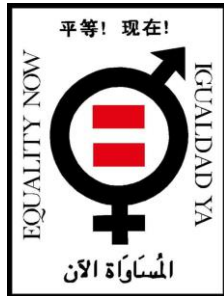




# The State We're In: Ending Sexism In Nationality Laws



## ABOUT EQUALITY NOW



Founded in 1992, Equality Now is an international human rights organisation that works to protect and promote the rights of women and girls around the world in the areas of **DISCRIMINATION IN LAW, FEMALE GENITAL MUTILATION (FGM), SEXUAL VIOLENCE, AND SEX TRAFFICKING, WITH A CROSS CUTTING FOCUS ON ADOLESCENT GIRLS.** The organisation combines grassroots activism with international, regional and national legal advocacy to achieve legal and systemic change to benefit women and girls, and works to ensure that governments enact and enforce laws and policies that uphold women and girls' rights.

Equality Now's advocacy network encompasses partners, groups and individuals in nearly every country in the world.

**VISIT:** [www.equalitynow.org](http://www.equalitynow.org)



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**Equality Now envisions a world where women and girls have equal rights under the law and full enjoyment of those rights.**

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Cover photo: Lena Stein

# FOREWORD

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*"Everyone has the right to be born with a nationality – safe, fearless and free – secure in their human right to equally transfer, acquire, change or retain it. There is no reason why over 50 countries should still have sexist nationality and citizenship laws which discriminate against women, potentially putting them and their families in danger.*

*If governments cooperate, this is something we can fix in a very short time. Getting these laws working for women and girls will mean that society becomes safer and more prosperous."*

- Yasmeen Hassan, Global Executive Director, Equality Now

**Home is where you belong**, where you feel connected. Imagine then what it is like to be born without a nationality or to be denied the citizenship of your mother, or, at times, your father, because of discrimination in the law. Imagine the daily struggle to get access to education, health, jobs, voting, a driving licence and other human rights, benefits and services that most citizens take for granted. Unfortunately, this is the reality for countless women and their families, despite repeated commitments by governments to ensure women's equality by repealing or changing discriminatory laws.

Sex discrimination persists in nationality and citizenship laws<sup>1</sup> in over 50 countries around the world, continuing to trap women and their families in a web of sexist nationality laws. Too many governments have simply decided that a woman should have fewer rights than a man to pass on her citizenship to her children or her foreign spouse, or to acquire, change or keep her nationality.

Now imagine being born with your rightful citizenship, secure in the knowledge that it is yours for a lifetime. And that one day, you will be able to pass on your nationality to your children and spouse, so that they too can enjoy their human rights and access the same freedoms, benefits and services to which we should all be entitled. The laws themselves can be incredibly complex, but the solution is very simple - governments should dismantle these sexist laws and give women and men the same nationality rights.

Equality Now has been advocating for legal equality for women and girls for more than 20 years. Recognising that a quarter of the world's governments are actively denying women equal nationality rights, in 2013 we dedicated our efforts to advocate

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<sup>1</sup> The terms are used interchangeably in this advocacy report.

for legal reform in line with countries' international obligations. We specifically targeted discriminatory laws that prevent women from passing on their nationality to their children and foreign spouses on an equal basis with men, as well as laws preventing unmarried fathers from passing their nationality to children born overseas, and indicating a wide range of harmful consequences. In 2014, Equality Now co-founded the Global Campaign for Equal Nationality Rights<sup>2</sup>, a coalition of organisations and institutions, in order to provide sustained and effective advocacy with the aim of eliminating sex discrimination in nationality laws. The steering committee of the coalition includes the Office of the United Nations High Commissioner for Refugees (UNHCR), the Women's Refugee Commission, the Equal Rights Trust and the Institute on Statelessness and Inclusion and Equality Now.



Credit: Lena Stein.

Equality Now  
January 2016

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<sup>2</sup> [www.equalnationalityrights.org](http://www.equalnationalityrights.org)

# PROGRESS TOWARDS EQUALITY

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Since 2013 there has been **significant progress**, both in terms of the amendment of discriminatory laws at the national level and the growing global movement for an end to discrimination within nationality laws.

A number of countries have either removed, or taken steps to address, discriminatory provisions within their nationality laws:

- **Senegal:** On 25 June 2013, Parliament amended the law to grant Senegalese women the same rights as men to transfer their nationality to their husband and children.
- **Bahamas:** On 8 July 2013, the Constitutional Committee recommended that the new Constitution, yet to be voted on, include “the amendment of the citizenship provisions to achieve gender-neutrality and full equality between men and women with respect to the acquisition or transmission of their nationality.”
- **Austria:** On 1 August 2013, changes to the nationality law came into effect so that the unmarried father of a child born to a non-Austrian national can now transmit his Austrian nationality without fulfilling additional requirements beyond proof of paternity. The requirement now is for paternity to be recognised by the father or a court within eight weeks of the birth of the child, but if this is not done there is also a provision for easier acquisition by the child of Austrian citizenship.
- **Jordan:** On 12 January 2014, the Government of Jordan gave approval for regulations to grant the foreign spouses of Jordanian women and their children certain rights or “privileged services” (*Mazaya*), including residence permits and improved access to state medical care facilities, education and work in the private sector. However, for the most part, the improvements have yet to be implemented. No changes have been proposed to amend the still discriminatory nationality law.
- **Vanuatu:** On 16 January 2014, Parliament granted married women the right to pass their nationality to their foreign spouse on the same terms as married men.
- **Denmark:** On 25 June 2014, the Government granted unmarried fathers the same rights as unmarried mothers to transfer their nationality to their children born abroad after 1 July 2014.

- **Suriname:** On 10 July 2014, Suriname’s National Assembly passed legislation granting Surinamese women the same rights as men to pass their nationality to their children and spouses.
- **Niger:** On 8 December 2014, Law No. 2014-60 of 5 November 2014 modifying the Nationality Code came into effect so that married women can now pass their nationality to their foreign spouse on an equal basis with men.

Several countries in Africa, including Togo, Madagascar and Liberia have made significant commitments to change, and the African Commission on Human and Peoples’ Rights (the “African Commission”) resolved in May 2014 to address the issue. The African Commission’s report, *The Right to a Nationality in Africa*, recommends African States provide a right to nationality for all women, men and children and ensure that right is free from discrimination including on the basis of sex. In July 2015 the African Commission adopted a new Protocol on the Rights to Nationality, which should be negotiated at the African Union in 2016.

We hope these reforms and steps to progress will inspire other nations and provide further impetus for change. We are also hopeful that, by 2020, the state we're in will be one of equality under the law, safety and security for all.

## Methodology

Equality Now is very grateful to have had the pro bono assistance of law firm Latham & Watkins LLP through the facilitation of TrustLaw in analysing legislation to further identify specific discrimination contained within it. This was an enormous contribution and has helped provide both a general picture of issues that need to be addressed as well as showing specifically where the law is discriminatory.<sup>3</sup> We aim to distribute this report widely, including to governments themselves and to treaty monitoring bodies, such as the UN Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC), which are holding governments accountable to their regional and international obligations to provide equality and nationality rights.

- The research is based on laws accessible online as of June-October 2015, for the most part as translated into English, officially or unofficially. Our petitions to

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<sup>3</sup> We also wish to acknowledge the contribution of our interns, Heather Barclay, Whitney Hood, Sydney Munezero and Hannah Taylor.

government to amend any discriminatory provisions therefore include a question as to the current status of the law.

- Where there were contradictions between constitutional or legislative provisions, the constitutional provisions were generally cited on the basis that these have a higher authority, even though in practice the nationality law might be followed.
- The work has focused on provisions in the main relevant legislation, i.e. the constitution and/or nationality law. We have not investigated related laws or regulations, which could contain further discriminatory provisions<sup>4</sup> or, possibly, some mitigation of the discrimination.

## Scope of the report

Our 2013 report focused on sex discrimination in the transferral of citizenship to children and foreign spouses. This report is expanded to also analyse nationality laws in terms of equality in the right to acquire, change and retain nationality as provided for in international law. In order to clearly highlight the continuing existence of discriminatory nationality law we focused on the crucial areas of discrimination that have a clear negative impact on the lives of individuals.

