen of the United Kingdom and Colonies of full age and capacity who is also

...

* Repealed by Decree of 15 February 1947 "on the prohibition of marriages between citizens of the USSR and foreigners"; restored by Decree of 26 November 1953 "on the repeal of the decree of 15 February 1947 on the prohibition of marriages between citizens of the USSR and foreigners".

(b) A national of a foreign country makes a declaration in the prescribed manner of renunciation of citizenship of the United Kingdom and colonies; the Secretary of State shall cause the declaration to be registered; and upon the registration, that person shall cease to be a citizen of the United Kingdom and colonies.

...

(2) For the purpose of this section any woman who has been married shall be deemed of full age.

United States of America

IMMIGRATION AND NATIONALITY ACT OF 27 JUNE 1952

Section 319. (a) Any person whose spouse is a citizen of the United States may be naturalized upon compliance with all the requirements of this title except the provisions of paragraph (1) of section 316 (a) if such person immediately preceding the date of filing his petition for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least three years, and during the three years immediately preceding the date of filing his petition has been living in marital union with the citizen spouse, who has been a United States citizen during all of such period, and has been physically present in the United States for periods totalling at least half of that time and has resided within the State in which he filed his petition for at least six months.

(b) Any person, (1) whose spouse is (A) a citizen of the United States, (B) in the employment of the Government of the United States, or of an American institution of research recognized as such by the Attorney General, or of an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States, or a subsidiary thereof, or of a public international organization in which the United States participates by treaty or statute, and (C) regularly stationed abroad in such employment, and (2) who is in the United States at the time of naturalization, and (3) who declares before the naturalization court in good faith an intention to take up residence within the United States immediately upon the termination of such employment abroad of the citizen spouse, may be naturalized upon compliance with all the requirements of the naturalization laws, except that no prior residence or specified period of physical presence within the United States or within the jurisdiction of the naturalization court or proof thereof shall be required.

Section 357. Nothing in this title shall be applied in contravention of the provisions of any treaty or convention to which the United States is a party and which has been ratified by the Senate upon the effective date of this title: *Provided, however,* that no woman who was a national of the United States shall be deemed to have lost her nationality solely by reason of her marriage to an alien on or after September 22, 1922, or to an alien racially ineligible to citizenship on or after March 3, 1931, or, in the case of a woman who was a United States citizen at birth, through residence abroad following such marriage, notwithstanding the provisions of any existing treaty or convention.

Uruguay

CONSTITUTION OF 26 OCTOBER 1951

Article 73. Citizens of the Oriental Republic of Uruguay are natural or legal.

Article 74. All men and women born at any place within the territory of the Republic are natural citizens ...

Article 75. The following have the right to legal citizenship:

(A) Foreign men and women of good conduct, and having a family within the Republic, who possess some capital or property in the country, or are engaged in some profession, craft, or industry, and have resided habitually in the Republic for three years;

(B) Foreign men and women of good conduct, without families in the Republic, who possess any of the qualifications mentioned in the preceding paragraph and who have resided habitually in the country for five years; ...

Article 81. Nationality is not lost even by naturalization by another country, it being sufficient for the purpose of regaining the rights of citizenship merely to take up residence in the Republic and register in the Civil Register.

Legal citizenship is lost by any other form of subsequent naturalization.

Venezuela

CONSTITUTION OF 1953

Article 23. The following persons shall be Venezuelan nationals by naturalization: ...

(3) The alien wife of a Venezuelan national who declares her desire to be a Venezuelan national and whose declaration is accepted; ...

Article 24. A Venezuelan woman who marries an alien shall retain her Venezuelan nationality.

Article 25. The dissolution of a marriage shall not affect the nationality of the spouses or the children.

Yugoslavia

CITIZENSHIP ACT OF 1 JULY 1946 OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

Article 8. A foreign citizen may acquire the citizenship of the FPRY in a regular way if he fulfils the following conditions: ...

