

# **NATIONALITY OF MARRIED WOMEN**

*(Report submitted by the Secretary-General)*



**UNITED NATIONS**

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## Introduction

The question 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 it was included by the Commission among its "aims". Since then, it has remained a standing item on the agenda of the Commission and of the Economic and Social Council. Resolutions on nationality have been adopted during the various sessions of both bodies, the summary of which is reproduced in the annex to the present study.

At the request of the Economic and Social Council, the Secretary-General circulated to Member States a Questionnaire on the nationality of women. An "Analysis of Conflicts of Laws in the Field of Nationality of Married Women"<sup>1</sup> 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 forms part I of the present study.

In order to illustrate the analysis and supply an extensive textual documentation, the Secretary-General compiled in a further document<sup>2</sup> the provisions of constitutions, laws and other legal instruments dealing with the nationality of married women. This forms part II of the present study. Every effort has been made to present a complete and up-to-date collection as far as this was possible on the basis of accessible information.

At its eleventh session, in July 1950, the Economic and Social Council proposed to the International Law Commission that it "undertake as soon as possible the drafting of a Convention to embody the principles recommended by the Commission on the Status of Women". The communication of the International Law Commission accepting the proposal of the Economic and Social Council is summarized in the annex.

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<sup>1</sup> E/CN.6/126.

<sup>2</sup> E/CN.6/129.

## **Part I**

# **ANALYSIS OF CONFLICTS OF LAWS IN THE FIELD OF NATIONALITY OF MARRIED WOMEN**



## Chapter I

### Sources of conflicts of laws in the field of nationality of married women

Conflicts of laws<sup>3</sup> 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",<sup>4</sup> 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), depending on the legislation of the other country concerned.

(ii) The second system also recognizes the principle of inequality of sexes in the field of nationality; however, in order to avoid statelessness or double nationality of the woman, the principle of the unity of nationality in the family is subjected to the requirements of the law of the other country concerned. Thus, the woman marrying an alien loses her original nationality only when she acquires her husband's national status through marriage, and an alien woman marrying a national acquires her husband's nationality if, as a result of her marriage, she is deprived of her original status. Similar principles are applied to the dissolution of marriage and to the changes of nationality by the husband during marriage.

<sup>3</sup> "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*, "Conflict 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.*).

<sup>4</sup> Document E/CN.6/82.

(iii) The third system is based on the principle of equality of sexes 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 the unity of nationality in the family and deprives the woman marrying an alien of her original nationality, or in double nationality, where the other country imposes upon an alien woman marrying a national her husband's national status.

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 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 consistently and 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 to the wife in certain cases. On the other hand, many countries apply one principle to one aspect of the problem and a different principle to the other. For example, it appears from the replies of fourteen Member States to the Questionnaire that the woman national marrying an alien loses her nationality only if the law of her husband's country grants her the husband's nationality; on the other hand, in only two of the Member States which have replied, does the alien wife acquire her husband's nationality subject to her release from her own nationality by the country of which she is a national.

Thus, the real cause of statelessness and double nationality of married women does not reside in any one of the prevailing systems, but in the co-existence in the world of three main different systems of solution of conflicts of laws, differently applied in various countries.

## Chapter II

### **Present solutions of conflicts of laws in the field of nationality of married women: systems of national law**

#### SECTION I. FIRST GROUP:

*The nationality of the wife follows 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 nationality of the wife follows the nationality of the husband” has the following effects:

The alien woman marrying a national acquires her husband's nationality; the woman national marrying an alien 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, loses automatically 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 internal legislation 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.

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 where the wife acquires 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 acquires her husband's nationality.

The woman national marrying an alien loses her original nationality.

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

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

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

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

The Haitian Law of 22 August 1907 belongs to this group of legislations:

*"Article 9.* An alien woman married to a Haitian follows the nationality of her husband. The Haitian woman married to an alien loses her Haitian nationality.

*"Article 11.* In case of dissolution of the marriage between an alien and a Haitian woman, the latter, in order to reacquire her Haitian nationality, will have to make a declaration to the Civil Court of her residence to the effect that she renounces her foreign nationality and resumes her Haitian citizenship.

*"Article 12.* The Haitian woman married to an alien who, during marriage, is naturalized Haitian, resumes her original nationality.

"The same general principles are applied in the Hungarian Nationality Law IX of 1948 (issued on 30 December 1948). The pertinent provisions of this law read as follows:

"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."

*C. Legal systems where the nationality of the wife follows that of her husband as the result of the marriage, but not through his loss of nationality during marriage*

Certain countries dissociate the nationality of the wife from that of the husband when the latter changes his nationality during marriage. This exception to the general principle of the unity of nationality in the family is based on the reluctance of the legislators to deprive the wife of her nationality when the latter is lost by her husband either by a voluntary act of renunciation on his part, or through deprivation of nationality which is of the nature of a punishment and must not therefore be automatically extended to the members of his family. This rule does not extend, however, to the acquisition of the new nationality which is considered as being in the interest of the unity of the family and in most cases is considered as a favour to the wife.

The main characteristics of the first sub-group are the following:

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

The woman national marrying an alien loses her original nationality.

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

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

The German Law of Nationality of 22 July 1913<sup>5</sup> can be taken as an example of this legislative group:

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

"Section 16, para. 2. If, during marriage, the husband acquires German nationality, this nationality is extended to the wife.

"Section 17, 6. The German woman who marries an alien loses her German nationality.

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

D. *Legal systems where the nationality of the alien wife follows that of her husband, a national, 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 all 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:<sup>6</sup>

"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:<sup>7</sup>

<sup>5</sup> Text from the enclosure with Despatch No. 846, 3 September 1913, from the American Consul General in Berlin to the Secretary of State, published by Flournoy & Hudson, *Nationality Laws*, pages 306-307.

<sup>6</sup> Reply of the Turkish Government to the Questionnaire on the Legal Status and Treatment of Women, quoted in document E/CN.6/82, page 93.

<sup>7</sup> English text published in *Constitutions of the Americas* (as of 1 January 1948) by Russell H. Fitzgibbon, University of Chicago Press, 1948, page 668.

**"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."**

**E. Legal systems where the wife acquires 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 her husband's nationality, unless she declines it.

The woman national 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,<sup>8</sup> 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."**

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<sup>8</sup> Reply of the Government of Belgium to the Questionnaire on Nationality, reproduced in document E/CN.6/82, pages 60-61.

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 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<sup>9</sup> 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 does or does not follow the nationality of the husband, depending on 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 or 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.

However, three 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 or double nationality. In the second sub-group, the con-

<sup>9</sup> Reply of the Government of France to the Questionnaire on Nationality reproduced in document E/CN.6/82, pages 72-74.



cern to avoid conflicts with the legislation of the other country involved extends only to women nationals marrying aliens, while the alien woman who marries a national acquires the nationality of her husband whether or not she loses her own nationality as a result of her marriage. In the third sub-group, the nationality of the woman does not as a rule follow the nationality of her husband, except where the application of this principle results in statelessness or double nationality.

**B. *Legal systems where the nationality of the wife follows the nationality of her husband, except if the application of this rule leads to statelessness or double nationality***

This group of legal systems comes close to the system analysed in the *First Group* above, as far as the basic principle is concerned, but this basic principle is overruled here by the practical concern to avoid conflicts of law resulting either in double nationality or in statelessness.

