

The Sudanese Nationality Law of Year 1994

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The Sudanese Nationality Law of Year 1994¹
(17/05/1994)

Chapter 1
PRELIMINARY PROVISIONS

Title of the Law

- 1- This law is entitled “The Sudanese Nationality Law of year 1994”.

Termination and Exception

- 2- The Sudanese Nationality Law of year 1957 is hereby repealed, provided that its abolition does not revoke the regulations issued pursuant to its provisions; said regulations, rules, and orders shall remain in effect as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

Interpretation

- 3- In this Act, unless the context otherwise requires;²

“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 specialist court or where the child was born out of wedlock.

“Minister” means the Minister of the interior

“Child” means a legitimate child and includes children of both spouses;

“Majority and competency age”, a person of majority age is one who has completed 18 years of age; such one is deemed competent if he is of sound mind.

“Minor” means a person who has not reached the majority age.

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, 1956.³
 - (c) 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 the granting of Sudanese citizenship by birth.

¹ [Issued as a provisional decree no. 18 on 18/08/1993, supported and became law by transitional national council resolution no. 59 on 03/05/1994 and the president's signature on 17/05/1994.]

² [Transitional National Council Resolution No. 59, Year 1994 for approving Provisional Decree No. 18, Year 1993.]

³ [Transitional National Council Resolution No. 59, Year 1994 for approving Provisional Decree No. 18, Year 1993.]

(2) A person born after the ratification of this Act shall become a Sudanese citizen by birth at the time of his birth.

(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 Foundlings⁴

- 5- A minor person who is or was deserted and of unknown parents shall - until proven otherwise - 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 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:⁵
- (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, and
 - (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 subsection (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 naturalization 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; [and]
 - (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

⁴ Transitional National Council Resolution No. 59, Year 1994 for Approving Provisional Decree No. 18, Year 1993.

⁵ [Transitional National Council Resolution No. 59, Year 1994 for approving Provisional Decree No. 18, Year 1993.]

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 can decide to revoke the Sudanese citizenship by birth of any competent 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 criminalising 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:⁶
- (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 an espionage crime for the interest of any foreign state.
 - (d) had been notified of an act or words outside Sudan [exhibiting] his non-allegiance or hatred to Sudan.
 - (e) had been convicted in Sudan of a crime involving his non-allegiance or hatred to Sudan.
 - (f) had prior to the expiry of 5 years following the date of his naturalisation been imprisoned in any state for no less than a year for a crime involving moral turpitude.
- (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 (1), 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 general court judge at minimum, or any other person of similar stature, to be responsible for

⁶ [Transitional National Council Resolution No. 59, Year 1994 for approving Provisional Decree No. 18, Year 1993, Law No. 40, Year 1974.]

investigating matters 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 Children⁷

- 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.

⁷ Transitional National Council Resolution No. 59, Year 1994 [for approving Provisional Decree No. 18, Year 1993.]

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 submits a false statement or false data on material facts; or
 - (b) uses another person's Certificate of Naturalization, impersonating 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. ^[8]

⁸ [Translation notes: At this point the 'Sudan Nationality Law 1994 AR.pdf' file ends. Bracketted footnotes are copied from the 'Sudan Nationality Law 1993 AR.pdf' file as the facsimile of the 1994 file is cropped at places.]