

TRANSLATOR'S NOTES

- 1- All text written within a text box is not part of the original documents, but is rather an explanation of the document being translated.
- 2- In certain parts of the English translation, the text placed between [.....] means that these word(s) were not expressly stated in the Arabic version, because they are contextually understood in the Arabic language. Whereas, the inserted words are necessary in the English language to convey the proper meaning of the text.
- 3- The masculine pronouns (he, his) is commonly used in Arabic to include both genders. It is not the translator's position to discern where the drafter(s) intended to include the feminine gender and where they did not. The feminine pronouns were translated as such only where the text expressly so states. The masculine pronouns were used to reflect their use in the Arabic text, however, the drafters of the Arabic text may have intended to include both genders.

File Name: Libya Nationality Act Law 17 of 1954.PDF

Description: Taken from the "Encyclopedia of Arabic Legislation –

Country: Libya

Topic: Law - Nationality.

Nationality Act, number (17) of the year 1954.

Nationality Act Number (17) for the year 1954^{1 2}

We, Edrees the First, King of the United Libyan Kingdom

The Senate and House of Representatives declared the Nationality Act for the year 1954, the text of which is stated below, as ratified and adopted:

Chapter One Libyan Nationality

Article 1³ - Persons born prior to the adoption of the Constitution:

Every person who, on the date of the adoption of the Constitution (October 7, 1951) was a regular resident of Libya on that date, and had no other nationality or affiliation with a foreign jurisdiction, shall be considered a Libyan national, if one of the following conditions is met:

- (a) Was born in Libya
- (b) Was born outside of Libya and one of his parents was Libyan-born.
- (c) Was born outside of Libya and had resided in Libya, as a normal resident, for a period not less than ten consecutive years at the time that the Constitution was adopted

Article 2⁴ - Members of the following two classes, may opt to adopt the nationality of the Socialist People's Libyan Arab Jamahiriya [Republic], in accordance with the provisions of this Act:

- (a) Those who are of Libyan origin, and were born in Libya and have emigrated outside of Libya, prior to October 7, 1951.
- (b) Any person who was born in Libya or outside of Libya, and whose father or grandfather is a person referred to in the previous paragraph.

¹ Official Journal volume 3 on 25-4-1954

² The law number 12 for the year 1964 was issued and expressly states that the clause "Minister of Interior" be replaced with "Minister of Exterior" wherever mentioned in the Nationality Act number 17 for the year 1954 as well as the amendments and regulations that were issued pursuant to its provisions.

³ The margin for Article (4) shall be reviewed.

⁴ Amended by virtue of Law number 3 for the year 1979 – Official Journal – Volume 34 on 26-12-1979.

Article 3⁵ - Every person who wishes to adopt nationality of the Libyan Arab Jamahiriya, under the provisions of the previous Article, shall submit an application to the General Administration for Immigration, Visas and Nationality, and may include his wife's name and the names of all his children who have not reached the age of majority.

The Minister of Interior shall issue a Certificate of Nationality to the applicant, and those included in his application, after verifying the following:

- 1- The applicant is mentally sound and had reached the age of majority.
- 2- The applicant has a good moral character and had not been convicted of any felonies or crimes of moral turpitude, unless subsequently exonerated.
- 3- That he intends to maintain his normal residency in the Libyan Arab Republic.
- 4- That he, and those included in his application, relinquish any foreign nationality or allegiance that they may still hold at the time that they become citizens of the Libyan Arab Republic.

Article 3 bis⁶ -

1- A Committee shall be formed by a resolution of the Secretary of the General People's Committee for Justice, within the jurisdiction of every municipality, which Committee shall be responsible for issuing a reasoned opinion on the validity of the applicant's affiliation to the Libyan origin, in accordance with the provisions of Article (2) of this Act.