The main features of this group are the following:

The alien woman marrying a national acquires his nationality, except where she retains her own in accordance with the law of her country.

The woman national marrying an alien loses her nationality, except where her husband's nationality is not extended to her.

The alien woman whose alien husband acquires the country's nationality during marriage, acquires his new nationality, except where she retains her previous 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.

Pakistan, India and China seem to be the only countries whose legal systems correspond to this definition.

In Pakistan, the British Nationality and Status of Aliens Act of 1914,<sup>10</sup> as amended, is in force; it provides:

*"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.

*"Section 10 (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 acquires the nationality of her husband.

*"Section 10 (4).* Where a man ceases, during the continuance of his marriage, to be a British subject and, by reason of his acquisition of

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<sup>10</sup> Reply of the Government of Pakistan to the Questionnaire on the Legal Status and Treatment of Women.

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."

The Chinese Law on Nationality of 5 February 1929<sup>11</sup> states:

"Article 2, para. 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 10, para. 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.

"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."

C. *Legal systems where the concern to avoid statelessness and double nationality of married women extends only to women nationals marrying aliens and not to alien women marrying nationals*

In a large number of countries the principle of unity of nationality in the family is applied to alien women marrying nationals, but it is overruled by the concern to avoid statelessness and double nationality for their women nationals marrying alien citizens.

The main features of this group are therefore the following:

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

The woman national marrying an alien loses her original nationality if her husband's national law grants to her his nationality.

The alien woman whose alien husband acquires the country's nationality during marriage 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 national law does not grant to her his new nationality.

The legislation of Thailand (Nationality Act BE 2456 and Naturalization Act R. S. 130)<sup>12</sup> is typical of this group:

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<sup>11</sup> Reply of the Government of China to the Questionnaire, quoted in document E/CN.6/82, pages 68-69.

<sup>12</sup> Reply of the Government of Thailand to the Questionnaire, quoted in document E/CN.6/82, page 86.

"Section 3. It is enacted that the following persons are nationals of Thailand:

". . .

"(4) Women of foreign nationality who are married to Thailand nationals according to law and usage.

"Section 4. A Thai woman who marries an alien loses her Thai nationality if the national law of her husband provides that she may acquire the nationality of her husband.

"Section 5. Except as provided by Sections 4 and 10, a Thailand national cannot lose his or her Thai nationality by naturalization or by other means, unless he or she has obtained the permission of the Government.

"Section 11. A Thai woman who has acquired foreign nationality by marrying an alien resumes her Thai nationality upon dissolution of the marriage.

"Section 12. The wife of a naturalized person becomes as of right a Thailand subject."

The Nationality Law of Japan,<sup>13</sup> while implementing the same ideas, appears to be the only one in the world<sup>14</sup> to provide that a man who marries a Japanese woman "head of a family" acquires Japanese nationality.

The pertinent provisions of the Japanese law read as follows:

"Article 5. An alien acquires Japanese nationality in the following cases:

"(1) By becoming the wife of a Japanese.

"(2) By becoming the "nyufu" [a man who marries the female head of a family and becomes a member thereof] of a Japanese woman.

"Article 8. The wife of an alien cannot become naturalized, except in conjunction with her husband.

"Article 13. The wife of a person who acquires Japanese nationality, acquires Japanese nationality in conjunction with her husband.

"The provisions of the preceding paragraph do not apply when the law of the wife's country contains provisions which are contrary thereto.

"Article 14. If the wife of a person who has acquired Japanese nationality has not acquired Japanese nationality in accordance with the provisions of the preceding article, she may become naturalized although she may not have fulfilled the conditions of paragraph 2 of Article 7.

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<sup>13</sup> Law No. 66 of March 1899, as revised by Law No. 27 of March 1916, and by Law No. 19 of July 1924. (Text from British Parl. Papers, Misc. No. 2 (1927) Card 2852, page 39.

<sup>14</sup> The bill introduced in the Parliament of Israel in July 1950 would allow a man who marries an Israeli woman to acquire his wife's nationality.

"Article 18. A Japanese who, on becoming the wife of an alien, has acquired her husband's nationality, loses Japanese nationality.

"Article 19. A person who has acquired Japanese nationality by marriage . . . loses Japanese nationality by divorce . . . only when he or she thereby recovers his or her foreign nationality.

"Article 21. If the wife and child of a person who loses Japanese nationality acquire the said person's new nationality, they lose Japanese nationality."

D. *Legal systems where the nationality of the wife does not follow the nationality of her husband, except if the application of this rule leads to statelessness or double nationality*

This situation occurs either for the alien woman marrying a national, where her national law deprives her of her original nationality, or in the case of a woman national marrying an alien where the national law of her husband grants to her his nationality.

The main characteristics of this group are the following:

The alien woman marrying a national does not acquire her husband's nationality, except where her national law deprives her of her original nationality.

The woman national marrying an alien does not lose her nationality, except where her husband's national law grants his nationality to her.

The alien woman whose alien husband acquires the nationality of the country during marriage does not acquire his new nationality, except where her national law deprives her of her previous nationality.

The woman national whose national husband loses his nationality during marriage does not lose her nationality, except where the new national law of the husband grants his new nationality to her.

The Constitution of Venezuela, promulgated 5 July 1947,<sup>15</sup> is an example of this type of legislation.

"Article 12. Venezuelans by naturalization are:

"1. An alien woman married to a Venezuelan if, in conformity with her national law, she loses her previous nationality by reason of matrimony.

"...

"Article 14. A Venezuelan who marries an alien will retain Venezuelan nationality unless she manifests her contrary wish and provided that such manifestation may be sufficient to acquire the nationality of the husband according to the national law of the latter."

<sup>15</sup> Reply of the Government of Venezuela listed in document E/CN.6/82, page 101. This Constitution has not been in force since 4 November 1948.

The legislation of the Dominican Republic,<sup>16</sup> as summarized in the reply of the Government of the Dominican Republic, is also typical of this group:

"... a Dominican woman married to an alien may acquire her husband's nationality and will then lose her Dominican nationality of origin.

"This loss of her nationality of origin by a married woman as a result of her acquiring her alien husband's nationality is an automatic process, and no exceptions are provided."

### SECTION III. THIRD GROUP:

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

#### A. General

Numerous countries have adopted this system in recent years. It is based on the principle of the independence and equality of women in the field of nationality.

In certain countries, this principle is absolute: the nationality of the wife is never affected by her marriage to a man of a different nationality, and, *a fortiori*, by her husband's change of nationality during marriage or by the dissolution of the marriage. The only means for the spouses to achieve a 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 recognizing the principle of independence and equality of the woman in the field of nationality, grants the wife the right to obtain her husband's nationality by privileged or simplified procedures.

*B. Legal systems where marriage, change of nationality by the husband during marriage and dissolution of the marriage have no effect at all on the nationality of the wife*

The main features of this group are the following:

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

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.

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<sup>16</sup> Reply of the Government of the Dominican Republic to the Questionnaire. See document E/CN.6/82, page 15.

