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the person that receives it may be disclosed. The donor may not be acquainted with the identity of the receiver and the receiver may not be acquainted with that of the donor.

In case of therapeutic necessity, only the physicians of the donor and receiver may have access to the information enabling the identification of the two persons concerned.

Art. 16-9

The provisions in this chapter are mandatory.

CHAPTER III

Of the Examination of the Genetic Particulars of a Person and of the Identification of a Person owing to his Genetic Prints Articles 16-10 to 16-13

Art. 16-10

(Act no 2004-800 of 6 Aug. 2004)

An examination of the genetic particulars of a person may be undertaken only for medical purposes or in the interest of scientific research.

The express consent of the person must be obtained in writing before the carrying out of the examination, after he has been duly informed of its nature and purpose. The consent shall specify the purpose of the examination. It may be revoked without form at any time.

Art. 16-11

The identification of a person owing to his genetic prints may only be searched for within the framework of inquiries or investigations pending judicial proceedings or for medical purposes or in the interest of scientific research.

In civil matters, that identification may be sought only in implementation of proof proceedings directed by the court seized of an action aiming either at establishing or at contesting a parental bond, or for getting or discontinuing subsidies. The consent of the person must be obtained previously and expressly. Save an express consent given by the person during his lifetime, no identification owing to genetic prints may be effected after his death (Act no 2004-800 of 6 Aug. 2004).

Where the identification is made for medical purposes or in the interest of scientific research, the express consent of the person must be obtained in writing before the carrying out of the identification, after he has been duly informed of its nature and purpose. The consent shall specify the purpose of the identification. It may be revoked without form at any time (Act no 2004-800 of 6 Aug. 2004).

Art. 16-12

Only persons whom have been authorized in such a way as prescribed by a decree in Conseil d'Etat are entitled to undertake identifications owing to genetic prints. In the framework of judicial proceedings, those persons must besides be registered in a list of judicial experts.

Art. 16-13

(Act no 2002-303 of 4 March 2002)

No one may be discriminated against on the basis of his genetic features.

TITLE I bis

OF FRENCH NATIONALITY

Articles 17 to 33-2

CHAPTER I

General provisions

Articles 17 to 17-12

Art. 17

(Act no 73-42 of 9 Jan. 1973)

French nationality is granted, acquired or lost according to the provisions laid down in this Title, subject to any treaties and other international commitments of France which may apply.

Art. 17-1

(Act no 73-42 of 9 Jan. 1973)

New statutes related to the granting of nationality by birth shall apply to persons who are minors at the time of their entry into force, without prejudice to the vested rights of third parties and without their being allowed to challenge the validity of transactions previously concluded on ground of nationality.

The provisions of the preceding paragraph shall apply for purposes of interpretation to the statutes related to nationality by birth that have come into force after the promulgation of Title I of this Code.

Art. 17-2

(Act no 73-42 of 9 Jan. 1973)

Acquisition and loss of French nationality are governed by the law that is in force at the time of the act or fact to which legislation attributes those effects.

The provisions of the preceding paragraph shall govern for purposes of interpretation the commencement of the Nationality Acts that were in force before 19 October 1945.

Art. 17-3

(Act no 93-933 of 22 July 1993)

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Applications in view to acquiring, losing French nationality or being reinstated in that nationality, as well as declarations of nationality, may, in the way provided for by law, be made without authorization from the age of sixteen.

A minor under sixteen must be represented by the person or persons who exercise parental authority over him.

(Act no 95-125 of 8 Feb. 1995) A minor between sixteen and eighteen who is prevented from expressing his intention by an impairing of his mental or bodily faculties must be likewise represented. The impediment shall be established by the judge of guardianships of his own motion, on application of a member of the family of the minor or of the Government procurator's office, upon presentation of a certificate issued by a specialist selected on a list drawn out by the Government procurator.

(Act no 95-125 of 8 Feb. 1995) Where the minor mentioned in the preceding paragraph is placed under guardianship, he is represented by the guardian authorized to this end by the family council.

Art. 17-4

(Act no 2003-1119 of 26 Nov. 2003).- Falling within the terms of this Title, the phrase "in France" means the metropolitan territory, overseas départements and territories as well as New Caledonia and the French Southern and Antarctic Lands.

Art. 17-5

(Act no 93-933 of 22 July 1993)

In this Title, majority and minority shall be understood according to the meaning they have in French law.

Art. 17-6

(Act no 73-42 of 9 Jan. 1973)

In order to determine the French territory at any time, account shall be taken of modifications resulting from enactments of the French Government under the Constitution and statutes, as well as under international treaties previously concluded.

Art. 17-7

(Act no 73-42 of 9 Jan. 1973)

In the absence of conventional stipulations, the effects upon French nationality of annexations and cessions of territories are governed by the following provisions.

Art. 17-8

(Act no 73-42 of 9 Jan. 1973)

Nationals of the ceding State domiciled in the annexed territories on the day of the transfer of sovereignty acquire French nationality, unless they actually establish their domiciles outside those territories. Under the same reservation, French nationals domiciled in the ceded territories on the day of the transfer of sovereignty lose that nationality.

Art. 17-9

(Act no 73-42 of 9 Jan. 1973)

The effects upon French nationality of the accession to independence of former overseas départements or territories of the Republic are determined in Chapter VII of this Title.

Art. 17-10

(Act no 73-42 of 9 Jan. 1973)

The provisions of Article 17-8 shall apply for purposes of interpretation to changes of nationality following upon annexations and cessions of territories resulting from treaties concluded before 19 October 1945.

However, aliens who had their domiciles in territories retroceded by France under the Treaty of Paris of 30 May 1814 and who transferred their domiciles in France later than this Treaty, were not allowed to acquire French nationality on this ground unless they complied with the provisions of the Act of 14 October 1814. French persons who were born outside the retroceded territories and have kept their domiciles on those territories have not lost French nationality under the terms of the aforementioned Treaty.

