

SOMALI CITIZENSHIP REGULATIONS 1963

Decree of the President of the Republic No. 129 of 19 February 1963

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D.P.R. No. 129, of 19 February 1963.

Regulations for the implementation of Citizenship Law

THE PRESIDENT OF THE REPUBLIC

HAVING SEEN Article 85 of the Constitution;

HAVING SEEN Article 19 of Law No. 28 of 22 December 1962 on Citizenship;

CONSIDERING that it is necessary to issue regulations for the implementation of said Law;

ON THE PROPOSAL of the Minister of Interior;

HAVING HEARD the Council of Ministers;

DECREES:

Article 1. Acquisition of Citizenship by Operation of Law by Birth

1. The child of a Somali citizen shall automatically acquire Somali citizenship by birth.
2. The acquisition of citizenship by birth shall be entered in the records by the Officer in charge of the Registry of births upon notification of the birth of a child.

Article 2. Acquisition of Citizenship by Operation of Law by nationality

1. Apart from the cases provided for in the preceding article, a Somali who is not a citizen and intends to acquire citizenship under article 2 (b) of the Law, may apply in writing or orally to the competent District Commissioner or, in the case of a Somali residing abroad, to a Consulate of the Somali Republic.
2. In the first case referred to in the preceding paragraph, the District Commissioner, after satisfying himself as to the regularity of the application and the identity of the applicant, shall forward the documents to the President of the District court territorially competent. The President of the Court shall certify the declaration of the person concerned that he renounces any status as citizen or subject of a foreign country under article 6 of the Law. He shall transmit the certified declaration and the other documents to the District Commissioner and shall issue a copy of the certificate to the applicant. The District Commissioner shall, through the proper channel, forward the records together with his own report to the Ministry of Interior.
3. In the second case referred to in paragraph 1 above, the Consular Agent, after satisfying himself as to the regularity of the application and the identity of the applicant, shall certify the declaration of the person concerned that he renounces any status as citizen or subject of a foreign country and transmit the certified declaration

and the other documents together with his own report, through the proper channel, to the Ministry of Interior, and issue a copy of the certificate to the applicant.

4. The Ministry of Interior, after verifying the regularity of the documents, shall enter in a register kept for the purpose the names of persons who have acquired citizenship under article 2 (b) of the Law.

Article 3. Application for Citizenship by Grant

1. An alien or stateless person who is of age and fulfils the conditions prescribed in articles 4 and 5 of the Law and intends to acquire Somali citizenship by grant shall submit a written application on stamp paper to the President of the Republic through the District Commissioner territorially competent. The application shall be accompanied by the necessary documents showing that the person concerned fulfils all the conditions required by law.

2. The District commissioner, after satisfying himself as to the regularity of the application and identity of the applicant, shall transmit the documents to the President of the District Court territorially competent. The President of the Court shall certify the declaration that the person concerned renounces any status as citizen or subject of a foreign country under article 6 of the Law; he shall then forward the certified declaration and the other documents to the District commissioner and issue a copy of the certificate to the applicant.

3. The District Commissioner shall, through the proper channel, forward the application, together with the supporting documents and the certified declaration mentioned in the preceding paragraph as well as his own report, to the Ministry of Interior.

Article 4. Certificate of Residence and Good Conduct

1. The certificates of residence and of good moral and civil conduct referred to in articles 4 and 5 of the Law will be issued by the Mayor of the Local Administration within whose jurisdiction the applicant resides or, where there is no Mayor, by the District Commissioner territorially Competent.

2. These authorities, before issuing the certificates, may request the necessary information from the Police, the Judiciary or other competent offices.

Article 5. Forwarding of Application for Citizenship by Grant

The Minister of Interior, upon receipt of the documents relating to an applications for citizenship by grant, shall forward them to the special Commission referred to in article 7 paragraph 2 of the Law.