The legislation of the USSR is typical for this group of countries. The Law of Citizenship of the USSR of 19 August 1938, Article 5,<sup>17</sup> provides as follows:

"Matrimony by a citizen of the USSR with one not such a citizen entails no change of citizenship."

Several Latin-American countries follow similar principles in their Constitutions.

The Constitutions of Ecuador, of 31 December 1946, article 12<sup>18</sup> and of Honduras of 28 March 1936, article 9,<sup>19</sup> provide as follows:

"Neither matrimony nor its dissolution affects the nationality of husband and wife." (Ecuador)

"Neither matrimony nor its dissolution affects the nationality of husband, wife, or their children." (Honduras)

C. *Legal systems where marriage and changes of nationality by the husband during marriage give the wife the right to obtain her husband's nationality by privileged procedures and to renounce her original nationality*

A large group of countries apply the same basic principles as in B. above, but give the wife the possibility to achieve the unity of nationality in the family, if she so desires: she can acquire her husband's nationality by simplified procedures if she complies with certain conditions specified by law.

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 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.

The legal systems of the United States and of the United Kingdom provide the most important examples of this type of legislation.

Under the statutory provisions in force in the United States,<sup>20</sup> a woman citizen does not lose her United States nationality by marriage to an

<sup>17</sup> Before 1938, marriage to a Soviet citizen permitted a simplified acquisition by the alien spouse of USSR citizenship, a system similar to those analysed in C. on this page.

<sup>18</sup> English text published in *The Constitutions of the Americas* (as of 1 January 1948) by Russell H. Fitzgibbon, University of Chicago Press, 1948, page 324.

<sup>19</sup> *Ibid.*, page 470.

<sup>20</sup> 54 Statutes 1146; 8 USC 717, 710 and 711.

alien. An alien spouse of a national must seek naturalization independently. If this person is otherwise eligible for naturalization, certain privileges are granted her, such as the reduction of the period of continuous residence in the United States and the exemption from the declaration of intention.

The British Nationality Act of 1948 applies a similar system. It constitutes a marked departure from the previous legislation of the United Kingdom and of the British Commonwealth, under which the nationality of the wife followed as a rule that of her husband, and which is still in force in certain countries of the Commonwealth (see Pakistan, section II. B, above).

The general principles of the British Nationality Act of 1948 (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 the British 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.

The Czechoslovak Law of 13 July 1949, No. 194, applies similar rules to the effects of marriage on the nationality of married women. The constitutions of several Latin-American countries contain similar provisions. For example, the Constitution of Nicaragua of 22 January 1948<sup>21</sup> reads as follows:

*"Article 16. Naturalized citizens are . . .*

*"An alien woman who contracts matrimony with a Nicaraguan, if while residing in Nicaragua, she declares her desire to acquire Nicaraguan nationality."*

*"Article 17. Neither marriage nor divorce will affect the nationality of the spouses or that of the children."*

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<sup>21</sup> Text published in *La Gazetta*, Managua, 22 January 1948. English translation by the United Nations Secretariat.

### *Chapter III*

## **International conventions**

### *General*

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 are 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.

For the purpose of the present study, however, 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. Such conventions are not numerous, none of them has been adhered to or ratified by a large number of States. The importance of these conventions lies therefore mainly in the fact that they represent recent developments of the problem of nationality of women, and that they show the application on the international level of the basic principles illustrated in chapter II (Systems of National Law).

### *Section I. Bilateral convention*

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<sup>22</sup> (document E/CN.6/79/Corr.1), which has replaced the convention of 12 September 1928.<sup>23</sup> This change, made necessary by the change in the internal legislation of France (French Nationality Code of 1945, see above, section I.E.), 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

<sup>22</sup> Registered with the United Nations under No. 568, 9 September 1949.

<sup>23</sup> *League of Nations Treaty Series*, volume CXXIII, page 93.



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.

"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, section I. E.). 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 this place could in general be made the law governing as important a part of the personal status as the nationality of the wife.

## *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 convention on certain questions relating to the conflict of nationality laws, signed at the Hague, 12 April 1930*<sup>24</sup>

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 women of their nationality; this idea is similar to the basic principle applied in the legislations of the *Second Group* analysed above (see 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

<sup>24</sup> On 10 July 1944, this Convention had been ratified by twelve countries, namely: Australia, Belgium, Brazil, Great Britain and Northern Ireland, (Burma), Canada, China, India, Monaco, the Netherlands, Norway, Poland, Sweden.

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

The supplement to the twenty-first list (League of Nations, *Official Journal*, Special Supplement No. 195) issued on 31 July 1946 indicates no change.

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 of her nationality upon a change in the nationality of her husband

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 legislature of the various countries, but proposed the texts of articles 8 and 9 "simply to remedy some of the defects resulting from existing conditions."<sup>25</sup> 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:

"(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."<sup>26</sup>

<sup>25</sup> League of Nations, Official No. A.19.1931.V.

<sup>26</sup> Annex to League of Nations, Official No. A.19.1931.V.

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)<sup>27</sup>

#### B. *The Montevideo Conventions of 1933*

The Montevideo Convention on the Nationality of Women, signed on 26 December 1933,<sup>28</sup> 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."

Implementing this principle, the Montevideo Convention on Nationality of the same date<sup>29</sup> 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."

In 1935 the Women's Consultative Committee on Nationality, created by the Council of the League of Nations, asked the Assembly of the League to give its approval to the "Equal Nationality Treaty" of Montevideo, declaring that the question of nationality was only "one phase of the whole issue of equality between men and women".

<sup>27</sup> League of Nations, Official No. A.23.1932.V.

<sup>28</sup> On 1 January 1949, this Convention had been ratified by eleven countries, namely: Brazil, Chile, Colombia, Cuba, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama and the United States. The number of signatures not yet perfected by ratification was eight: Argentina, Bolivia, Dominican Republic, El Salvador, Haiti, Paraguay, Peru and Uruguay.

<sup>29</sup> On 1 January 1949, this Convention had been ratified by six countries: Brazil, Chile, Ecuador, Honduras, Mexico and Panama. Uruguay had signed the Convention but has not yet ratified its signature.

## **Part II**

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

## **Afghanistan**

### **CODE OF 1921**

*Article 89.* An alien woman married to an Afghan citizen is considered as an Afghan citizen; if, after the death of the husband, she desires to resume her previous nationality, she is free to do so.

*Article 90.* An Afghan woman married to a non-Afghan Moslem cannot be considered as an Afghan citizen, unless her husband acquires the Afghan nationality. Upon the death of her foreign husband, this woman can re-acquire her Afghan nationality on simple request.

*Article 93.* Afghan women who have married aliens are excluded from and deprived of all their property rights, except as concerns movables, and of all the privileges granted to Afghan citizens in Afghanistan. Every woman who, at the time of her marriage to an alien, owns real estate in Afghanistan must dispose of such, in accordance with the provisions of article 94 (concerning aliens).

## **Albania**

### **ACT OF 1 APRIL 1929**

*Article 14.* A married woman cannot have a nationality other than that of her husband, even if they live separated from each other.

A foreign wife acquires by marriage with an Albanian the latter's nationality; she remains an Albanian citizen even after dissolution of the marriage, unless she resides in a foreign country, in which case she recovers her original nationality.

