

Law n° 61-415 of 14 December 1961 enacting the Ivorian Nationality Code, as amended by:

- Law n° 64-381 dated 7 October 1964,
- Law n° 72-852 dated 21 December 1972,
- Law n° 2004-662 dated 17 December 2004,
- Law n° 2013- 654 dated 13 September 2013.

THE NATIONAL ASSEMBLY HAS ADOPTED AND THE PRESIDENT OF THE REPUBLIC PROMULGATES THE FOLLOWING ACT:

TITLE I GENERAL PROVISIONS

Art. 1.

The law determines which persons have at their birth Ivorian nationality with the status of nationality of origin (*nationalite d'origine*).

Ivorian nationality may be acquired or lost after birth by operation of law or pursuant to a decision of a public authority taken in accordance with the conditions established by law.

Art. 2. (Loi n° 72-852 du 21/12/1972)

For the purposes of this code, the age of majority shall be prescribed by Ivorian law.

Art. 3.

Provisions relating to nationality contained in duly ratified and published international treaties or agreements shall apply even if they conflict with the provisions of the national laws of Cote d'Ivoire.

Art. 4.

Change of nationality may in no case result from an international convention except in virtue of an express provision thereof.

Art. 5.

Where under the terms of a convention a change of nationality is contingent on an act of option, the form of that act shall be determined by the law of the contracting State in which the act is to be performed.

TITLE II ATTRIBUTION OF IVORIAN NATIONALITY AS NATIONALITY OF ORIGIN

Art. 6. (Loi n° 72-852 du 21/12/1972)

The following shall be Ivorian nationals:

1. A legitimate or legitimated child born in Cote d'Ivoire, unless both parents are foreigners;
2. A child born out of wedlock in Cote d'Ivoire, unless descent is legally proved from two parents who are both foreigners, or to one parent who is a foreigner.

Art. 7. (Loi n° 72-852 du 21/12/1972)

The following shall be Ivorian nationals:

1. A legitimate or legitimated child born outside Côte d'Ivoire with one parent who is an Ivorian national;
2. A child born out of wedlock outside Côte d'Ivoire whose descent is legally established from one parent who is an Ivorian national.

Art. 8.

A child who is an Ivorian national by virtue of the provisions of this title shall be deemed to have been an Ivorian national at birth, even if the statutory requirements for the attribution of Ivorian nationality are not established until after his birth.

However, in this case, the attribution of Ivorian nationality at birth shall not affect the validity of instruments executed by the person concerned or rights acquired by third parties in virtue of the apparent nationality of the child.

Art. 9. (Loi n° 72-852 du 21/12/1972)

Birth or descent shall have no effect in relation to the attribution of Ivorian nationality unless it is established in accordance with the Ivorian civil code.

Art. 10.

[Repealed (Loi n° 72-852 du 21/12/1972)]

TITLE III ACQUISITION OF IVORIAN NATIONALITY

Chapter I METHODS OF ACQUIRING IVORIAN NATIONALITY

Section 1 Acquisition of Ivorian nationality by operation of law

Art. 11. (Loi n° 64-381 du 07/10/1964 & Loi n° 72-852 du 21/12/1972).

A child who has been adopted shall acquire Ivorian nationality if at least one of his adoptive parents is an Ivorian national.

Art. 12 (Law No. 2013-654 of 09/13/2013). - Subject to the provisions of articles 13, 14 and 40, a woman of foreign nationality who marries an Ivorian man acquires Ivorian nationality at the time of the celebration of the marriage.

The same provisions apply to a man of foreign nationality who marries an Ivorian woman.

Art. 13 (Law No. 2013-654 of 09/13/2013). - In the event that his national law allows him or her to keep his nationality, the spouse of foreign nationality has the power to declare prior to the celebration of the marriage that he or she declines Ivorian nationality.

He or she can, even if a minor, exercise this power without any authorization.

Art. 14 (Law No. 2013-654 of 09/13/2013). - During the six-month period following the celebration of the marriage, the Government can oppose acquisition of Ivorian nationality, by decree taken on advice of Ministers responsible for Justice, the Interior, Health and Population.

To this end, an official copy of the marriage certificate is sent by the registrar, within eight days of the celebration of the marriage, to the Minister of Justice, for registration.

In the event of opposition from the Government, the person concerned is deemed to have never acquired Ivorian nationality.