2- The Committees shall promptly review the applications submitted before them, and shall have the power to investigate, summon witnesses and hear their testimony under oath, and demand documents and papers as may be deemed necessary for them to perform their functions. A resolution shall be issued by the Minister of Interior pertaining to the procedures and work flow of said Committees.

3- The Committees shall submit their recommendations with respect to said issues before the Minister of Interior upon presenting before him the applications for optional nationality.

Article 4^{7 8} - The following persons shall be considered citizens of the Libyan Arab Republic:

- (a) Every person born in the Libyan Arab Republic, if he had not acquired a foreign nationality by birth.
- (b) Every person born outside the Libyan Arab Republic to a Libyan father, if the father's nationality was acquired by birth within the Libyan Arab Republic, or by naturalization or pursuant to Article One or Two of this Act.

A person, on whom the provisions of this paragraph apply, who acquired a foreign nationality by birth abroad, shall not lose the Libyan Arab Republic nationality, however, such person may, upon reaching the age of majority, opt to adopt his acquired foreign nationality.

(c) Where a person is born in the Libyan Arab Republic to a Libyan mother and a father of unknown nationality, or a stateless father, or where the nationality of both parents was unknown, then the foundling shall be regarded as being born in the Libyan Arab Republic until proven otherwise.

Chapter two Naturalization

Article 5⁹ -

1- The Libyan nationality may be granted to members of the following classes:

- (a) Arabs who are married to Libyan women, provided that the applicant had resided in Libya for at least four consecutive years following the date of marriage.
- (b) Arabs who resided in Libya for at least five consecutive years from the date of their application for naturalization.

⁵ Amended by virtue of Law number 47 for the year 96 Hijra – 76 A.D. Official Journal – Volume 43 on 7-29-1976.

⁶ appended by virtue of Law number 47 for the year 96 Hijra – 76 A.D. referred to herein, followed by the amendment of paragraph (1) by virtue of Law number 3 for the year 1979 referred to herein.

⁷ Amended by virtue of law number 47 for the year 96 Hijra – 76 A.D. referred to herein.

⁸ The resolution number 57 for the year 1969, issued by the Minister of Interior expressly states that the Prime Minister of Interior for Nationality Affairs is designated to sign and grant the Certificates of Libyan Nationality that are issued pursuant to the provisions of the first and fourth articles of the Nationality Act – Official Journal – Volume 31 on 14-7-1969.

⁹ Amended by Law number 3 for the year 1979 referred to herein.

(c) Children of Libyan women married to non-Libyans, provided that they meet the residency requirement in The People's Social Libyan Arab Jamahiriya for at least three consecutive years immediately prior to their application for naturalization.

(d) Scientists with higher specializations or special expertise that are needed in The People's Social Libyan Arab Jamahiriya.

2- Applications for naturalization shall be submitted to the appropriate agency in the Secretariat of Justice, provided that the following conditions are met, in addition to the previously stated conditions:

(a) Applicants must be at least eighteen years of age, and must not be deficient in their mental capacity or lacking thereof.

(b) Have a good moral character.

(c) Have not been previously convicted by any felonies or a crime of moral turpitude, unless subsequently exonerated.

(d) Must comply with the residency requirement in the Socialist People's Libyan Arab Jamahiriya.

(e) Must have a legitimate means of livelihood.

(f) Must vow to relinquish any foreign nationality that the applicant holds.

3- An applicant may be exempt from meeting the residency requirement if he had previously served in the Libyan Arab Armed Forces or where such exemption is for the general public benefit.

4- The decision to grant nationality shall be issued by the General People's Committee based upon the proposal of the Secretary of the General People's Committee for Justice. However, said decision shall not go into effect until the applicant has relinquished his foreign nationality and had vowed allegiance to the nation.

Article 6- Wife and Minor Children

The names of the applicant's wife and his children who have not reached the age of majority, may be included in his application for naturalization. They shall become Libyans by including them in the naturalization instrument. However, any of the children may relinquish the Libyan nationality, upon submitting a request to the Minister of Exterior within one year from reaching the age of majority.

