

No. 33704

**SPAIN
and
GUATEMALA**

**Agreement on nationality. Signed at Guatemala City on
28 July 1961**

Authentic text: Spanish.

Registered by Spain on 18 April 1997.

**ESPAGNE
et
GUATEMALA**

**Convention relative à la nationalité. Signée à Guatemala le
28 juillet 1961**

Texte authentique : espagnol.

Enregistré par l'Espagne le 18 avril 1997.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON NATIONALITY BETWEEN THE SPANISH STATE
AND THE REPUBLIC OF GUATEMALA

His Excellency the Head of the Spanish State and
His Excellency the President of the Republic of Guatemala,
Considering:

The profound spiritual and material links existing between Spain and Guatemala;

That the Spaniards and Guatemalans form part of a community characterized by identical traditions, culture and language;

That the Spanish Civil Code and the Constitution of the Republic of Guatemala both allow the acquisition of nationality by Guatemalans in Spain and Spaniards in Guatemala without losing the right to recover their previous nationality,

Have decided to conclude an agreement to treat the Spanish and Guatemalan nationalities equally by establishing reciprocal provisions which the above-mentioned links make natural and desirable,

To this end, have appointed as their plenipotentiaries:

His Excellency the Head of the Spanish State, His Excellency Dr. Angel Sanz Briz, Ambassador Extraordinary and Plenipotentiary of Spain;

His Excellency the President of the Republic of Guatemala, His Excellency Mr. Jesús Unda Murillo, Minister for Foreign Affairs;

who, after exchanging their full powers, found in good and due form, have agreed as follows:

Article 1

Spaniards and Guatemalans by birth may acquire Guatemalan or Spanish nationality, respectively, simply by establishing domicile in Guatemala or in Spain, as the case may be, by declaring before the competent authority their wish to acquire such nationality and by having their names entered in the registers specified by the laws and regulatory provisions of the country in question.

Article 2

The term national “by birth” includes nationality by descent, and shall be attested by a special certificate issued by the competent authority or by the respective diplomatic or consular agents.

Article 3

For the purposes of this Agreement, domicile shall be taken up through inclusion in the registers referred to in article 1, and may be changed only if habitual residence is transferred to the other Contracting State.

¹ Came into force on 1 February 1962 by the exchange of the instruments of ratification, which took place at Madrid, in accordance with article 13.

For the same purposes, individuals may not have more than one international domicile with regard to the Contracting States, both of which shall recognize the last domicile established in either State.

Article 4

Spaniards by birth who are naturalized in Guatemala shall recover Spanish nationality upon their return to Spain and establishment of domicile; Guatemalans by birth naturalized in Spain shall recover Guatemalan nationality upon their return to Guatemala and establishment of domicile.

Article 5

Should a person who has recovered the nationality of birth, in accordance with the provisions of the previous article, return to the country of adoption, that person shall again be considered naturalized in the latter as soon as domicile is established.

Article 6

Where a person benefiting from the provisions of this Agreement transfers residence to the territory of a third State, the most recent international domicile held in the Contracting States shall determine Spanish or Guatemalan nationality.

In such a case, the person shall maintain his or her nationality under the previous paragraph indefinitely, provided that it is not lost for any reason under the legislation of the State whose nationality the person holds.

Article 7

The nationals in question of the two Contracting Parties shall not, as nationals of the two Parties, be subject simultaneously to the legislation of both Parties, but only that of the Party in which they are domiciled.

Each Contracting State may deem as satisfied peacetime military obligations discharged in the other Contracting State by persons covered under this Agreement, the person concerned being subject in all cases to the requirement to register with the army of that person's country of domicile with the military classification corresponding to the person's age.

Civil and political rights, the exercise of which is regulated by the law of the country of domicile, may not be exercised in the country of origin if such exercise would result in violation of that country's rules of public order.

Article 8

Persons admitted to the benefits of this Agreement shall not require any visa to enter the territory of Either Contracting State, it being sufficient for such persons to hold a valid passport issued by the authorities of the country their last domicile.

Article 9

The provisions of the previous article shall apply to spouses and minor children, who shall be exempt from all restrictions on immigration into the territory of the Contracting States, provided that they travel in the company of a person admitted to the benefits of this Agreement or age going to join such a person.

Article 10

This Agreement shall apply to Spaniards and Guatemalans by birth who have acquired Guatemalan or Spanish nationality, respectively, prior to its entry into force; in no case shall it apply to persons who acquire or who have acquired either nationality by marriage, other than with regard to migration benefits.

Article 11

The High Contracting Parties undertake to inform each other through their respective Embassies of acquisitions of nationality and changes of domicile effected in application of this Agreement.

Article 12

The two Governments shall consult each other periodically with a view to considering and adopting measures conducive to the best application and uniform interpretation of this Agreement as well as any amendments or additions which may by common consent be deemed appropriate.

Article 13

This Agreement shall be ratified by the two High Contracting Parties and ratifications shall be exchanged in the city of Madrid, Spain, as soon as possible.

It shall enter into force on the date of exchange of ratifications and shall remain in force indefinitely until one of the High Contracting Parties gives the other a minimum of one year's notice of its intention to terminate it.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed this Agreement in duplicate, in Guatemala City, on 28 July 1961.

ANGEL SANZ BRIZ

JESÚS UNDA MURILLO