Nevertheless, governments should still conduct a full review of their laws and amend all discriminatory provisions, and we note:

- If a provision within the law is technically discriminatory but may only have a very small discriminatory effect in practice, or none at all, then it has not been included. (For example, in some countries<sup>5</sup> a woman cannot pass her nationality to a child born abroad if her country is at war with that country or the father is deemed to be a “foreign enemy”.)
- As discussed below, some countries have special provisions for women seemingly in order to compensate for other countries’ discriminatory nationality laws. In reviewing these, we considered whether we should classify them as being discriminatory against men because they singled out safeguards for women. However, in practice we could not find an example of when men would ever need to access these provisions since they weren’t affected by the underlying circumstances these laws seek to address.
- This report does not comment on discrimination which applies pre-independence or pre-reform of the law. We note, however, there will be families still

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<sup>4</sup> See e.g. India, which allows male diplomats to pass on their Indian citizenship to their foreign spouses in its regulations.

<sup>5</sup> E.g. Barbados, St. Lucia, Singapore; see also Monaco, included only in the Annex, which has greatly expanded the categories by which a child can obtain citizenship through his/her mother, but is still discriminatory in that fathers, unlike mothers, have unconditional rights in passing nationality to their children.



discriminated against if the new provisions are not applied retroactively.<sup>6</sup>

Governments should remove discrimination covering all time periods from their legislation without delay and grant citizenship retroactively to those who were discriminated against, especially those who may have been rendered stateless.

- Several laws contain discrimination on the basis of race/ethnic origin, which causes misery to millions and compounds the discrimination based on sex. This should be addressed immediately.

*“Discriminatory laws are not only founded on stereotypes; they also reinforce stereotypical roles for both women and men. What justifies passing nationality only through the father/husband and not the mother/wife?*

*One of the primary reasons for continuing the discrimination against women must surely be because of ongoing stereotypes and prejudices. These must end immediately.”*

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<sup>6</sup> For example, in Singapore’s law, after 2004 children born outside Singapore can get nationality through the mother or father; this is recent enough that there will still be many children born before 2003 that are discriminated against because they were not able to get Singaporean nationality from their mother.

# THE STATE WE'RE IN–DISCRIMINATION IN THE LAW AND ITS EFFECTS

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## Consequences of discrimination

The inability, largely of women, to pass on their nationality to their spouse,<sup>7</sup> or to their children can have grave consequences<sup>8</sup> including:

- statelessness<sup>9</sup>
- fear of deportation<sup>10</sup> of children and husband
- additional vulnerability of girls to forced and early marriage<sup>11</sup>
- increased vulnerability of women in abusive marriages
- difficulties for women in claiming child custody/access on marriage break-up
- lack of access to publicly-funded education for their children
- lack of access to publicly-funded medical services and national health insurance
- lack of access to social benefits
- inability to register personal property
- limited freedom of movement, including to travel abroad
- limited access to jobs and economic opportunities
- trauma and anxiety

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<sup>7</sup> In addition to provisions restricting married women from passing on their nationality to their foreign spouse on an equal basis with men generally, some countries also specify that a naturalised woman may not pass on her nationality to a foreign spouse where a man otherwise could.

<sup>8</sup> See Equality Now's Actions 36.1 and 36.2, *Lebanon: Give women equal citizenship rights to men under the nationality law*, available in English, French, Spanish and Arabic at [http://www.equalitynow.org/take\\_action/discrimination\\_in\\_law\\_action362](http://www.equalitynow.org/take_action/discrimination_in_law_action362) for illustration as well as the case studies in this report.

<sup>9</sup> See UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness (6 March 2015), at <http://www.refworld.org/docid/54f8369b4.html>.

<sup>10</sup> For example, a shadow report submitted by Ligue Iteka, ACAT Burundi, Observatoire Ineza des Droits de l'Enfant au Burundi and Association des Femmes Juristes du Burundi to the UN Committee on the Rights of the Child on the implementation of the Convention on the Rights of the Child in Burundi, September 2010, suggested that in 2009 Burundian police conducted a search for illegal immigrants and their children with Burundian mothers and that these men and their children were arrested and subsequently deported, although we have not been able to uncover more details about this incident or to find out whether it is a regular occurrence. Accessed at:

[https://www.google.com/url?q=http://www.crin.org/docs/Burundi\\_Coalition\\_CRC\\_NGO\\_Report\\_Summary\\_EN.doc&sa=U&ei=Y3j9T-vJI6Gk0QWp2cT3AQ&ved=0CBAQFjAF&client=internal-uds-cse&usg=AFQjCNHsDdkBMZ4xK0xXqoWF7vD9kXti7Q](https://www.google.com/url?q=http://www.crin.org/docs/Burundi_Coalition_CRC_NGO_Report_Summary_EN.doc&sa=U&ei=Y3j9T-vJI6Gk0QWp2cT3AQ&ved=0CBAQFjAF&client=internal-uds-cse&usg=AFQjCNHsDdkBMZ4xK0xXqoWF7vD9kXti7Q).

<sup>11</sup> See note 8. Without Lebanese nationality, Hiam's daughters, once they left school, faced difficulties in staying in Lebanon. For Hiam's daughter Nour, this meant she was married off at 15 years of age to a relative in Egypt.

## Stereotypes

Too many discriminatory nationality laws remain founded on stereotypes, which in turn reinforce stereotypical roles for both women and men:

- *A woman, once married, loses her independent identity*– this leads to the anomalous situation in some countries where a woman is permitted to pass her nationality to her children if she is single, but not if she is married.
- *A child “belongs” to a father rather than a mother*– his nationality therefore is more likely to attach to the children (see case studies from Malaysia and Jordan below), even if they live in the mother’s (different) home country. Children who are allowed to claim their mother’s nationality, but who live outside her country of citizenship, are frequently only permitted a small window on maturity in which to claim maternal citizenship, which limits the family’s options.
- The exception to this is when the couple is not married, when some laws encapsulate the view that *mothers will raise their children and fathers are, and are entitled to remain, irresponsible.*<sup>12</sup>

## Dual nationality and sex discrimination

Where dual nationality is forbidden, women can be disproportionately affected:

- Where a law requires that a woman who has taken her husband’s nationality is automatically stripped of that nationality on termination of the marriage for whatever reason, including death or divorce. This leaves her disadvantaged in terms of accessing rights and services in her adoptive country and particularly vulnerable if her children have their father’s nationality.
- Even if a woman is able to claim back her nationality of origin on divorce or widowhood, delays and other hurdles in regaining citizenship can cause her considerable problems, including anxiety and hardship.
- Sometimes married woman can only pass their nationality of origin to children born abroad if the child renounces its other citizenship upon reaching the age of majority, where this is not commonly expressly stated in the context of a married man passing on his citizenship.

Interestingly, some legislatures have attempted to anticipate the discrimination in other countries’ laws and to safeguard women accordingly. For example, a general ban on dual citizenship can frequently be waived on application by a woman who wants to

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<sup>12</sup> See, for example, a US Supreme Court case, *Nguyen v. INS*, 533 U.S. 53 (2001); To take action on the U.S. Immigration and Nationality Act, see [http://www.equalitynow.org/law/the\\_immigration\\_and\\_nationality\\_act](http://www.equalitynow.org/law/the_immigration_and_nationality_act)

keep her citizenship of origin on marriage to a foreign national. This would give her a protective cushion should she have to take her husband's citizenship, but then lose it again if the husband dies or the marriage otherwise ends. These are therefore welcome provisions for the individuals concerned. We would encourage governments, however, to work together to remove all discrimination and to harmonise applicable laws. This would make the law more accessible for individuals and authorities alike, including those who have to implement its provisions.

### *Loss or change of nationality*

In several countries there is a specific provision which mandates that women who have gained citizenship through marriage to a foreign national lose their new nationality, sometimes automatically, upon marrying a new spouse of yet another nationality. Men in a similar situation are not mentioned in these provisions, again reinforcing the stereotype that a woman would follow her husband in all cases. Fortunately, there are frequently safeguards against statelessness in these provisions so a woman will only lose the new nationality if she in practice acquires her new spouse's nationality. However, the provisions relating to her existing children are not always clear and could cause difficulties for her and her family.

Many laws seem intent on singling out women or excluding them for no discernible reason. For example, under the law in the Comoros, a foreign woman will not acquire Comorian nationality if her marriage to a Comorian man is deemed void, even if the marriage was entered into in good faith. Why did the legislature in this case think this was a particular problem that had to be guarded against? Other laws exclude mention of women, for instance, several laws state that if a man becomes a naturalised citizen his children can also get the new nationality, while keeping silent as to the situation of a woman who becomes a naturalised citizen. As with all these laws, even where the discrimination is targeted at a woman by singling them out or excluding them, the effect is often felt much more broadly including by her husband and any children.

