Chapter 4

On Modes of Acquisition and Loss of Nationality

The European Union Democracy Observatory on Citizenship Typology

This chapter serves to explain the typology, methodology and overall structure of the country analyses in Chapter 5. First of all, the following short-hand formulas will be used in referring to relevant Articles from national legislation:

ANT = Antigua and Barbuda; ARG = Argentina; BAH = Bahamas; BAR = Barbados; BEL = Belize; BRA = Brazil; CAN = Canada; CHI = Chile; COL = Colombia; COS = Costa Rica; CUB = Cuba; DOM = Dominica; DOR = Dominican Republic; ECU = Ecuador; ELS = El Salvador; GRE = Grenada; GUY = Guyana; HAI = Haiti; HON = Honduras; JAM = Jamaica; GUA = Guatemala; MEX = Mexico; NIC = Nicaragua; PAN = Panama; PAR = Paraguay; PER = Peru; STK = Saint Kitts and Nevis; STL = Saint Lucia; STV = Saint Vincent and the Grenadines; SUR = Suriname; TRI = Trinidad and Tobago; URU = Uruguay; VEN = Venezuela. The United States is referred to with the commonly used three-letter abbreviation INA (Immigration and Naturalization Act).

It is important to add that certainly not all countries have a Nationality or Citizenship Act proper. In that case I have nonetheless chosen to use the abbreviated version for the most important document relating to citizenship, in addition to the Constitution. Thus, the Costa Rican ‘Law on Options and Naturalizations’ is referred to as ‘COS’. And although Decree no. 358 of 1944, as currently still in force in Cuba, is also not technically called a Nationality Act, it is the most important document on Cuban citizenship besides the Constitution, and it is therefore referred to in its abbreviated form as ‘CUB’. Decrees that are less important, for example because they only address one particular subject, are generally not abbreviated. See for example ‘Decree 3213/84’ for Argentina. The only country missing in the list of abbreviations is Bolivia. The legislation pertaining to Bolivian nationality is so scattered that no law can be identified as being the principal document on the matter.

As most countries in the Western Hemisphere also have constitutional provisions on nationality, the term ‘Constitution’ is abbreviated with ‘Const’. Moreover, in line with the reference system used by the online EU-DATA databases on the modes of acquisition and modes of loss of citizenship in Europe, only the Articles of the citizenship law currently in force in a specific country
are included. For example ‘COL 1(1)a’ refers to Article 1, paragraph 1, subsection a of the Colombian Nationality Act, as currently in force. Any general references to ‘other countries’ should be understood as other countries in the Western Hemisphere, unless otherwise indicated.

Since this book follows the EUDO Citizenship methodology, provisions from legal texts other than the Constitutions and citizenship-related instruments are not mentioned separately. This includes, most importantly, the Civil Codes of the various countries. The principal reason for this is a technical one, in that the online EUDO databases contain hyperlinks to the legal texts, the relevant Articles of which are listed for each ground for acquisition and loss. This system allows users to check the accuracy of the databases for themselves.

The EUDO website, however, does not currently link to individual Articles from Civil Codes (or secondary legislation on nationality for that matter). While this should not necessarily be of direct concern in this book, it is nonetheless hoped that the results from this publication might contribute to developing more concrete ideas and plans to expand the European databases to include the global level. For this reason it was considered more opportune to follow EUDO strictly in this matter and to leave the Civil Codes as they are. Just to demonstrate how and when a Civil Code can play a role in nationality law, the Civil Code of Argentina is briefly referred to in the chapter on that country.

As for the quotation system used, the footnotes either refer to the general bibliography, in which case citations are quoted in full the first time and mention only the author and title in subsequent footnotes, or they refer to the country bibliography with core publications listed at the end of each country chapter. In the latter case, footnotes only refer to the author and, if necessary to avoid confusion, to the year of publication.1 Journal titles are also abbreviated in the footnotes but not in the general and country bibliographies. It may be useful to elaborate briefly on how these bibliographies were created.

The geographical and linguistic scope of this book implies that it is impossible to read all the nationality-related publications on the subject for the whole American Hemisphere. The country bibliographies thus serve the purpose of, on the one hand, listing the publications that were used extensively; the remainder of the publications, on the other hand, are meant as further reading that will permit greater insight into either current nationality law or its historical development in the respective countries. These latter publications

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1 Since some publications are relevant for both Part 1 and 2 of this book, there is occasionally some overlap between the general bibliography and the individual country bibliographies.