*Article 15.* An Albanian woman loses by marriage with a foreigner the Albanian nationality, unless she has by formal declaration, made in her marriage contract, reserved to herself her former national status or unless she does not acquire, under the national law of her husband, the latter's nationality by marrying him. After dissolution of the marriage, she recovers her Albanian nationality if she resides in Albania or returns and takes up her domicile there.

*Article 16. . . .*

(2) When an alien becomes an Albanian citizen, his wife acquires his new nationality if she lives with him; but if the spouses have been separated by a Court decision and have no children who, in accordance with

article 17, acquire their father's nationality, the wife can declare her intention to retain her original nationality.

## Argentina

ACT 346 OF 8 OCTOBER 1869<sup>30</sup>

*Article 2.* The following are citizens by naturalization:

(1) Aliens over eighteen years of age who have been continuously resident in the Republic for two years and who state before federal judges their desire to become citizens.

(2) Aliens, whatever their period of residence, who prove to federal judges that they have served the country in any of the following ways:

...

(7) That they have married an Argentine woman in any of the provinces.

## Australia

NATIONALITY AND CITIZENSHIP ACT, 1948

*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 paragraph (a) or (b) of 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 the Minister:

(a) That she is the wife 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.

<sup>30</sup> According to information received by the Secretary-General, a new law on nationality is in preparation in Argentina.

(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.

*Article 28* (2) In determining whether, for the purposes of the last preceding sub-section, a woman who has married an alien would, but for her failure to comply with the proviso referred to in that sub-section, have been a British subject immediately prior to the date of the commencement of this Act, the marriage shall be disregarded.

## **Austria**

### **TRANSITIONAL NATIONALITY ACT OF 1949**

*Article 2a.* Women who on 13 March 1938 were in possession of Austrian federal citizenship, but who have lost it in consequence of a marriage contracted before 27 April 1945, may acquire Austrian nationality by making a declaration of their intention to become loyal citizens of the Austrian Republic, provided that they have not incurred a conviction of a crime or offence which has not been expunged.

*Article 3.* (1) The declaration referred to in articles 2 and 2a above shall be made in writing before 31 December 1949 to the administrative department of the provincial government competent for the place of residence.



*Acquisition of Austrian nationality*

**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*.

*Loss of Austrian nationality*

**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*.

*Article 10.* (1) The re-acquisition of Austrian nationality may not be denied to persons who possessed Austrian nationality but lost Austrian nationality before they were of full age and capacity, provided that they make application therefor within two years after attaining full age and capacity and if their admission as citizens is permissible under article 5 (2). If they are aliens, they must also establish that they will lose their previous nationality upon re-acquisition of Austrian nationality; nevertheless, the second half-sentence of article 5 (1) 2 shall apply.

(2) Under the same conditions, but irrespective of the provision contained in the penultimate sentence of article 5 (2), the re-acquisition of Austrian nationality shall not be denied to women who have lost their Austrian nationality by marriage to an alien, provided that the marriage was dissolved by the husband's death or by judicial separation.

## Belgium

### ACT 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 or 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) As 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.

#### DECREE LAW NO. 7967 OF 18 SEPTEMBER 1945

*Article IV.* The following are excluded from the quota: . . . (b) the foreign spouse of a Brazilian man, or the widow of a Brazilian man, or the foreign spouse of a Brazilian woman.

### **Bulgaria**

#### DECREE NO. 478 OF 19 MARCH 1948 CONCERNING THE 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.

*Article 10.* The property of persons deprived of Bulgarian nationality, as well as the property which they may acquire in the future becomes the property of the State. The decree depriving one of the spouses (of Bulgarian nationality) may order the property of the other spouse taken from him/her for the benefit of the State.

### **Burma**

#### THE UNION CITIZENSHIP ACT, 1948 (ACT NO. LXVI 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 *femme 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.

## Canada

### CANADIAN NATIONALITY ACT 1946

#### *Part II*

##### *Article 9*

(1) A person other than a natural-born Canadian citizen, is a Canadian citizen, if he

...

or, in the case of a woman,

(c) If she

(i) Before the commencement of this Act, was married to a man who, if this Act had come into force immediately before the marriage, would have been a natural born Canadian citizen as provided in section four of this Act or a Canadian citizen as provided in paragraphs (a) and (b) of this sub-section, and

(ii) At the commencement of this Act, is a British subject and has been lawfully admitted to Canada for permanent residence.

(2) A person who is a Canadian citizen under sub-section one of this section shall be deemed, for the purpose of part III of this Act, to have become a Canadian citizen:

...

(c) In the case of a woman to whom paragraph (c) of sub-section one of this section applies, on the date of the marriage or on which she became a British subject or on which she was lawfully admitted to Canada for permanent residence, whichever is the latest date.

### **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**

*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 19.* 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.

*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 4.* Any alien who has not resided in China for as long as five years may be naturalized, provided:

. . .

(2) That his wife was a Chinese citizen . . .

*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

### LAW NO. 22-BIS OF 3 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. The application of nationality implies the minor children, in accordance with the rules established by law.

## **Cuba**

### **CONSTITUTION OF 10 OCTOBER 1940**

*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)<sup>31</sup>**

#### *Part I. 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.

<sup>31</sup> Collection of Acts of the Czechoslovak Republic.



## *Part II. 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<sup>32</sup>

*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.

. . .

*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.

<sup>32</sup> The new Danish law on nationality is based on the project which was elaborated by a joint legislative committee of the three Scandinavian States, Denmark, Norway and Sweden on which executive as well as legislative bodies of these countries were represented.

*Article 14.* The present Act which replaces Act No. 123 of 18 April 1925 concerning the acquisition and loss of Danish nationality, is applicable in all parts of the Danish State.

*Article 15.* The present Act shall come into force on 1 January 1951.

## **Ecuador**

### **CONSTITUTION OF 31 DECEMBER 1946**

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

**REGULATION FOR THE APPLICATION OF THE PROVISIONS IN FORCE, CONCERNING NATURALIZATION, EXTRADITION AND DEPORTATION. ACT OF 14 JUNE 1950**

*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**

**EGYPTIAN NATIONALITY ACT OF 27 FEBRUARY 1929, MODIFIED BY THE ROYAL DECREE NO. 92, 1931<sup>83</sup>**

*Article 14.* An alien woman who married an Egyptian shall be considered Egyptian, and shall lose the Egyptian nationality on the dissolution of the marriage tie only when she decides to have her ordinary place of residence abroad and regains her original nationality in compliance with the relevant law.

The Egyptian woman who marries an alien shall lose her Egyptian nationality if, by virtue of the relevant law, she gains her husband's nationality. Once the marriage is dissolved she may regain her Egyptian nationality subject to her choice and provided she resides in Egypt as a rule or has decided to reside therein.

<sup>83</sup> According to information received by the Secretary-General, a new Nationality Act is in preparation in Egypt.

## **El Salvador**

### **FOREIGN NATIONALITY ACT OF 3 APRIL 1900**

*Article 9.* Women nationals of El Salvador who marry foreign nationals shall retain their foreign nationality even during widowhood. If the marriage is dissolved, a natural-born Salvadoran woman may recover her nationality, if, in addition to establishing her residence in the Republic, she makes a declaration before the competent Governor of her intention to recover this nationality. A Salvadoran woman who does not acquire the nationality of her husband by marriage, according to the laws of his country, shall retain her own nationality. A change of nationality by the husband, subsequent to marriage, involves a change to the same nationality on the part of the wife and the minor children subject to parental authority, if they reside in the country of which the husband or father (as the case may be) is a naturalized citizen, subject to the exception specified in the foregoing paragraph.

