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THE PROBLEM OF STATELESSNESS

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

The Secretary-General has the honour to circulate the following communication dated 25 September 1951 which he has received from the Minister for Foreign Affairs of Burma:

"The Minister for Foreign Affairs of Burma presents his compliments to the Secretary-General of the United Nations and, further to his Note No. INT.494/G, dated 11 May 1951, has the honour to state as follows.

Necessary provisions for the avoidance of statelessness were embodied in Section 2, sub-sections (2), (3), (4) and (5) of the Burma Independence Act and in Section 11 (ii), (iii) and (iv) and Section 12 of the Constitution of the Union of Burma. Necessary legislation has been made under these provisions namely, the Union Citizenship (Election) Act, 1948 and the Union Citizenship Act, 1948.

Sub-Sections (2), (3), (4) and (5) of Section 2 of the Burma Independence Act specify persons who, being British subjects immediately before the day on which Burma attained Independence shall cease to be such, but may elect to retain their British nationality and persons who being British subjects shall not cease to be such by reason of Burma having attained Independence.

According to the provisions of clauses (ii) and (iii) of Section 11 of the Constitution, every person born in any of the territories included within the Union, one of whose grandparents belongs or belonged to any of the indigenous races, and every person born in any of the territories included within the Union, of parents both of whom are, or if they had been alive at the commencement of the Constitution would have been citizens of the Union shall be a citizen of the Union.

Section 11 (iv) of the Constitution defines persons who by virtue of their birth in a certain place (i.e. in any of the territories which at the time of their birth are included in His Britannic Majesty's dominions) and of their long residence in territories within the Union (i.e. not less than 8 years in the ten years immediately preceding the date of the commencement of the Constitution or immediately preceding the 1st January 1952) have the right to be citizens of the Union, provided that they intend to reside permanently in the Union and also signify their election of citizenship as provided for in the said clause. Under the provisions of this clause the Union Citizenship (Election) Act, 1948, has been made, and any person who possesses the above qualifications can apply for a certificate of citizenship under the said Act.

As contemplated by section 12 of the Constitution of the Union of Burma, the Union Citizenship Act, 1948, was enacted in order to enable those who did not possess the necessary qualifications to elect Union Citizenship under the Union Citizenship (Election) Act, 1948, to apply for certificates of citizenship or naturalization.

Under section 4 (1) of the Union Citizenship Act, 1948, any person who under clauses (i), (ii) and (iii) of section 11 of the Constitution is a citizen of the Union or who, under clause (iv) of the section 11 of the Constitution being entitled to elect for citizenship has been granted under the Union Citizenship (Election) Act, 1948, a certificate of citizenship shall continue to be a citizen of the Union, until he or she loses that status under the provisions of the Union Citizenship Act, 1948.

Any person descended from ancestors who for two generations at least have all made any of the territories included within the Union their permanent home and whose parents and himself were born in any of such territories shall be deemed to be a citizen of the Union vide section 4 (2) of the Union Citizenship Act, 1948.

A child born after the commencement of the Constitution in the Union one of whose parents is a citizen shall be a citizen of the Union provided, however, that if the father is an alien such child shall cease to be a citizen on the expiry of a year after he attains majority unless within that time he makes a declaration of alienage in respect of any citizenship other than that of the Union and elects to retain the citizenship of the

/Union

Union. A child born in the Union, and subject to the jurisdiction thereof, of parents both of whom not being citizens of the Union are domiciled in the Union may on attaining majority, apply for a certificate of citizenship, provided that he is then permanently resident in the Union. These provisions are for children born within the Union and they are contained in section 5 (a) 12 (3) of the Union Citizenship Act, 1948.

Necessary provisions have also been made for children born outside the Union to become Union citizens. A child born outside the Union after the commencement of the Constitution, of a father who is a citizen, is a citizen of the Union, provided that the child's birth was registered in the manner and within the time prescribed under the Union Citizenship Act, 1948 at the appropriate Consulate of the Union. A child born outside the Union, after the commencement of the Constitution, of a parent who, being a citizen, was at the time of the child's birth in the service of the Union is a citizen of the Union, provided that if the other parent was an alien and if the child within one year after attaining majority fails to make a declaration renouncing any foreign national status to which he may be entitled and electing to retain Union Citizenship, he shall, on the expiry of that year cease to be a citizen of the Union vide section 5 (b) and (c) of the Union Citizenship Act, 1948.