Art. 17-11

(Ord. no 45-2441 of 19 Oct. 1945)

Provided that there is no infringement of the interpretation given to former agreements, a change of nationality may not, in any case, follow from an international convention, unless the convention so provides expressly.

Art. 17-12 (Act n° 73-42 of 9 Jan. 1973)

Where, under the terms of an international convention, a change of nationality is subject to the performing of an act of option, that act shall be determined as to its form by the law of the contracting country in which it is performed.

Art. 17-12

(Act no 73-42 of 9 Jan. 1973)

Where, under the terms of an international convention, a change of nationality is subject to the performing of an act of option, that act shall be determined as to its form by the law of the contracting country in which it is performed.

CHAPTER II

Of French Nationality by Birth

Articles 18 to 20-5

SECTION I

Art. 18*(Ord. no 2005-759 of 4 July 2005)*

Is French a child one parent of whom at least is French.

Art. 18-1*(Act no 93-933 of 22 July 1993)*

If however only one of the parents is French, the child who was not born in France has the power to repudiate the status of French within six months preceding and twelve months following his majority.

(Act no 73-42 of 9 Jan. 1973) That power is lost if the alien or stateless parent acquires French nationality during the minority of the child.

SECTION II

Of French Persons by Birth in France

Articles 19 to 19-4

Art. 19*(Act no 73-42 of 9 Jan. 1973)*

Is French a child born in France of unknown parents.

He shall however be deemed to have never been French if, during his minority, his parentage is established as regards an alien and if, under the national law of his parent, he has the nationality of the latter.

Art. 19-1*(Act no 73-42 of 9 Jan. 1973)*

Is French:

1° A child born in France of stateless parents;

2° A child born in France of alien parents and to whom the transmission of the nationality of either parent is not by any means allowed by foreign Nationality Acts. (Act no 2003-1119 of 26 Nov. 2003).

(Act no 98-170 of 16 March 1998) He shall however be deemed to have never been French if, during his minority, the foreign nationality acquired or possessed by one of his parents happens to pass to him.

Art. 19-2*(Act no 73-42 of 9 Jan. 1973)*

Shall be presumed born in France a child whose record of birth was drawn up in accordance with Article 58 of this Code.

Art. 19-3*(Ord. no 2005-759 of 4 July 2005)*

Is French a child born in France where one at least of his parents was himself or herself born there.

Art. 19-4*(Act no 73-42 of 9 Jan. 1973)*

Where however only one parent was born in France, a child who is French under the terms of Article 19-3 has the power to repudiate this status within six months preceding and twelve months following his majority.

That power is lost where one of the parents acquires French nationality during the minority of the child.

SECTION III

Common provisions

Articles 20 to 20-5

Art. 20*(Act no 73-42 of 9 Jan. 1973)*

A child who is French under this Chapter shall be deemed to have been French as from his birth, even where the statutory requirements for the granting of French nationality were fulfilled only at a later date.

(Act no 76-1179 of 22 Dec. 1976) The nationality of a child who was the subject of a plenary adoption is determined according to the distinctions set out in Articles 18 and 18-1, 19-1, 19-3 and 19-4 above.

(Act no 73-42 of 9 Jan. 1973) The establishing of the status of French later than birth may not however affect the validity of transactions previously concluded by the party concerned nor the rights previously acquired by third parties on the ground of the apparent nationality of the child.

Art. 20-1*(Act no 73-42 of 9 Jan. 1973)*

The parentage of a child has effect on his nationality only where it is established during his minority.

Art. 20-2*(Act no 93-993 of 22 July 1993)*

A French person who has the power to repudiate French nationality where this Title so provides may exercise that power by way of a declaration uttered in accordance with Articles 26 and following.

He may divest himself of that power from the age of sixteen in the same way.

Art. 20-3*(Act no 73-42 of 9 Jan. 1973)*

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In the circumstances referred to in the preceding Article, nobody may repudiate French nationality unless he proves that he has by birth the nationality of a foreign country.

Art. 20-4

(Act no 98-170 of 16 March 1998)

A French person who enlists in French forces loses the power to repudiate.

Art. 20-5

(Act no 73-42 of 9 Jan. 1973)

The provisions of Articles 19-3 and 19-4 shall not apply to children born in France of diplomatic agents or of regular consuls of foreign nationalities.

(Act no 93-993 of 22 July 1993) Those children have however the power to acquire voluntarily French nationality as provided for in Article 21-11 below." *(Act no 98-170 of 16 March 1998)*

CHAPTER III

Of the Acquisition of French Nationality

Articles 21 to 22-3

SECTION I

Of the Modes of Acquiring French Nationality

Articles 21 to 21-27

Paragraph 1

Of the Acquisition of French Nationality by Reason of Parentage

Article 21

Art. 21

(Act no 73-4 of, 9 Jan. 1973)

As of right, ordinary adoption has no effect on the nationality of an adopted child.

Paragraph 2

Of the Acquisition of French Nationality by Reason of Marriage

Articles 21-1 to 21-6

Art. 21-1

(Act no 73-4 of, 9 Jan. 1973)

As of right, marriage has no effect on nationality.

Art. 21-2

(Act no 2003-1119 of 26 Nov. 2003)

An alien or stateless person who marries and whose spouse is of French nationality may, after a period of two years from the marriage, acquire French nationality by way of declaration provided that, at the time of the declaration, the community of living both affective and physical has not come to an end and the French spouse has kept his or her nationality. The foreign spouse must also prove a sufficient knowledge of the French language, according to his or her condition.

The duration of the community of living shall be raised to three years where the alien, at the time of the declaration, does not prove that he has resided in France uninterruptedly for at least one year from the marriage.

