

The Sudanese Nationality Act 1994

and

Sudanese Nationality Act (Amendment) 2011

(English Translation)

Printed by UNHCR, Sudan

In the name of Allah, the Gracious, the Merciful
The Sudanese Nationality Act 1994

Contents

Chapter I

Preliminary Provisions

Article:

- 1. The title of the Act**
- 2. Repeal and saving**
- 3. Interpretation**

Chapter II

Nationality by birth

- 4. Definition of Sudanese nationality by birth**
- 5. Nationality of children born to unknown parents**
- 6. Nationality certificate**

Chapter III

Nationality by naturalization

- 7. Certificate of nationality by naturalization**
- 8. Married foreign women**
- 9. Power of the President of the Republic to grant Sudanese nationality by naturalization**

Chapter IV

Loss of nationality

- 10. Revocation of nationality**
- 11. Withdrawal of nationality**
- 12. The inquiry committee**
- 13. Date of revocation or withdrawal of nationality**
- 14. Effect of loss of Sudanese nationality**

15. Effect of revocation or withdrawal of nationality to minors

16. Publication of revocation or withdrawal of nationality

Chapter V

General Provisions

17. Children born after death of their father

18. Penalties

19. Power to make regulations

Schedule

The Sudanese Nationality Act 1994¹

(1994/5/17)

Chapter I

Preliminary Provisions

Title

1. This Act may be cited as "The Sudanese Nationality Act 1994".

Repeal and saving

2. The Sudanese Nationality Act 1957, is hereby repealed, provided that the regulations issued thereunder shall remain in force until repealed or amended.

Interpretation

3. In this act, unless the context otherwise requires²:

¹ Provisional Decree No. 18 on 18/8/1993, became law by resolution of the Transitional National Assembly No.59 of 3 /5/1994 and by signature of the President of the Republic on 17/5/1994.

"Aliens"	means any person who is not Sudanese;
"Father"	includes the mother of a person born as the result of an unlawful relationship or a person whose filiation is not established;
"Responsible Father"	means the father or the mother if guardianship was transferred to her by order of a competent court or if the child was born as a result of an unlawful relationship;
"Minister"	means the Minister of Interior;
"Descendant"	means a legitimate child and includes all children of the married couple;
"Age of majority and capacity"	a person reaches the age of majority if he has completed eighteen years and shall be of complete capacity if he is of sound mind;
"Minor"	means any person who has not attained the age of majority.

Chapter II

Nationality by birth

Definition of Sudanese national by birth

4.(1) In respect of persons born before the coming into force of this Act, a person shall be Sudanese by birth if he satisfies the following conditions:

- (a) if he has already acquired Sudanese nationality by birth;**
- (b) (i) if he was born in Sudan or his father was born in Sudan;**
(ii) if he is residing in Sudan at the coming into force of this Act and he and his ancestors from the father's side were residing in Sudan since 1/1/1956. ³

² Resolution of the Transitional National Assembly No. 59, 1994 passing the Provisional Decree No. 18, 1993.

³ Resolution of Transitional National Assembly No. 59, 1994 passing the Provisional Decree No. 18, 1993.

- (c) if neither the person nor his father were born in Sudan, he may, if he satisfies the requirements of para. (b)(ii), apply to the Minister to grant him Sudanese Nationality by birth.
- (2) A person born after the coming into force of this Act shall be Sudanese by birth if his father is Sudanese by birth at the time of his birth.
- (3) A person born to a mother who is Sudanese by birth shall be entitled to Sudanese Nationality by birth whenever he applies for it. ⁴
- (4) A person born to a parent who is a Sudanese national by naturalization shall be Sudanese birth if his parents acquired Sudanese nationality by naturalization before his birth.

Nationality of children born to unknown parents ⁵

5. A person shall be Sudanese by birth until the contrary is proved, if found as a deserted minor of unknown parents.

Nationality certificate

6. The Minister shall grant a certificate of nationality by birth in the prescribed form to any Sudanese national by birth upon payment of the prescribed fees.