On the joint application of a woman who has been granted a certificate of citizenship under section 11 (2) of the Union Citizenship Act, 1948, and her husband, the Minister shall have registered as a citizen any minor child not already a citizen and born before the date of grant of citizenship to the mother vide section 11 (4) ibid. A child born outside the Union, one of whose parents is a citizen, shall, if the child is not otherwise a citizen, be entitled if still a minor and in the custody of the parent, to the grant of a certificate of citizenship on the application of the parent, on the parent resuming his or her domicile in the Union. Provided that if the child within one year after attaining majority fails to make a declaration renouncing any foreign national status to which he may be entitled and electing to retain Union citizenship he shall cease on the expiry of that year to be a citizen of the Union. If the said child is a major, the Minister may grant him a certificate of citizenship, provided that the Minister is satisfied (a) that

/he is of good

he is of good character and (b) that he intends either to reside permanently in the Union or to enter or continue in the service of the Union or of the constituent State thereof or of any religious, charitable or commercial organization established in the Union vide section 12 (1) and (2) ibid.

Under section 14 of the Union Citizenship Act, 1948, a citizen of the Union not being under disability who obtains a certificate of naturalization in a foreign State or by any voluntary or formal act other than marriage becomes naturalized in any other foreign State, shall forthwith be deemed to have ceased to be a citizen of the Union. However, such loss of citizenship by the parent or parents shall not ipso facto deprive the children, who prior to that loss, were citizens, of their status as such.

Section 11 (1) and (2) of the Union Citizenship Act, 1948, provides that any alien woman who is married to a citizen of the Union may after continuous residence in the Union for at least one year apply for a certificate of citizenship and a certificate of citizenship may be granted to her on her undertaking to renounce her foreign national status.

Any alien who makes an application and satisfies the conditions that:

- (a) he has completed the age of 18 years,
- (b) for not less than 5 years before the application he had resided continuously in the Union and subject to its jurisdiction

(c) he is of good character, and

(d) he intends if a certificate is granted to reside in the Union or to continue in the service of the Union or any constituent State thereof, may be granted a certificate of naturalization under section 7 of the Union Citizenship Act, 1948. However, within a period not less than one year and not more than five years before the application is made he shall have given notice, in writing, of his intention to apply for a certificate of naturalization.

A person who is covered by a certificate of naturalization granted under section 5 of the Burma Naturalization Act shall, on making a declaration of alienage in respect of any citizenship other than that of the Union and electing the citizenship of the Union be entitled to a certificate of naturalization under section 8 of the Union Citizenship Act, 1948.

/A person

A person who has served honourably at any time in the Armed Forces of the Union for a period or periods aggregating three years may be naturalized under section 13 of the Union Citizenship Act, 1948, if the petition for naturalization is filed while he is still in the service or within six months after the termination of such service, upon full compliance with all the requirements of the said Act, with the following exceptions:

- (i) no notice of intention shall be required, and
- (ii) no residence with the Union shall be required.

A copy each of the Burma Independence Act, the Union Citizenship (Election) Act, the Union Citizenship Act and relevant extracts from the Constitution of the Union of Burma are enclosed."

ANNEX I

Burma Independence Act, 1947

(Extracts)

Independence of Burma

1. (1) On the appointed day, Burma shall become an independent country, neither forming part of His Majesty's dominions nor entitled to His Majesty's protection.

(2) In this Act, the expression "the appointed day" means the fourth day of January, nineteen hundred and forty-eight.

(3) The suzerainty of His Majesty over the part of Burma known as the Karenni States shall lapse as from the appointed day, and with it all treaties and agreements in force between His Majesty and the rulers of the Karenni States, all functions exercisable by His Majesty with respect to the Karenni States, all obligations of His Majesty towards the Karenni States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty in or in relation to the Karenni States by treaty, grant, usage, sufferance or otherwise.