The declaration shall be made as provided for in Articles 26 and following. Notwithstanding the provisions of Article 26-1, it shall be registered by the Minister in charge of naturalisations.

Art. 21-3

(Act no 73-42 of 9 Jan. 1973)

Subject to the provisions of Articles 21-4 and 26-3, the party concerned acquires French nationality at the date when the declaration is uttered.

Art. 21-4

(Act no 93-993 of 22 July 1993)

By a decree in Conseil d'Etat, the Government may, on grounds of indignity or lack of assimilation other than linguistic *(Act no 2003-1119 of 26 Nov. 2003)*, oppose the acquisition of French nationality by the foreign spouse within a period of one year after the date of the acknowledgement of receipt provided for in Article 26, paragraph 2, or, where the registration was refused, after the day when the judgment which admits the lawfulness of the declaration has entered into force.

(Act no 73-42 of 9 Jan. 1973) If there is an opposition by the Government, the party concerned shall be deemed to have never acquired French nationality.

However, the validity of transactions concluded between the declaration and the decree that challenges it may not be objected to on the ground that the maker was not allowed to acquire French nationality.

Art. 21-5

(Act no 73-42 of 9 Jan. 1973)

Where a marriage is declared to be void by a judgment of a French court, or of a foreign court whose authority is acknowledged in France, the declaration laid down in Article 21-2 may not lapse with regard to the spouse who married in good faith.

Art. 21-6

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(Act no 73-42 of 9 Jan. 1973)

The annulment of a marriage may not have any effect on the nationality of the children born thereof.

Paragraph 3

Of the Acquisition of French Nationality by Reason of Birth and Residence Articles 21-7 to 21-11

in France

Art. 21-7

(Act no 98-170 of 16 March 1998)

Every child born in France of foreign parents acquires French nationality on his coming of age where, at that time, he has his residence in France and has had his usual residence in France for a continuous or discontinuous period of at least five years, from the age of eleven.

The tribunaux d'instance, local authorities, public bodies and services and especially educational establishments are obliged to inform the public, and in particular those persons to whom paragraph 1 applies, of the provisions in force in matters of nationality. The requirements as to that information shall be prescribed by a decree in Conseil d'Etat.

Art. 21-8

(Act no 98-170 of 16 March 1998)

The party concerned has the power to declare, in the way laid down in Article 26 and subject to his proving that he has the nationality of a foreign State, that he disclaims the status of French within six months before or twelve months after his majority.

In this event, he shall be deemed to have never been French.

Art. 21-9

(Act no 98-170 of 16 March 1998)

Any person who fulfils the requirements laid down in Article 21-7 in order to acquire French nationality loses the power to disclaim it where he enlists in French forces.

Any minor born in France of foreign parents who is regularly recruited as a volunteer acquires French nationality at the date of his recruitment.

Art. 21-10

(Act no 98-170 of 16 March 1998)

The provisions of Articles 21-7 to 21-9 may not apply to children born in France of diplomatic agents and of regular consuls of foreign nationality. Those children have however the power to acquire voluntarily French nationality as provided for in Article 21-11 below.

Art. 21-11

(Act no 98-170 of 16 March 1998)

A minor child born in France of foreign parents may from the age of sixteen claim French nationality by declaration, in the way laid down in Articles 26 and following where, at the time of his declaration, he has in France his residence and has had his usual residence in France for a continuous or discontinuous period of at least five years, from the age of eleven.

Under the same terms, French nationality may be claimed, on behalf of the minor child born in France of foreign parents, from the age of thirteen and with his personal consent, in which event the requirement of usual residence in France should be fulfilled from the age of eight.

Paragraph 4

Of the Acquisition of French Nationality by Reason of a Declaration of Articles 21-12 to 21-14

Nationality

Art. 21-12

(Act no 73-42 of 9 Jan. 1973)

A child who was the subject of an ordinary adoption by a person of French nationality may, up to his majority, declare, in the way provided for in Articles 26 and following, that he claims the status of French, if he resides in France at the time of his declaration.

"However, the obligation of residing is dispensed with where the child was adopted by a person of French nationality who does not have his usual residence in France" (Act no 98-170, 16 March 1998).

May, in the same way, claim French nationality:

1° A child, who, for at least five years, has been sheltered and brought up by a person of French nationality or who, for at least three years, has been entrusted to the Children's aid service (Act no 2003-1119 of 26 Nov. 2003).;

2° A child sheltered in France and brought up in conditions that allowed him to receive, during five years at least, a French education "from either a public body, or a private body offering the features determined by a decree in Conseil d'Etat" (Act no 93-933 of 22 July 1993).

Art. 21-13

(Act no 73-42 of 9 Jan. 1973)

May claim French nationality "by declaration uttered as provided for in Articles 26 and following" (Act no 93-933 of 22 July 1993), persons who have enjoyed in a constant way the apparent status of French for the ten years prior to the

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declaration.

Where the validity of the transactions concluded before the declaration was made conditional on the entitlement of French nationality, that validity may not be objected to on the sole ground that the declarant had not that nationality.

Art. 21-14

(Act no 93-933 of 22 July 1993)

Persons who have lost French nationality under Article 23-6 or against whom was raised the peremptory exception laid down by Article 30-3 may claim French nationality by declaration uttered as provided for in Articles 26 and following.

They must have kept or acquired patent cultural, professional, economic or family bonds with France, or actually performed military services in a unit of the French army or fought in French or allied armies in time of war.

The surviving spouses of the persons who actually performed military services in a unit of the French army or fought in French or allied armies in time of war may likewise benefit from the provisions of this Article, paragraph 1.