However, when the validity of acts made prior to the opposition decree was subject to the acquisition by the foreign spouse of Ivorian nationality, this validity cannot be challenged on the ground that the foreign spouse was not able to acquire nationality.

Art. 15.

Where a marriage is contracted abroad, the period prescribed in the foregoing article shall run from the date on which the particulars of the marriage are entered in the civil status records of a diplomatic or consular agent of Cote d'Ivoire.

Art 16. (Law n ° 2013-654 of 09/13/2013). – A foreign spouse does not acquire Ivorian nationality, if his or her marriage to an Ivorian national is declared void by decision of an Ivorian court or by an order enforceable in Côte d'Ivoire.

However, where the validity of instruments executed before the court order annulling the marriage depends on the acquisition by the woman of Ivorian nationality, their validity may not be contested on the ground that she was unable to acquire that nationality.

Section 2 - Acquisition of Ivorian nationality by declaration

Arts.17 to 23. Repealed. (Loi n° 64-381 of 07/10/1964 & loi n° 72-852 of 21/12/1972)

Section 3 - Acquisition of Ivorian nationality by decision of the public authorities

Art. 24.

Ivorian nationality is acquired by decision of the public authorities where naturalization or recovery of nationality is granted to a foreigner on his application.

Subsection 1. Naturalization

Art. 25.

Naturalization as an Ivorian national shall be granted by decree after inquiry.

A person may not be naturalized unless he or she is habitually resident in Côte d'Ivoire at the time of signature of the decree of naturalization.

Art. 26.

Save as otherwise provided in articles 27 and 28, naturalization may not be granted to a foreigner unless he can prove habitual residence in Côte d'Ivoire during the five years preceding the submission of his application.

Art. 27 (loi n° 2004 -662 of 17/12/2004)

The period of residence required by article 26 shall be reduced to two years:

1. For a foreigner born in Côte d'Ivoire;
2. For a person who has rendered important services to Côte d'Ivoire, for example through the exercise of distinguished artistic, scientific or literary talent, the introduction of useful industries or inventions.

Art. 28.

The following persons may be naturalized without any condition as to length or residence:

1. A foreign minor child born outside Côte d'Ivoire, if one parent acquires Ivorian nationality during the lifetime of the other;
2. The minor child of a foreigner who acquires Ivorian nationality, in the event that the child has not acquired nationality by right in virtue of article 46 hereof;
3. The wife and adult children of a foreigner who acquires Ivorian nationality.
4. Repealed. (Loi n° 72-852 du 21/12/1972)
5. A foreigner who has rendered outstanding services to Côte d'Ivoire or whose naturalization would be of exceptional interest to Côte d'Ivoire or whose naturalization would be of exceptional interest to Côte d'Ivoire.

Art. 29.

Except for minors to whom the provisions of article 28 apply, no person who has not reached the age of eighteen years may be naturalized.

Art. 30. (Loi n° 72-852 du 21/12/1972)

A minor eighteen years of age may apply for naturalization without authorization.

In applying for naturalization, a minor under eighteen years of age to whom the provisions of article 28 apply shall be authorized or represented in accordance with the conditions specified below.

If he is 16 years of age but under 18, authorization shall be given by whichever parent exercises parental authority, or, failing that, by his guardian, after due consultation with the family council.

If he is under 16 years of age, the minor shall be represented by the person indicated in the previous paragraph, provided that if such a legal representative is a foreigner, he shall have been a habitual resident of Côte d'Ivoire for at least five years.

Art. 31.

A person may not be naturalized unless he is of good conduct and moral character.

Art. 32.

A person may not be naturalized unless:

1. He is found to be of sound mind;
2. His physical health is found to be such that he is not likely to be a charge on or a danger to the public.

However, this requirement shall be waived in respect of a foreigner to whom the provisions of the last paragraph of article 28 apply.

Art. 33.

The manner of verifying the state of health of a foreigner who has applied for naturalization shall be specified by decree.

A registration fee payable to the treasury, the amount and method of payment of which shall be specified by decree, shall be charged at the time of each naturalization.

Subsection 2. Recovery of Nationality

Art. 34.

Recovery of Ivorian nationality shall be granted by decree after enquiry.

Art. 35.

Ivorian nationality may be recovered at any age and without any residence requirement.

However, a person may not recover Ivorian nationality unless he is habitually resident in Côte d'Ivoire at the time of recovery.

Art. 36.