Certain persons to cease to be British subjects

2. (1) Subject to the provisions of this section, the persons specified in the First Schedule to this Act, being British subjects immediately before the appointed day, shall on that day cease to be British subjects:

Provided that a woman who immediately before the appointed day is the wife of a British subject shall not cease by virtue of this sub-section to be a British subject unless her husband ceases by virtue of this sub-section to be a British subject.

(2) A person who by virtue of sub-section (1) of this section ceases to be a British subject on the appointed day and is immediately before that day domiciled or ordinarily resident in either -

- (a) any part of the United Kingdom;
- (b) any of the Channel Islands,
- (c) the Isle of Man;

/(d) Newfoundland

- (d) Newfoundland;
- (e) any colony;
- (f) any territory in respect of which a mandate from the League of Nations was accepted by His Majesty, being a territory under the sole administration of His Majesty's Government in the United Kingdom;
- (g) any territory administered under the trusteeship system of the United Nations, being a territory under the sole administration of His Majesty's Government in the United Kingdom;
- (h) any British protectorate;
- (i) any British protected state outside Burma; or
- (j) any other place outside Burma in which, by treaty, capitulation, grant, usage, sufferance or other lawful means, His Majesty has jurisdiction over British subjects,

may by a declaration made before the expiration of the two years beginning with the appointed day to such person and in such manner as may be prescribed, elect to remain a British subject, and if he so elects, the provisions of sub-section (1) of this section (including the proviso thereto) shall be deemed never to have applied to or in relation to him or, except so far as the declaration otherwise provides, any child of his who is under the age of eighteen years at the date of the declaration:

Provided that a declaration under this sub-section shall be of no effect unless it is registered in the prescribed manner in pursuance of an application made within, or within the prescribed period after the expiration of, the said two years.

In this sub-section, the expression "prescribed" means prescribed by regulations of the Secretary of State or of such Government, authority or person as may be authorized in that behalf by the Secretary of State, and different provision may be made under this sub-section for different classes of cases.

(3) A person who by virtue of sub-section (1) of this section ceases to be a British subject on the appointed day, not being such a person as is mentioned in sub-section (2) of this section, shall, if on that day he neither becomes, nor becomes qualified to become, a citizen of the independent country of Burma for which provision is made by section one of this Act, have the like

/right

right of election as is provided for by sub-section (2) of this section, and the said sub-section (2) shall have effect accordingly.

(4) If provision is made by the law of any part of His Majesty's dominions not mentioned in sub-section (2) of this section for the exercise by any persons, being persons domiciled or ordinarily resident in that part of His Majesty's dominions or in any territory administered by the Government thereof, of a right to elect not to cease to be British subjects on the appointed day by reason of Burma becoming an independent country on that day, then, so far as is necessary to give effect under the law of the United Kingdom to the results flowing under the law of that part of His Majesty's dominions from the exercise of the right of election, the provisions of sub-section (1) of this section shall be deemed never to have applied to or in relation to, or to or in relation to the children of, the persons who duly exercise that right.

(5) Save as provided in this section, no person who is a British subject immediately before the appointed day shall cease to be a British subject by reason of Burma ceasing on that day to be part of His Majesty's dominions.

(6) The exercise by a person of any such right of election as is referred to in sub-section (2), sub-section (3) and sub-section (4) of this section shall not render unlawful anything done before the date of the election which would have been lawful if the election had not been made.



## FIRST SCHEDULE

Persons who cease to be British Subjects

1. The persons who, being British subjects immediately before the appointed day, are, subject to the provisions of section two of this Act, to cease on that day to be British subjects are the following persons, that is to say -

(a) persons who were born in Burma or whose father or paternal grandfather was born in Burma, not being persons excepted by paragraph 2 of this Schedule from the operation of this sub-paragraph; and

(b) women who were aliens at birth and became British subjects by reason only of their marriage to any such person as is specified in sub-paragraph (a) of this paragraph.