### *Male "guardianship"*

A woman is also discriminated against when she automatically, without a say in the matter, gains the nationality of her husband on his change of nationality. While women and men should have equal rights to acquire nationality, citizenship should not be forced on anyone. This type of provision reinforces the view that men are guardians of women and women cannot make their own choices on the same basis as men.

Similarly, a foreign wife should be able to choose whether she wishes to acquire her husband's nationality at the time of the marriage rather than have it thrust upon her, as is the current situation in Somalia, for example. In relation to adoption, several laws

provide that the citizenship of the father is the one that guides what citizenship the child will have; this means that a woman cannot pass it to her children in her own right if it is a joint adoption, and if a woman has married a foreign man and has not been able to pass her citizenship to him, she would also not be able to pass her citizenship to any adopted children through him.

If a married man's nationality changes, his children may cease to be citizens, which continues the discrimination against his wife in not taking into consideration her nationality or even the nationality she would choose for her children. As a result, he could, for example, take the children away to his new country. It also perpetuates the stereotype that children belong to the father rather than the mother and they are under his guardianship alone. Stripping children of their nationality, even if they have another one, should not be automatic under the law.

### *Reinforcement of other sex discriminatory laws*

Unfortunately, nationality laws sometimes reinforce sex discriminatory provisions in other laws and uphold harmful practices. For example, in Mauritius' nationality law, the provision related to renunciation of nationality considers a married girl of 16 to be considered "full age" even though "full age" is defined as 18 elsewhere in the nationality law. Governments should consider this type of provision in context to evaluate whether it protects and promotes the rights of the girl concerned or whether it helps support a system of child marriage and inequality.

## **Discriminatory implementation of gender-neutral laws**

While, in the final analysis, equal rights look ultimately to be provided in several laws, there are often multiple hurdles a woman must overcome to claim these for her husband and/or her children such that enjoyment of these rights is delayed or effectively denied. The poor and disadvantaged, as well as undocumented,<sup>13</sup> carry additional burdens to navigate an often complex system with sometimes narrow timeframes for claiming nationality. In addition, fees associated with residency permits and other bureaucratic procedures required of non-nationals are unaffordable for some. Lack of clarity and burdensome administration hampers fair and swift implementation of the law. These additional burdens are frequently the remnants of discriminatory

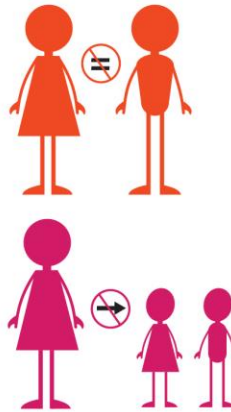
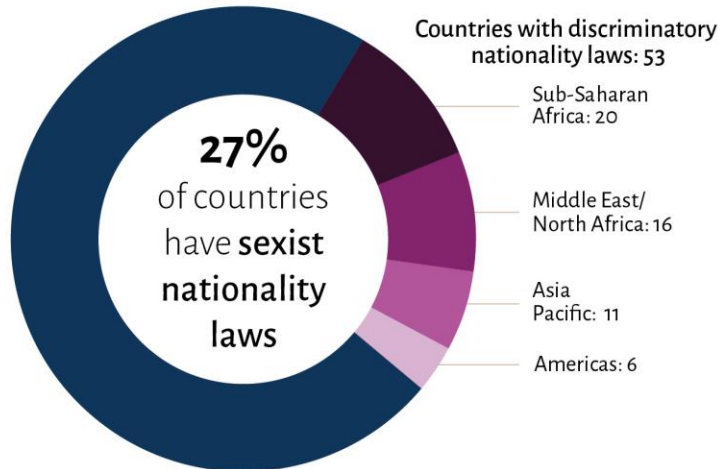
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<sup>13</sup> According to reports, the US state of Texas has refused to issue birth certificates for children born in Texas to undocumented parents, primarily mothers, even though all children born in the US are citizens under the law. As a result, "Women are unable to enroll their children in school or daycare without a birth certificate, or to authorize their child to be treated in a medical emergency." See <https://www.texasobserver.org/children-of-immigrants-denied-citizenship/>; See also reports that children with Haitian ancestry born in the Dominican Republic are denied documentation proving their Dominican citizenship. <http://www.nytimes.com/2015/10/30/world/americas/born-dominican-but-locked-out-by-haitian-roots-and-lack-of-id.html>

approaches and benefit no-one. They should be removed without delay to provide for equal rights of women and men.

***All governments concerned need to review and amend their laws as a matter of urgency to allow all people equal rights in conveying their nationality, thereby ensuring the civil, political, economic, social and cultural rights that nationality helps people access. They should work together to eliminate gender discrimination, which can also lead to less statelessness and other harmful consequences.***

# Sex Discriminatory Nationality Laws



*Too many governments have simply decided that a woman should have fewer rights than a man to pass on her citizenship to her children or her foreign spouse, or to acquire, change, or keep her nationality.*

## Laws Affecting Spouses



**4 countries:**  
Woman automatically loses nationality of origin upon marrying foreign spouse

**2 countries:**  
Woman who has lost her nationality of origin through marriage cannot regain it on the termination of marriage

**1 country:**  
Foreign woman automatically acquires her husband's nationality upon marriage or when he obtains citizenship

**4 countries:**  
Foreign woman who takes spouse's nationality automatically loses it upon termination of marriage

**2 countries:**  
Married man cannot pass to foreign spouse on an equal basis

## Laws Affecting Children

**26 countries:**  
Married mother cannot pass to child born outside country on an equal basis with married father

**21 countries:**  
Unmarried mother cannot pass to child born outside country on an equal basis

**18 countries:**  
Married mother cannot pass to child born in country on an equal basis

**16 countries:**  
Unmarried mother cannot pass to child born in country on an equal basis

**9 countries:**  
If a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality

**5 countries:**  
Woman cannot pass nationality to adopted child on an equal basis

**3 countries:**  
Unmarried father of child born abroad cannot pass to child without additional requirements beyond proof of paternity

**2 countries:**  
Unmarried father cannot pass to child born in country on an equal basis

**2 countries:**  
Unmarried father of child born abroad cannot pass to child at all

**1 country:**  
Naturalised mother cannot pass to children on an equal basis

**1 country:**  
Foreign mother who was born in country cannot pass to child born in country on an equal basis

## TRANSFERRING NATIONALITY TO CHILDREN\*

*\* Progress made - countries struck out below have removed their discriminatory provisions since our first report in 2013.*

### **Unmarried mother cannot pass to child born in country on an equal basis with unmarried father**

Bahrain<sup>φ</sup>, Brunei, Burundi<sup>φ</sup>, Iran, Jordan<sup>φ</sup>, Kuwait<sup>\*</sup>, Lebanon<sup>φ</sup>, Libya<sup>φ</sup>, Nepal<sup>◄</sup>, Oman<sup>φ</sup>, Qatar, Saudi Arabia<sup>φ</sup>, Senegal<sup>‡</sup>, Somalia<sup>□</sup>, Suriname<sup>φ</sup>, Swaziland<sup>φ</sup>, Syrian Arab Republic<sup>φ</sup>, United Arab Emirates<sup>φ^</sup>

### **Unmarried father cannot pass to child born in country on an equal basis with unmarried mother**

Bahamas, Madagascar<sup>○</sup>

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father**

Bahrain<sup>φ</sup>, Brunei, Burundi<sup>φ</sup>, Iran, Iraq<sup>φ○</sup>, Jordan, Kuwait<sup>\*</sup>, Lebanon<sup>φ</sup>, Liberia<sup>;</sup>, Libya<sup>;</sup>, Mauritania<sup>;</sup>, Nepal<sup>◄</sup>, Oman<sup>φ</sup>, Qatar, Saudi Arabia<sup>φ</sup>, Senegal<sup>‡</sup>, Sierra Leone<sup>;</sup>, Somalia<sup>□</sup>, Suriname<sup>φ</sup>, Swaziland<sup>φ</sup>, Syrian Arab Republic, Tunisia<sup>;</sup>, United Arab Emirates<sup>φ</sup>

### **Married mother cannot pass to child born in country on an equal basis with married father**

Bahrain<sup>φ</sup>, Brunei, Burundi<sup>φ∨</sup>, Iran<sup>+</sup>, Jordan<sup>φ</sup>, Kiribati<sup>;</sup>, Kuwait<sup>∞</sup>, Lebanon<sup>Ωφ</sup>, Libya<sup>φ</sup>, Madagascar<sup>φ</sup>, Nepal<sup>◄</sup>, Oman<sup>♀</sup>, Qatar, Saudi Arabia<sup>;</sup>, Senegal<sup>‡</sup>, Somalia<sup>□</sup>, Suriname<sup>;</sup>, Swaziland, Syrian Arab Republic, United Arab Emirates<sup>φ^</sup>