## **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 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. Loss of the 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

CONSTITUTION OF 17 JULY 1919

*Article 4.* The rights of Finnish citizenship belong to every person born of Finnish parents and to every woman of foreign nationality who has married a Finnish citizen.

ACT OF 20 FEBRUARY 1920

*concerning naturalization of foreigners as Finnish citizens*

*Article 2.* The wife and minor children of a naturalized foreigner, who have arrived in Finland . . . acquire, without further formalities, his rights of citizenship.

ACT OF 17 JUNE 1927

*regarding loss of Finnish citizenship*

*Article 2. (3)* If a male citizen of Finland loses his citizenship under the provisions of this article, the loss of citizenship shall also apply to his children and his wife, if the latter has acquired citizenship by marriage.

## 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 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

### NATIONALITY ACT OF 22 JULY 1913

**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.

**FUNDAMENTAL LAW OF THE FEDERAL REPUBLIC OF GERMANY  
OF 23 MAY 1949**

*Article 16.*<sup>34</sup> (1) No one may be deprived of his German citizenship. A person may be deprived of citizenship only on the basis of a law and, against his/her will, only if he/she is not thereby rendered stateless.

**Greece**

**CIVIL LAW OF 1856 AS AMENDED AND SUPPLEMENTED BY DECREE LAW  
OF 12 AUGUST 1927 AND LAW NO. 228 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.

*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**

**CONSTITUTION OF THE REPUBLIC OF 11 MARCH 1945**

*Article 8.* The following are naturalized:

(4) An alien woman married to a Guatemalan if she elects Guatemalan citizenship.

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<sup>34</sup> The Minister of the Interior of Rheinland-Westphalia has instructed the officers of vital statistics to call the attention of German women engaged to marry aliens to this provision and to accept from such women declarations stating their wish to retain German nationality, in cases where as a result of marriage they would not acquire their husband's nationality and become stateless. Where the husband's nationality is granted to the wife as a result of marriage, the German woman loses her original nationality by virtue of the law of 1913.

Persons who become naturalized citizens must expressly renounce any previous nationality.

## CIVIL CODE

*Article 97* (amended by Article 3 of Legislative Decree No. 2010). By marriage the woman adds her husband's surname to her own and keeps her nationality, unless she wishes to adopt her husband's. In this case she must expressly state this in her marriage certificate.

## ALIENS ACT (DECREE OF 25 JANUARY 1936)

*Article 1.* For the purposes of this law the following are considered aliens:

(e) A Guatemalan woman who has clearly stated in her marriage certificate that she renounces her nationality and adopts that of her husband;

*Article 5* (amended by Article 1 of Governmental Decree No. 2153).

A Guatemalan woman married to an alien who did not retain her nationality upon marriage, may recover Guatemalan nationality whenever she makes a declaration expressing her desire in authentic form, before the Secretariat for Foreign Affairs of Guatemala or before a Guatemalan diplomatic or consular agent in the place of her residence.

An alien woman married to a Guatemalan who has not adopted her husband's nationality in her marriage certificate may, at any time, be considered a Guatemalan citizen if she is domiciled in Guatemala and if she makes a declaration in the form referred to in the previous paragraph. If she becomes a widow or if the marriage is dissolved, she shall keep her Guatemalan nationality unless she makes an express statement to the contrary, in the form already mentioned.

*Article 69.* The effects of naturalization are purely individual and affect only the person who applied for it; and both wife and adult children must apply individually in case they wish to acquire naturalization.

## Haiti

### ACT OF 22 AUGUST 1907

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

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

*Article 10.* The Haitian woman who has lost her nationality by reason of her marriage to an alien, can re-acquire it by naturalization.

*Article 11.* In case of dissolution of the marriage between an alien and a Haitian woman, the latter—in order to re-acquire her Haitian nationality—will have to make a declaration to the civil court of her

residence to the effect that she renounces her foreign nationality and resumes her Haitian citizenship.

*Article 12.* The Haitian woman married to an alien who, during marriage, is naturalized Haitian, resumes her original 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 IX 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 reacquisition of Hungarian nationality takes place on the day on which the judicial decision becomes valid.

## India

### BRITISH NATIONALITY AND STATUS OF ALIENS ACT, AS AMENDED<sup>25</sup>

#### *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-

<sup>25</sup> According to the communication of 15 November 1950 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.

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.

## Israel<sup>36</sup>

## Italy

### ACT No. 555 OF 13 JUNE 1912 ON NATIONALITY<sup>37</sup>

*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. 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.

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<sup>36</sup> The Nationality Bill, introduced in Parliament in July 1950, is still under discussion. In presenting the Bill, the Minister of the Interior explained that it was exceptional in that it allows a man who marries an Israel woman to acquire his wife's nationality.

<sup>37</sup> Published in the *Official Gazette of the Kingdom* on 30 June 1912, No. 153.

## Japan

### NATIONALITY ACT

ACT NO. 66 OF MARCH 1899, AS REVISED BY ACT NO. 27 OF MARCH 1916, AND BY ACT NO. 19 OF JULY 1924<sup>38</sup>

*Article 5.* An alien acquires Japanese nationality in the following cases:

(1) By becoming the wife of a Japanese.

(2) By becoming the "nyufu" [a man who marries the female head of a family and becomes a member thereof] of a Japanese woman.

*Article 8.* The wife of an alien cannot become naturalized, except in conjunction with her husband.

*Article 13.* The wife of a person who acquires Japanese nationality acquires Japanese nationality in conjunction with her husband.

The provisions of the preceding paragraph do not apply when the law of the wife's country contains provisions which are contrary thereto.

*Article 14.* If the wife of a person who has acquired Japanese nationality has not acquired Japanese nationality in accordance with the provisions of the preceding article, she may become naturalized although she may not have fulfilled the conditions of paragraph 2 of article 7.

*Article 18.* A Japanese who, on becoming the wife of an alien, has acquired her husband's nationality, loses Japanese nationality.

*Article 19.* A person who has acquired Japanese nationality by marriage . . . loses Japanese nationality by divorce . . . only when he or she thereby recovers his or her foreign nationality.

*Article 21.* If the wife or the child of a person who loses Japanese nationality acquire the said person's new nationality, they lose Japanese nationality.

## Lebanon

### DRAFT NATIONALITY ACT<sup>39</sup>

#### *Chapter II. Lebanese nationality acquired through marriage*

*Article 13.* An alien woman who marries a Lebanese national thereby acquires Lebanese nationality. She does not lose her Lebanese nationality if the marriage breaks up, unless, should she reside permanently in a foreign country, she recovers her original nationality in accordance with the law which governs that nationality.

*Article 14.* During the six months' period after an alien woman has been granted Lebanese nationality, the government may oppose this

<sup>38</sup> Text from Brit. Parl. Papers, Misc. No. 2 (1927) Card. 2852, page 39.