2. (1) A person shall be deemed to be excepted from the operation of sub-paragraph (a) of paragraph 1 of this Schedule if he or his father or his paternal grandfather was born outside Burma in a place which, at the time of the birth, -

(a) was within His Majesty's dominions, was a British protectorate, was a British protected state, was a territory in respect of which a mandate from the League of Nations had been accepted by His Majesty and which was under the administration of the Government of any part of His Majesty's dominions or was a territory under the trusteeship system of the United Nations which was under the administration of the Government of any part of His Majesty's dominions; or

(b) was a place where, by treaty, capitulation, grant, usage, sufferance or other lawful means, His Majesty had jurisdiction over British subjects:

Provided that a person shall not be excepted under this sub-paragraph from the operation of the said sub-paragraph (a) by virtue of the place of birth of his father or paternal grandfather unless his father or, as the case may be, his paternal grandfather, was at some time before the appointed day a British subject.

(2) A person shall also be deemed to be excepted from the operation of the said sub-paragraph (a) if he or his father or his paternal grandfather became a British subject by naturalization or by annexation of any territory which is outside Burma.

/(3) Where,

(3) Where, in pursuance of the British Nationality and Status of Aliens Act, 1914, the name of a child has been included in a certificate of naturalization granted to his parent, or where, in pursuance of any Act repealed by that Act, any child has been deemed to be a naturalized British subject by reason of residence with his parent, that child shall, for the purposes of this paragraph, be deemed to have become a British subject by naturalization.

3. For the purposes of this Schedule, a person born in a ship, other than an unregistered ship, shall be deemed to have been born in the country in which the ship was registered.

4. In this Schedule the expression "Burma" means the territories which, immediately before the appointed day, were included in Burma.

ANNEX II

The Constitution of The Union of Burma

(Extracts)

- SECTION 11. (i) Every person, both of whose parents belong or belonged to any of the indigenous races of Burma;
- (ii) every person born in any of the territories included within the Union, at least one of whose grandparents belong or belonged to any of the indigenous races of Burma;
- (iii) every person born in any of the territories included within the Union, of parents both of whom are, or if they had been alive at the commencement of this Constitution would have been citizens of the Union;
- (iv) every person who was born in any of the territories which at the time of his birth was included within His Britannic Majesty's dominions and who has resided in any of the territories included within the Union for a period of not less than eight years in the ten years immediately preceding the date of the commencement of this Constitution or immediately preceding the 1st January 1942 and who intends to reside permanently therein and who signifies his election of citizenship of the Union in the manner and within the time prescribed by law.

shall be a citizen of the Union.

SECTION 12. Nothing contained in section 11 shall derogate from the power of the Parliament to make such laws as it thinks fit in respect of citizenship and alienage and any such law may provide for the admission of new classes of citizens or for the termination of the citizenship of any existing classes.

ANNEX III

The Union Citizenship (Election) Act, 1948

Whereas it is necessary to make provision for the election of citizenship by persons qualified under section II (iv) of the Constitution:

It is hereby enacted as follows:

1. This Act may be called the Union Citizenship (Election) Act, 1948.
2. In this Act, unless the context otherwise requires,
  - (a) "Officer" means any Officer nominated for the purposes of this Act by the President.
  - (b) "Minister" means a member of the Government nominated by the President for the purposes of this Act.
  - (c) "Deputy Commissioner" includes "The District Magistrate, Rangoon"; in the States "the Resident" or when there is no Resident, the "Assistant Resident".
3. Any person who, was born in any of the territories which, at the time of his birth, was included in His Britannic Majesty's dominions and who had resided in any of the territories included in the Union for a period of not less than eight years in the ten years immediately preceding either the first day of January 1942 or the fourth day of January 1948, may apply to the officer in the district in which he resides for a certificate of citizenship.
4. The application shall be made by petition which shall be accompanied by an affidavit of the applicant stating -
  - (a) the place of his birth, and the time or approximate thereof;
  - (b) the period or periods he had resided in the territories included in the Union prior either to the first day of January 1942 or to the fourth day of January 1948;
  - (c) his intention to reside permanently in the territories included in the Union; and
  - (d) the name, sex, place of birth and time of birth, exact or approximate, of each of his minor children, alive at the date of the application.