Paragraph 5

Of the Acquisition of French Nationality by a Decision of the Government Articles 21-14-1 to
21-25-1

Art. 21-14-1

(Act no 99-1141 of 29 Dec. 1999)

French nationality may be conferred by decree, on a proposal from the Minister of Defence, to an alien recruited in French armies who was wounded on duty during or on the occasion of an operational action and who makes a request herefor.

Where the party concerned is dead, the same procedure is open to his minor children who, at the day of the death, fulfilled the requirement of residence laid down in Article 22-1, subject to the conditions laid down in paragraph 1.

Art. 21-14-2

(Act no 2004-809 of 13 August 2004)

The representative of the state in the département and, in Paris, the chief commissioner of the police, shall notify to the mayor, in his capacity of officer of civil status, the address of the foreign nationals naturalized by decree who reside in the commune.

A ceremony of reception into French citizenship may be organized by the mayor for the sake of the latter.

Art. 21-15

(Act no 73-42 of 9 Jan. 1973)

"Except in the circumstances referred to in Article 21-14-1" (Act no 99-1141 of 29 Dec. 1999), the acquisition of French nationality by a decision of the Government results from a naturalisation granted by decree at the request of the alien.

Art. 21-16

(Ord. no 45-2441 of 19 Oct. 1945)

Nobody may be naturalised unless he has his residence in France at the time of the signature of the decree of naturalisation.

Art. 21-17

(Act no 93-933 of 22 July 1993)

Subject to the exceptions laid down in Articles 21-18, 21-19 and 21-20, naturalisation may be granted only to an alien who proves an usual residence in France for five years before the submission of the request.

Art. 21-18

(Act no 73-42 of 9 Jan. 1973)

The probationary period referred to in Article 21-17 shall be reduced to two years:

1° As regards the alien who has successfully completed two years of university education in view of getting a diploma conferred by a French university or establishment of higher education;

2° As regards the alien who gave or can give significant services to France owing to his competences and talents.

Art. 21-19

(Act no 73-42 of 9 Jan. 1973)

May be naturalised without the requirement of a probationary period:

"1° A minor child who remained an alien although one of his parents acquired French nationality;

2° The spouse and child of age of a person who acquires or acquired French nationality" (Act no 93-933 of 22 July 1993);

3° [repealed]

4° An alien who actually performed military services in a unit of the French army or who, in time of war, enlisted voluntarily in French or allied armies;

5° A national or former national of territories and States on which France exercised sovereignty, or a protectorate, a mandate or a trusteeship;

6° An alien who gave exceptional services to France or one whose naturalisation is of exceptional interest for France. In this event, the decree of naturalisation may be granted only after taking Conseil d'Etat's opinion and on the basis of a reasoned report from the competent Minister;

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7° (Act 98-170 of 16 March 1998) An alien who obtained the status of refugee in accordance with the Act no 52-893 of 25 July 1952 establishing a French Office for the protection of refugees and stateless persons.

Art. 21-20

(Act no 93-933 of 22 July 1993)

May be naturalised without any requirement as to a probationary period a person who belongs to the French cultural and linguistic unit, where he is a national of territories or States whose official language or one of the official languages is French, either if French is his mother tongue or if he proves school attendance of at least five years at an institution teaching in French.

Art. 21-21

(Act no 93-933 of 22 July 1993)

French nationality may be conferred by naturalisation on a proposal from the Minister of Foreign Affairs to any French-speaking alien who makes the request thereof and who contributes by his eminent deeds to the influence of France and to the prosperity of its international economic relations.

Art. 21-22

(Act no 93-933 of 22 July 1993)

With the exception of a minor who may avail himself of the privilege of Article 21-19, paragraph 2 (1°), nobody may be naturalised unless he has reached the age of eighteen.

Art. 21-23

(Act no 73-42 of 9 Jan. 1973)

Nobody may be naturalised where he is not of good character or has incurred one of the sentences referred to in Article 21-27 of this Code.

However, sentences delivered abroad may be overlooked; in this event the decree that pronounces naturalisation may be enacted only after assent of the Conseil d'Etat.

Art. 21-24

(Ord. no 45-2441 of 19 Oct. 1945)

Nobody may be naturalised unless he proves his assimilation into the French community, and specially owing to a sufficient knowledge of the French language, according to his condition and of the rights and duties conferred by French nationality" (Act no 2003-1119 of 26 Nov. 2003).

Art. 21-24-1

(Act no 2003-1119 of 26 Nov. 2003)

The requirement of knowledge of the French language shall not apply to political refugees and stateless persons who have resided in France regularly and usually for at least fifteen years and who are over seventy.

Art. 21-25

(Ord. no 45-2441 of 19 Oct. 1945)

The way of carrying out the checking of assimilation and state of health of an alien awaiting his naturalisation shall be prescribed by decree in Conseil d'Etat.

Art. 21-25-1

(Act no 98-170 of 16 March 1998)

The reply of the Government to a request for acquisition of French nationality by naturalisation must be made at the latest within eighteen months after the date when the acknowledgement of receipt that establishes the delivery of all the documents needed for the completion of a comprehensive file is issued to the applicant.

That period may be extended only once for three months by a reasoned decision.

Paragraph 6

Provisions Common to some Modes of Acquiring French Nationality

Articles 21-26 to 21-27

Art. 21-26

(Act no 73-42 of 9 Jan. 1973)

Is equivalent to a residence in France where that residence is a requirement for the acquiring of French nationality:

1° The residing abroad of an alien who exercises a private or public professional activity on behalf of the French state or of a body whose activity is of special interest for French economy or culture;

2° A residing in those countries in customs union with France which are named by a decree;

3° (Act 98-170 of 16 March 1998) A presence outside France, in time of peace as in time of war, in a regular unit of the French army or for the duties laid down in Book II of the Code of National Service;

4° (Act 98-170 of 16 March 1998) A residing outside France as a volunteer for national service.