<sup>39</sup> Text transmitted to the Secretary-General by the Minister of Foreign Affairs of Lebanon.

decision by an Order of the Council of Ministers. In such case, the alien woman is considered as having never acquired Lebanese nationality except for the validity of legal acts executed by her, as a Lebanese national, prior to the decree refusing her Lebanese nationality.

*Article 15.* The alien woman is not considered as having acquired Lebanese nationality if her marriage to a Lebanese national has been annulled either by decision of the competent Lebanese authorities or of alien authorities whose decisions are recognized as enforceable in Lebanon, even if the marriage was entered into *bona fide*, except as concerns the validity of legal acts regularly executed prior to the decision of annulment.

*Article 16.* When the marriage has been annulled, even if it was entered into *bona fide* under the provisions of the preceding article, the children born from such a marriage have the same national status as natural children whose affiliation with respect to both their parents has been simultaneously established.

*Article 19.* Except in cases where an alien husband was naturalized Lebanese during his marriage, a Lebanese woman who has become an alien through her marriage may not be reinstated in her Lebanese nationality, until final dissolution of the marriage or unless her husband acquires Lebanese nationality by naturalization or otherwise.

## **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 (1) and (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:

(1) . . .

(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.* (1) . . .

(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

### NATIONALITY AND NATURALIZATION ACT OF 5 JANUARY 1934

*Article 2.* The following are Mexicans by naturalization: sub-paragraph 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.

*Political Constitution of 5 February 1917*

*Article 30.* para. B, sub-para. II. Mexican nationality is acquired by birth or by naturalization.

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

## **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.* Netherlandship is lost:

1. By naturalization in another country or, in the case of a minor, by the acquisition of a foreign nationality through naturalization of the father or the mother in another country, according to the distinctions made in article 1.

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.

4. By entering into foreign military or State service without Our permission.

5. With respect to Netherlands subjects born outside the Realm, Indonesia, Surinam or the Netherlands West Indies, by a residence of ten consecutive years outside the territory of the Realm, Indonesia, Surinam or the Netherlands West Indies, except in the service of the State, unless the person so residing shall, before the expiration of that term, give notice to the mayor of his last residence in the Realm, or to the authority designated by the Governor (General) for the district comprising his 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 he resides, that he desires to remain a Netherlander.

A fresh term of ten years begins to run from the day on which the notice is received.

With regard to minors, the term of ten years begins to run from the day of their coming of age under Netherlands law.

*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 8*

#### (2) Citizenship by registration:

Subject to the provisions of sub-section three of this section, a woman who is a citizen of any country mentioned in sub-section three of section three of this Act or an Irish citizen or a British protected person and who has been married to a New Zealand citizen shall be entitled,

on making application as aforesaid, to be registered as a New Zealand citizen, whether or not she is of full age and capacity.

#### *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 16*

(4) A woman who was a British subject immediately before the date of the commencement of this Act and has before that date been married to a person who becomes, or would but for his death have become, a New Zealand citizen by virtue of any of the foregoing provisions of this section shall on that date herself become a New Zealand citizen.

*Section 17.* [Persons who have ceased to be British subjects by failure to make declaration of retention].

(2) A woman shall be treated for the purposes of this section as if she would have been a British subject but for her failure to make a declaration of retention of British nationality, notwithstanding that after she ceased to be a British subject she married an alien.

*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 21 JANUARY 1948

*Article 14.* Nicaraguans are either native or naturalized.

*Article 16.* Naturalized citizens are:

. . .

(2) An alien woman who contracts matrimony with a Nicaraguan, if, while residing in Nicaragua, she declares her desire to acquire Nicaraguan nationality.

*Article 17.* Neither marriage nor divorce will affect the nationality of the spouse or that of the children.

## Norway<sup>40</sup>

### NORWEGIAN CITIZENSHIP ACT OF 8 AUGUST 1924

*Article 3.* A foreign woman who marries a Norwegian citizen acquires Norwegian citizenship on marriage.

*Article 6.* When a man becomes a Norwegian citizen in pursuance of article 2 or 4, his wife and unmarried children under eighteen also become Norwegian citizens provided that they live in the country. If they do not live here, but the wife, while the marriage is still valid, or the children, while they are unmarried and below the age of eighteen, later take up residence in the country, they become Norwegian citizens provided the husband still has Norwegian citizenship. Children who, after the dissolution of the marriage, remain under the care of the mother are ineligible for acquisition of citizenship according to these rules. The same applies to a wife whose cohabitation with her husband is dissolved in accordance with Court decision or decree, and to the children under her care as long as the matrimonial life of the parties is not resumed.

When Norwegian citizenship is granted to a husband in accordance with article 5 such citizenship should be extended to his wife and unmarried children below the age of eighteen unless there is reason for making an exception. Before the application is decided the wife should be afforded the opportunity of declaring her views in the matter. A pledge of loyalty must in such case also be made by the wife.

. . .

*Article 9.* When a man loses his citizenship according to this paragraph his wife and children also lose Norwegian citizenship.

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<sup>40</sup> According to information received by the Secretary-General, a draft law on nationality is at present before the Norwegian Storting.

## Pakistan

BRITISH NATIONALITY AND STATUS OF ALIENS ACT OF 1914, AS AMENDED<sup>41</sup>

### 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.

## Panama

CONSTITUTION OF 1 MARCH 1946

*Article 10.* Panamanians by naturalization are:

. . .

(2) 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 . . .

## Peru

CONSTITUTION OF 9 APRIL 1933

*Article 6.* An alien women 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.

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<sup>41</sup> Text transmitted to the Secretary-General by the Ministry of Foreign Affairs and Commonwealth Relations of Pakistan.

The British Nationality Act 1948 was passed on 3 July 1948 by the British Parliament and was to come into force on 1 January 1949. However, according to section 6 (4) of the Indian Independence Act 1947, no Act of the British Parliament passed after 14 August 1947 can apply to the Dominion of Pakistan unless it is specifically made applicable by the legislature of Pakistan. The British Nationality Act 1948 does not therefore apply to Pakistan, where the British Nationality and Status of Aliens Act 1914 is still in force.

## 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) By repatriation of deserters of the Army, Navy or Air Corps: Provided that 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 OF 20 JANUARY 1920 <sup>42</sup>

*Article 4.* Polish nationality is acquired:

. . .

(3) By marriage.

*Article 13.* Acquisition and loss of Polish nationality, subject to a contrary ruling of the Minister of Interior, extends also to the wife of the person acquiring or losing nationality.

*Article 10.* A Polish woman who lost her citizenship by marriage to an alien, regains it if the marriage has come to an end and if she settled down in Poland and makes an appropriate declaration in an administrative office of the place where she resides.

## 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. 125 OF 6 JULY 1948 CONCERNING ROMANIAN NATIONALITY

*Article 1.* Every person without distinction of age, sex, nationality, race, religion or education, acquires or loses Romanian nationality in accordance with the provisions of the present Act.

The rights and duties resulting from the status of Romanian citizen are the same for all the persons who have such status, without distinction as to sex, nationality, race, religion or education.

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<sup>42</sup> Journal of Laws of the Polish Republic, No. 52, item 320. According to information received by the Secretary-General, a new law on nationality is in preparation in Poland.