5. (1) On an application made for a certificate of citizenship, the officer shall direct notice of such application to be issued to the Deputy Commissioner of the district where the applicant resides and shall also have a copy of the notice posted in some conspicuous place in the office of the Deputy Commissioner.

(2) The application shall not be heard by the officer before four weeks after the service of the notice on the Deputy Commissioner have expired.

(3) At any time, previous to the hearing of the application, the Deputy Commissioner may file with the officer an objection, stating the grounds of such objection.

Any person, knowing of, or having evidence of, a disqualification in the applicant, may communicate his knowledge or the evidence to the Deputy Commissioner.

6. (1) At the hearing, the applicant for a certificate shall, subject to the provisions of section 132 of the Code of Civil Procedure, personally appear before the officer for examination unless the officer, for sufficient reason to be recoded in writing, dispenses with his personal attendance. The applicant shall produce before the officer at such hearing such evidence as he may desire to establish that he is qualified under Section II (iv) of the Constitution to elect for citizenship.

(2) The Deputy Commissioner shall be entitled to adduce, at such hearing, such evidence as he may desire in disproof of the applicant's claim.

(3) At the hearing, the officer shall not be bound by the Civil Procedure Code or any other enactment but shall be guided by rules of natural justice.

7. (1) If the officer decides that the applicant has established his right to elect for citizenship of the Union, he shall forthwith transmit to the Minister a certified copy of his decision together with the application for the certificate and the affidavit annexed thereto.

(2) If the officer decides that the applicant is not entitled to so elect, the applicant may file an application in revision against the order in the High Court within sixty day from the date of the order.

8. (1) When the Minister receives a decision of the officer under section 7, he shall, unless he is in doubt of the correctness of the decision of the officer, issue a certificate of citizenship in such form as may be prescribed and shall send the certificate to the officer by whom the decision was made.

(2) If the Minister is in doubt of the correctness of the decision of the officer, he may refer the application to the High Court on the Appellate Side. To such a reference by the Minister or the application under section 7 (2) the provisions of Order XLI of the Civil Procedure Code shall apply.

(3) If the High Court, on a reference, confirms the decision of the officer under section 7 (1), or set aside the order under section 7 (2), the Minister shall issue a certificate of citizenship and transmit it to the officer by whom the decision was made.

(4) The officer shall, on receipt of the certificate, call upon the applicant to appear before him on a date fixed by him and to subscribe a declaration on oath or affirmation renouncing any other nationality or status as citizen of any foreign country, and, on the applicant making and subscribing such declaration, the officer shall deliver to him the certificate after having endorsed thereon the date of the making of and subscribing the said declaration.

(5) The certificate shall not take effect unless the applicant makes and subscribes the declaration under the last preceding section.

9. If any petition or affidavit, which is required to be filed under this Act, contains any averment which the person making the same knows or believes to be false, such person shall be deemed to have committed an offence under section 193 of the Penal Code.

10. Except with the prior leave of the President, no officer or

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court shall entertain an application under section 4 if filed after the expiry of one year from the commencement of this Act.

11. (1) The President may, from time to time, make rules for carrying into effect the objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for and regulate -

(a) the presentation at the enquiry on behalf of the Union of Burma;

(b) the fees payable by the applicant in the proceedings for the grant of a certificate;

(c) the forms to be used under the Act including the certificate of citizenship; and

(d) the form of declaration renouncing any foreign nationality or status.

ANNEX IV

The Union Citizenship Act, 1948, as amended by the  
Union Citizenship (Amendment) Act, 1949

