Recent Modifications in the Regulation of Spanish Nationality

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CONTENTS


I. INTRODUCTION

1. This essay deals chiefly with Act 36/2002, of 8 October, amending articles 20 and 22 to 26 of the Civil Code (Código Civil, Cc). It examines the successive

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3 Since 1998, various protocols have been signed, some modifying treaties on dual nationality: the additional protocol between the Kingdom of Spain and the Republic of Honduras amending the Treaty on Dual Nationality of 15 June 1966, done “ad referendum” at Tegucigalpa on 13 November 1999. BOE n. 289 of 03/12/2002; Exchange of Notes of 10 November and 8 December 1993 constituting an Agreement between the Kingdom of Spain and the Republic of Honduras on the amendment of the Agreement on Dual Nationality of 15 June 1966. BOE n. 289 of 03/12/2002.

Provisional application of the additional protocol between the Kingdom of Spain and the Dominican Republic amending the Agreement on Dual Nationality of 15 March 1968, done
proposals for the reform of the regulation of Spanish nationality and focuses on the
new features the recent law has introduced, in addition to a personal view of its
achievements compared to the previous situation and future implications.

2. This is the sixth reform of legislation on Spanish nationality since the drafting
of the original Royal Decree of 24 July 1889. The original wording of 1889 was fol-
lowed by laws such as those of 15 July 1954, 14/1975 of 2 May, 51/1982 of 13
and, most recently, Act 36/2002 of 8 October.

at Santo Domingo on 2 October 2002. BOE n. 273 of 14/11/2002; Additional Protocol
between the Kingdom of Spain and the Republic of Colombia amending the Agreement on
BOE n. 264 of 04/11/2002; Additional Protocol between the Kingdom of Spain and the
Republic of Bolivia amending the Agreement on Dual Nationality of 12 October 1961,
done at Madrid on 18 October 2000. BOE n. 46 of 22/02/2002 and 70 of 22/03/2002;
Additional Protocol between the Kingdom of Spain and the Republic of Peru amending the
Agreement on Dual Nationality of 16 May 1959, done “ad referendum” at Madrid on 8
November 2000. BOE n. 282 of 24/11/2001; Additional Protocol between the Kingdom of
Spain and the Republic of Paraguay amending the Agreement on Dual Nationality of 25
June 1959, done “ad referendum” at Asunción on 26 June 1999. BOE n. 89 of 13/04/2001;
Second Additional Protocol to the Agreement on Nationality of 28 July 1961 between Spain
and Guatemala, amended by the Protocol of 10 February 1995, done “ad referendum” at
Guatemala on 19 November 1999. BOE n. 88 of 12/04/2001 and BOE n. 119 of 18/05/2001;
Provisional Application of the Additional Protocol between the Kingdom of Spain and the
Argentine Republic amending the Agreement on Nationality of 14 April 1969, done at
Buenos Aires on 6 March 2001. BOE n. 88 of 12/04/2001; Protocol amending the Agreement
on Dual Nationality between the Republic of Ecuador and the Kingdom of Spain of 4 March
1964, done at Quito on 25 August 1995. BOE n. 196 of 16/08/2000; Additional Protocol
between the Kingdom of Spain and the Republic of Nicaragua amending the Agreement on
of 28/01/1999; Additional Protocol between the Kingdom of Spain and the Republic of
Costa Rica amending the Agreement on Dual Nationality of 8 June 1964, done “ad refer-
endum” in Madrid on 23 October 1997. BOE n. 271 of 12/11/1998; Second Additional
Protocol to the Agreement on Nationality of 28 July 1961, between Spain and Guatemala,
amended by the Protocol dated 10 February 1995, done “ad referendum” at Guatemala on
19 November 1999. BOE n. 88 of 12/04/2001 and BOE n. 119 of 18/05/2001; Protocol
amending article 3 of the Agreement on Nationality between Spain and Guatemala, signed
at Guatemala on 10 February 1995. BOE n. 158 of 01/07/1996.

4 Gazette of 25 July 1889.
6 BOE n. 107, of 5 May. See Circular DGRN of 22 May 1975, BOE of 24 May 1975, Anuario
DGRN, 1975, pp. 343–349.
7 BOE n. 181, of 30 July. See Instrucción de la DGRN of 16 May 1983 on Spanish nation-
ality (BOE n. 120, of 20 May).
8 BOE n. 302, of 18 December. See Instrucción of 20 March 1991 on nationality (BOE
n. 73, of 26 March; correction of errors in BOE n. 74, of 27 March).
9 BOE n. 307, of 24 December.
10 BOE n. 264, of 4 November 1995.