## *Article 10.*

. . .

Naturalization can be granted only in an individual capacity and upon application.

*Article 13.* A person who marries a Romanian national can apply for naturalization only provided he/she has renounced his/her foreign nationality. The marriage of a Romanian national with a person of a different nationality does not involve the loss of Romanian nationality.

## **Sweden**

### **SWEDISH NATIONALITY ACT OF 22 JUNE 1950 <sup>48</sup>**

*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.

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<sup>48</sup> The new Swedish law on nationality is based on the project which was elaborated by a joint legislative committee of the three Scandinavian States, Sweden, Norway and Denmark, in which executive as well as legislative bodies of these countries were represented.

*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 CONSTITUTION OF THE SWISS CONFEDERATION OF 29 MARCH 1874  
(AMENDED AS OF 31 JANUARY 1947)

*Article 54, paragraph 4.* The woman acquires through marriage the citizenship of her husband.

#### CIVIL CODE

*Article 161, paragraph 1.* The wife acquires the family name and the citizenship (national status) of the husband.

FEDERAL ACT OF 25 JUNE 1903

*Article 3.* Provided that the Federal Council does not make a formal exception in their case, the naturalization extends to the wife and to the

children of the naturalized alien, if they are, according to the law of their country, subject to his marital or parental authority.

*Article 9, paragraph 3.* The renunciation (of a Swiss citizen to his citizenship) extends to the wife and children, if they are subject to his marital or parental authority and provided that no formal exception is made in their case.

*Article 10 (summary):* The Federal Council can, after having taken the advice of the canton of origin, order the reintegration in their citizenship, of the following persons, provided they are domiciled in Switzerland:

(a) The widow, the wife separated from bed and board, and the divorced wife of a Swiss citizen who has renounced his nationality . . . if the application is made by the widow or by the separated or divorced wife within ten years from the dissolution of the marriage or from the separation from bed and board.

(b) The widow, the wife separated from bed and board and the divorced wife who have lost Swiss nationality through marriage, if they file applications to this effect within ten years from the dissolution of the marriage or from the separation from bed and board.

REGULATION OF 11 NOVEMBER 1941 OF THE FEDERAL COUNCIL AMENDING  
THE REVISIONS CONCERNING THE ACQUISITION AND LOSS OF SWISS  
NATIONALITY

*Article 2, paragraph 2.* The Department of Justice and Police can declare null and void the acquisition of Swiss nationality through marriage, within five years following the celebration of the marriage, if the marriage had obviously been entered into with a view to avoiding the rules concerning naturalization.

*Article 5, paragraph 1.* The Swiss woman who enters into a valid marriage with an alien in Switzerland loses her Swiss nationality.

*Paragraph 2.* She retains exceptionally her Swiss nationality when the loss of same would inevitably make her a stateless person. This condition is not considered as fulfilled when the woman does not submit a declaration or an application which, according to the law of her husband's country of origin, would give her the possibility to acquire her husband's nationality through marriage.

## Thailand

### NATIONALITY ACT, B.Y. 2456 OF 10 APRIL 1913

*Section 3.* It is enacted that the following persons are Siamese nationals:

...  
(4) Women of foreign nationality who are married to Siamese nationals according to law and usage.

*Section 4.* A Siamese woman who marries an alien loses her Siamese nationality if the national law of her husband provides that she may acquire the nationality of her husband.

*Section 11.* A Siamese woman who has acquired foreign nationality by marrying an alien resumes her Siamese nationality upon dissolution of the marriage.

#### NATURALIZATION ACT R.S. 130 OF 18 MAY 1911

*Section 12.* The wife of a naturalized person becomes as of right a Siamese subject.

### **Turkey**

#### ACT OF 12 JUNE 1928

*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**

#### ACT TO MAKE PROVISION FOR SOUTH AFRICAN CITIZENSHIP AND FOR MATTERS INCIDENTAL THERETO, No. 44, 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 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 15*

(2) In determining for the purposes of this section whether a woman who has married an alien would but for her failure to make a declaration of retention of British nationality have been a British subject immediately before the commencement of this Act the marriage shall be disregarded.

## **United States of America**

### **NATIONALITY ACT OF 1940**

*Article 710.* Married persons excepted from certain requirements; validation of certain naturalizations.

(a) Any alien who, after 21 September 1922, and prior to 24 May 1934, has married a citizen of the United States, or any alien who married prior to 24 May 1934 a spouse who was naturalized during such period and during the existence of the marital relation may, if eligible to naturalization, be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(1) No declaration of intention shall be required;

(2) In lieu of the five-year period of residence within the United States, and the six months' period of residence in the State where the petitioner resided at the time of filing the petition, the petitioner shall have resided continuously in the United States for at least one year immediately preceding the filing of the petition.

(b) Any alien who, on or after 24 May 1934, has married or shall hereafter marry a citizen of the United States, or any alien whose husband or wife was naturalized on or after 24 May 1934, and during the existence of the marital relation or shall hereafter be so naturalized may, if eligible for naturalization, be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(1) No declaration of intention shall be required;

(2) In lieu of the five-year period of residence within the United States, and the six months' period of residence in the State where the petitioner resided at the time of filing the petition, the petitioner shall have resided continuously in the United States for at least three years immediately preceding the filing of the petition.

(c) The naturalization of any women on or after 24 May 1934, by any naturalization court of competent jurisdiction, upon proof of marriage to a citizen or the naturalization of her husband and proof

of but one year's residence in the United States is hereby validated only so far as relates to the period of residence required to be proved by such person under the naturalization laws.

*Article 711.* Same; spouse of United States citizen residing in United States in marital union prior to petition.

A person who upon the effective date of this section is married to or thereafter marries a citizen of the United States, or whose spouse is naturalized after the effective date of this section, if such person shall have resided in the United States in marital union with the United States citizen spouse for at least one year immediately preceding the filing of the petition for naturalization, may be naturalized after the effective date of this section upon compliance with all requirements of the naturalization laws with the following exceptions:

(a) No declaration of intention shall be required.

(b) The petitioner shall have resided continuously in the United States for at least two years immediately preceding the filing of the petition in lieu of the five-year period of residence within the United States and the six months' period of residence within the State where the naturalization court is held.

*Article 717.* Former citizens of United States excepted from certain requirements; citizenship lost by spouse's alienage or loss of United States citizenship, or by entering armed forces of foreign State and acquiring its nationality.

. . .

(a) A person who was a citizen of the United States and who prior to 22 September 1922, lost United States citizenship by marriage to an alien or by the spouse's loss of United States citizenship, and any person who lost United States citizenship on or after 22 September 1922, by marriage to an alien ineligible to citizenship, may, if no other nationality was acquired by affirmative act other than such marriage, be naturalized upon compliance with all requirements of the naturalization laws with the following exceptions:

(1) No declaration of intention and no certificate of arrival shall be required, and no period of residence within the United States or within the State where the petition is filed shall be required.

(b) From and after the effective date of this chapter, a woman, who was a citizen of the United States at birth, and who has or is believed to have lost her United States citizenship solely by reason of her marriage prior to 22 September 1922, to an alien, and whose marital status with such alien has or shall have terminated, if no other nationality was acquired by affirmative act other than such marriage, shall, from and after the taking of the oath of allegiance prescribed by subsection (b) of section 735 of this chapter, be deemed to be a citizen

of the United States to the same extent as though her marriage to said alien had taken place on or after 22 September 1922.