The equivalence as to residence which benefits one spouse shall be extended to the other where they actually live together.

Art. 21-27

(Act no 93-933 of 22 July 1993; Act 98-170 of 16 March 1998)

Nobody may acquire French nationality or be reinstated in that nationality where he has been sentenced either for ordinary or serious offences that constitute a damage to the fundamental interests of the nation or an act of terrorism or,

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whatever the offence concerned may be, to a penalty of six months' imprisonment or more without suspension.

(Act no 93-1417 of 30 Dec. 1993) It shall be likewise for the person who has been subject either to an exclusion order not expressly revoked or repealed or to a banishment of the French territory not fully enforced.

(Act 93-1027 of 24 August 1993) It shall be likewise for the person whose residence in France is irregular with respect to the statutes and conventions concerning the residence of aliens in France.

(Act no 98-170 of 16 March 1998) The provisions of this Article shall not apply to a minor child who may acquire French nationality under Articles 21-7, 21-11, 21-12 and 22-1, nor to a condemned person who has benefited from a rehabilitation by operation of law or by a judicial rehabilitation in accordance with Article 133-12 of the Penal Code, or the entry of whose sentence has been excluded from the certificate no 2 of the police record, in accordance with Articles 775-1 and 775-2 of the Code of Criminal Procedure" (Act no 2003-1119 of 26 Nov. 2003).

SECTION II

Of the Effects of Acquiring French Nationality

Articles 22 to 22-3

Art. 22

(Act no 83-1046 of 8 Dec. 1983)

A person who has acquired French nationality enjoys all the rights and is bound to all the duties attached to the status of French, from the day of that acquisition.

Art. 22-1

(Ord. no 2005-759 of 4 July 2005)

A minor child one of the parents of whom acquires French nationality, becomes French as of right where he has the same usual residence as that parent, or resides in turn with that parent in the event of separation or divorce.

(Act no 98-170 of 16 March 1998; Act no 99-1141 of 29 Dec. 1999) The provisions of this Article shall not apply to the child of a person who acquires French nationality by a decision of the French government or by declaration of nationality unless his name is mentioned in the decree or the declaration.

Art. 22-2

(Act no 73-42 of 9 Jan. 1973)

The provisions of the preceding Article shall not apply to a married child.

Art. 22-3

(Act no 93-933 of 22 July 1993)

However, a child who is French under Article 22-1 and who was not born in France has the power to repudiate that status within six months preceding and twelve months following his coming of age.

He must exercise that power by declaration uttered as provided for in Articles 26 and following.

He may divest himself of that power from the age of sixteen in the same way.

CHAPTER IV

Of Loss and Forfeiture of, and of Reinstatement in French Nationality

Articles 23 to 25-1

SECTION I

Of Loss of French Nationality

Articles 23 to 23-9

Art. 23

(Act no 73-42 of 9 Jan. 1973)

An adult of French nationality residing usually abroad, who acquires voluntarily a foreign nationality, loses French nationality only where he so declares expressly, in the way provided for in Articles 26 and following of this Title.

Art. 23-1

(Act no 73-42 of 9 Jan. 1973)

The declaration in view to losing French nationality may be subscribed from the filing of the request for acquiring the foreign nationality and, at the latest, within a period of one year after the date of that acquiring.

Art. 23-2

(Act no 98-170 of 16 March 1998)

French persons who are under the age of thirty-five years may not subscribe the declaration provided for in Articles 23 and 23-1 above unless they have complied with the duties under Book II of the Code of National Service.

Art. 23-3

(Act no 98-170 of 16 March 1998)

Loses French nationality a French person who exercises the power to repudiate that status in the circumstances referred to in Articles 18-1, 19-4 and 22-3.

Art. 23-4

(Act no 73-42 of 9 Jan. 1973)

Loses French nationality a French person, even being a minor, who, having a foreign nationality, is, on his request, authorized by the French Government to lose the status of French.

That authorization shall be granted by decree.

Art. 23-5

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(Act no 73-42 of 9 Jan. 1973)

In the event of a marriage with an alien, the French spouse may repudiate French nationality in accordance with Articles 26 and following, if he or she has acquired the foreign nationality of her or his spouse and the usual residence of the couple is established abroad.

(Act no 98-170 of 16 March 1998) However, French persons who are under the age of thirty-five may not exercise that power of repudiation unless they have complied with the duties under Book II of the Code of National Service.

Art. 23-6

(Act no 73-42 of 9 Jan. 1973)

The loss of French nationality may be recorded by judgment where the party concerned, French by parentage, has not the apparent status thereof and never had his usual residence in France, if the ancestors from whom he held French nationality have not had themselves the apparent status of French or residence in France for half a century.

The judgment shall determine the date when French nationality was lost. It may decide that that nationality was lost by the predecessors of the party concerned and that the latter never was French.

Art. 23-7

(Act no 73-42 of 9 Jan. 1973)

A French person who actually behaves as a national of a foreign country may, where he has the nationality of that country, be declared to have lost French nationality by decree with assent of the Conseil d'Etat.

Art. 23-8

(Act no 73-42 of 9 Jan. 1973)

Loses French nationality a French person who, filling an employment in a foreign army or public service or in an international organization of which France is not a member, or more generally providing his assistance to it, did not relinquish his employment or stop his assistance notwithstanding the order of the Government.

The party concerned shall be declared, by decree in Conseil d'Etat, to have lost French nationality unless, within the period prescribed by the order and which may not be shorter than fifteen days or longer than two months, he stops his occupation.

Where the opinion of the Conseil d'Etat is adverse, the measure provided for in the preceding paragraph may be adopted only by a decree in Council of Ministers.