1. (1) This Act may be called the Union Citizenship Act, 1948.  
(2) It shall extend to the whole of the Union of Burma and shall be deemed to have come into force on the 4th day of January, 1948, 9th Waning, Pyatho (1309 B.E.).
2. In this Act, unless the context otherwise requires, the expression:  
    "Certificate of Citizenship" means a certificate granted under the Union Citizenship (Election) Act, 1948, or under this Act.  
    "Certificate of Naturalization" means a certificate of naturalization granted under this Act.  
    "Child" includes a legally adopted child.  
    "Constitution" means the Constitution of the Union of Burma.  
    "Consulate of the Union" includes any office appointed by the President for the purposes of registration under this Act.  
    "Disability" means the status of being a minor, lunatic or idiot.  
    "Father" means the father of a child who is legitimate.  
    "Minister" means a member of the Union Government nominated for the purpose of this Act by the President.  
    "Parent" shall in any provisions relating to minor children include an adoptive parent and the mother of an illegitimate child, provided that the adoptive parent or the mother has the lawful custody of such child or children.  
    "Union" means the Union of Burma.
3. (1) For the purposes of section 11 of the Constitution the expression "any of the indigenous races of Burma" shall mean the Arakanese, Burmese, Chin, Kachin, Karen, Karenni, Mon or Shan race and such racial group as has settled in any of the territories included within the Union as their permanent home from a period anterior to 1823 A.D. (1185 B.E.).  
(2) For the purpose of section 11 of the Constitution and of section 3 of the Union Citizenship (Election) Act, 1948, the words "His Britannic Majesty's dominions" mean the territories enumerated in section 2 (2) of the Burma Independence Act, 1947.



4. (1) Any person who under sub-sections (1), (ii) and (iii) of section 11 of the Constitution is a citizen of the Union or who, under sub-section (iv) of section 11 of the Constitution, is entitled to elect for citizenship and who has been granted under the Union Citizenship (Election) Act, 1948, a certificate of citizenship, or who has been granted a certificate of naturalization or a certificate of citizenship or who has otherwise been granted the status of a citizen under this Act, shall continue to be a citizen of the Union, until he or she loses that status under the provisions of this Act.

(2) Any person descended from ancestors who, for two generations at least have all made any of the territories included within the Union their permanent home and whose parents and himself were born in any of such territories, shall be deemed to be a citizen of the Union.

5. The following persons, born after the commencement of the Constitution, shall be citizens of the Union, namely:

(a) a child born in the Union one of whose parents is a citizen; provided however, that if the father is an alien, such child shall cease to be a citizen on the expiry of a year after he attains majority unless within that time, he makes a declaration of alienage in respect of any citizenship other than that of the Union and elects to retain the citizenship of the Union;

(b) a child born outside the Union of a father who is a citizen, provided that the child's birth was registered in the manner and within the time prescribed under this Act at the appropriate Consulate of the Union; and

(c) a child born outside the Union of a parent who, being a citizen, was at the time of the child's birth in the service of the Union, provided that if the other parent was an alien and if the child within one year after attaining majority fails to make a declaration renouncing any foreign national status to which he may be entitled and electing to retain Union citizenship, he shall, on the expiry of that year, cease to be a citizen of the Union.

/Explanation I.

Explanation I. - Birth on board a ship or aircraft registered in the Union, wherever the ship or aircraft was at the time of the birth, shall be deemed to be birth in the Union.

Explanation II. - Birth on board a ship or aircraft registered elsewhere than in the Union shall not be deemed to be birth in the Union, notwithstanding that the ship or aircraft was in the Union at time of the birth.

Explanation III. - Any child born out of a wedlock who is legitimated by reason of the subsequent marriage of the parents shall, for the purpose of this section, have all the rights of a child born in lawful wedlock.

6. (1) The Minister may, in his discretion, grant a certificate of citizenship to any person about whose status as a citizen of the Union a doubt exists or to the representative in interest of such person, and he shall specify on the certificate that the grant thereof is made for the purpose of clearing such doubt.

(2) Such certificate shall be conclusive evidence as to existence of such citizenship and the person in respect of whom it is granted shall, as from a date for that purpose to be specified in the certificate, be deemed to have been a citizen of the Union; provided that the certificate shall not be regarded as an admission that he was not, previous to the date so specified, such a citizen.

7. (1) The Minister may grant a certificate of naturalization to an alien who makes an application setting out and satisfying the Minister -

(a) that he has completed the age of eighteen years;

(b) that for not less than five years before the application he had resided continuously in the Union and subject to its jurisdiction;

(c) that he is good character and can speak the Burmese, Chin, Kachin, Karen or Shan language; and

(d) that he intends, if a certificate is granted, either to reside in the Union or to enter or continue in the service of the Union or any constituent State thereof or in undertaking of a religious, charitable or commercial character established in the Union, provided that he has within a period not less than one year and not more than five years before making the application, given notice in writing of his intention to apply for naturalization in the form prescribed by Rules under this Act.