Chapter III

Nationality by naturalization

Certificate of nationality by naturalization

- 7.(1) The Minister may grant Sudanese nationality by naturalization to any alien if he submits an application in the prescribed form and proves to the Minister that⁶:

⁴ Miscellaneous Amendments Act No. 1, 2006.

⁵ Resolution of Transitional National Assembly No. 59, 1994 passing the Provisional Decree No. 18, 1993.

⁶ The same resolution.

- (a) he has attained the age of majority;
 - (b) he is of complete capacity;
 - (c) he has resided in Sudan for five years or more;
 - (d) he is of good morals and was not previously convicted of a crime against honour or honesty.
- (2) A certificate of Sudanese nationality by naturalization shall not be granted to any alien under the provisions of sub-section (1) save if the applicant performs an oath of allegiance in the form provided for in the schedule annexed hereto .
- (3) The alien shall acquire Sudanese nationality by naturalization from the date that the certificate is issued.
- (4) The Minister may, upon application, include in the certificate of Sudanese nationality by naturalization the names of minor descendents if the certificate is granted to their responsible father and those minors shall have Sudanese nationality by naturalization from the date of entry of their names in the certificate.
- (5) A certificate of Sudanese nationality by naturalization, if granted before the application of this Act, shall be deemed a certificate granted under the provisions of sub-section (1).

Married foreign women

8. The Minister may grant a certificate of Sudanese nationality by naturalization to any foreign woman who applies in the prescribed form and proves to the Minister that:
- (a) she is the wife of a Sudanese national according to the provisions of the laws of Sudan;
 - (b) she has resided in Sudan with her Sudanese husband for two years at least from the date of application, provided that the President of the Republic may, upon the recommendation of the Minister exempt her from the provisions of this paragraph if she has resided in Sudan with her Sudanese husband for two years at least before the date of application.

**Power of the President of the Republic to grant
Sudanese nationality by naturalization**

9. Notwithstanding any provision to the contrary in this Act, the President of the Republic may, upon the recommendation of the Minister, grant Sudanese nationality by naturalization to any alien.

**Chapter IV
Loss of nationality**

Revocation of nationality

10. The President of the Republic may decide to revoke Sudanese nationality from any Sudanese national by birth of complete capacity who has attained the age of majority, if it is proved that:
- (a) he made a declaration renouncing his Sudanese nationality provided that the President of the Republic may reject such a declaration if it was made during any war which Sudan participated in, or;
 - (b) he joined the service of any foreign country or continued in such service contravening any express provision of any law prohibiting such an act.

Withdrawal of nationality

- 11.(1) The President of the Republic may decide to withdraw Sudanese nationality from any Sudanese national by naturalization if it is proved that he⁷:
- (a) acquired Sudanese nationality by naturalization by way of fraud or provision of a false statement or concealment of any material fact;

⁷ Resolution of Transitional National Assembly No. 59, 1994, passing the Provisional Decree No. 18, 1993. Law no. 40, 1974.

- (b) during any war that Sudan is or was participating in he traded with the enemy or contacted the same or traded with any person belonging to the enemy country or contacted the same or he is a party to any transaction and he knows that such transaction was meant to assist the enemy in war or has a connection with such a transaction.
 - (c) was convicted in Sudan of an offence of espionage in the interest of any foreign country;
 - (d) expressed through acts or words outside of Sudan his disloyalty to or hatred of Sudan;
 - (e) was convicted in Sudan of an offence involving his disloyalty to or hatred of Sudan;
 - (f) before the expiry of five years from the date of his naturalization he was sentenced in any country to imprisonment for a term of not less than one year for an offence involving obscene conduct;
- (2) The President of the Republic may before issuing a decision under sub-section (1) inform the person in writing of the reason for the decision, and inform him that he may refer the matter to an inquiry committee.
- (3) If the person submits a request pursuant to sub-section (2) before the expiry of six months from the date of notification, the President of the Republic may refer the matter to an inquiry committee.