*Article 738. Revocation of naturalization.*

(d) The revocation and setting aside of the order admitting any person to citizenship and cancelling his certificate of naturalization under the provisions of sub-section (a) of section 738 of this title shall not, where such action takes place after the effective date of this chapter, result in the loss of citizenship or any right or privilege of citizenship which would have been derived by or available to a wife or minor child of the naturalized person had such naturalization not been revoked, but the citizenship and any such right or privilege of such wife or minor child shall be deemed valid to the extent that it shall not be affected by such revocation: *Provided* that this sub-section shall not apply in any case where the revocation and setting aside of the order was the result of actual fraud.

## Uruguay

### LAW OF 21 JANUARY 1921

The foreign wife of a Uruguayan national does not acquire Uruguayan nationality, but can be given a passport if she has lost former nationality.

### CONSTITUTION OF 18 MAY 1934, AMENDED IN 1942

*Article 66.* The following persons have a right to legal citizenship:

(1) Alien married men and women of good conduct, who have some capital invested or in property in the country, or practising some science, art, or industry, have three years of regular residence in the Republic.

(2) Alien men and women of good conduct, unmarried, or married if their wives or husbands do not reside in the Republic, who have the requirements of the preceding clause and five years of regular residence in the country.

(3) Alien men and women who obtain special permission from the Assembly for notable services or outstanding merit . . .

*Article 67.* Married aliens, men and women of good conduct, who, possessing some capital invested or in property in the country, or practising some science, art, or industry, have had a regular residence of at least fifteen years in the Republic, have the right to vote without the necessity of previously obtaining legal citizenship . . .

*Article 71.* Nationality may not be lost even by being naturalized in another country, it being sufficient for the recovery of the exercise of the rights of citizenship, simply to be domiciled in the Republic and inscribed in the civic register.

## Venezuela

CONSTITUTION (PROMULGATED 5 JULY 1947)<sup>44</sup>

*Article 12.* Venezuelans by naturalization are:

(1) An alien woman married to a Venezuelan if, in conformity with her national law, she loses her previous nationality by reason of matrimony.

*Article 13.* Dissolution of matrimony will not affect the nationality that the spouses and the children may have.

*Article 14.* A Venezuelan woman who marries an alien will retain Venezuelan nationality unless she manifests her contrary wish and provided that such manifestation may be sufficient to acquire the nationality of the husband according to the national law of the latter.

## Yugoslavia

YUGOSLAV CITIZENSHIP ACT 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:

(1) If he submits an application for naturalization.

(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.

(5) If it can be ascertained from his behaviour that he will be a loyal citizen 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

<sup>44</sup> The Constitution of 5 July 1947 has not been in force since 24 November 1948. In an official announcement it was stated that the new government which was set up on that date would act in accordance with the Constitution of 20 July 1936 as amended in 1945, reserving the right to impose those provisions of the Constitution of 1947 which were deemed progressive.

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).

**Annex**

**RESOLUTIONS CONCERNING THE NATIONALITY  
OF MARRIED WOMEN**



## Resolutions concerning the nationality of married women

### SUMMARY

The various resolutions of the Commission on the Status of Women and of the Economic and Social Council, respectively, on the subject of the nationality of married women are summarized below in chronological order:

1. The Commission on the Status of Women at its second session, in January 1948,<sup>45</sup> 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.

2. The Economic and Social Council at its seventh session, in August 1948,<sup>46</sup> having noted the views expressed by the Commission on the Status of Women in the resolution referred to in paragraph 1 above, and also the provisions of the Hague Convention, the Montevideo

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<sup>45</sup> E/615, para. 18.

<sup>46</sup> E/1065, resolution 154 C (VII).

Convention, and the studies referred to in the said paragraph 1, 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.

3. The Commission on the Status of Women at its third session, in March-April 1949,<sup>47</sup> 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 in paragraph 2 (a) above, as summarized in the Secretary-General's report on this subject<sup>48</sup>; 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 hardship 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,<sup>49</sup> 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.

4. The Economic and Social Council at its ninth session in August 1949,<sup>50</sup> having noted the conflicts in law and practice relating to the nationality of married women, referred to in paragraph 3 above, and also the provisions of article 15 of the Universal Declaration of Human Rights, therein referred to; and considering that a convention on the nationality of married women, as suggested in paragraph 3 above, should be prepared as promptly as possible:

(a) Invited Member States to transmit their replies to the supplementary list of questions, referred in the said paragraph 3 (a), to the Secretary-General by November 1949;

<sup>47</sup> E/1316, para. 31.

<sup>48</sup> E/CN.6/82 and Add.1 and 2.

<sup>49</sup> E/CN.6/W.1/Add.1.

<sup>50</sup> E/1553, resolution 242 C (IX).

(b) Requested the Secretary-General to prepare and circulate to Member States an analysis of the conflicts referred to in the said paragraph 3 and in document E/CN.6/81/Rev.1, and in any further replies received from Governments;

(c) Invited Member States to transmit their comments and suggestions as to the resolution of these conflicts to the Secretary-General by 1 April 1950; and

(d) Requested the Secretary-General to provide the Commission on the Status of Women, at its fourth session, with a summary of the replies received from Governments and suggestions as to alternative articles which might be incorporated into the suggested convention, with a view to its final drafting at an early date.

5. At its fourth session in May 1950,<sup>51</sup> the Commission on the Status of Women requested the Economic and Social Council:

(1) To take appropriate measures as soon as possible to ensure the drafting of a convention on nationality of married women, embodying the following principles:

(a) No distinction based on sex either in legislation or in practice;

(b) Neither marriage nor its dissolution to affect the nationality of either spouse. Nothing in the convention, however, to preclude the parties to it from making provision for the voluntary naturalization of aliens married to their nationals;

(2) To instruct the appropriate bodies of the United Nations to give consideration to the problem of the transmission of nationality to children from either the father or the mother on a basis of equality.

6. The Economic and Social Council at its eleventh session, in July 1950,<sup>52</sup> having noted the recommendation of the Commission on the Status of Women, referred to in paragraph 5 above, and having noted also that the International Law Commission included among topics selected for study and codification "nationality, including statelessness",

(a) Proposed to the International Law Commission that it undertake the drafting as soon as possible, of a convention to embody the principles recommended by the Commission on the Status of Women;

(b) Requested the International Law Commission to determine whether it deemed it appropriate to proceed with this proposal, and if so, to inform the Economic and Social Council as to the approximate time when it might proceed to initiate action on this problem; and

(c) Invited the Secretary-General to transmit this resolution, together with the recommendation of the Commission on the Status of Women, to the International Law Commission.

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<sup>51</sup> E/1712, para. 37.

<sup>52</sup> E/1849, resolution 304 D (XI).

7. The International Law Commission considered the request of the Economic and Social Council referred to in the last preceding paragraph, at its 71st meeting, in July 1950, and adopted a resolution to the effect that it did deem it 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 proposed to initiate work in connexion with it, as soon as possible.<sup>53</sup>

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<sup>53</sup> A/1316, paragraph 20.

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