/Explanation I.

Explanation I. - In computing the period of five years continuous residence for the purpose of this section, allowance for absence out of the Union, if in the service of the Union, may be made for the period actually spent outside the Union. In all other cases, the allowance for absence shall be permissible only for a total period of six months.

Explanation II. - Service out of the Union as seaman on vessels registered in the Union shall, for the purpose of this section, be deemed to be residence in the Union.

(2) The applicant for a certificate of naturalization who qualifies for the certificate shall reside continuously within the Union from the date of the application to the date of the grant, provided that the Minister may, for reasons considered by him sufficient, dispense with the provisions of this sub-section.

(3) The grant of a certificate of naturalization shall be in the discretion of the Minister and he may, with or without assigning any reason, grant or refuse to grant the certificate, as in his opinion is conducive to the public good, and no appeal shall lie against his decision.

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

8. Any person covered by a certificate of naturalization granted under section 5 of the Burma Naturalization Act shall on making a declaration of alienage in respect of any citizenship other than that of the Union and electing the citizenship of the Union, be entitled to a certificate of naturalization under this Act.

9. (1) The Minister may, in granting a certificate of naturalization to an alien, include in the certificate the names of any or all of the minor children of the applicant who were born before the date of the certificate and are not already citizens of the Union if they are (a) either in his sole legal custody, or (b) in the legal custody of any person who is a citizen of the Union.

(2) The minor children whose names are so included in the certificate shall be deemed to have become citizens of the Union as from the date of the

/certificate

certificate, provided however that any child so included may, within one year of attaining his majority, make a declaration of alienage and he shall thereupon cease to be a citizen of the Union.

(3) A minor child who becomes a citizen under this section may, after attaining his majority, have his citizenship revoked by the Minister on any ground for revocation applicable to a person to whom a certificate of naturalization has been granted.

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

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 in the Union 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.

(4) On the joint application of a person admitted to citizenship under sub section (2) and her husband, the Minister shall have registered as a citizen any minor child not already a citizen and born before the date of grant of citizenship to the mother.

12. (1) A child born outside the Union, one of whose parents is a citizen shall, if the child is not otherwise a citizen, be entitled if still a minor and in the custody of the parent, to the grant of a certificate of citizenship on the application of the parent, on the parent resuming his or her domicile in the Union.

/Provided

Provided that if the child within one year after attaining majority fails to make a declaration renouncing any foreign national status to which he may be entitled and electing to retain Union citizenship, he shall cease on the expiry of that year to be a citizen of the Union.

If the parent of the child dies before the application, the guardian of the child may make an application on behalf of the child under this sub-section.

(2) If the child contemplated by sub-section (1) is a major, the Minister may grant him a certificate of citizenship, provided that the Minister is satisfied (a) that he is of good character, and (b) that he intends either to reside permanently in the Union or to enter or continue in the service of the Union or of the constituent States thereof or of any religious, charitable or commercial organization established in the Union.

(3) A child born in the Union and subject to the jurisdiction thereof, of parents both of whom, not being citizens of the Union, are domiciled in the Union may, on attaining majority, apply for a certificate of citizenship, provided that he is then permanently resident in the Union.

(4) A certificate of citizenship, granted under sub-section (2) or sub-section (3) shall not be valid until the applicant either on oath or affirmation makes a declaration of alienage in respect of any other citizenship.

13. A person who has served honourably at any time in the Armed Forces of the Union for a period or periods aggregating three years, may be naturalized if the petition for naturalization is filed while he is still in the service or within six months after the termination of such service, upon full compliance with all the requirements of this Act, with the following exceptions -

(i) no notice of intention shall be required; and

(ii) no residence within the Union shall be required.

14. A citizen of the Union, not being under a disability, who obtains a certificate of naturalization in a foreign State or by any voluntary or formal act other than marriage becomes naturalized in any foreign State, shall forthwith be deemed to have ceased to be a citizen of the Union;

Provided that the loss of citizenship by the parent or parents under this section shall not, ipso facto, deprive the children, who, prior to that loss, were citizens, of their status as such.