### **Married mother cannot pass to child born outside country on an equal basis with married father**

Bahamas<sup>◊</sup>, Bahrain<sup>φ</sup>, Barbados, Brunei, Burundi<sup>φ</sup>, Iran<sup>+</sup>, Iraq<sup>φ○</sup>, Jordan, Kiribati, Kuwait, Lebanon<sup>Ω</sup>, Liberia<sup>§</sup>, Libya<sup>;</sup>, Madagascar<sup>φ</sup>, Malaysia<sup>;</sup>, Mauritania<sup>;</sup>, Nepal<sup>◄</sup>, Oman<sup>♀</sup>, Qatar, Saudi Arabia, Senegal<sup>‡</sup>, Sierra Leone<sup>;</sup>, Somalia<sup>□</sup>, Suriname<sup>;</sup>, Swaziland, Syrian Arab Republic, Tunisia<sup>;</sup>, United Arab Emirates<sup>φ^</sup>

### **Unmarried father of child born abroad cannot pass to child without additional requirements beyond proof of paternity**

Austria, Denmark, United States of America, Madagascar<sup>○</sup>, Malaysia

### **Unmarried father of child born abroad cannot pass to child at all**

Bahamas, Barbados



**Naturalised mother cannot pass to children on an equal basis with naturalised father**

Yemen

**Women cannot pass nationality to adopted children on an equal basis with men**

Bahamas, Barbados<sup>U</sup>, Kiribati<sup>U</sup>, Mauritius<sup>U</sup>, Solomon Islands<sup>U</sup>

**Foreign mother who was born in country cannot pass to child born in country on an equal basis with foreign father who was born in country**

Iraq

**If a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality**

Bahrain, Egypt<sup>U</sup>, Iraq, Kuwait, Madagascar<sup>U</sup>, Mauritania<sup>X</sup>, Oman<sup>Q</sup>, Pakistan, Sudan<sup>UU</sup>

**LAWS AFFECTING SPOUSES / MARRIAGE**

**Married woman cannot pass to foreign spouse on an equal basis with married man**

Bahamas, Bahrain, Bangladesh<sup>U</sup>, Barbados, Benin<sup>o</sup>, Brunei, Burundi<sup>o</sup>, Cameroon<sup>o</sup>, Central African Republic, Comoros<sup>o</sup>, Congo (Republic of), Egypt, Guatemala<sup>o</sup>, Guinea<sup>o</sup>, Iran<sup>X</sup>, Iraq<sup>o</sup>, Jordan, Kiribati, Kuwait, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Mauritania<sup>o</sup>, Morocco, Nauru, Nepal, Niger, Nigeria, Oman<sup>Q</sup>, Pakistan, Qatar<sup>C</sup>, Saint Lucia<sup>X</sup>, Saint Vincent & Grenadines<sup>X</sup>, Saudi Arabia, Senegal<sup>o</sup>, Sierra Leone, Singapore, Solomon Islands, Somalia<sup>U</sup>, Sudan<sup>U</sup>, Suriname, Swaziland, Syrian Arab Republic, Tanzania, Thailand<sup>o</sup>, Togo<sup>o</sup>, United Arab Emirates<sup>o</sup>, Vanuatu, Yemen<sup>U</sup>

**Married man cannot pass to foreign spouse on an equal basis with married woman**

Philippines, Tunisia<sup>o</sup>

**Woman who has lost her nationality of origin through marriage cannot regain it on the termination of marriage**

Egypt<sup>f</sup>, Iraq<sup>n</sup>

**Foreign woman who takes spouse's nationality automatically loses it upon termination of marriage**

Bahrain<sup>o</sup>, Togo<sup>o</sup>, Tunisia<sup>o</sup>, Yemen<sup>o</sup>

**Woman automatically loses nationality of origin upon marrying spouse of another nationality**

Iran<sup>o</sup>, Madagascar<sup>o</sup>, Singapore<sup>f</sup>, Yemen<sup>o</sup>

## **Foreign woman automatically acquires her husband's nationality at the time of the marriage or on his acquisition of citizenship**

Somalia

### Key

- ◇ Unless child renounces other citizenship
- ϕ Unless one or more of the following applies: father unknown; father has repudiated/not acknowledged the child; father stateless; father of unknown nationality; fatherhood not substantiated
- ♀ Except under very restrictive circumstances
- ⊙ Mother has to be unknown or of unknown nationality
- √ Express application can be made
- \* Not by right, but possible by decree issued by the Minister of the Interior if father unknown or not legally established
- Except under certain conditions
- ⊠ In June 2012, Somalia drafted a Constitution providing for equality between men and women with an indication the nationality law will be amended accordingly
- ^ A December 2011 decree allows Emirati women married to non-nationals to pass citizenship to their children once the child reaches maturity
- + There is suggestion that citizenship is possible at age 18 for children born of Iranian women and non-national men. Several restrictions are placed on women marrying at all. For example, women need government permission to marry non-national men and Moslem women are explicitly forbidden from marrying non-Moslem men
- ∞ Unless mother irrevocably divorced/foreign father deceased and child resident in Kuwait until reaches majority
- § The Liberian Constitution provides that either parent can pass nationality to their children, but the nationality law restricts this. A new draft nationality law published at the end of 2012 proposes amendments to conform to the Constitution
- » Sudanese mothers, unlike fathers, have to go through the process of expressly applying for citizenship for their children, which causes additional hardship, but the law provides technical equality hence the omission of Sudan from the other categories
- « See Annex
- Husband can apply for naturalisation under normal procedures with reduced or waived conditions
- Ω Unless by permission of Head of State after acquiring foreign nationality and reapplying for Lebanese nationality within one year of dissolution of marriage/maturity of child and living in Lebanon
- × Possible for wives to pass nationality to non-national husbands, subject to proviso that Minister can refuse on reasonable grounds
- ⊖ Upon divorce and only if she has retained her nationality of origin or acquired another one
- ∪ Also applies to naturalised women
- ⊔ In the case of joint adoption
- ∫ Unless was residing or came back to reside in Egypt and declares her wish to recover her nationality to the Minister of the Interior

- ⚭ Minor children will forfeit nationality if, as a result of their father's change in nationality, they acquire the new nationality as a result of applicable law but they can decide to choose the Egyptian nationality during the second year of reaching majority
- ✂ Men who are married to Iranian women and have a child with the Iranian national may apply for governmental approval to become a national
- ⚭ Only if the laws of the spouse's nation automatically impose their nationality on her
- ⊖ There is a possible contradiction in the law – see Annex
- ⚭ Unless she is in Iraq at the time of application (not explicitly resident)
- ∴ If children have another nationality and if his spouse's nationality changes also
- ⚭ Naturalised wife is also not permitted to pass to foreign spouse on same basis
- ⋄ If marriage dissolves within 2 years and she won't be rendered stateless
- ⚭ If the minor is or was the national of any other country
- ⊖ Unless she is stripped of her nationality by country of origin
- ⚭ Although under Article 3 an Emirati man can pass to a foreign spouse, "In all instances, the husband shall not affiliate to his wife's nationality."
- ⚭ If she has not held Yemeni nationality for 4 years and was not married for at least 8 years under Article 11
- ⚭ Yemeni woman who married Muslim foreigner keeps nationality if she wants to
- ⚭ Naturalisation requirements only slightly reduced for foreign husband AND Omani wife must have had a son with the foreign husband
- ⚭ At father's request and if father's new country gives children nationality; regaining Omani citizenship for minor children only possible through the father
- ⚭ Divorce, though note equality under Article 149 of the Togolese Civil Code
- ⊕ When marriage is deemed void but no guard against statelessness
- ✂ If a naturalised man loses his nationality, his children and naturalised wife may cease to be citizens subject to certain conditions
- Under Yemen's 1990 law there was also discrimination in passing to children but we believe this was amended in 2010

# IMPACT ON FAMILIES – CASE STUDIES

## Jordan



### *Friyal*

Friyal has been married for 21 years to an Egyptian man. From the day she got married she has felt insecure. She was shocked when she realised that she could not register her children in her passport and that her husband needs a valid work permit in order for her children to go to school. Friyal participates in all demonstrations and sit-in activities organised by the campaign “My mother is Jordanian and her nationality is my right”. She believes that her children have the right to live in dignity in Jordan, which they consider their homeland. Her son Mohamed does not work because, as a technical “foreigner” he can’t afford the fees for the work permit; he worked twice but he was not paid and couldn’t file a complaint with the police for fear of being deported to a country he has never known. Eman, Friyal’s daughter, had to go through several bureaucratic procedures before she could get married in June 2011. The family had to get Ministry of the Interior approval for the marriage and then file that approval with the Sharia court. In doing so, the family was forced to pay 1100 Jordanian Dinar (about US\$1550) as a fine because Eman’s father had not renewed his work permit for two years due to the cost involved and additional family expenses required to pay for healthcare and education. The children are considered foreigners in their own country and therefore have to pay all fees associated with this status.

