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The Nationality Act of the Republic of China [1929]

CHAPTER I NATURAL POSSESSION OF CHINESE NATIONALITY

Article 1. The following persons are of Chinese Nationality:

1. One whose father is at the time of (or her) birth a Chinese citizen;
2. One who is born after the death of his (or her) father and whose father is a Chinese citizen at the time of his death;
3. One whose father is unknown-or has no nationality and whose father is a Chinese citizen;
4. One who is born in China, and whose parents are unknown or have no nationality.

CHAPTER II THE ACQUISITION OF CHINESE NATIONALITY

Article 11. Aliens who have fulfilled one of the following conditions may acquire the nationality of the Chinese Republic:-

1. Being the wife of a Chinese citizen with the exception that she still reserves her original nationality according to the law of her native country;
2. One whose father is a Chinese citizen and who is recognized by him as his child;
3. One whose father is unknown, or whose father has not recognized him (or her) as his child; but whose mother is a Chinese citizen and has recognized him (or her) as such;
4. An adopted son of a Chinese citizen;
5. One who has been duly naturalized.

Article III. An alien, or one who has no nationality, can be naturalized as a Chinese citizen by the permission of the Ministry of Interior.

The Ministry of Interior must not permit any person to be naturalized as a Chinese citizen unless he (or she) has fulfilled the following conditions:-

1. Having his (or her) domicile in China for more than five years without interruption;
2. Aged above twenty and having legal capacity as defined by the Chinese law and the law of his (or her) native country;
3. Good moral character;
4. Having enough property or skill and ability to support himself (or herself).

For those who have no nationality at the time of their naturalization, the second condition as stated above can be fulfilled only according to the law of the Chinese Republic.

Article IV. Any of the following aliens, who has domicile in China, may, even if the time of having it has not been more than five years uninterrupted, be naturalized as a Chinese citizen:-

1. One whose father or mother is a Chinese citizen;
2. One whose wife is a Chinese citizen;
3. One who is born in China;
4. One who has his (or her) residence in China for more than ten years without interruption.

An alien who has fulfilled the first, the second, or the third condition stated above cannot yet be naturalized as a Chinese citizen unless he (or she) has his (or her) residence in China for more than three years except in the case of a person who has fulfilled the third condition stated above, and whose father or mother is born in China.

Article V. An alien who has his (or her) domicile in China and whose father and mother is a Chinese citizen may be naturalized as a Chinese citizen even though he (or she) does not fulfil the conditions stated above in Article III, paragraph 2, numbers 1, 2 and 4.

Article VI. An alien who has rendered exceptional service to China may be naturalized as a Chinese citizen even though he (or she) does not fulfil the conditions stated above in Article III. The Ministry of Interior, in permitting the aforesaid alien to be naturalized as a Chinese citizen, must first secure authorization from the Nationalist Government.

Article VII. All naturalizations must be published in the Nationalist Government Gazette and shall take effect from the day of such publication.

Article VIII. A naturalized person's wife and his children who have not attained majority according to the law of his native country, shall, because of his naturalization, acquire the nationality of the Chinese Republic except where the law of the native country of his wife and children is in conflict with this provision.

Article IX. Those who acquire their nationality according to Article II and the wife and children who acquire their nationality because of the man's naturalization cannot hold the following public offices:-

1. Member of the Nationalist Government, President of the Yuan, Minister of the board or President of a Committee;
2. Member of the Legislative Yuan or the Control Yuan;
3. Ambassador or plenipotentiary minister to a foreign country;
4. Military, naval or aerial commanding officer;
5. Member of the provincial government or government of any special districts;
6. Mayor of any special city;
7. Functionary of any local administration.

For a naturalized person who has acquired nationality according to the provision of Article VI, the Ministry of Interior or may ask the Nationalist Government to remove the foregoing disqualifications provided that he has been naturalized more than five years. For others who have acquired their nationality otherwise, the Ministry of Interior may do so, provided they have been naturalized more than ten years.

CHAPTER III.
LOSS OF CHINESE NATIONALITY

Article X. One shall lose his (or her) Chinese nationality if he (or she) falls in any one of the following categories:-

1. One who has become the wife of a foreigner and voluntarily asks to denaturalize herself with the permission of the Ministry of Interior;
2. One whose father is an alien and has recognized him as his child;
3. One whose father is unknown, or has not recognized him as his child; and whose mother is an alien and has recognized him as her child. The application of the second and the third provisions, mentioned above, shall be confined to children who have not attained majority according to Chinese law, and to woman who is not the wife of a Chinese citizen.

Article XI. One who wishes to acquire the nationality of a foreign country shall lose his (or her) Chinese nationality by the permission of the Ministry of Interior, but the application of this provision is confined to, those who have attained the age of twenty and have the legal capacity according to Chinese law.

Article XII. The Ministry of Interior shall not give permission for denaturalization to any one falls under any of the following conditions.-

1. One who has attained military age, who is not exempted from military service, and who has not yet served in the army;
2. Being in the active service of the army;
3. Being a civil or military officer.