Art. 23-9

(Act no 73-42 of 9 Jan. 1973)

Loss of French nationality takes effect:

- 1° Where Article 23 so provides from the date of acquisition of the foreign nationality;
- 2° Where Articles 23-3 and 23-5 so provide from the date of the declaration;
- 3° Where Articles 23-4, 23-7 and 23-8 so provide from the date of the decree;
- 4° Where Article 23-6 so provides from the day named in the judgment.

SECTION II

Of Reinstatement in French Nationality

Articles 24 to 24-3

Art. 24

(Act no 73-42 of 9 Jan. 1973)

Reinstatement in French nationality of persons who prove to have had the status of French shall result from a decree or a declaration in accordance with the distinctions provided for in the Articles below.

Art. 24-1

(Act no 73-42 of 9 Jan. 1973)

Reinstatement by decree may be obtained at any age and without any requirement as to a probationary period. As to other issues, it shall be subject to the requirements and rules of naturalisation.

Art. 24-2

(Act no 73-42 of 9 Jan. 1973)

Persons who "have lost French nationality" (Act. no 98-170 of 16 March 1998) by reason of a marriage with an alien or acquisition of a foreign nationality by an individual decision may, subject to the provisions of Article 21-27" (Act no 93-933 of 22 July 1993), be reinstated by a declaration subscribed in France or abroad as provided for in Articles 26 and following.

They must have kept or acquired patent bonds with France, especially of cultural, professional, economic or family nature.

Art. 24-3

(Act no 93-933 of 22 July 1993)

Reinstatement by decree or declaration is effective with regard to children under eighteen, subject to the conditions under Articles 22-1 and 22-2 of this Title.

SECTION III

Of Forfeiture of French Nationality

Articles 25 to 25-1

Art. 25

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(Act no 73-42 of 9 Jan. 1973)

An individual who acquired the status of French may be declared by decree adopted after assent of the Conseil d'Etat to have forfeited French nationality, "save where forfeiture has the effect of making him stateless" (Act no 98-170 of 16 March 1998):

1° Where he is sentenced for an act characterized as "ordinary or serious offence which constitutes an injury to the fundamental interests of the Nation" (Act no 93-933 of 22 July 1993) "or for an ordinary or serious offence which constitutes an act of terrorism" (Act no 96-647 of 22 July 1996);

2° Where he is sentenced for an act characterized as "ordinary or serious offence provided for and punished by Chapter II of Title III of Book IV of the Penal Code" (Act no 93-933 of 22 July 1993);

3° Where he is sentenced for evading the duties under the Code of National Service;

4° Where he committed acts incompatible with the status of French and detrimental to the interests of France for the benefit of a foreign State;

5° [repealed].

Art. 25-1

(Ord. no 2005-759 of 4 July 2005)

Forfeiture shall be incurred only where the facts of which the person concerned is accused and that are referred to in Article 25 occurred before the acquiring of French nationality or within ten years as from the date of that acquiring.

It may be pronounced only within ten years as from the perpetration of those facts.

Where the facts of which the person concerned is accused are referred to in Article 25, 1°, the periods referred to in the two preceding paragraphs shall be extended to fifteen years.

CHAPTER V

Of Acts related to Acquisition or Loss of French Nationality

Articles 26 to 28-1

SECTION I

Of Declarations of Nationality

Articles 26 to 26-5

Art. 26

(Act no 93-933 of 22 July 1993; Act 98-170 of 16 March 1998)

Declarations of nationality shall be received by the juge d'instance or by consuls in the form prescribed by decree in Conseil d'Etat.

An acknowledgment of receipt must be issued after the filing of the documents necessary for proving their admissibility.

Art. 26-1

(Act no 93-933 of 22 July 1993)

A declaration of nationality must, on pain of nullity, be registered either by the juge d'instance as regards declarations subscribed in France, or by the Minister of Justice as regards declarations subscribed abroad.

Art. 26-2

(Act no 93-933 of 22 July 1993)

The seats and territorial jurisdiction of the tribunaux d'instance which are empowered to receive and register declarations of French nationality shall be established by decree.

Art. 26-3

(Act no 93-933 of 22 July 1993; Act no 98-170 of 16 March 1998)

The Minister or the judge shall refuse to register declarations which do not comply with the statutory requirements.

His reasoned decision shall be notified to the declarant, who may challenge it before the tribunal de grande instance within six months. The claim may be brought personally by a minor from the age of sixteen.

The decision of refusal to register must be taken within six months at the latest after the date when the acknowledgment of receipt which establishes the filing of all the documents necessary for proving the admissibility of the declaration is issued to the declarant.

The period shall be extended to one year as regards declarations subscribed under Article 21-2.

Art. 26-4

(Act no 93-933 of 22 July 1993; Act no 98-170 of 16 March 1998)

Within one year following the date when it was made, registration may be challenged by the Government procurator's office*, where the statutory requirements are not met.

In the absence of a refusal to register within the statutory period, a copy of the declaration shall be given to the declarant bearing the mention of the registration.

The registration may still be opposed by the Government procurator's office in the event of lie or fraud within two years after their being detected. The stopping of the community of living between spouses within twelve months after registration of the declaration under Article 21-2 shall constitute a presumption of fraud.

Art. 26-5

(Act no 93-933 of 22 July 1993)

Subject to the provisions of Article 23-9, paragraph 2 (1°), declarations of nationality, from the moment that they have been registered, take effect as from the date when they are subscribed.

Art. 27*(Act no 93-933 of 22 July 1993)*

A decision declaring inadmissible, or adjourning or refusing a request for naturalisation or reinstatement by decree, as well as an authorization to lose French nationality must set out its reasons.

Art. 27-1*(Act no 73-42 of 9 Jan. 1973)*

A decree deciding naturalisation or reinstatement, authorization to lose French nationality, loss or forfeiture of that nationality shall be adopted and published in forms prescribed by decree. It may not have any retrospective operation.

