

The Nationality Act

The promulgation of the Nationality Act makes it necessary to enact regulations for its implementation. Accordingly, and pursuant to the provisions of subparagraph (c) of article 54 of the Constitution of the People's Republic of Mozambique, the Council of Ministers hereby decrees:

Article 1:

A national service for the registration of nationality is hereby created and shall function in the Central Registration Office.

Article 2:

1. There shall be four types of registers: the register of nationality of origin; the register of nationality acquired by marriage; the register of nationality acquired by naturalization and the register of loss of nationality.
2. Registration shall be compulsory for those who acquire nationality pursuant to paragraph 3 of article 2, article 3, article 4, article 5, article 6, paragraph 2 of article 8, article 9, article 10, article 11 and article 13 of the Nationality Act.
3. Any citizen may apply for the registration of his nationality even if this is not compulsory, indicating in the application which provision of the Nationality Act covers him and submitting proof in support.

Article 3:

1. Proof of nationality, when registration is compulsory, shall be made by a certificate or attestation of nationality or by an extract from the register of births when such registration is thereby established.
2. For purposes of the exercise of any duties or office reserved for Mozambican citizens, proof of acquisition of nationality may always be required from applicants whose names are not entered in the appropriate registers.

Article 4:

1. There shall be a presumption of Mozambican nationality in favour of all persons born in Mozambique, provided the appropriate register of births do not contain any mention of a circumstance which, in accordance with the provisions of the Nationality Act, may contradict that presumption.
2. The provisions of the foregoing paragraphs shall not apply with respect to children of a foreign father and mother born since independence and those born prior to that date who did not have their domicile in Mozambique at the date of independence or within 90 days thereof.

Article 5:

1. In the case of the entries regarding births in Mozambique of children of an alien father or mother who is in the country in the service of the foreign State to which he or she belongs, mention shall be, made as an element of identification, of the special position of the parents.

2. Except where the individual registered is identified as the child of a foreign career diplomatic or consular agent accredited to the Mozambican Government, the person making the declaration shall be required to submit a document through the appropriate diplomatic or consular services and confirmed by the Ministry-for Foreign Affairs, establishing that the father or mother of the person registered in Mozambique is in the service of his or her State on the date of the birth of the registered child.

Article 6:

Registration of nationality granted pursuant to the second part of subparagraph (d) of paragraph 1 of article I of the Nationality Act shall be effected by submitting an authentic or authenticated copy of the decision granting nationality (model annex No. 1).

Article 7:

The declarations mentioned in paragraph 2 of article 1 and in article 4 of the Nationality Act shall be made before any civil registry official and shall be annotated in the register of births of the person making the declaration. The declaration made under article 4 cancels the effect of the declaration mentioned in paragraph 2 of article 1 or involves the registration of Mozambican nationality for those who have not acquired, in accordance with the concluding portion of article 6 of the Nationality Act because of the abstention of their legal representatives.

Article 8:

1. The declaration mentioned in paragraph 3 of article 2 of the Nationality Act shall contain the indication that neither of the parents of the person to be registered was, at the date of the birth, at the service of the State to which he or she belonged and shall have the immediate effect of registering the individual concerned as a Mozambican national of origin.

2. If the declaration is made simultaneously with the registration of birth it shall have effect from the date of registration. If made at a later date, it shall be annotated thereon.

Article 9:

The registration of nationality obtained under article 3 of the Nationality Act shall be made on the basis of the declaration referred therein and a document issued by the Political Military Committee of Frelimo.

Article 10:

1. The registration of nationality obtained under articles 5 and 6 of the Nationality Act shall be made by presenting the documentation referred to in the said legal provisions, together with proof of domicile.

2. Proof of domicile in Mozambique shall be made by means of an attestation of residence on the date of independence and by a declaration made on honour establishing, as far as possible, the date on which the declarant established his domicile in Mozambique, the places where he has lived and

the entities which he has served, if appropriate. If the declarant has been a public official during 20 years or more, a declaration of the appropriate services shall be sufficient.

Article 11.

The registration of nationality obtained under article 8 of the Nationality Act shall be made by submitting a certification of the register of births for the registered person and the father in the case mentioned in paragraph 1 or, in the case mentioned in paragraph 2, the certificate of registration of the birth of the mother and the document issued by the Political Military Committee of Frelimo.