(2) If he has reached eighteen years of age at the time when the application is submitted and if he is fit for work.

(3) If prior to his application as submitted he has been living continually at least for five years in the territory of the FPRY, of which five years, as a

rule, he has lived two years in the area of that People's Republic whose citizenship he wishes to acquire.

(4) If he has a release from his previous citizenship, or a guarantee that he will obtain it if admitted to the citizenship of the FPRY...

Article 9. A person, married to a citizen of the FPRY, either male or female, need not fulfil the conditions of article 8, paragraphs 2, 3 and 4 of this law.

Article 16. The deprivation of the citizenship of the FPRY can affect every member of an ethnical group of those peoples whose countries were against the peoples of the FPRY during the war and who contravened during this war and in connexion with it before the war his citizen's duties by his disloyal attitude against the interests of the peoples and the State of the FPRY.

Article 18. The deprivation provided for in article 16, paragraph 1 of this Law is extended also to the matrimonial partner and to the children of that person, inasmuch as they do not prove that they had no connexion with the disloyal former citizen and that their personal behaviour was irreproachable or that they by nationality belong to some of the peoples of the FPRY ...

Article 19. (1) If the husband loses his citizenship after marriage, this loss will not extend to his wife (not even in the case of naturalization in a foreign country or a renunciation);

(2) If the husband, a foreigner, acquired the citizenship of the FPRY after the marriage, this acquired citizenship is not to be extended to his wife. But, if the wife wishes to acquire the citizenship of the FPRY her husband acquired, she has the right to apply for the admittance to the citizenship of the FPRY, either separately or by signing the application submitted by her husband. If she applies for an admittance to the citizenship of the FPRY, after her husband has already acquired the citizenship of the FPRY, she will be naturalized similarly as in the case of a woman foreigner marrying a citizen of the FPRY (article 9 of the Citizenship Law of the FPRY).

ANNEXES

ANNEX I

Resolutions concerning the nationality of married women

SUMMARY

The various resolutions adopted by the organs of the United Nations concerning the nationality of married women are summarized below.

The Commission on the Status of Women at its second session, in January 1948,¹⁹ having noted the many and varied discriminations against women that result from conflicts in national law relating (*inter alia*) to nationality, and also having noted the Hague Convention on the Conflict of Nationality Laws (1930), the Montevideo Convention on the Nationality of Women (1933), and the studies in that field undertaken by the League of Nations, recommended that the Economic and Social Council instruct the Secretary-General:

(a) To obtain from all Member States an account of their present laws and administrative practices in the fields of nationality, domicile, marriage and divorce, in so far (*inter alia*) as they affect women married or formerly married to husbands of a different nationality; to prepare a report thereon for the next session of the Commission; and to report on existing treaties and conventions in the field of nationality and the signatories thereto;

(b) To obtain the views of the International Law Commission, the Social Commission, the Commission on Human Rights, and other bodies, on this subject, and to make this information available to the Commission on the Status of Women for its use in making recommendations for a suitable convention on nationality; and

(c) To forward to Member Governments the request that married women should have the same rights as regards nationality as are enjoyed by men and single women.

The Economic and Social Council at its seventh session, in August 1948,²⁰ having noted the views expressed by the Commission on the Status of Women in the resolution referred to above, and also the provisions of the Hague Convention, the Montevideo Convention, and the studies referred to above, requested the Secretary-General to prepare for the consideration of the Commission at its third session:

(a) A report based on replies to part I, section G of the questionnaire on the legal status and treatment of women, together with a report on existing treaties and conventions in the field of nationality; and

(b) A list of questions designed to elicit any further information found to be required by the terms of the Commission's resolution on nationality.

¹⁹ E/615, para. 18.

²⁰ E/1065, resolution 154 C (VII).