15. No citizen while resident in the Union or during any war in which the Union may be engaged, shall be entitled to divest himself of the citizenship of the Union.

16. Any person who, at the commencement of the Constitution, was, by virtue thereof, a citizen and who by virtue of subsequent election under section 2 of the Burma Independence Act, 1947, is deemed to be a British subject, shall cease to be a citizen of the Union.

17. Any person who, by reason of the Constitution, is a citizen of the Union and who, by reason of the provisions of clauses 2 and 3 of the First Schedule to the Burma Independence Act, 1947, also retains the status of a British subject, may, if not under disability, make a declaration of alienage and on making the declaration he shall cease to be a citizen of the Union.

18. When the Minister is satisfied that a certificate of naturalization or a certificate of citizenship granted by him has been obtained by false representation or fraud or by concealment of material circumstances or that the person to whom the certificate was granted has shown himself by act or speech to be disaffected or disloyal to the Union, the Minister may in accordance with section 20 (I), by order, revoke a certificate.

19. Without prejudice to the powers under section 18, the Minister may revoke a certificate of naturalization or a certificate of citizenship in any case in which the person to whom the certificate was granted either -

(a) during any war in which the Union is engaged has unlawfully traded or communicated with the enemy or with a national of the enemy state or has been engaged in or associated with any business which to his knowledge was carried on in such manner as to assist an enemy in such war; or

(b) has, within five years of the date of the grant of the certificate, been convicted of an offence involving moral turpitude sentenced by any Court in the Union to imprisonment for a term not less than twelve months; or

(c) has since the date of the grant of the certificate been for a continuous period of not less than five years voluntarily resident out of the Union otherwise than in the service of the Union or of an international

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organization of which the Union is a member, and while so resident outside the Union has failed to register at the appropriate Consulate of the Union annually after a residence of one year outside the Union; or

(d) has failed to make a declaration of alienage in respect of any other citizenship within the period prescribed; or

(e) has ceased to be a citizen of the Union at any time after he has been granted a certificate of naturalization or a certificate of citizenship.

20. (1) The Minister before making the order revoking the certificate of naturalization or the certificate of citizenship may, if he thinks fit, refer the matter for enquiry as hereinafter mentioned; and in any matter connected with section 18 or 19, the Minister shall by notice to the holder of the certificate or at his last known address, give him an opportunity of claiming an enquiry, and if the holder so claims, the Minister shall refer the matter for enquiry.

(2) An enquiry under this section shall be held by the High Court and the practice and procedure at such enquiry shall be regulated by rules of the Court.

(3) The High Court shall communicate its findings to the Minister and such findings shall be final.

21. When the Minister revokes a certificate of naturalization or a certificate of citizenship, the revocation shall have effect from such date as the Minister may appoint and thereupon the certificate shall be given up as cancelled, and any person refusing without reasonable cause or neglecting to give up the certificate shall be liable to imprisonment for a term not exceeding six months or to fine.

21A. When the certificate of naturalization or the certificate of citizenship has been revoked, the holder of the certificate shall cease to be a citizen of the Union and shall be regarded as the citizen of the country of which he was a subject at the time the certificate was granted to him.

22. Whoever for the purposes of this Act makes any representation or statement false in a material particular, knowing or having reason to believe it to be false, or conceals any material circumstance, shall be punished with imprisonment for a term which may extend to two years and may also be liable to fine.

23. The President may make rules for carrying into effect the object of this Act, and, in particular, with reference to the following matters:

(a) The form of application for and the form and registration of certificate of naturalization or citizenship;

(b) The form of renunciation of foreign citizenship and the time within which the renunciation is to be made after the grant of a certificate

of naturalization, or a certificate of citizenship, and all matters relating to the administration of oaths or affirmation; and

(c) The imposition and amount of fees in respect of any registration of citizenship or in respect of the making of any declaration or the grant of any certificate of citizenship or naturalization that is to be made or granted under this Act and in respect of the administration of any oath or affirmation.