Article 6. Special Commission for the Scrutiny of the Applications for Citizenship by Grant

1. The Special Commission for the scrutiny of applications for citizenship shall consist of:
 - a) the Head of the First Department of the Ministry of Interior, or an officer appointed by him, as President;
 - b) an officer designated by the Minister of Foreign Affairs;
 - c) a representative of industries and a representative of commerce designated by the Minister of Industry and Commerce;
 - d) an agriculturist designated by the Minister of Agriculture;
 - e) four qualified citizens, designated by the Minister of Interior.
2. The appointment and dismissal of the members of the commission shall be made by decree of the President of the Republic, on the proposal of the Prime Minister, having heard the Council of Ministers.
3. The members of the Commission shall have the qualifications prescribed by law for election as Deputies to the National Assembly.
4. A member of the Commission who for any reason loses one of prescribed qualifications or is incapable of performing his duties or fails to attend, without valid reason, more than three consecutive meetings of the Commission, shall automatically lose his membership. A new member shall be appointed in his place, following the procedure referred to above.

Article 7. Procedure of the Special commission

1. The Commission shall have its seat in the Ministry of Interior.
2. Meetings of the Commission shall be convened by the President, on the request of the Minister of Interior, whenever necessary.
3. The members shall receive notice of meetings at least five days in advance; in cases of urgent necessity, such notices may be sent by cable at any time.
4. The decisions of the Commission shall be valid only when they are approved by an absolute majority of the members.
5. An officer of the Ministry of Interior, designated by the Head of the First Department of the Ministry, shall act as secretary. He shall prepare the minutes of the meetings, keep the files and perform any other duties which may be entrusted to him by the President.

Article 8. Recommendation of the Minister of Interior

1. After the Commission has expressed its opinion, the President shall forward to the Minister of Interior the documents relating to the application for citizenship by grant.

2. The Minister of Interior, if he thinks it fit to accept the application shall prepare and submit to the Council of Ministers a draft decree for the granting of citizenship.

Article 9. Presidential Decree Granting Somali Citizenship

1. The Decree, by which the President of the Republic grants Somali citizenship on the proposal of the Minister of Interior having heard the Council or Ministers, shall be notified to the person concerned and the record thereof shall be entered in the appropriate register kept by the Ministry of Interior.
2. An abstract of the Decree, showing the name of the person concerned shall be published in the Official Bulletin of the Republic.

Article 10. Oath

1. The Decree granting citizenship shall not become effective unless the person concerned takes the oath before the President of the District Court where he resides, as follows:

“I swear in the name of God that I will be loyal to the Somali Republic and will abide by its Constitution and Laws”.

2. Said oath shall be taken solemnly and in public. A record shall be made of it, which the President of the District Court shall transmit to the Ministry of Interior, and issue copy thereof to the person concerned.

Article 11. Granting of Honorary Citizenship

1. Honorary Somali citizenship, under article 9 of the Law, shall be granted by Decree of the President of the Republic, on the proposal of the Prime Minister, having heard the Council of Ministers. The granting of honorary citizenship shall not be subject to the procedure and conditions laid down in articles 3 - 8 and article 10 of these Regulations.
2. The Decree shall be notified, recorded and published according to the procedure laid down in article 9 above.
3. Honorary Somali citizenship shall be compatible with any other citizenship or status as foreign subject.

Article 12. Loss of Citizenship by Renunciation or Deprivation of Citizenship for Reasons of Unworthiness

1. The loss of Somali citizenship by renunciation, under article 10 of the Law shall be recorded in the same manner as is prescribed for the acquisition of citizenship.
2. The deprivation of Somali citizenship for reasons of unworthiness under Article 11 of the Law shall be declared by decree of the President of the Republic, on the proposal of

the Minister of Interior, having heard the Special Commission and the Council of Ministers. The Decree shall be notified to the person concerned, entered in the records and published according to the procedure laid down in article 9 above.

Article 13. Recovery of Citizenship

1. Persons who had acquired Somali citizenship by operation of law and lost it, may recover it according to the procedure laid down for its acquisition in article 2 above.
2. Persons who had acquired Somali citizenship by grant and lost it may recover it according to the procedure laid down for its acquisition in articles 3 to 10 above.

Article 14. Recovery of Citizenship by Married Women after Dissolution of Marriage

A woman, who was a Somali citizen and lost her Somali citizenship because of marriage under article 13 paragraph 5 of the Law, shall recover her Somali citizenship according to the procedure laid down in article 2 above.

