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Subject: Provisional Decree – The Sudanese Nationality Law

Provisional Decree – The Sudanese Nationality Law for the year of 1993

Provisional Decree No. 19 for the year of 1993;

Pursuant to the provision of Article 27 of the 5th constitutional decree for the year of 1991, the president of the government issued the following provisional decree which reads as follows;

Chapter 1

Preliminary Provisions

Title and Commencement of the Provisional Decree

- 1- This provisional decree is entitled “The Sudanese Nationality Act for the year of 1993” and shall be effective upon its endorsement.

Termination and Exception

- 2- The Sudanese Nationality Act for the year of 1957 is hereby repealed, provided that its abolition does not revoke the regulations issued pursuant to its provisions; said regulations, rules, and orders shall remain in effect, as if they were issued pursuant to the provisions of this Act, and shall be amended or revoked in accordance with said provisions.

Interpretation

- 3- In this Act, unless the context otherwise requires.;
“Alien” means a person who is not Sudanese
“Parent” includes the mother of a child born out of wedlock or a child whose filiations were not legally established .
“Responsible parent” means the father of the child or the mother of the child if said mother was granted the custody of the child by order of a competent court, or where the father is deceased, or where the child was born out of wedlock and resides with the mother.

“Child” means a legitimate child and includes an adopted child and a step-child;

“Minister” means the Minister of the interior

Chapter 2

Nationality by Birth

Definition of Nationality by Birth

- (4) (1) With regard to persons who are born before this Act is invoked, a person shall be a Sudanese citizen by birth, pursuant to the following eligibility requirements, if:

- (a) He obtained a Sudanese citizenship by birth

(b) (i) He was born in Sudan, or his father was born in Sudan; and

(ii) He, at the time of ratification of this Act, is domiciled in Sudan, and he and his paternal ancestors, had been domiciled in Sudan since the first day of January, 1924.

(c) (i) If, neither the person nor his father were born in Sudan, then he may - if he meets the eligibility requirements stated in paragraph (b)(ii) – submit an application to the Minister requesting an order granting him the Sudanese citizenship by birth.

(2) A person born after the ratification of this Act, shall become a Sudanese citizen by birth, if his father was a Sudanese citizen by birth, on the date of birth of said person.

(3) A person born to parents who are Sudanese citizens by naturalization, shall become a Sudanese citizen by birth, if his parents had obtained the Sudanese nationality by naturalization before his birth

Nationality of Foundlings

5-A minor person who is or was deserted and of unknown parents shall, until proven otherwise, shall be deemed a Sudanese citizen by birth.

Certificate of Nationality

6-The Minister shall - upon the application of any Sudanese citizen by birth – issue a Certificate of Nationality in the prescribed form, provided that the required fees have been fully paid.

Chapter 3

Citizenship by Naturalization

Certificate of Naturalization

7- (1) The Minister may grant any alien, a certificate of Sudanese Citizenship by Naturalization, if said alien submits an application in the prescribed form to the Minister with satisfactory proof that:

(a) The alien has reached the age of majority

(b) The alien is of sound mental competency

(c) The alien has been domiciled in Sudan for a period of five years or more,

(d) The alien has a good moral character, and had not been previously convicted of a criminal offense involving moral turpitude

(2) No certificate of citizenship by naturalization shall be granted to any alien under sub-section (1) until the applicant has taken the oath of allegiance in the form set forth in the Schedule appended hereto.

(3) An alien shall become a Sudanese citizen by as of the date on which the certificate of Naturalization is issued to him.

(4) The Minister may, upon request, include in the Certificate of Sudanese Citizenship by Naturalization, the names of any minor children for whom the grantee is the responsible parent; such minors shall, as of the date of such inclusion, have the status of Sudanese citizens by naturalization

(5) Any Certificate of Citizenship by Naturalization issued prior to the ratification of this Act, shall be deemed a certificate of naturalization granted under section (1) herein.

Married Alien Women

8- The Minister may grant a certificate of Sudanese Citizenship by naturalization to any alien woman who submits an application in the prescribed form to the Minister with satisfactory proof that :

(a) she is the wife of a Sudanese citizen in accordance with the provisions of Sudanese law;

(b) she has resided with her Sudanese husband in Sudan for a period of at least two years from the date the application was submitted; Notwithstanding, the President of the Republic may, upon the recommendation of the Minister, exempt her from the provisions of this paragraph if she had resided with her Sudanese husband in Sudan for a period of at least two years, prior to the date of submitting such application

Presidential Authority in Granting Certificate of Naturalization

9- Notwithstanding any other provisions in this Act, the President of the Republic may, upon the recommendation of the Minister, grant a Certificate of Naturalization to any alien.