Chapter three Married Women

Article 7- Married Women:

A foreign woman married to a Libyan is entitled to carry the Libyan nationality if she so notifies the Minister of Exterior, provided that she loses her foreign nationality. Notwithstanding, the Minister of Exterior may, deny her the Libyan naturalization. Similarly, her Libyan naturalization may be withdrawn if she does not retain her marital status for at least two years.

Said woman shall not lose her Libyan nationality upon termination of her marital status, unless she subsequently marries a foreign national or assumes her normal residency abroad, or resumes her foreign nationality.

Where a foreign woman marries a Libyan national, none of her children from another shall be granted the Libyan nationality by virtue of said marriage.

Article 8 – A Libyan woman who marries a foreign husband, shall maintain her Libyan nationality, unless, she opts to acquire her husband's nationality and the laws pertaining to her husband permit her to do so. Notwithstanding, she may restore her Libyan nationality in the event that her marriage is terminated and she notifies the Minister of Exterior, within one year thereof, of her desire to so restore, provided that she loses her acquired foreign nationality.

Chapter Four Loss of Nationality

Article 9¹⁰ - A citizen of the Libyan Arab Republic shall lose his Libyan nationality if he voluntarily acquires a foreign nationality, unless authorized by the Minister of Interior for good cause.

¹⁰ Amended by virtue of Law number 47 for the year 96 Hijra – 76 A.D. referred to herein.

Where a father loses his Libyan nationality, his minor children shall accordingly follow. Notwithstanding, said children may, upon reaching the age of majority, restore their Libyan nationality by so advising the Minister of Interior, within one year of reaching the age of majority.

Article 9 Bis¹¹- An applicant may be exempt from the conditions of relinquishing his foreign nationality pursuant to Article 3 of the Act, and from the condition of losing a foreign nationality pursuant to Articles 5 and 7 of the Act, but only by a resolution of the Minister of Interior and for good cause.

Article 10¹² –

First: A person who is of non-Libyan origin, and who was granted the Libyan nationality pursuant to the provisions of either article (5), (6), or (7), may be subject to the revocation of his Libyan nationality within the first ten years following his acquiring of said nationality if that person:

- (a) had obtained the nationality based upon false information or untruthful statements or by concealing material facts.
- (b) is convicted of a crime that reveals his disloyalty to the nation or a felony or a crime of moral turpitude.
- (c) acted in a manner that is inconsistent with the description of a Libyan citizen, or failed to act in a manner that is consistent with Libyan interests.
- (d) resided outside of Libya for a period of two consecutive years during the first ten years immediately following his acquiring the Libyan nationality, without showing adequate cause to the satisfaction of the General People's Committee.

The revocation decree shall not apply to the person's wife or children unless expressly so stated in the resolution of revocation.

Second: Any person holding the Libyan nationality, whether acquired by virtue of such person's Libyan origin, voluntary adoption, or by naturalization, may be subject to the revocation thereof, if that person:

- (a) is a (traitor). A person who was convicted of a crime that proves his disloyalty to the nation and to the revolution, and said person was physically present outside the nation.
- (b) joins the military forces of another foreign country without permission.
- (c) is described, at any time, as a Zionist. A person shall be so described if he visits Israel or had, at any time, labored for its strengthening, whether financially or morally.
- (d) is convicted of the crime of deserting the mandatory Military Service and resided outside of Libya.
- (e) is proven to have obtained a political asylum status from a foreign country and resides in said country as such.
- (f) is convicted of the crime of smuggling his assets, and resides outside of Libya.
- (g) resides outside the country and labors to enhance the interests of a foreign nation or invests his assets in a foreign nation, when a war had been declared between said nation and the Socialist People's Libyan Arab Jamahiriya, or where the political relationships with said country had been severed.
- (h) recants the Moslem religion.
- (i) declines to return to the country after accomplishing the mission or education for which he was sent abroad to accomplish.
- (j) left the country immediately following the Great El Fateh of September revolution, or was outside the country at the time and failed to return.
- (k) established employment outside the country for a foreign government or agency and remains therein despite a request being issued to him by the Secretariat of Exterior or its delegate to abandon said employment.