### *Maysar*

Maysar is 42 years old. She approached the Ministry of the Interior in 2011 to apply for naturalisation for her husband. The officer in charge refused to give her the application form before questioning her about her marriage, blaming her for marrying a non-national. Maysar, who has seven children, does not want her daughters to marry non-nationals, to ensure they will not suffer the hardships she has had to face. Her husband works in the construction industry illegally since he cannot afford the fees for the work permit.

*See Equality Now’s [website](#) for further case studies from Jordan.*



My mother is Jordanian, my birth certificate is Jordanian, her nationality is my right

*My mother is Jordanian, and her nationality is my right* is a [campaign](#) led by Jordanian mothers married to non-Jordanians who cannot pass on their Jordanian citizenship to their children and husbands. With the support of the Arab Women Organisation, members of the campaign are calling on the government to amend the nationality law in line with the Jordanian constitution and Jordan's international legal obligations.

On 12 January 2014, the Government of Jordan gave approval for regulations to grant the foreign spouses of Jordanian women and their children certain civil rights, and in November 2014 it approved specific "privileged services" (*Mazaya*), including free access to public schools and health care, access to jobs, residence permits, driver's

licences and permission to own property and invest in business. Except for equal access to medical care, these regulations have not yet been implemented. No changes have been proposed to amend the still discriminatory nationality law.

## Malaysia



### *Nina*

Nina, a Malaysian woman, met and married Brian in the US. They have a daughter, Julia, who was born in the US. The family moved to Malaysia, to the state of Johor, in mid-2009, when Julia was 2 years old.

When Nina was pregnant, the Malaysian Embassy told her that she could register Julia when she returned to Malaysia. Unlike Malaysian men, Malaysian women with foreign spouses who give birth to a child outside Malaysia cannot automatically confer citizenship to that child; they need to apply. Upon returning to Malaysia Nina went to the National Registration Department to apply for citizenship for Julia, where she was asked to fill out and submit a form.

Brian struggled to find employment in Malaysia – he didn't have long term legal immigration status necessary for him to work. This forced Nina to be the main breadwinner of the family. At the same time, her relatives had cultural expectations of her to perform the traditional roles of a wife and mother, such as cooking and cleaning. This dynamic severely strained her marriage. Soon, Nina took a job in Kuala Lumpur, the capital city four hours north of Johor.

Almost a year after submitting the form to the National Registration Department, Nina was called for an interview. Three months later, she was told the application had been rejected. She was not given a reason, but at the interview she was asked about her marriage status (she was still married at the time although living separately from Brian) and was told that was a factor in the Department's decision. She was told she could only reapply for her daughter's citizenship after a year.

Meanwhile Nina's husband and daughter stayed in the country legally through social visit passes. These passes had to be renewed every six months and required a fee, and Nina had to be present during renewal. Nina now lived in Kuala Lumpur, but because she had initially registered for the social visit passes in Johor, she had to travel to Johor whenever she needed to renew the passes. A year after she moved to Kuala Lumpur the Immigration Department in Johor sent her file to a Kuala Lumpur office so she did not have to keep travelling back to Johor. Unfortunately they did not specify which branch they sent it to, and eventually Nina was informed that her file had been lost and that she would have to resubmit all her documents.

Nina attempted several times to obtain an extension of the social visit pass validity period from six months to one year. The Immigration Department noted that this would be possible only after three six-month visa cycles processed at the same Immigration Department office, and Nina's request was thus denied.

Nina also faced difficulties trying to register Julia for public school. The school Nina went to refused to register Julia because she was not a citizen. Nina had to submit several forms to the District Education Department, which required her to obtain a signature from a village head to verify that she was a citizen, among other requirements. Nina worried that she might have had to send Julia to private school, which she could not afford.

A year after Julia's application for citizenship had been rejected, Nina publicly approached the Home Minister with her case. A senior-ranking immigration officer informed Nina that she should have had an option to confer citizenship to her daughter; Nina told him she was not given that option. She was asked to resubmit Julia's citizenship application. Eight months later, after many calls and inquiries by Nina, Julia received her citizenship.

It took three frustrating years for Nina to obtain Malaysian citizenship for her daughter, putting enormous and unnecessary emotional and financial strain on her. Had Nina been a man, the process would have been automatic.

While some gains have been made in improving the circumstances of Malaysian wives of foreigners and foreign wives of Malaysians, these two groups of women still face discrimination in different ways. Malaysian organisations, including [Women's Aid Organisation](#), continue to campaign for equal rights for women and men in relation to nationality.

In addition to eliminating sex discrimination in the law, Women's Aid Organisation recommends that the government dedicate a specific bureau to process applicants who are stateless, which they estimate numbered 32,440 children as of 2009, and to provide for the automatic inclusion of adopted children as citizens.

## Bahamas



### *Maxime*

Maxime is originally from Haiti but has lived in the Bahamas for fourteen years. A few years ago he married Annie-Lavel, a Bahamian woman, and they have two Bahamian-born children and were expecting a third. Maxime was working legally in the Bahamas under a work permit, which he had to renew regularly. All was fine until he had a disagreement with his employer and lost his sponsorship. He applied for a resident spouse permit, but the authorities refused to start the process until he received his birth certificate from Haiti, which took almost a year, with the Haitian authorities reporting it initially lost. The family then lost their home through fire and Maxime took up odd jobs to support them all, even though working without a permit was illegal. Some of his employers exploited

this and didn't pay him. In addition, he was picked up several times by immigration control and held in detention until pregnant Annie-Lavel trekked by foot to where he was detained to beg for his release. The family has also had to find further funds to pay the permit application fees as well as fees for translation of the birth certificate. A non-national woman marrying a Bahamian man has automatic entitlement to citizenship on marriage.

The Constitution of the Bahamas does not permit a Bahamian married woman to pass her nationality to her children born outside the Bahamas unless the child renounces other citizenship, or to her foreign spouse, or to adopted children, on an equal basis with men. (Unmarried fathers are also not allowed to transfer their citizenship to their children born in the Bahamas or abroad.) While the government says the effect of this legislation has been mitigated to some degree by domestic legislation, the discrimination in the law remains, causing great hardship to families. The issue has been raised with the government repeatedly by the Committee on the Elimination of Discrimination against Women, including during its last review of the Bahamas in July 2012. On 8 July 2013, the Constitutional Committee preparing a new Bahamian Constitution recommended "the amendment of the citizenship provisions to achieve gender-neutrality and full equality between men and women with respect to the acquisition or transmission of their nationality." The new Constitution has yet to be voted on.

## Tanzania



### *Sion Gabriel Jones*

Sion Gabriel Jones is a Tanzanian citizen by birth and was married to a British citizen while they were in the United States of America. Before their marriage, Sion's husband had already been living and working in Tanzania for 16 years and had a resident's permit. Two years after their marriage, on the imminent expiry of Sion's husband's work permit, the couple applied to the Regional Immigration Office in Arusha for a dependant's pass so they could also start a family in Tanzania. The application was rejected on the basis that application through



Sion's status as a Tanzanian woman was not allowed. Such passes are only available to the foreign wives of Tanzanian men.

Sion subsequently gave birth to a baby daughter in a hospital in Kenya and sought to have the girl entered on her passport for re-entry to Tanzania. That application was rejected by the Tanzanian High Commission on the basis the baby's father was not a Tanzanian citizen. Sion's husband then had to apply for a British passport for this daughter, who was then allowed to enter Tanzania.