Article 12.

The registration of nationality granted under article 9 of the Nationality Act shall be made by submitting an authentic or authenticated copy of the grant decision (model annexed under No. 2).

Article 13.

Registration of nationality acquired under article 10 of the Nationality Act shall be subject to the provisions of article 10, with the necessary adaptations, and shall require the production, in addition to the other documents, of a certificate from the register of marriages.

Naturalization

Article 14:

1. Any person wishing to obtain the grant of naturalization shall apply to the Ministry of the Interior, mentioning in the application his full name, date of birth, affiliation, nationality and origin, present place of residence and activity exercised in Mozambique.
2. The application shall be accompanied by the following documents:
 - (a) Certificate of birth registration;
 - (b) Proof of habitual and regular residence in Mozambique for a minimum period of five years;
 - (c) Certificate of police (criminal) record or equivalent document.
3. In the case governed by article 13 of the Nationality Act, the applicant shall attach a certificate of birth registration of unmarried minor children and a declaration of consent of those aged over 18.
4. Once the application is processed in the Central Registration Office, it shall be sent to the Ministry of Foreign Affairs for its opinion, to be given within a period of six months, on the merits of the application and the repercussions which its acceptance may cause the relations between Mozambique and the State of which the applicant is a national. Thereupon, it shall be sent to the Minister of the Interior, who shall submit it to the Council of Ministers with his opinion on whether the necessary requirements are fulfilled.

Article 15:

1. Upon naturalization being granted it shall be published by a Ministerial Order and the Minister of the Interior shall order its official registration.

2. The interested party may also cause the registration to be made by submitting the Bulletin of the Republic in which the naturalization order has been published.

Loss of nationality

Article 16:

Loss of nationality shall result from the existence of the conditions set forth in article 14 of the Nationality Act and shall be made effective by proceedings conducted in the Central Registration Office by order of Ministry of Justice.

Article 17:

Any person may, and all authorities must, report to the Government any facts relating to any citizen which involve loss of nationality, indicating or attaching the supporting elements.

Article 18:

1. The process shall not be considered properly conducted unless the interested party is advised and can submit his defence until the time when the decision is taken.
2. The evidence submitted shall only be reproduced if it is expected to be of interest to the decision.
3. The decision by the Council of Ministers shall not be taken until 60 days have elapsed from the notice referred to in paragraph 1.
4. The provisions of the foregoing two paragraphs shall not apply in the cases where loss of nationality results from the declaration of the interested party or of a marriage. In those cases, the decision shall be taken by the Ministry of Justice who shall order the registration of the loss of nationality.
5. Loss of nationality pursuant to article 15 of the Nationality Act shall likewise not be dependent on any procedure of appropriate registration and shall be effected officially following the publication of the decree of the Council of Ministers.

Article 19:

1. If there is no process pending, registration of loss of nationality by reason of the voluntary acquisition of a foreign nationality or by reason of marriage may be requested by the person concerned, attaching documents in support establishing the facts which determine the loss of nationality.
2. The application is decided by the Registrar, with the possibility of recourse to the Minister of Justice.

General provisions

Article 20:

1. Whenever the Nationality Act requires a declaration for the purpose of obtaining or objecting or renouncing to the acquisition of nationality, the Central Registration Office shall enter the following particulars, or the same shall be sent to it when made in any other office carrying out registrations, in accordance with the annexed model:

- (a) Full name, age, State, profession, origin, residence and present nationality of the person concerned;
- (b) Number and date of the birth certificate of the person concerned as well as the district in which it is found, if it is entered in the Mozambican Civil Registry;
- (c) Full name, status, origin and residence of parents;
- (d) Full name and residence of the legal representative of the person concerned, when that person is not legally capable;
- (e) The facts declared and the purpose of the declaration;
- (f) The day, month, year and place at which submitted.

2. The declarations may be made through an attorney provided with a special power of attorney specifying the purpose of the declaration.

3. The attorney shall be answerable for the accuracy of the facts referred to in the declarations made, except if the power of attorney itself shows that the declarations are attributable to the giver.