Art. 27-2*(Act no 73-42 of 9 Jan. 1973)*

A decree deciding naturalisation or reinstatement may be withdrawn with assent of the Conseil d'Etat within one year after its publication in the Journal Officiel where the person making the request does not comply with the statutory requirements; where the decision was obtained by lie or fraud, the decree may be withdrawn within two years the detection of fraud.

Art. 27-3*(Act no 73-42 of 9 Jan. 1973)*

A decree deciding loss on one of the grounds provided for in Articles 23-7 and 23-8 or forfeiture of French nationality shall be adopted after the person concerned has been heard or summoned to bring forward his comments.

SECTION III

Of Mentions on the Registers of Civil Registry

Articles 28 to 28-1

Art. 28*(Act no 78-731 of 12 July 1978)*

A mention of administrative acts and declarations causing acquisition or loss of French nationality or reinstatement therein shall be made in the margin of the record of birth.

(Act no 98-170 of 16 March 1998) A mention of a first issue of a certificate of French nationality and of adjudicatory decisions of a court relating to that nationality shall likewise be made.

Art. 28-1*(Act no 98-170 of 16 March 1998)*

Mentions relating to nationality provided for in the preceding Article shall be made on copies of records of birth or instruments drawn up as substitutes for them.

Those mentions shall also be made on certificates of birth or on a livret de famille at the request of the parties concerned. However, the mentions of loss, disclaimer, forfeiture of, opposition to the acquisition of French nationality, withdrawal of the decree of naturalisation or reinstatement, or of the judicial decision which has established the alien status, shall be made as of right on certificates of birth and on a livret de famille where a person who previously acquired or was judicially adjudged that nationality, or obtained a certificate of French nationality, has requested their being mentioned on those documents.

CHAPTER VI

Of Disputes in Matters of Nationality

Articles 29 to 31-3

SECTION I

Of the Jurisdiction of Judicial Courts and the Proceedings therein

Articles 29 to 29-5

Art. 29*(Act no 73-42 of 9 Jan. 1973)*

The civil courts of general jurisdiction shall exercise exclusive jurisdiction over disputes relating to French or foreign nationality of natural persons.

Issues of nationality shall be preliminary before any other administrative or judicial court except criminal courts with a criminal jury.

Art. 29-1*(Act 93-933 of 22 July 1993)*

The seats and territorial jurisdiction of the tribunaux de grande instance which are empowered to try controversies relating to French or foreign nationality of natural persons are established by decree.

Art. 29-2*(Act no 73-42 of 9 Jan. 1973)*

The procedure to be followed in matters of nationality and in particular the communication to the Government procurator's office of summons, pleadings and methods of review, is established by the Code of Civil Procedure.

Art. 29-3

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(Act no 73-42 of 9 Jan. 1973)

Everyone is entitled to bring an action for the determination of his having or not the status of French.

The Government procurator's office is likewise entitled with respect to any person. It shall be a necessary defendant in all declaratory actions on nationality. It must be joined to the action whenever an issue of nationality is raised as an interlocutory matter before a court empowered to try it.

Art. 29-4

(Act no 73-42 of 9 Jan. 1973)

The Government procurator's office shall have to sue where it is requested by a public service or a third party who raised the plea of national status before a court which stayed judgment under Article 29. The third party plaintiff shall be joined to the action.

Art. 29-5

(Act no 73-42 of 9 Jan. 1973)

Judgments handed down in matters of French nationality by a court of general jurisdiction have effect even against persons who were not parties nor represented.

However, a party concerned is competent to attack them by means of a third party application for rehearing provided that he joins the Government procurator's office to the action.

SECTION II

Of the Proof of Nationality before Judicial Courts

Articles 30 to 30-4

Art. 30

(Act no 73-42 of 9 Jan. 1973)

The burden of proof in matters of French nationality lies on the person whose nationality is in dispute.

However, this burden lies on him who challenges the status of French of a person who holds a certificate of French nationality issued as provided for in Articles 31 and following.

Art. 30-1

(Ord. no 45-2441 of 19 Oct. 1945)

Where French nationality is granted or acquired in another way than declaration, naturalisation, reinstatement or annexation of territories, proof of it may be made only by establishing the existence of all the statutory requirements.

Art. 30-2

(Act no 61-1408 of 22 Dec. 1961)

However, where French nationality may flow only from parentage, it shall be deemed established, saving proof to the contrary, if the person concerned and the parent who was likely to transmit it to him have in a constant way enjoyed the apparent status of French.

(Act no 93-933 of 22 July 1993) French nationality of persons born in Mayotte, of age on 1 January 1994, shall be alternatively deemed established if those persons have in a constant way enjoyed the apparent status of French.

Art. 30-3

(Act no 61-1408 of 22 Dec. 1961)

Where a person usually resides or resided in a foreign country, in which the ancestors from whom he holds nationality by parentage have settled for more than half a century, that person shall not be allowed to prove that he has French nationality by parentage if himself or the parent who was likely to transmit it to him have not enjoyed the apparent status of French.

In that event, the court shall have to record the loss of French nationality under Article 23-6.

Art. 30-4

(Act no 73-42 of 9 Jan. 1973)

Apart from loss or forfeiture of French nationality, proof of the alien status of a person may only be established by evidencing that the party concerned does not fulfil any of the statutory requirements for having the status of French.

SECTION III

Of Certificates of French Nationality

Articles 31 to 31-3

Art. 31

(Act no 95-125 of 8 Feb. 1995)

The chief clerk of a tribunal d'instance shall alone have the capacity to issue a certificate of French nationality to a person who establishes that he has that nationality.

Art. 31-1

(Act no 93-933 of 22 July 1993)

The seats and territorial jurisdiction of the tribunaux d'instance which are empowered to issue certificates of nationality shall be established by decree.