With the assistance of the Legal and Human Rights Centre, Sion filed a Constitutional Case before the High Court of Tanzania on 17 December 2002 requesting the discriminatory provisions of statutes relating to nationality be declared unconstitutional and therefore void and asking that non-citizen husbands of Tanzanian wives be allowed the same rights as non-citizen wives of Tanzanian husbands. The case was lost. Sion's family still suffers from the insecurities and hardships created by the continuing discrimination. Her husband has to regularly apply for renewal of his resident's permit, causing anxiety to the family as well as cost. They are nervous about buying a home in Tanzania in case one day his permit is not renewed and the family would have to leave the country.

Although the Constitution of Tanzania provides for equality and non-discrimination in relation to all its citizens, the 1995 Tanzanian Citizenship Act and regulations under the 1995 Immigration Act remain discriminatory, only allowing a Tanzanian man to pass his nationality to his wife, but not giving a Tanzanian woman the equal right to pass citizenship to her husband. The case described above was brought to challenge this statutory discrimination, arguing the supremacy of the Constitutional provisions on equality over the discriminatory provisions of the nationality legislation. However, the case failed in the High Court of Tanzania. An appeal against this decision was lodged in the Court of Appeal, but dismissed on a procedural technicality. There are no further avenues of appeal. Tanzanian women's rights groups, including the Legal and Human Rights Centre, have lobbied for a change in the law with the result that the new draft Constitution currently carries a specific provision to ensure equality in issues relating to nationality, with a child of any Tanzanian citizen and a foreign spouse being able to gain citizenship from birth and a foreign spouse being able to acquire citizenship after five years. The new draft Constitution will be voted by Tanzanians in a referendum. It is hoped it will be passed without changes.

Senegal



## *Association des Juristes Senegalaises:* Our Role Reforming the Nationality Law in Senegal

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On 25 June 2013, Parliament amended the law to grant Senegalese women the same rights as men to transfer their nationality to their husband and children. With the *new law*, children are the biggest winners since they can now be registered using either parent's documentation or they can easily obtain identification. Many children are now registered under their mother's birth certificates. Although a married couple has to have been married for at least 5 years before they can transfer their nationality to each other, the law no longer discriminates on the basis of sex.

Our involvement in the elimination of sex discrimination in laws did not start yesterday. We made it our mission since our establishment to push for the removal of all discrimination that exists in our written laws.

Our predecessors reviewed all national laws and highlighted provisions that were discriminatory and contrary to Senegal's commitments at the national, regional and international level. This review provided us with a roadmap for action, including on the nationality law. Of concern was the fact that a woman could not automatically pass nationality to her child as a man could. She could only do so if the father of the child was 'unknown' or if she made a formal request through a written memorandum.

We drafted a revised law in 2005 and sent it to the then President. Unfortunately it sat and gathered dust for many years. The discussion was revived<sup>14</sup> in 2014 by the Prime Minister who through the Ministry of Justice sent the text back to us for review and input (not knowing that we were actually the originators of the initial text). The text sent to us was our original text; the only thing we wanted to change subsequently was a small provision to ensure protection for potentially stateless persons.

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<sup>14</sup> This was done during the time of the first female Prime Minister who was also a former Minister for Justice.

One **challenge** we faced during the campaign was the slow response on the issue - we feel our advocacy could have been stronger and helped the law to pass sooner. The general public was not adequately sensitised on human rights issues so not very favourable to the equality agenda.

**Our allies** were instrumental in creating an environment that facilitated the change in this law. Worth mentioning is the strong and sustained advocacy by the *Conseil Senegalais de Femmes* (COSEF) with general advocacy on women's equality and around passage of the parity law which prepared the path for the passage of the nationality law. The thinking was: "If a Senegalese woman (now) has the right to vote and can become an elected leader and even become the President of the Republic is it normal that she cannot pass nationality to her children?"

**International pressure:** Senegal had traditionally been quite slow in meeting its reporting to regional and international treaty bodies but at some point it began to catch up with its reporting obligations. During the UPR (country peer review) process at the United Nations, Senegal was reprimanded by several other States for its shortcomings including on the issue of discrimination in its laws. These two processes played a positive role in putting pressure on Senegal to make relevant reforms.

Our **advice to others** would be to apply a human rights approach when seeking to reform nationality laws. All citizens of a country should have the same rights and be able to transfer the same rights to their children. The right to nationality is a fundamental right - there is no justification for discrimination.

For **the larger African context**, a legal instrument such as the Protocol at the regional level to guide on matters to do with nationality is a brilliant and welcome idea.

# INTERNATIONAL LAW ON EQUALITY AND CITIZENSHIP RIGHTS

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**The fundamental right to sex equality has been affirmed and reaffirmed** repeatedly by governments in international treaties, declarations and conferences, as well as in domestic constitutions. At the United Nations Fourth World Conference on Women in 1995, 189 governments pledged in the Beijing Platform for Action to “revoke any remaining laws that discriminate on the basis of sex.” In 2000, the UN General Assembly established a target date of 2005 for revocation of all sex-discriminatory laws.

The right to nationality has also been established by the Universal Declaration of Human Rights<sup>15</sup>, in the Convention on the Rights of Child<sup>16</sup> and reinforced by the Beijing Platform for Action<sup>17</sup>. The Convention on the Elimination of Racial Discrimination calls<sup>18</sup> for the right to nationality “without distinction as to race, colour, or national or ethnic origin,” and the Committee on the Elimination of Racial Discrimination has urged States Parties “to refrain from applying different standards of treatment to female non-citizen spouses of citizens and male non-citizen spouses of citizens.”<sup>19</sup>

The specific right to equality or non-discrimination on the basis of sex within the context of nationality rights has also been addressed by UN treaties and treaty monitoring bodies. The Convention on the Elimination of All Forms of Discrimination against Women addresses both the conveyance of nationality to spouses and children by providing that:

## ***Article 9***

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall

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<sup>15</sup> Article 15

<sup>16</sup> Articles 7 and 8

<sup>17</sup> ¶ 274(b)

<sup>18</sup> Article 5(d)

<sup>19</sup> General Recommendation No.30: Discrimination Against Non Citizens: 01/10/2004, ¶8

automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

In July 2012, the Human Rights Council passed a resolution, “The Right to a Nationality – Women and Children,”<sup>20</sup> demonstrating this is still an issue of great concern. In a March 2013 report,<sup>21</sup> the Office of the High Commissioner for Human Rights recommended that States “[r]emove all provisions in Constitutions and nationality laws that discriminate against women, thereby ensuring full equality between men and women regarding the acquisition, change and retention of their nationality” and “[a]mend nationality laws to allow women to confer their nationality to their children on the same basis as men”. In November 2014, the UN Committee on the Elimination of Discrimination Against Women (CEDAW) adopted General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women.<sup>22</sup> The Recommendation stated that the right under the Convention of women to acquire, change or retain their nationality and to confer their nationality on an equal basis with men also applies to spouses.<sup>23</sup> The Committee made a number of specific recommendations that States should follow in order to ensure they do not have discriminatory nationality laws on the basis of sex as “nationality is the legal bond between a person and a State and is critical to ensuring full participation in society”. The UN Working Group on discrimination against women in law and in practice has also highlighted the need for legal reform in its letters to governments that discriminate against women in their nationality laws.<sup>24</sup>

Although the equal right of men and women to confer citizenship on their children is not explicitly articulated in the International Covenant on Civil and Political Rights (ICCPR), in a General Comment on the interpretation of ICCPR Article 24, which

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<sup>20</sup> A/HRC/20/L.8, available at <http://ohchr.org/EN/HRBodies/HRC/RegularSessions/Session20/Pages/ResDecStat.aspx>

<sup>21</sup> A/HRC/23/23, available at <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session23/Pages/ListReports.aspx>

<sup>22</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women*, 5 November 2014, CEDAW/C/GC/32, available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW/C/GC/32&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW/C/GC/32&Lang=en)

<sup>23</sup> *Id.* at para. 59.

<sup>24</sup> Available at [http://ap.ohchr.org/Documents/sdpage\\_e.aspx?b=10&se=163&t=9](http://ap.ohchr.org/Documents/sdpage_e.aspx?b=10&se=163&t=9) and <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Pages/ListReports.aspx>

gives every child the “right to acquire a nationality”, the Human Rights Committee states that “no discrimination with regard to the acquisition of nationality should be admissible under internal law as between legitimate children and children born out of wedlock or of stateless parents or based on the nationality status of one or both of the parents.”<sup>25</sup> The jurisprudence of the Human Rights Committee, both in its General Comments and through its ongoing dialogue with States Parties, clearly establishes that laws that discriminate in the transmission of citizenship to children based on the sex of their parents are incompatible with the ICCPR.