Chapter 4
LOSS OF CITIZENSHIP
Renouncement of Citizenship

10- The President of the Republic may, at his discretion, revoke the Sudanese citizenship whether by birth or otherwise, of any adult Sudanese citizen, upon satisfactory proof of the following:

(a) The citizen has made a declaration renouncing his Sudanese nationality; however, the President of the Republic may refuse to accept such declaration if it is made during the time of any war in which Sudan is involved; or

(b) Has enlisted to serve or continued in the service of any foreign country, in violation of any express provision of any law proscribing such act;

Revocation of Citizenship

11- (1) The President of the Republic may, at his discretion, revoke the Sudanese citizenship of any naturalized Sudanese citizen, if it was satisfactorily proven that the naturalized citizen:

(a) had obtained his certificate of naturalization by fraud, false representation or the concealment of any material fact; or

(b) had, during any war in which Sudan is or has been involved, unlawfully traded or communicated with the enemy; or traded or communicated with any person affiliated with an enemy State; or knowingly becomes a party in any transaction carried on in such a manner as to assist an enemy in war, or is otherwise related to any such transaction.

(c) had been convicted in Sudan of treason involving espionage for the interest of his country of origin against Sudan;

(2) The President may - prior to issuing an order pursuant to the provisions of sub-section (1) – advise the affected person, by written communication, delineating the grounds on which such an order is proposed, and further advising the person of his right to request the referral of the matter before a committee for inquest.

(3) If the person submits a request pursuant to the provisions of sub-section (2), within a period of six months from the notice date, the President may refer the matter to an inquest committee.

Inquest Committee

12- (1) The President shall appoint an inquest committee, to be presided by a judge from the General Court, or any other chairman of similar or higher stature, which committee shall conduct an investigation on the matter referred to it by the President, pursuant to the provisions of Article 11(3).

(2) The person in whose matter a proposed order is pending pursuant to Article 11(2), shall be entitled to appear before the inquest committee either *pro se* or by counsel or by a duly authorized attorney or representative.

(3) The inquest committee shall have such powers as are vested in a lower Criminal Court with respect to:

(a) Mandatory attendance of witnesses and examination of their testimony under oath, or their sworn affidavits, or the like; and delegating the examination of the witnesses who are located overseas;

(b) Compelling the production of documents.

(4) The inquest committee shall, upon referral of the matter before it, duly conduct the inquest as appropriate, and shall submit its report before the President of the Republic, who in turn, must make a determination based upon the Committee's recommendations.

Date of Renouncement or Revocation of Citizenship

13- The President's order to renounce or revoke a person's Sudanese citizenship, shall take effect on such a date as the President may direct; and thereupon, the person shall cease to be a Sudanese citizen as of said date.

Effect of Loss of Sudanese Citizenship

14- Revocation or renouncement of a person's Sudanese Citizenship does not relieve said person from his duties or obligations concerning his acts of commission or omission that may have occurred prior to the revocation or renouncement of said person's Sudanese Citizenship.

Effect on Minors of Revocation or Renouncement of Sudanese Citizenship

15- When the custodial parent of a minor ceases to be a Sudanese citizen pursuant to the provisions of Article 10, the minor shall not cease to be a Sudanese, unless he is consequently rendered a subject of a State other than Sudan by virtue of the laws of such State

Publication of Revocation or Renouncement of Sudanese Citizenship

16- The name, address of each person, whose Sudanese citizenship has been revoked or renounced pursuant to the provisions of this Act, shall be published in the official newspaper.

CHAPTER 5- GENERAL PROVISIONS

Posthumous Children

17- Any reference made in this Act – to the citizenship or status of a parent at the time that a posthumous child is born to that parent – shall be deemed a reference to the citizenship and status of the parent prior to the death of that parent. If the death of the parent has occurred prior to the ratification of this Act, but the birth of that parent’s posthumous child occurred after the ratification of this Act, then in that event, the citizenship and status of the parent shall be determined pursuant to this Act and shall be deemed as if it were the citizenship and status of the parent prior to said parent’ death.

Penalties

18- A maximum of five years imprisonment or a payment of a fine or both shall be imposed as a penalty on any person who:

- (a) intentionally submit a false statement of falsified data on material facts; or
- (b) uses another person’s Certificate of Naturalization and impersonates that other person; or
- (c) knowingly permits another person to use his Certificate of Naturalization to be impersonated by that other person, or
- (d) fails to surrender his Certification of naturalization upon the request of the Minister after revoking a citizenship pursuant to Article 11.

Authority to Issue Regulation

19- The Minister may enact and issue any regulations necessary for carrying out the provisions of this Act provided that such regulations shall not conflict with the general purpose of the provisions stated supra. Such regulations may include -

- (a) Forms and records;
- (b) The administration and taking of oaths of allegiance pursuant to this Act, and the manner in which such oaths shall be taken and recorded;

(c)The payment of relevant fees for registration, affidavits or granted certificates as authorized by this Act, as well as the fees due at the administration of oath and the registration thereof.

(d) The procedures to be followed by the inquest committee that is appointed pursuant to the provisions of Article 12.

I hereby place my hand and seal on this 29th day of SUFAR, 1414 (ISLAMIC CALINDAR) corresponding to the 18th day of the month of August 1993.

Lieutenant General,
Umar Hassan Ahmad al-BASHIR
President of the State

THE SCHEDULE (See Article 7 (2))

Text of the Oath of Allegiance

{.....do hereby solemnly swear by the Almighty God (or do solemnly affirm) that I will bear true faith and allegiance to the Constitution of Sudan as by law established and that I will faithfully observe the Laws of Sudan and fulfill my duties as a Sudanese citizen.