The Commission on the Status of Women at its third session, in March-April 1949,²¹ having noted the conflicts in law and in practice relating to the nationality of married women, which were apparent from the replies of Governments to part I, section G, of the questionnaire referred to above, as summarized in the Secretary-General's report on this subject²²; and also having noted the right, with respect to nationality, contained in article 15 of the Universal Declaration of Human Rights, and considering that a convention on the nationality of married women which would assure women equality with men in the exercise of this right and especially prevent a woman from becoming stateless or otherwise suffering hardships arising out of conflicts in laws, should be prepared as promptly as possible:

(a) Requested the Economic and Social Council to obtain from Governments, on the basis of an analysis of the conflicts demonstrated in the report of the Secretary-General above referred to, together with the replies of Governments to a supplementary list of questions on nationality and domicile,²³ their comments and suggestions as to the resolution of these conflicts; and

(b) Requested the Secretary-General to provide the Commission, at its next session, with a summary of the replies received from Governments, and suggestions as to alternative articles which might be incorporated into a draft convention for submission to the General Assembly.

At its ninth session, held in July-August 1949, the Economic and Social Council adopted resolution 242 C (IX), in which, after having noted the provisions of article 15 of the Universal Declaration of Human Rights, it stated, *inter alia*,

“that a convention on the nationality of married women, which would assure women equality with men in the exercise of these rights and especially prevent a woman from becoming stateless or otherwise suffering hardships arising out of these conflicts in law, should be prepared as promptly as possible”.

At its fourth session, held in May 1950, the Commission on the Status of Women adopted a resolution requesting the Economic and Social Council “to take appropriate measures, as soon as possible, to ensure the drafting of a convention on nationality of married women”, embodying the following two principles:

“(1) There shall be no distinction based on sex as regards nationality, in legislation or in practice;

“(2) Neither marriage nor its dissolution shall affect the nationality of either spouse. Nothing in such a convention shall preclude the parties to it from making provision for the voluntary naturalization of aliens married to their nationals”²⁴

At its eleventh session, held in July 1950, the Economic and Social Council adopted resolution 304 D (XI), in which it proposed to the International Law Commission that it should undertake the drafting, as soon as possible, of a convention to embody the principles recommended by the Commission on the Status of Women. The International Law Commission, at its second session, held in June-July 1950, adopted a resolution to the effect that it deemed it

²¹ E/1316, para. 31.

²² E/CN.6/82 and Add.1 and 2.

²³ E/CN.6/W.1/Add.1.

²⁴ E/1712, para. 37.

“appropriate to entertain the proposal of the Economic and Social Council in connexion with its contemplated work on the subject of ‘Nationality including Statelessness’”, and that it proposed to initiate that work as soon as possible.²⁵

The International Law Commission dealt with the question of nationality of married women at its fourth session, in July 1952. The rapporteur put before the Commission the following proposal:

“The Commission decides, complying with the proposal of the Economic and Social Council, to draft a convention embodying the principles recommended by the Commission on the Status of Women.

“In doing so, it does not express any approval of those principles.”

The Commission rejected this proposal. It decided to communicate the Commission’s decision concerning the draft convention on the nationality of married persons to the President of the Economic and Social Council, together with the draft prepared by the rapporteur and the summary records of the 155th and 156th meetings of the Commission.

At its seventh session in March-April 1953, the Commission on the Status of Women took note of the action taken by the International Law Commission with respect to the drafting of a convention on the nationality of married women and decided that in view of that action it should draft itself the text of a convention which should be circulated by the Secretary-General to Governments of Member States for their comments. The Commission accordingly adopted a draft resolution to the Economic and Social Council containing the text of a draft Convention on the Nationality of Married Persons and a request for circulation of this text to Governments.²⁶

The substantive provisions of this draft convention are the following:

“*Article 1.* Each of the Contracting States agrees that it will make no distinction based on sex either in its legislation or in its practice in regard to nationality.

“*Article 2.* Each of the Contracting States agrees that neither the celebration nor the dissolution of a marriage between one of its nationals and an alien shall affect the nationality of the spouse who is its national.