More than twenty years after the adoption of the Beijing Platform for Action, and more than ten years past the UN’s set target date of revoking all sex discriminatory laws, numerous laws that explicitly discriminate against women, including in the area of nationality, are still in force. In September 2015, in adopting the new sustainable development framework, Agenda 2030, UN member states again highlighted the need to “[e]nsure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.”<sup>26</sup> Governments should prioritise elimination of all discrimination on the basis of sex to comply with their international legal obligations as well as their own national obligations to ensure equality.

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<sup>25</sup> CCPR General Comment 17 (Thirty-fifth session, 1989) ¶18.

<sup>26</sup> <https://sustainabledevelopment.un.org/post2015/transformingourworld>

# RECOMMENDATIONS

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## **Governments with sex discriminatory legal provisions on nationality should revise them:**

- so that women and men can equally confer citizenship on their children wherever born, whether born in or out of marriage, and whether the child is adopted or not
- so that women and men can equally confer citizenship on their spouses whether married at home or abroad and that these foreign women and men do not automatically lose their new nationality on termination of the marriage
- so that women do not automatically lose or gain nationality on marriage to a spouse of another nationality without their active consent
- so a change in the father's nationality does not automatically mean loss of nationality for his wife and children
- to ensure that there is consistency between all laws and regulations dealing with the issue in order that all provisions treat men and women equally and fairly and that these provisions are clear to both those wanting to take advantage of them and those implementing them

These revisions and subsequent changes in the law should be achieved in a collaborative manner with other countries in order to create a cohesive set of nationality laws.

In addition, any discrimination relating to race or ethnicity should be removed. Governments should also review all associated regulations and processes to ensure wider discrimination does not impact on the ability of women to pass their nationality freely to their children and husbands.

## **Interim Measures**

Some interim measures have mitigated the hardships of a discriminatory nationality law. Like Jordan, the nationality law of Lebanon for example also only allows a man (and not a woman) to confer Lebanese nationality upon a spouse and any children. This law, which denies women equality with men in terms of nationality, undermines a woman's status as an equal citizen and contradicts the Lebanese Constitution, which provides that all Lebanese citizens are equal before the law and

enjoy the same civil and political rights. A few critical changes in the labour regulations issued in September 2011 led to some improvements in the lives of Lebanese women married to non-citizens by allowing work permits to non-citizen husbands and their children without the need for a sponsoring employer and free residence permits without the need for a job. Regrettably, the Lebanese government in January 2013 rejected a draft bill seeking properly to address the inequality in the nationality law.

The Malaysian authorities have also lifted some employment restrictions among a few other measures which should, if implemented, ease the hardship on married couples and their children. As noted above, the Government of Jordan gave approval to grant the foreign spouses of Jordanian women and their children certain “privileged services”, including residence permits and improved access to state medical care facilities, education and work in the private sector. These will considerably alleviate the hardships of the affected families, if fully implemented, until the Nationality Act is amended.<sup>27</sup>

**Any discrimination in the law continues to have a negative impact on the lives of unmarried mothers and women married to non-citizens and on their families which restricts their freedom of choice, access and movement.<sup>28</sup> Discriminatory nationality laws around the world need to be comprehensively amended as soon as possible.<sup>29</sup>**

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<sup>27</sup> For more information on Equality Now’s action regarding Jordan see <http://www.equalitynow.org/category/country/jordan>

<sup>28</sup> See, for example, note 8.

<sup>29</sup> Other testimonials can be found in the UNHCR paper, “Gender Equality, Nationality Laws and Statelessness: Testimonials of the Impact on Women and their Families,” available at <http://www.unhcr.org/4f587d779.html>



# What You Can Do

Please:

- ✓ **Take action** on our country nationality campaigns, including on [Bahrain](#), [Brunei](#), [Jordan](#), [Lebanon](#), [Monaco](#), [Swaziland](#), [Togo](#), [the United States](#)
- ✓ **Add your name to the call to make equality reality!** Please [sign our petition](#) which will be delivered to the governments listed in this report before the June 2016 UN Human Rights Council meeting.
- ✓ **Join the conversation** online using **#UnsexyLaws** and **#statewerein**
- ✓ **Support Legal Equality**, [donate to Equality Now today](#)



Equality Now and partners participate in a 2014 demonstration for equal nationality rights in Jordan

# Annex

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## **List of legal sources referenced with discriminatory nationality provisions noted**

Most provisions provided by the pro-bono research of Latham &Watkins LLP in English, and hyperlinks provided where available

### **Bahamas**

- The Constitution of the Commonwealth of the Bahamas 1973
- See also Constitutional Review Commission analysis below - [https://www.bahamas.gov.bs/wps/wcm/connect/7c2fe440-cb66-4327-9bf3432131510cc4/Constitution+Commission+Report+2013\\_8JULY2013.pdf?MOD=AJPERES](https://www.bahamas.gov.bs/wps/wcm/connect/7c2fe440-cb66-4327-9bf3432131510cc4/Constitution+Commission+Report+2013_8JULY2013.pdf?MOD=AJPERES)
- Bahamas Nationality Act

### **Married mother cannot pass to child born outside country on an equal basis with married father (except under certain conditions and unless child renounces other citizenship)**

Article 9 of the Constitution of the Commonwealth of The Bahamas

*“(1) ... a person born legitimately outside The Bahamas ...whose mother is a citizen of The Bahamas shall be entitled, upon making application on his attaining the age of eighteen years and before he attains the age of twenty-one years, in such manner as may be prescribed, to be registered as a citizen of The Bahamas: Provided that if he is a citizen of some country other than The Bahamas he shall not be entitled to be registered as a citizen of The Bahamas ... unless he renounces his citizenship of that other country, takes the oath of allegiance and makes and registers such declaration of his intentions concerning residence as may be prescribed....”*

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

Article 10 of the Constitution of the Commonwealth of The Bahamas

*“Any woman who, after 9th July 1973, marries a person who is or becomes a citizen of The Bahamas shall be entitled...upon taking the oath of allegiance or such declaration as may be prescribed, to be registered as a citizen of The Bahamas: Provided that the right to be registered as a citizen of The Bahamas under this Article shall be subject to such exceptions or qualifications as may be prescribed in the interests of national security or public policy.”*

### **Unmarried father of child born abroad cannot pass to child at all**

Article 14(1) of the Constitution of the Commonwealth of The Bahamas

*“Any reference...to the father of a person shall, in relation to any person born out of wedlock..., be construed as a reference to the mother of that person.”*

### **Unmarried father of child born in country cannot pass to child on an equal basis with unmarried mother**

Article 14(1) of the Constitution of the Commonwealth of The Bahamas

*“Any reference...to the father of a person shall, in relation to any person born out of wedlock..., be construed as a reference to the mother of that person”.*

Excerpt from Constitutional Review Commission

Article 6: Children born in The Bahamas where either parent is Bahamian

14.14 The Commission is of the view that this provision is not discriminatory. It adopts a hybrid position between acquisition of citizenship based on birth in territory and descent, and the combination of each grants automatic entitlement at birth. However, it seems to have been susceptible to an interpretation that it is discriminatory in its effects. This results from what the Commission considers—and with the greatest of respect for the Courts—to be the erroneous interpretation of the word “parents” in this provision to include an unmarried Bahamian mother but not an unmarried Bahamian father.

14.15 In several cases, the courts have construed the reference to “parents” in art. 7 to be caught by the definition of “father” in Article 14(1), and therefore the potential benefit of this article to a child born out of wedlock in The Bahamas to a Bahamian male is removed. 45 However, it seems fairly clear that the intention of article 6 is to grant automatic citizenship to a child born in The Bahamas (an objective condition) where at least one parent is Bahamian (another condition that is capable of being objectively determined).

The only difference in the case of a male parent is that the common law—eminently rooted in common sense—has always required proof of paternity before those other rights can attach, as it is not readily clear who the father is. Automatic transmission of citizenship through patrilineal descent could produce absurd results. But an unmarried Bahamian man whose paternity of a child has been legally established or acknowledged should be fully able to transmit his citizenship to his offspring.

14.16 The Commission is of the opinion that a similar entitlement to trace citizenship through descent must be given to the unmarried father whose child is born overseas, after establishment of paternity, since this is what pertains (by virtue of article 14) in respect of a child born overseas to an unmarried Bahamian woman. Incidentally, this is another of the few provisions in which the Constitution discriminates against men in their ability to transmit citizenship.

...