A person applying for recovery of nationality shall prove that he formerly possessed Ivorian nationality.

Art. 37.

A person who has been deprived of Ivorian nationality under article 54 of this code may not recover it unless he was deprived of it on the ground of a conviction and his full rights have been restored by the court.

Art. 38.

A person to whom the preceding article applies may recover his nationality if he has rendered outstanding services to Côte d'Ivoire or his recovery of nationality would be of exceptional value to Cote d'Ivoire.

Section 4 Provisions common to certain ways of acquiring Ivorian nationality

Art. 39.

Where acquisition of Ivorian nationality is conditional on residence in Cote d'Ivoire, a person may not acquire nationality unless he fulfils the statutory obligations and conditions governing residence of foreigners in Cote d'Ivoire.

Art. 40.

A foreigner in respect of whom an expulsion or restricted residence order has been made may not acquire Ivorian nationality in any manner whatsoever nor recover the same unless the order has been revoked in the form in which it was made.

Art. 41.

Residence in Côte d'Ivoire while a restricted residence order is in effect or during a term of imprisonment shall not count towards the qualifying period of residence required by the various provisions governing acquisition of Ivorian nationality.

Chapter II EFFECTS OF ACQUISITION OF IVORIAN NATIONALITY

Art. 42.

A person acquiring Ivorian nationality shall from the date of such acquisition enjoy all the rights attaching to the nationality, subject to the disabilities prescribed in article 43 of this Code or in specific laws.

Art. 43. (loi n° 2004 -662 du 17/12/2004).

A naturalized foreigner shall be subject to the following disabilities:

1. During the period of ten years following the naturalization decree he may not be appointed to any elective function or office which may be discharged only by an Ivorian national;
2. During the period of five years following the naturalization decree he may not vote in an election for which only Ivorian nationals may be registered as electors;
3. During the period of five years following the naturalization decree he may not be appointed to a public office remunerated by the State or be called to the bar or hold a ministerial office, or exercise a liberal profession regulated by national order.

Art. 44.

A naturalized person who has rendered outstanding services to Cote d'Ivoire, or whose naturalization would be of exceptional value to Cote d'Ivoire, may be relieved by the naturalization decree of some or all of the disabilities prescribed in article 43.

Art. 45. (Loi n° 72-852 du 21/12/1972)

A minor shall become an Ivorian national by right on the same grounds as his parents, provided that descent is established in accordance with Ivorian law:

1. Where he is legitimate or legitimated and his father or legitimated and his father or widowed mother acquires Ivorian nationality;

2. Where he is born out of wedlock and the parent exercising parental authority as prescribed in article 9 of the law on minors acquires Ivorian nationality.

Art. 46.

The provisions of the preceding article shall not apply:

1. To a married minor;
2. To a person who is serving or has served in the armed forces of his country of origin.

Art. 47.

A minor may not benefit by article 45 if:

1. An expulsion order or a restricted residence order has been made in respect of him and has not been revoked in the form in which it was made;
2. He has been sentenced to a term of imprisonment exceeding six months for a crime (*crime*) or offence (*délit*);
3. He is prevented by the provisions of article 39 from acquiring Ivorian nationality.
4. Repealed. (Loi n° 72-852 du 21/12/1972)

TITLE IV LOSS AND DEPRIVATION OF IVORIAN NATIONALITY

Chapter I LOSS OF IVORIAN NATIONALITY

Art. 48.

An Ivorian national of full age who voluntarily acquires or states that he possesses a foreign nationality shall lose Ivorian nationality.

Nevertheless, for a period of 15 years from the date of entry on the population register such loss or nationality shall be subject to authorization by the Government by a decree made in accordance with a report by the Keeper of the Seals, Minister of Justice, subject to prior consultation with the Minister of Public Health and the Minister of National Defence.

Art. 49. (Loi n° 72-852 du 21/12/1972)

An Ivorian national, even if a minor, who possesses a second nationality by right through the operation of a foreign law may be authorized by decree to relinquish Ivorian nationality.

A minor shall be authorized or represented, as the case may be, as prescribed in article 30.

Art. 50.

An Ivorian national who loses Ivorian nationality shall be released from his allegiance to Cote d'Ivoire:

1. In a case to which article 48 applies, on the date on which the foreign nationality is acquired;
2. In a case to which article 49 applies, on the date of the decree authorizing him to relinquish Ivorian nationality.

Art. 51.