Art. 31-2

(Act no 73-42 of 9 Jan. 1973)

A certificate of nationality shall point out with reference to Chapters II, III, IV and VII of this Title the statutory

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provision under which the party concerned has the status of French as well as the documents which allowed its being drawn up. It shall prevail until evidence contrary to it.

(Act no 95-125 of 8 Feb. 1995) For the issuing of a certificate of nationality, the chief clerk of a tribunal d'instance may, failing other elements, presume that the records of civil status drawn up abroad and presented to him produce the effects that French law would have attributed to them.

Art. 31-3

(Act no 95-125 of 8 Feb. 1995)

Where the chief clerk of a tribunal d'instance refuses to issue a certificate of nationality, the party concerned may refer the matter to the Minister of Justice who shall decide whether there is a case for the performance of that issuing.

CHAPTER VII

Of the Effects on French Nationality of Transfers of Sovereignty relating to Certain Territories Articles 32 to 32-5

Territories

Art. 32

(Act no 73-42 of 9 Jan. 1973)

French persons natives of the territory of the French Republic, as it was constituted on the 28 July 1960, and who were domiciled on the day of its accession to independence on the territory of a State that had previously the status of an overseas territory of the French Republic, have kept French nationality.

It shall be the same as to the spouses, widows and widowers and descendants of the said persons.

Art. 32-1

(Act no 73-42 of 9 Jan. 1973)

French persons of civil status of general law who were domiciled in Algeria on the date of the official announcement of the results of the poll for self-determination keep French nationality whatever their situation with respect to Algerian nationality may be.

Art. 32-2

(Act no 73-42 of 9 Jan. 1973)

The French nationality of persons of civil status of general law who were born in Algeria before the 22 July 1962 shall be deemed established, on the terms of Article 30-2, where those persons have enjoyed in a constant way the apparent status of French.

Art. 32-3

(Act no 73-42 of 9 Jan. 1973)

Every French person who, at the date of its independence, was domiciled on the territory of a State that had previously the status of overseas département or territory of the Republic keeps his nationality as of right where no other nationality was granted to him by the law of that State.

Likewise, the children of persons who benefit from the provisions of the preceding paragraph, minors under eighteen at the date of the accession to independence of the territory where their parents were domiciled, keep French nationality as of right.

Art. 32-4

(Act no 73-42 of 9 Jan. 1973)

Former members of the Parliament of the Republic, of the Assembly of the French Union and of the Economic Council who have lost French nationality and acquired a foreign nationality under a general provision may be reinstated in French nationality by a mere declaration where they have established their domiciles in France.

The same power is granted to their spouse, widower or widow and their children.

Art. 32-5

(Act no 93-933 of 22 July 1993)

The declaration of reinstatement provided for in the preceding article may be subscribed by the parties concerned, in accordance with Article 26 and following, from the moment they have reached the age of eighteen; it may not be made through an agent. It has effect with regard to minor children on the terms of Articles 22-1 and 22-2.

CHAPTER VIII

Special Provisions regarding Overseas Territories

Articles 33 to 33-2

Art. 33

(Act no 73-42 of 9 Jan. 1973)

For the implementation of this Code [Title] in overseas territories:

- 1° The words "tribunal de grande instance" shall each time be replaced by the words "tribunal de première instance";
- 2° [repealed].

Art. 33-1

(Act no 93-933 of 22 July 1993)

Notwithstanding Article 26, the declaration shall be received by the president of the tribunal de première instance or by the judge in charge of the section on detachment.

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Art. 33-2

(Act no 93-933 of 22 July 1993)

Notwithstanding Article 31, the president of the tribunal de première instance or the judge in charge of the section on detachment has alone the capacity to issue a certificate of French nationality to a person who establishes that he has that nationality.

TITLE II

OF RECORDS OF CIVIL STATUS

Articles 34 to 101

CHAPTER I

General provisions

Articles 34 to 54

Art. 34

(Act of 22 Oct. 1922)

Records of civil status shall state the year, day and time when they were received, the first names and name of the officer of civil status, the first names, names, occupations and domiciles of all persons named therein.

The dates and places of birth:

- a) Of the father and mother in the records of birth and of acknowledgement;
- b) Of the child in the records of acknowledgement;
- c) Of the spouses in the records of marriage; and
- d) Of the deceased in the records of death,

shall be indicated when known. Otherwise the age of those persons shall be designated by their number of years as must be, in all cases, the ages of the declarants. As to the witnesses, only their status of adult shall be indicated.

Art. 35

Officers of civil status may insert nothing in the records they receive, by way of a note or of whatever wording, beyond what must be declared by the declarants.

Art. 36

Where the parties concerned are not obliged to appear in person, they may be represented by an agent with a special and authentic power.

Art. 37

(Act of 7 Dec. 1897)

Witnesses appearing in connection with records of civil status shall be at least of eighteen years of age, relatives or not, without distinction of sex; they shall be selected by the parties concerned.

[repealed]

Art. 38

(Ord. no 58-779 of 23 august 1958)

The officer of civil status shall read the records to the appearing parties or their agents, and to the witnesses; he shall invite them to take direct cognisance of them before signing them.

It shall be mentioned on the records that these formalities have been complied with.

Art. 39

Those records shall be signed by the officer of civil status, the appearing parties and witnesses; or mention shall be made of the cause preventing the appearing parties or witnesses from signing.

Art. 40

[repealed]

Art. 41

[repealed]

Art. 42

[repealed]

Art. 43

[repealed]

Art. 44

[repealed]

Art. 45

[repealed]

Art. 46

Where no registers have existed or where they have been lost, proof of them may be received by documents as well as by witnesses; and in that event, marriages, births and deaths may be proved by books and papers emanating from deceased fathers and mothers as well as by witnesses.

Art. 47