

**Class: B.A.LL.B. 6<sup>th</sup> Semester**  
**Subject Name: Public International Law**  
**Subject Code: BL 6004**

**Topic: Nationality**

**INTRODUCTION:- Starke**, “Nationality has been defined as the status of membership of the collectively of individual whose acts decision and policy are vouch safed through the legal concept of the State representing these individuals.”

**Prof. Oppenheim**, “Nationality of an individual the quality of being a subject of a certain State and therefore its citizens.”

**Fenwick**:-“Nationality is such a bond which binds an individual with a state and makes him a member of that specific State and provides for right of protection from that State with an obligation to abide the laws promulgated by that State,”

**Kelson**:- “Citizenship or Nationality is the status of an individual who is legally an member of a state and ornamentally he can be called a member of that community.”

**IMPORTANCE OF NATIONALITY: -**

- The right of protection of diplomatic representatives are available because of nationality.
- If any state does not restrain a person of its nationality from such disadvantageous action which are affecting other States then the fist State shall be responsible to other states for such actions of its nationals.
- Ordinarily states do not refuse to accept its nationals in extradition.
- One of the effects of the nationality is that the state has a right to refuse extradition of own national.
- By the practice of many States, at the time of war the Enemy character is determined on the basis of nationality.

**MODES OF ACQUISITION OF NATIONALITY:-** According to International Law nationality can be obtained by following means :-

- **By Birth:** - In the country in which a person is born he obtains the nationality of that country by birth or at the time of birth person gets the same nationality which his parents are having.

- **By Naturalization:** - By naturalization also nationality can be obtained. When an alien living in a country obtains the nationality of that country it is called naturalization. In **Nottebohm case-1955**, it was held that a State has no obligation in granting nationality to a person through naturalization if that person has no relations with that state. The court propounded the real and effective nationality doctrine. If any person obtains nationality of two states then in case of controversy between the two nationalities the nationality of that state shall be accepted with which the person fundamentally has real and effective relationship.
- **By Resumption:**-Sometimes it so happens that a person may lose his nationality because of certain reasons subsequently he may resume his nationality after fulfilling certain conditions.
- **By Subjugation:**-When a State is defeated or conquered all the citizens acquire the nationality of the conquering State.
- **5. Cession:**-When a state has been ceded in another State all the people of the territory acquire nationality of the State in which their territory has been merged.

### LOSS OF NATIONALITY

- **By Release:**-In some states there are such legal provisions are available by which they grant permission to release their nationals from its nationality. For this type of release an application is necessary. If the application for release is accepted then the applicant is released from the nationality of that state.
- **By Deprivation:**-Often in many states such legal provisions are available by which if a national of that state enters into service of another state without the permission of home state. He would lose nationality.
- **By long residence abroad:**- The loss of nationality may take place on the ground that the individual stayed abroad beyond a certain time limit. Many states have such type of legal provisions which terminates the nationality for the stay of beyond limit.
- **By Renunciation:**- It may also be the cause of loss of nationality, when a person is having nationality of two or more states, he has to choose the nationality of one & has to renounce the nationality of other state.
- **5. By Substitution:**-In some states the nationality is terminated by substitution. A person gets nationality of one state in place of other states.

## DIFFERENCE BETWEEN NATIONALITY & CITIZENSHIP

NATIONALITY	CITIZENSHIP
<p>The legal relationship which exists between the nation &amp; Individual.</p> <p>Through Nationality the civil &amp; natural rights of a person may come.</p> <p>All citizens may possess the nationality of a particular state.</p> <p>A person who possesses only nationality in a particular state may not possess all political rights.</p>	<p>Denotes the relations between the person and the state law.</p> <p>The rights of citizenship are the sole concern of state law.</p> <p>It is not necessary that all the nationals may be the citizens of that particular state</p> <p>Citizens are those persons who possess full political rights in the state.</p>

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