An Ivorian woman who marries a foreigner shall retain Ivorian nationality unless before the celebration of the marriage she makes an express declaration in accordance with the conditions and procedure laid down in articles 57 et seq. that she renounces her Ivorian nationality.

The declaration may be made without authorization, even if she is a minor.

The declaration shall be valid only if she acquires or may acquire her husband's nationality under the law of his country.

In that case she shall be released from her allegiance to Côte d'Ivoire on the date of the celebration of the marriage.

Art. 52.

An Ivorian national who in fact behaves as a national of a foreign country may, if he also possesses the nationality of that country, be declared by decree to have lost Ivorian nationality.

In that case, he shall be released from his allegiance to Côte d'Ivoire on the date of the decree.

This measure may be extended to his spouse and minor children if they possess a foreign nationality, but not to his minor children without also being extended to his spouse.

Art. 53.

An Ivorian national who holds a post in a public service of a foreign State or in a foreign army, and retains the same though directed to resign it by the government of Côte d'Ivoire, shall lose Ivorian nationality.

Six months after notification of such direction, the national shall be declared by decree to have lost Ivorian nationality if during that period he has failed to resign the said post, unless it is proved that he was absolutely unable to do so, in which case the six months' period shall not begin to run until the date on which the impediment was removed.

He shall be released from his allegiance to Côte d'Ivoire on the date of the decree.

Chapter II DEPRIVATION OF IVORIAN NATIONALITY

Art. 54.

A person who has acquired Ivorian nationality may be deprived thereof by decree if:

1. He is convicted of an act constituting a crime (*crime*) or offence (*délit*) against the internal or external security of the State;
2. He is convicted of an act constituting a crime or offence against the established institutions;
3. He has done, to the advantage of a foreign State, acts incompatible with his Ivorian nationality and detrimental to the interests of Côte d'Ivoire.
4. He has been convicted in Côte d'Ivoire or abroad of an act constituting a crime under Ivorian law and has been sentenced therefor to a term of not less than five years' imprisonment.

Art. 55.

A person may not be deprived of Ivorian nationality unless the acts specified in article 54 with which he is charged occurred within the ten years following the date on which he acquired Ivorian nationality.

Deprivation of Ivorian nationality may not be decreed except within the two years following the commission of those acts.

Art. 56.

Deprivation of Ivorian nationality may be extended to the spouse and minor children of the national concerned if they are of foreign origin and have retained a foreign nationality.

However, it may not be extended to his minor children without also being extended to his spouse.

TITLE V CONDITIONS AND PROCEDURE FOR ACTS RELATING TO THE ACQUISITION OR LOSS OF IVORIAN NATIONALITY

Chapter I DECLARATIONS OF NATIONALITY AND THEIR REGISTRATION

Art. 57. (Loi n° 72-852 du 21/12/1972)

Any declaration made for the purpose of:

1. Declining Ivorian nationality, or
2. Repudiating Ivorian nationality in the cases provided by law, shall be signed before the presiding judge of the court of first instance, an authorized magistrate or the judge of that section of the court in whose jurisdiction the declarant has his residence.

Art. 58.

If the declarant is abroad, his declaration shall be signed before a diplomatic or consular agent of Cote d'Ivoire.

Art. 59.

All declarations of nationality signed in accordance with the foregoing articles must be registered with the Ministry of Justice under pain of nullity.

Art. 60.

If the person concerned fails to meet the conditions required by law, the Minister of Justice shall refuse to register the declaration. His refusal and the grounds for it shall be notified to the declarant.

Art. 61.

[Repealed. (Loi n° 72-852 du 21/12/1972)]

Art. 62. (Loi n° 72-852 du 21/12/1972)

If six months after the date of signature of the declaration no decision has been taken to refuse to register it, the Minister of Justice shall transmit to the declarant at the latter's request a copy of the declaration bearing a reference to its registration.

Art. 63. - The validity of a registered declaration can always be contested by the public prosecutor and by any interested person. In the latter case, the public prosecutor should always be consulted.

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Arts 64-107 not translated:

Chapter II: Decisions relating to naturalization and reintegration

Chapter III: Decisions relating to the loss of Ivorian nationality

Chapter IV: Decrees relating to deprivation of nationality

Title VI: Nationality disputes

Chapter I: Jurisdiction of the courts

Chapter II: Procedure before the courts

Chapter III: Proof of nationality before the courts