Article XIII. A person shall not lose his Chinese nationality even though he (or she) fulfills the provisions of Article X and Article XI provided that he (or she) falls in any one of the following categories:-

1. A person who is a suspect or an accused in a criminal case;
 2. A person who has been sentenced and the execution whose sentence has not been finished;
- A person who is a defendant in a civil case:
3. A person who is a defendant in a civil case;
 4. A person against whom a compulsory execution has been ordered and has not been entirely carried out;
 5. A person who has been adjudged a bankrupt, and whose bankruptcy has not yet been discharged by an order of court;
 6. A person who has delayed in the payment of taxes or who has suffered penalty because of his delay in the payment of the same, such penalty having not yet been discharged.

Article XIV. One who has lost his Chinese nationality, shall surrender the rights and privileges which only a Chinese can enjoy. One who, before the loss of his Chinese nationality, possesses properties as a result of the rights and privileges ascribed to a Chinese citizen must turn them to the national treasury, provided that within the delay of one year he does not concede them to a Chinese citizen or citizens.

CHAPTER IV RECOVERY OF CHINESE NATIONALITY

Article XV. One who has, according to Article X, Paragraph 1 No. 1, lost his (or her) Chinese nationality, can regain it by the permission of the Ministry of Interior after the termination of the marriage relationship.

Article XVI. One who has, according to Article XI, lost his Chinese nationality can regain it by the permission of the Ministry of Interior provided that he has residence in China, and fulfils the conditions stated above in Article III, para. 2, No. 3-4 inclusive, except in the case of a naturalized citizen who later denaturalizes himself, or his wife and children who have acquired Chinese nationality because of naturalization and who have lost it afterwards.

Article XVII. The provision stated above in Article, VIII, shall be applied mutatis mutandis to the cases stated in Article XV, and XVI.

Article XVIII. One who has recovered his nationality may not, within three years from the day of the recovery of his nationality, hold public offices as enumerated above in Article IX, para. 1.

CHAPTER V SUPPLEMENTARY RULES

Article XIX. Statutes for the application of the law stated above shall be determined specifically.

Article XX. The aforesaid law shall come into force from the day of its promulgation.

Article 1. Prior to the enforcement of the Law of Nationality and Statutes for its Application, the acquisition, loss or recovery of one's nationality according to the old Law of Nationality and Rules for its Application shall remain valid.

Article II. For those who acquire their nationality according to the provisions of Article II, No. 1-4 inclusive and Article VIII of the Law of Nationality, they, their fathers or their mothers, as the case may be, shall send in their petitions to the competent authorities of the districts where they reside to be examined and transmitted to the Ministry of Interior for filing, which Ministry should publish the same in the National Government Gazette; for those who have their residence in foreign countries, the petitions may be sent in to the nearest legation or the consulate for transmission.

Article III. A person who wishes to acquire the Chinese nationality according to Article II, No. 5 of the Law of Nationality shall send in the following documents to the competent authorities of the district where he (or she) resides, to be transmitted to the Ministry of Interior for its approval:-

1. A statement of the willingness to be naturalized;
2. A certificate of guarantee signed by two or more citizens residing in the same district.

After approval for naturalization, the Ministry of Interior shall issue a certificate of permission and have it published in the National Government Gazette.

Article IV. For those who will lose their Chinese nationality according to the provisions of Article X, para. I, No. 2 and 3, they, their fathers or their mothers shall send in their petition to the competent authorities of the district where they reside, to be examined and transmitted to the Ministry of Interior for filing, which Ministry shall publish the same in the National Government Gazette; for those who reside in foreign countries, their petitions may be sent in to the nearest legation or the consulate for transmission.

Article V. Those who wish to give up their Chinese nationality according to the provision of Article XI, of the Law of Nationality shall send in their petitions to the competent authorities of the district where they reside, to be transmitted to the Ministry of Interior for its approval; those who reside in foreign countries may send in the same to the nearest legation or the consulate to be transmitted to the Ministry of Interior for its approval which Ministry shall issue a certificate of permission and shall publish the same in the National Government Gazette and it shall take effect on and from the day of such publication.

Article VI. For those who acquire or lose the Chinese nationality in accordance with the provisions of Article II, No. 5 and Article XI, the Ministry of Interior shall order the applicants to publish the facts of acquisition or loss of nationality, as the case may be, in two prescribed newspapers.

Article VII. The provisions of Articles II, III, and VI shall be applied, *mutatis mutandis*, to those who will recover their Chinese nationality according to the provisions of Article XV to Article XVII inclusive of the Law of Nationality.

Article VIII. After one has acquired, lost or recovered the Chinese nationality, the Ministry of Interior shall nullify the certificate of permission or strike out the filing whenever a defect is found in the case to be inconsistent with the provisions of the Law of Nationality. The nullification of the certificate or the striking out of the filing shall be published in the National Government Gazette.

Article IX. Any citizen who, in acquiring the citizenship of a foreign country before the enforcement of the Law of Nationality, has not, in accordance with the provisions of the old Law of Nationality and of the Rules for its Application, sent in a petition to the authorities, shall do so according to the provisions of Article V.

Article X. Before and after the enforcement of the Law of Nationality, any Chinese citizen who acquires nationality of a foreign country but who still holds public office under the Chinese Government, shall be removed from his office after the authorities has ascertained the case.

Article XI. The forms of the petition, the statement of intention to be naturalized, the certificate of guarantee, and the certificate of permission for naturalization mentioned in the Statutes shall be prescribed specifically.

Article XII. These Statutes shall come into force from the day of their promulgation.