4. The declarations must be signed in the presence of the signatory and the signatory must be identified by the office receiving the declaration.

5. The declaration shall be always accompanied by certificates of the birth registration of the interested parties and other documents required by the present order and by the Nationality Act, according to the effect which is claimed. Proof of foreign nationality shall be made by a consular document from the appropriate State or by an equivalent document.

6. The certificates mentioned in the foregoing paragraph shall be in the form of a full copy or its equivalent. If it is not possible to obtain such documents, they shall be replaced, or the missing elements shall be replaced if essential, by means of a certificate of notoriety.

Article 21:

1. A registration of nationality may be cancelled at any time by a decision of the Ministry of Justice based on the non-existence of the legal requirements and through the process regulated by paragraphs 1 and 2 of article 18.

2. The foregoing provisions shall not apply in the cases provided for in the concluding portion of subparagraph (d) of paragraph 1 of article 1, article 9 and article 11 of the Nationality Act.

3. The cancellation of the registration of a nationality acquired by marriage on the basis of the non-existence of the requirements referred to in subparagraph (c) of article 11 of the Nationality Act shall not be dependent on a procedure and shall not be subject to any challenge.

Article 22:

The interested parties may challenge the registrations by lodging a recourse with the Ministry of Justice. The recourse must be submitted to the Central Registration Office or to the Civil Registry Office of the residence of the person concerned within 15 days from the date of becoming aware of the grounds for the challenge.

Article 23:

When entering the registration of nationality of an individual whose birth is not registered in Mozambique, the birth certificate must always be drawn up in the Central Registration Office by transcription or inscription as the case may be on the basis of the documents and other elements connected with the nationality process.

Article 24:

All the other civil status acts drawn up abroad and relating to individuals to whom Mozambican nationality is attributed or who acquire it shall ex officio be transcribed on the Mozambican Civil Registry as soon as the nationality proceedings have been duly completed or at the request of the party concerned, after due examination.

Article 25:

1. The Central Registration Office shall keep the books of registration of nationality necessary under the provisions of paragraph 1 of article 2.
2. The rules generally and normally applicable to civil registry books shall be applicable to the books of registration of nationality.

Article 26:

Entries relating to nationality shall be drawn up without the intervention of the parties concerned and settled solely by the registrar; they shall bear an annual registration number.

Article 27:

1. The text of the entries shall contain:
 - (a) The day, month, year and place on which drawn up;
 - (b) The full name and capacity of the official subscribing it;
 - (c) The full name, age, affiliation, origin, residence and former nationality of the party concerned if acquiring Mozambican nationality by marriage or by naturalization;
 - (d) The number and date of the birth registration of the party concerned and mention of the district where he is found, when drawn up in a Mozambican civil registry.
 - (e) The fact registered or its legal basis;
 - (f) The signature of the competent official.

Article 28:

The registration of nationality shall always be annotated on the birth certificates of the parties concerned.

Article 29:

The legal provisions relating to civil registries shall apply, with the necessary adaptations, to the nationality registers in so far as they do not conflict with their nature or with the special provisions of the present instrument.

Article 30:

The Central Registration Office shall communicate to the Ministry of the Interior every change of nationality registered, if relating to persons resident in Mozambique.

Article 31:

For purposes of statistics, every month a list shall be sent to the competent services with the indication of the number of each type of registration of nationality.

Article 32:

The Central Registry Office and its intermediate offices shall collect dues as per a permanent schedule annexed to the present order, and reimbursement taxes shall not be due.

Article 33:

Any doubts arising from the implementation of the present order shall be settled by decision of the Ministry of Justice.

Article 34:

The present order shall enter into force immediately.

Approved in Council of Ministers Let it be published.

President of the Republic SAMORA MOISES MACHEL

SCHEDULE**Article 1**

For each declaration referred to in article 20	250\$00
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Article 2

For the processing of a naturalization	1 000\$00
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Article 3

For each registration of nationality which is not compulsory	250\$00
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Article 4

For each attestation or certificate of registration of nationality	100\$00
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Article 5

For each attestation of presence	10\$00
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Article 6

The dues referred to in the foregoing articles shall be supplemented by the stamp tax, as per the appropriate schedule.