The inquiry committee

- 12.(1) The President of the Republic shall form the inquiry committee under the chairmanship of an individual with at least the position of a general court judge to undertake an inquiry into the matter referred thereto from the President of the Republic according to section 11(3).
- (2) The person against whom it is proposed to issue a decision under section 11(2) has the right to appear before the inquiry committee in person or through his advocate or authorized agent.

- (3) The inquiry committee shall have all the powers of a first criminal court in respect of the following:
 - (a) summoning witnesses and examining them under oath or declaration and issuing authorization to hear witnesses outside of Sudan;
 - (b) issuing an obligatory order to produce documents.
- (4) The inquiry committee shall, upon referral of the matter before it, inquire in the prescribed way and submit its report to the President of the Republic who shall issue his decision according to the committee's opinion.

Date of revocation or withdrawal of nationality

13. The President of the Republic's decision of revocation or withdrawal of nationality shall take effect from the date he so determines and the concerned person shall lose Sudanese nationality from such date.

Effect of loss of Sudanese nationality

14. Revocation or withdrawal of nationality shall not exempt the person concerned from any obligation or duty in respect of any act or thing he did or neglected to do before the revocation or withdrawal of nationality.

Effect of revocation or withdrawal of nationality to minors

15. If Sudanese nationality is revoked from the responsible father of a minor under the provisions of section 10 the minor shall not lose his Sudanese nationality save if he is or was the national of any country other than Sudan according to the laws of that country.

Publication of revocation or withdrawal of nationality

16. The name and address of each person whose Sudanese nationality was revoked or withdrawn in accordance with the provisions of this Act shall be published in the Official Gazette.

Chapter V

General Provisions

Children born after death of their father⁸

17. Any reference made in this Act to the nationality or status of the father where the child is born after the death of the father shall be interpreted to refer to the nationality or status of the father at the time of his death. If the death occurred before this Act entered into force and the birth occurred after the Act entered into force, the nationality and status of the father shall be determined pursuant to this Act as though it were the nationality and status of the father at the time of his death.

Penalties

18. A person shall be sentenced to imprisonment for a term not exceeding five years or a fine or both if he:
- (a) intentionally submits a false statement or a false declaration on a material fact, or;
 - (b) uses the certificate of naturalization of any person or pretends that he is that other person, or;
 - (c) permits any other person to use his certificate of naturalization with intent to impersonate him or has knowledge of the same, or;
 - (d) neglects to return a certificate of naturalization whenever demanded by the Minister after withdrawal of his nationality under section 11.

Power to make regulations

⁸ Resolution of Transitional National Assembly No. 59, 1994 passing the Provisional Decree No. 18, 1993.

19. The Minister may make the regulations necessary for the implementation of the provisions of this Act, and without prejudice to the generality of the foregoing such regulations may include the following matters:

- (a) forms and records;
- (b) performance of the oath of allegiance, and the manner of performance and writing;
- (c) payment of fees in respect of any registration, declaration or grant of any certificate under this Act and the fees to be paid in respect of administration or registration of the oath;
- (d) the procedure to be followed by the inquiry committee formed under section 12.

This is to certify that the above law is a true copy of the Sudan Nationality Act 1994, passed by the Transitional National Assembly in its session no (59) dated 3rd May 1994.

Signature

Mohammed Al-Amin Khalifa

The Speaker of the Transitional National Assembly

I Agree

Signature

General Omer Hassan Ahmed El Bashir

President of the Republic

Date: ____ Shawwal 1414 hijri

3 May 1994

Schedule

See section 7(2) formula of oath of allegiance

(I swear by almighty Allah (or declare sincerely) to be loyal and sincere to the Constitution of the Republic of Sudan, and

faithfully observe the laws of the Sudan and perform my duties as a Sudanese citizen).