“*Article 3. 1.* Each of the Contracting States agrees that it will, whenever possible, give to the alien spouse of one of its nationals the right to acquire its nationality at his/her request.

“2. Each of the Contracting States agrees that this Convention shall not be construed as affecting any existing legislation or practice which gives to the alien spouse of one of its nationals the right to acquire the latter’s nationality, either at his/her request or through privileged naturalization procedures.

“*Article 4.* Each of the Contracting States agrees that neither the voluntary acquisition of the nationality of another State nor the renunciation of its nationality by one of its nationals will affect the retention of its nationality by the spouse of such national.”

At its sixteenth session held in July 1953, the Economic and Social Council noted the recommendation of the Commission on the Status of Women and adopted a resolution requesting the Secretary-General to circulate to Member States for their comments the text of the “Convention on the Nationality of

²⁵ A/1316/para. 20.

²⁶ E/2401, para. 26.

Married Persons” prepared by the Commission, the substance of which the Council did not consider, together with the records of the discussions in the Council.

The Secretary-General circulated this text to Member States; seventeen governments sent in their comments which were submitted to the Commission on the Status of Women at its eighth session in March 1954.²⁷ At that session the Commission took note of these comments and decided to draft a new text of a convention which would meet the points raised in most of the comments. As a result, a new text of a “Draft Convention on the Nationality of Married Women” was prepared by the Commission and transmitted to the Economic and Social Council with a request for circulation of this text to Governments for comments. The substantive provisions of the new text read as follows:

“*Article 1.* Each of the Contracting States agrees that neither the celebration nor the dissolution of a marriage between one of its nationals and an alien nor the change of nationality by the husband during marriage shall automatically affect the nationality of the wife.

“*Article 2.* Each of the Contracting States agrees that neither the voluntary acquisition of the nationality of another State nor the renunciation of its nationality by one of its nationals will affect the retention of its nationality by the wife of such national.

“*Article 3.* Each of the Contracting States agrees that the alien wife of one of its nationals shall, subject to such limitations only as may be imposed by law in the interests of security and public policy, have the right to acquire its nationality at her request.

“*Article 4.* Each of the Contracting States agrees that this Convention shall not be construed as affecting any existing legislation or practice which gives to the alien wife of one of its nationals the right to acquire the latter’s nationality, either at her request or through privileged naturalization procedures.”

At its eighteenth session, in July 1954, the Economic and Social Council adopted a resolution requesting the Secretary-General to circulate to Governments of States Members for their comments the text of the new draft Convention on the Nationality of Married Women²⁸ and also to transmit it to the International Law Commission for its information; it also urged States Members which had not yet sent their comments on the first draft convention to do so as early as possible.

At its fifth and sixth sessions held in 1953 and 1954 respectively, the International Law Commission prepared a draft Convention on the Elimination of Future Statelessness and a draft Convention on the Reduction of Future Statelessness. These draft conventions contain the following identical provisions which have a bearing on the nationality of married women:

“*Article 5.* If the law of a Party entails loss of nationality as a consequence of any change in the personal status of a person such as marriage, termination of marriage, legitimation, recognition or adoption, such loss shall be conditional upon acquisition of another nationality.

“*Article 6.* The change or loss of the nationality of a spouse or of a parent shall not entail the loss of nationality by the other spouse or by the children unless they have or acquire another nationality.”

²⁷ E/CN.6/243 and Add. 1–3. Comments from four Governments were received since the eight session of the Commission and have been issued as documents E/CN.6/243/Add. 4, 5, 6 and 7.

²⁸ Comments received from Governments are contained in document E/CN.6/259.

The report of the fifth session states ²⁹ that the Commission, in the matter of changes of status in connexion with marriage, “in no way intends to express approval or disapproval of the legislations of those countries which make nationality of the wife dependent upon that of the husband” and that it “has refrained from expressing any opinion on the question of the retention of their original nationality by women who marry nationals of a foreign country”.