Article 15. Recovery of Citizenship by Child on Attainment of Majority

A minor child, who had acquired Somali citizenship and subsequently lost it following the loss of Somali citizenship of his father, may recover it after the attainment of majority under article 14 paragraph 2 of the Law according to the procedure laid down in article 2 above.

Article 16. Acquisition of Citizenship by Child of Unknown Parents

The child of unknown parents who was born in the territory of the Republic shall acquire Somali citizenship under article 15 of the Law according to the procedure laid down in article 1 above.

Article 17. Judicial Guarantees

Appeals against final administrative decisions relating to the acquisition, loss, deprivation or recovery of citizenship may be filed by the persons concerned or by the Attorney General in the Supreme Court according to the procedure laid down in the law on the Organization of the Judiciary.

Article 18. Forms

1. Declarations of renunciation of any status as citizen or subject of a foreign country referred to in articles 2, 3, 14 and 15 above, shall be in the forms of Annexes A, B, C, D, E, F.
2. The competent authorities (President of District Court or Consular Agent of the Somali Republic in a foreign country) shall certify these declarations according to the procedure laid down in the above mentioned articles.

Article 19. *Abrogation of Regulations*

Any regulations contrary to or inconsistent with the regulations contained in this Decree are hereby abrogated.

Article 20. *Entry into Force*

This Decree shall come into force on the day following the date of its publication in the Official Bulletin of the Republic.

Mogadishu 9 February, 1963.

THE PRESIDENT OF THE REPUBLIC
Aden Abdulla Osman

The Prime Minister
ABDI-RASHID ALI SHERMARKE

The Minister of Interior
MOHAMUD ABDI NUR

SEEN and Registered: Register No. 1, page No. 59.

Mogadiscio 31 March, 1963.

The Magistrate of Accounts: ALI AHMED OMAR.

ANNEXES

ANNEX A

Specimen declaration of renunciation of status as citizen or subject of a Foreign country under article 2, paragraph (b) of the Citizenship Law:

The undersigned (name, birth, particulars and residence)

.....

of Somali nationality, intends to acquire Somali citizenship by operation of law under article 2 paragraph (b) of Law No. 28 of 22 December 1962 and hereby declares that he renounces any status as citizen or subject of a foreign country.

ANNEX B

Specimen declaration of renunciation of status as citizen or subject of a Foreign country under article 4, paragraph (c) of the Citizenship Law:

The undersigned (name, birth, particulars and residence)

.....

Having applied for the granting of Somali citizenship as of under article 4 paragraph (c) of Law No. 28 of 22 December 1962, hereby declares that if this application is accepted, he will renounce any status as citizen or subject of a foreign country.

ANNEX C

Specimen declaration of renunciation of status as citizen or subject of a Foreign country under article 12, paragraph (1) of the Citizenship Law:

The undersigned (name, birth, particulars and residence)

.....

having lost Somali citizenship which he had previously acquired by operation of law and intending to recover it under article 12 paragraph (1) of Law No. 28 of 22 December 1962, hereby declares that he renounces any status as citizen or subject of a foreign country.

ANNEX D

Specimen declaration of renunciation of status as citizen or subject of a Foreign country under article 12, paragraph (2) of the Citizenship Law:

The undersigned (name, birth, particulars and residence)

.....

having lost Somali citizenship which he had previously acquired by grant, and having applied for its recovery as of under article 12 paragraph (2) of

Law No. 28 of 22 December 1962, hereby declares that he will renounce any status as citizen or subject of a foreign country.

ANNEX E

Specimen declaration of renunciation of status as citizen or subject of a Foreign country under article 13, paragraph (5) of the Citizenship Law:

The undersigned (name, birth, particulars and residence)

.....

having lost Somali citizenship through marriage under article 13 paragraph (5) of Law No. 28 of 22 December 1962, hereby declares that she renounces any status as citizen or subject of a foreign country.

ANNEX F

Specimen declaration of renunciation of status as citizen or subject of a Foreign country under article 14, paragraph (2) of the Citizenship Law:

The undersigned (name, birth, particulars and residence)

.....

Who has already attained the age of majority and, while a minor, lost Somali citizenship due to his father's change of citizenship, hereby declares that he opts for Somali citizenship under article 14 paragraph (2) of Law No. 28 of 22 December 1962, and renounces any status as citizen or subject of a foreign country.