Article 7

In the intermediate offices the emoluments referred to in the foregoing articles shall be paid by postal order issued in favour of the Registrar of the Central Registry.

Article 8

The following shall be exempt from all charges:

- (a) The documents drawn up for the purposes of article 3, paragraph.2 of article 8 and article 9 of the Nationality Act;
- (b) The documents relating to minors under the age of 21 who are not emancipated, when carried out by the persons themselves.

(Model

No.1)

DECISION

The President of the People's Republic of Mozambique, having ascertained that F..., born in ..., was prevented, for justifiable reasons, from establishing domicile in Mozambique within the time-limit specified in subparagraph (d) of paragraph 1 of article 1 of the Nationality Act, hereby decides, pursuant to the concluding portion of that same subparagraph, to grant him Mozambican nationality of origin.

On ... of ... of 197 ...
The President of the Republic

(Model

No.

2)

DECISION

The President of the People's Republic of Mozambique hereby grants F.... on the proposal of the Political Military Committee of Frelimo, Mozambican nationality of origin on the grounds of distinguished services rendered to the cause of the Revolution.

On.... 197..The President of the Republic

Model for the declarations referred to in article 20

(a)....., of... years of age, (b)... (c)... born in... resident in... at present of... nationality, (d) son of (e)... (b)... born in... resident in... and of M... born in... resident in... represented by (g)... resident in... hereby declares (h)... (Locality-and date)

(Signature)

(a)Full name of person making the declaration.

(b)Status.

(c)Profession.

(d)Number and date of birth certificate of the party concerned and district where it is found, if the certificate has been issued by the Mozambican Civil Registry. If it is not possible to fill in this, the reason must be stated.

(e)Full name of father.

(f)Full name of mother.

(g)Full name of legal representative of the person concerned, if that person has not civil capacity; if the legal representative is the father or the mother, state that fact; father or mother identified in (a). If the person making the declaration has legal capacity, do not fill this item.

(h)Facts declared for purposes of the declaration. Namely, as the case may be:

Pursuant to paragraph 2 of article 1 of the Nationality Act, that the declarant does not wish to be Mozambican or

Pursuant to paragraph 3 of article 2 of the Nationality Act, that the declarant wishes to be Mozambican

Pursuant to article 3 of the Nationality Act, the wish to be Mozambican and to renounce any other nationality

Pursuant to article 4 of the Nationality Act that, not having acquired Mozambican nationality by virtue of the option exercised by the legal representative by a declaration made on (date) the declarant wishes to be Mozambican

Pursuant to article 5 or 6 of the Nationality Act, the declarant wishes to be Mozambican

Pursuant to article 10 of the Nationality Act, being married to a Mozambican F wishes to acquire Mozambican nationality and renounces the nationality

Pursuant to subparagraph (c) of article 14 of the Nationality Act that, having Mozambican nationality under article 1 of the Nationality Act but having also nationality, does not wish to be Mozambican.

Pursuant to subparagraph (d) of article 14 of the Nationality Act, having been attributed Mozambican nationality by virtue of a declaration made by his then legal representative F on (date) having also the nationality, does not wish to be Mozambican.

Observations:

Pursuant to paragraph 2 of article 20 of the Regulations for the application of the Nationality Act, the declarations may be submitted through an attorney holding a special power of attorney which indicates the purpose of the declaration to be made.

Pursuant to paragraph 3, the attorney is responsible for the veracity of the facts indicated in the declarations submitted, except if it is established from the power of attorney that the declarations must be attributed to the giver.

Under paragraph 4, the signature of the declarations must be legalized in the presence of the signatory; the legalization may be carried out by the office receiving the declaration.

Under paragraph 5 the declarations must be always accompanied by certificates of birth registration of the parties concerned and other documents required by the present Order and by the Nationality Act in conformity with the intended purpose. Proof of foreign nationality shall be made by a consular document from the State concerned or by an equivalent document.

Under paragraph 6, the certificates referred to in paragraph 5 must consist of a full copy or its equivalent. If it is not possible to obtain such documents, they may be replaced, or the missing elements may be replaced if indispensable, by means of the procedure for establishing certificates of notoriety.