

Decree n° 1968 DF-478 of the 16th December 1968 to Establish Rules of Procedure Under the Nationality Code

THE PRESIDENT OF THE FEDERAL REPUBLIC,

Mindful of the Constitution of the 1st September-1961;

Mindful of law No. 68-LF-3 of the 11th June 1968 to set up the Cameroon Nationality Code,

HERERY DECREES AS FOLLOWS:

CHAPTER I Procedure for the acquisition of Cameroon Nationality by marriage.

1.

(1) The declaration provided for by section 36 (a) the Nationality Code shall be signed in three copies before the President of the District Court or the Judge of the Magistrates Court or the diplomatic or consular representative Cameroon abroad either before or at the latest, at the moment of celebration of the marriage between a Cameroonian and a foreign woman or one presumed to be foreign.

(2) The original of this declaration shall be transmitted to the civil status registrar responsible for the celebration of the marriage, the second copy shall be handed to the declarant and the third copy shall be gummed in a special register.

2.

(1) Before the celebration of marriage, the civil status registrar shall inform the woman whom he presumes to be foreign of the conditions for the acquisition of Cameroon nationality.

(2) He shall notify her in particular of the provisions sections 17, 18 and 19 of the Nationality Code.

3.

After the celebration of marriage, the civil status registrar shall transmit to the Ministry of Justice, within the month following the celebration, a copy of the marriage registration together with the declaration made by the foreign woman for the purposes of registration.

4.

Where the marriage is celebrated by a foreign civil status registrar, the competent diplomatic or consular representative of Cameroon shall be responsible for implementing the provisions of articles 2 and 3.

5.

The spouses may themselves ensure and undertake 1 need be the transmission provided for in article 3.

6.

(1) The registration of the declaration referred to 1 section 36 (a) shall be refused if the person concerned does not satisfy the conditions laid down by law or if he does not comply with the prescribed procedure.

(2) This decision of refusal, showing the grounds therefor shall be notified to the declarant who may where applicable make a new declaration in accordance with the prescribed procedure.

7.

If, within the six months following the celebration of marriage, there has been neither a decision to refuse registration nor a decree establishing the opposition of the Government, the Minister of Justice shall transmit to the declarant, at his request, an attestation having the force of a registration of the declaration.

8.

The validity of a registered declaration may be contested at any time by the Legal Department or by any person concerned. In this case, the Legal Department shall be made a party to the suit.

CHAPTER II Conditions for the examination of applications for naturalization and restoration.

9.

- (1) An application for naturalization shall be addressed to the Minister of Justice, Keeper of the Seals.
- (2) The applicant must set out clearly in his application the grounds for his desire to acquire Cameroon nationality.
- (3) The following documents shall be enclosed with the application:
 1. The curriculum vitae of the applicant;
 2. A copy of his birth registration;
 3. A copy of his marriage registration or civil status booklet, where applicable;
 4. Copies of the birth registrations of his minor, unmarried children;
 5. Where applicable, any document allowing it to be determined in full knowledge of the facts that the measure requested is justified from a national point of view.

10.

- (1) The Minister of Justice shall cause a police inquiry to be conducted into the morals, conduct and loyalty of the person concerned, his degree of assimilation to the Cameroonian Community and the interest of his naturalization from a national point of view.
- (2) He shall cause to be delivered the No, 2 bulletin of the police records of the applicant who shall furthermore be subject to a medical examination of his physical and mental capacities by a board, the composition and functioning of which shall be fixed by joint order of the Minister of Justice and the authority in charge of Public Health.

(3) The Minister of Justice shall request the opinion of the Minister in Charge of Federal Territorial Administration with regard to the naturalization application thus constituted.

11.

The Minister of Justice may declare the application to be unacceptable through a decision which shall be notified to the applicant.

12.

In case of the admissibility of the application, a duty of 30,000 francs shall be paid to the Treasury before signature of the decree of naturalization.

13.

(1) An application for restoration shall be addressed to the Minister of Justice, Keeper of the Seals.

(2) The following documents shall be enclosed with the application:

1. A copy of the enactment whereby the applicant was granted foreign nationality;

2. any paper or document establishing that he was in possession of the status of Cameroonian national;

3. A certificate of residence issued by the Mayor or Sub-Prefect of his place of residence;

4. The curriculum vitae of the applicant;

5. A copy of his birth registration;

6. A copy of his marriage registration or civil status booklet where applicable;

7. Copies of the birth registrations of his minor unmarried children;

8. A medical certificate not more than three months old.

14.

For the purposes of sections 26 and 28 of the Nationality Code, "probationary period" means the obligations referred to in section 25 (b), (c) and (d) of that Code, subject to the justification of residence provided for by section 28.

CHAPTER III Proof of Nationality before the Courts.

15.

(1) The burden of proof in matters of nationality shall rest with the party who, by an action or by an incidental plea of defence, claims that he possesses or does not possess Cameroon nationality.

(2) Provided that the burden of proof shall be transferred to the party who, by the same means, disputes the Cameroon nationality of a person in possession of a certificate of Cameroon nationality issued in pursuance of section 42 of the Nationality Code.

(3) Refusal to deliver a certificate nationality shall be established by an attestation of the authorities referred to in section 42 of the Nationality Code.

16.

Proof of a declaration to acquire nationality shall be established by the production of a registered copy of such declaration or, failing this, of an attestation delivered by the Minister of Justice, either certifying that this declaration has been duly signed and registered or issued in lieu of registration.

17.

Where the law provides the right to sign a declaration renouncing or declining Cameroon nationality, proof that such a declaration has not been signed may only be established by an attestation delivered by the Minister of Justice.

18.

(1) Proof of a decree of naturalization or restoration shall be established by the production of a copy of the Official Gazette in which such decree was published.

(2) In lieu of this, proof may be established by an attestation from the Keeper of the Seals certifying the existence of such decree.

19.

Proof of the loss or forfeiture of nationality in the circumstances referred to in sections 31 c and 34 of the Nationality Code shall be established under the conditions prescribed by article 16.

20.

Proof of a declaration renouncing Cameroon nationality shall be established by the production of a registered copy of such declaration or, failing this, of an attestation from the Minister of Justice certifying that the declaration of renunciation has been duly signed and registered.

21.

Where nationality is lost in circumstances not provided for by sections 31, 32 and 34 of the Nationality Code proof shall be established by ascertaining the veracity of the facts and acts which resulted in the loss of nationality.

22.

(1) Apart from cases of loss and forfeiture of Cameroon nationality, proof of foreign nationality may be established by any means.

(2) Provided that proof of the foreign nationality of person possessing the status of a Cameroonian only be established by a demonstration that the person concerned satisfies one of the conditions imposed by law for possession of the status of Cameroonian.

23.

All provisions repugnant to this decree, in particular decree No.59-286 of the 31st December 1959 to establish rules of procedure in East Cameroon under the Nationality Code previously in force in that State, are repealed.

24.

The Minister of State in charge of Federal Territorial Administration, the Minister of Justice, Keeper of the Seals and the Commissioner General for Public Health and Population shall be responsible, each in his own sphere, for the implementation of this decree which shall be registered and published according to the procedure of urgency and in the Official Gazette of the Federal Republic of Cameroon in French and in English.

Yaounde, the 16th December 1968.

EL HADJ AHMADOU AHIDJO.