In the name of Allah, the Gracious, the Merciful

**National Assembly
3rd Sitting**

Sudanese Nationality Act (Amendment) 2011

Pursuant to the provisions of the Sudan Interim Constitution 2005, the National Assembly passed and the President of the Republic signed the following Act:

Title and commencement of the Act (amendment) 2011

- 1- This Act shall be cited as the 'Sudanese Nationality Act (Amendment) 2011' and shall come into force on the date of signature.

Amendment

- 2- The Sudanese Nationality Act 1994 shall be amended as follows:

First: Section 6 of the Act shall be amended as follows:

(a) The title of the section shall be amended by adding the phrase “grant and revocation” before the phrase “nationality certificate” and shall read as follows: “grant and revocation of nationality certificate”.

(b) Add a new sub section 2 to the section which shall read as follows:

“2. The Minister may decide to revoke a certificate of Sudanese nationality by birth if the person has obtained it by fraud, forgery, misrepresentation or the concealment of any material fact; or other unlawful way”.

(c) The section items are to be renumbered.

Second: Subsection 1 of section 7 shall be amended as follows:

Certificate of nationality by naturalization

(1) Paragraph (c) shall be amended by adding the phrase “lawfully and continuously”: after the phrase “residing in Sudan”, the provision shall read as follows:

“(c) Residing in Sudan lawfully and continuously for 10 years or more”.

(2) The following two paragraphs shall be added after paragraph (d), as follows:

“(e) To be of sound mind”.

“(f) To have a lawful way of earning a living”

Third: section 10 shall be repealed and replaced by the following new section:

Revocation of nationality

10(1) The President of the Republic may decide to revoke Sudanese nationality from any Sudanese national by birth of complete capacity who has attained the age of majority, if it is proved that:-

(a) he made a declaration renouncing his Sudanese nationality provided that the President of the Republic may reject such declaration if it was made during any war which Sudan participated in, or;

(b) he joined the service of any foreign country or continued in such service contravening any express provision of any law incriminating such an act.

(2) Sudanese nationality shall automatically be revoked if the person has acquired, de jure or de facto, the nationality of South Sudan.

(3) Without prejudice to Section 15, Sudanese nationality shall be revoked where the Sudanese nationality of his responsible father is revoked in accordance to section 10(2) of this Act.

Fourth: Section 11 of the act shall be amended by adding the following new paragraph to subsection (1) after paragraph (f), and shall read as follows:

“(g) has made a written application or a declaration for withdrawal of his Sudanese Nationality”.

Fifth: the following new section shall be added after section 15 of the Act, it reads as follows:

Reinstatement of nationality

16. Without prejudice to Section 10(2), the President of the Republic may, upon application, reinstate nationality to any person whose Sudanese nationality was revoked or withdrawn.”

Sixth: section 18 of the Act shall be amended as follows:

(First) the phrase “without prejudice to any more severe punishment” shall be added to the preface of the section before the word “punished” the text shall read as follows:

18. Without prejudice to any more severe punishment, a person shall be sentenced to imprisonment for a term not exceeding five years or a fine or both if he:

(Second) the word “neglects ” in sub-section (d) shall be replaced by the word “refuse”.

(Third) the following two new paragraphs shall be added to the section after paragraph (d), and shall read follows:

(e) obtains Sudanese nationality by fraud, misrepresentation, forgery or presenting false statements or the concealment of a material fact; or any other unlawful way”.

(f) violates any of the provisions of this Act.

Seventh: The sections of the Act are to be renumbered in accordance with the aforementioned amendment.

Certification

I hereby certify that the National Assembly has passed the Nationality Act Amendment 2011 in its session No. 38 of the third convention on 18th. Shaban 1432 being 19 July 2011. The Permanent Joint Committee of the two chambers decided in its meeting No.3 dated 25th. Shaban 1432 A.H. being 26 July 2011 that this Act does not affect the interests of the states.

Ahmed Ibrahim Altahir

Chairman of the National Assembly

Head of the Permanent Joint Committee of the two chambers

I concur:

Field Marshal Omer Hassan Ahmed El Bashir

President of the Republic

Date: 10/09/1432 hijri

10/08/2011