The revocation of nationality pursuant to items (a, d, e, f, g, i, j, k) above, is conditioned upon the failure of the Libyan citizen who is physically present outside the country to return within a period of six months from the date that he was advised to return, without giving a plausible explanation for such failure to the satisfaction of the General People's Committee. Where said citizen refused to receive the notification or where his whereabouts were unknown, then he shall be deemed on notice by publication in the Official Journal.

The resolution of revocation shall not apply on the wife and children.

¹¹ Appended by virtue of Law number 47 for the year 96 Hijra – 76 A.D. referred to herein.

¹² Amended by virtue of Law number 3 for the year 1979 referred to herein.

Third: The resolution to revoke or withdraw a person's nationality shall be supported by good cause [reasoned] and shall be issued by the General People's Committee based upon the proposal of the Secretary of the General People's Committee for Justice.

Chapter Five General Provisions

Article 11 –

(a) A person who is naturalized pursuant to Articles (2), (5) or (6) of this Act, may not: serve in a ministerial or diplomatic capacity, occupy ranking official positions or any other position that may be filled by a Libyan citizen, vote or be appointed in the Nation's Assembly or in the nation's legislative bodies, except after ten years for persons of Arab nations, and fifteen years for all other foreign persons, calculated from the date of acquiring the nationality.

(b) The provisions of paragraph (a) of this article shall not apply to Libyans who had emigrated since 1911, in the event that they have relinquished their foreign nationality and gained their Libyan nationality by virtue of this Act.

Article 12 - Extension of Time

The Minister of Exterior may, if deemed necessary, extend the time for submitting the applications or notifications expressly stated in this Act – with the exception of the express language of item (c) Article (2) – and may extend the deadline for birth registration pursuant to the express language of Article four.

Article 13 – Interpretation

The period of time expressly stated in this Act is calculated based upon the Gregorian Calendar, and a person shall be deemed a normal resident of Libya if he was a citizen thereof, without regard of his physical absence for purposes that are temporary in nature.

Article 14¹³ – The following matters shall be regulated by resolutions of the General People's Committee based upon the proposal of the Secretary of the General People's Committee for Justice:

(a) The language, format and method of taking the pledge of allegiance.

(b) Determination of the forms to be used for the Certificate of Nationality, Naturalization, the applications and certificates, as well as all the other forms.

(c) The notification forms, the procedures for service thereof, and the agencies to be delegated to effectuate them.

(d) Determination of the cases that require delivery and receipt of notifications to and from the Secretary of the Principle People's Assembly or the appropriate General People's Committee and the necessary procedures for such cases.

(e) Determination of higher qualifications, and special that are expertise expressly stated in item (d), paragraph (1), Article (5).

(f) Determination of the appropriate fees required for granting the Certificates of Nationality or Naturalization.

Article 15 - A law shall be issued to regulate passports and other travel documents, and to specify the required fees for issuing passports and other various instruments.

Article 16 - Repeal

The Berber Nationality Act No.1 of 1949 is hereby repealed, as well as all decrees that are not consistent with the provisions of this Act.

Article 17 - Title and Validation Date of the Act

This Act shall be cited as the Nationality Act for the year 1954, and shall become effective on the date of its publication in the Official Journal.

¹³ Amended by virtue of Law number 2 for the year 1979 referred to herein, which expressly states in its second article that : "work shall continue to be performed in accordance with the codes and resolutions which regulate the matters referred to in Article (14), until such time that the General People's Committee has issued its resolutions in accordance with the provisions of this Act".

Issued at Al Manar Palace on the 15th of Shaaban 1373 Hijra corresponding to April 18th, 1954 A.D.