At its ninth session in 1954 the General Assembly had before it the report of the sixth session of the International Law Commission which contains these draft conventions. It decided that an international conference of plenipotentiaries should be convened to conclude a convention for the reduction or elimination of future statelessness as soon as at least twenty States have communicated to the Secretary-General their willingness to co-operate in such a conference; it requested the Secretary-General to communicate to States the draft conventions, to take the preliminary steps in view of the conference and to report on the matter to the General Assembly at its eleventh session.

²⁹ A/2456, para. 144.

ANNEX II
Effect of marriage on nationality of women

Country	Effect of marriage of alien woman to national				Effect of marriage of woman national to alien			
	Automatic acquisition of husband's nationality	Automatic acquisition of husband's nationality if she loses her former nationality by the marriage	Right to acquire husband's nationality if she so chooses	Right to acquire husband's nationality on easier terms than other aliens	No effect	Automatic loss of nationality	Automatic loss of nationality if she acquires her husband's nationality by the marriage	No automatic loss of nationality
Afghanistan	×*					×		
Albania				×*			×	
Andorra			×					×
Argentina					×			×
Australia				×				×
Austria	×						×	
Belgium		×* ^a					×	
Bolivia			×*					×
Brazil				×*				×
Bulgaria			×*					×
Burma				×				×
Cambodia	×							×
Canada				×*				×
Ceylon				×*			×	
Chile				×*				×
China		×* ^b						×
Colombia				×				×
Costa Rica		×* ^c					×	
Cuba				×*				×
Czechoslovakia				×			×	
Denmark				×*				×
Dominican Republic ..		×* ^a						×

Ecuador		×				×
Egypt				×		×
El Salvador				×	*	×
Ethiopia	×					×
Finland	×	*				×
France			×	*	<i>a</i>	×
Germany (Federal Republic) .				×		×
Greece	×					×
Guatemala			×	*		×
Haiti	×	*				×
Honduras				×		×
Hungary	×					×
Iceland				×		×
Indonesia	×				×	
Iran	×	*				×
Iraq	×				×	
Ireland				×	*	×
Israel				×	*	×
Italy	×					×
Japan				×	*	×
Jordan	×				×	
Korea	×	*				×
Laos			×	<i>a</i>		×
Lebanon	×					×
Liberia	×				×	
Liechtenstein	×				×	
Luxembourg			×	*		×
Mexico			×	*		×

Effect of marriage on nationality of women (continued)

Country	Effect of marriage of alien woman to national				No effect	Effect of marriage of woman national to alien		
	Automatic acquisition of husband's nationality	Automatic acquisition of husband's nationality if she loses her former nationality by the marriage	Right to acquire husband's nationality if she so chooses	Right to acquire husband's nationality on easier terms than other aliens		Automatic loss of nationality	Automatic loss of nationality if she acquires her husband's nationality by the marriage	No automatic loss of nationality
Monaco	×*							×
Nepal	×						×	
Netherlands	×						×	
New Zealand			×					×
Nicaragua			×*					×
Norway				×*				×
Pakistan			×					×
Panama				×*				×
Paraguay					×			×
Peru	×							×
Philippines	×*						×	
Poland					×			×
Portugal	×*						×	
Romania					×			×
Saudi Arabia		× ^a						×
Spain	×					×		
Sweden				×*				×
Switzerland	×						×	
Syria				×			×	
Thailand	×							×
Turkey	×							×

Union of South Africa		×			×
Union of Soviet Socialist Republics .				×	×
United Kingdom	×				×
United States of America		×	*		×
Uruguay		×	*		×
Venezuela		×	*		×
Yugoslavia		×	*		×

* Naturalization of alien husband of woman national is facilitated.

^a If the alien woman does not lose her former nationality by the marriage she may decline her husband's nationality.

^b If the alien woman does not lose her former nationality by the marriage, no special provision for acquisition of her husband's nationality is made.

^c If the alien woman does not lose her former nationality by the marriage she may acquire her husband's nationality by declaration.

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