16. The situation described under Article 6, which provides for children born in The Bahamas to acquire citizenship if either parent is Bahamian, while not discriminatory on its face, has been interpreted by the courts in a way that discriminates against men. The solution would be to repeal sub-paragraph 1 of Article 14 (which assimilates the father of a child born out of wedlock to the status of the mother), and therefore the Courts would be required to give full effect to the natural meaning of “either parent” in Article 6 (subject to proof of paternity in the case of men). The Commission recommends the deletion of sub-paragraph 1 of Article 14.

### **Women cannot pass nationality to adopted children on an equal basis with men**

Section 4 of the Bahamas Nationality Act

*“Where, under a law in force in The Bahamas relating to the adoption of children, an adoption order is made by a competent court in respect of a minor who is not a citizen of The Bahamas, then if the adopter, or in the case of a joint adoption, the male adopter, is a citizen of The Bahamas, the minor shall become a citizen of The Bahamas from the date of the order.”*

## **Bahrain**

- Bahraini Citizenship Act 1963 as amended (in Arabic) – <http://www.moj.gov.bh/default1d49.html?action=article&ID=872>
- English translation on file

### **Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father unknown or has repudiated/not acknowledged the child)**

Article 4 of the Bahraini Citizenship Act as amended pursuant to 1989 Amendment

*A person shall be deemed a Bahraini national in the following cases:*

- a. If he is born in Bahrain or abroad and his father, at the time of birth, was a Bahraini national;*
- b. If he is born in Bahrain or abroad and his mother, at the time of birth, was a Bahraini national, provided that his father was either unknown or fatherhood was not substantiated.*

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (unless father unknown or has repudiated/not acknowledged the child)**

Same provision as above

### **Married mother cannot pass to child born in country on an equal basis with married father (unless father unknown or has repudiated/not acknowledged the child)**

Same provision as above

### **Married mother cannot pass to child born outside country on an equal basis with married father (unless father unknown or has repudiated/not acknowledged the child)**

Same provision as above

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

Paragraph (1) of Article 7 of the Citizenship Act as amended pursuant to Decree number (10) issued in 1981

*After this law takes effect, a foreign woman who gets married to a Bahraini national shall not become a Bahraini national unless she notifies the Minister of Interior that she wishes to acquire the Bahraini nationality and provided that the marriage relationship continues for a minimum period of 5 years after the date of such notification.*

*The Minister may grant an exemption from all or part of the minimum period requirement or, for reasons of national security or public order, prohibit a foreign woman from obtaining a Bahraini nationality through marriage to a Bahraini national...*

### **If a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality**

Article 9(1) of the Citizenship Act as amended pursuant to the 2014 Amendment

*A Bahraini citizen may lose his nationality in the following cases:*

*(A) If he has voluntarily acquired another nationality and an order is issued by His Majesty the Governor to withdraw the nationality of that person.*

*(B) If he renounces his Bahraini nationality and an order is issued by His Majesty the Governor to withdraw the nationality of that person.*

*(2) If a person has lost his nationality by virtue of this article, his under-aged children will also lose nationality.*

### **Foreign woman who takes spouse's nationality automatically loses it upon termination of marriage (upon divorce not death and only if she has retained her nationality of origin or acquired another one)**

Paragraph 2 of Article 7 of the Citizenship Act

*If a woman has acquired the Bahraini nationality...[through the marriage of a Bahraini national in accordance with the provisions of the Citizenship Act], she will not lose her Bahraini nationality upon the termination of the marriage unless she retained her original nationality or acquired another nationality. Nevertheless, she might retain her Bahraini nationality by declaration of his Majesty the Governor.*

## **Bangladesh**

- Citizenship Act 1951 as amended by The Citizenship (Amendment) Act, 2009 (Act No XVII of 2009) (with effect from 31 December, 2008) - [http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=242=](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=242=)
- Naturalization Act, 1926 - 26 February 1926 - <http://www.refworld.org/docid/3ae6b4ff12.html>
- The Bangladesh Citizenship (Temporary Provisions) Order 1972
- The Bangladesh Citizenship (Temporary Provisions) Rules, 1978
- Also consulted - Guardians and Wards Act, 1980; The Births and Deaths Registration Act, 2004

**Married woman cannot pass to foreign spouse on an equal basis with married man (residency requirement for foreign wives is reduced to 2 years as opposed to 5 but no waiver for foreign husbands); also applies to naturalised women**

Section 10 (The Citizenship Act, 1951)

Married women

*10. (1) Any woman who by reason of her marriage to a British subject before the first day of January, 1949, has acquired the status of a British subject shall, if her husband becomes a citizen of Bangladesh, be a citizen of Bangladesh.*

*(2) Subject to the provisions of sub-section (1) and sub-section (4) a woman who has been married to a citizen of Bangladesh or to a person who but for his death would have been a citizen of Bangladesh under sections 3, 4 or 5 shall be entitled, on making application therefore to the Government in the prescribed manner, and, if she is an alien, on obtaining a certificate of domicile and taking the oath of allegiance in the form set out in the Schedule to this Act, to be registered as a citizen of Bangladesh whether or not she has completed twenty one years of her age and is of full capacity.*

Article 4 (The Bangladesh Citizenship (Temporary Provisions) Order, 1972)

*4. The Government may, upon an application made to it in this behalf in the manner prescribed, grant citizenship to any person."*

Rule 4 (The Bangladesh Citizenship (Temporary Provisions) Rules, 1978)

4. Application for citizenship under Article 4.

*(1) Any person seeking citizenship of Bangladesh under Article 4 shall apply in Form B, in duplicate, and in the same manner as provided in clause (a) and (b) of sub-rule (1) of rule 3:*

*Provided that an application under this rule may not be entertained unless the applicant has by an affidavit renounced his status as a citizen of another country and has abandoned his domicile of origin:*

*Provided further that an application shall be considered for grant of citizenship-*

*(a) If the applicant is a foreign woman and married to a Bangladeshi and has resided in Bangladesh ordinarily for a period of 2 years; or*

*(b) If the applicant does not fall within clause (a) has resided in Bangladesh, ordinarily for a period of 5 years.*

...

Section 7 (The Naturalization Act, 1926)

### **7. Effect of grant of certificate and taking of oath.**

*...and the wife of any such person to whom a certificate of naturalisation is granted \*\*\* shall, if not already a citizen of Bangladesh, in like manner be so deemed and be so entitled and so subject, if within one year, or such longer period as the Government may in special circumstances allow, from the date of taking and subscribing of such oath by her husband, she makes to the Government a declaration that she desires to be deemed to be a citizen of Bangladesh, and if she is an alien as defined in the Citizenship Act, 1951. (II of 1951) obtains a certificate of domicile under that Act, and takes and subscribe the oath prescribed by section 6 of this Act.*

## **Barbados**

- The Constitution of Barbados (LRO 2002) - The Barbados Independence Order 1966 - [http://www.oas.org/dil/The\\_Constitution\\_of\\_Barbados.pdf](http://www.oas.org/dil/The_Constitution_of_Barbados.pdf)
- Barbados Citizenship Act, Cap 186 (last amended 1982) – <http://www.refworld.org/docid/3ae6b56b8.html>

### **Married mother cannot pass to child born outside country on an equal basis with married father**

Section 2(2) of The Constitution of Barbados (L.R.O. 2002)

*“Every person who, having been born outside Barbados, is on 29<sup>th</sup> November, 1966 a citizen of the United Kingdom and Colonies shall, if his father becomes or would but for his death have become a citizen of Barbados in accordance with the provisions of subsections (1), become a citizen of Barbados on 30<sup>th</sup> November, 1966.”*

Section 5(1) of The Constitution of Barbados (L.R.O. 2002)

*“A person born outside Barbados after 29<sup>th</sup> November, 1966 shall become a citizen of Barbados at the date of his birth if at that date his father is a citizen of Barbados otherwise than by virtue of this section or section 2(2) (see above).”*

Section 5(2) of The Constitution of Barbados (L.R.O. 2002)

*“Subject to subsection (1) and without derogating from, or in any way affecting, that subsection, a person born outside Barbados after 29<sup>th</sup> November 1966 shall become a citizen of Barbados at the date of his birth if at the date of the birth at least one of his parents is a citizen of Barbados who was born in Barbados.”*

Section 10(2) of The Constitution of Barbados (L.R.O. 2002)

*“Any reference in this Chapter to the father of a person shall, in relation to any person born out of wedlock other than a person legitimated before 30<sup>th</sup> November 1966, be construed as a reference to the mother of that person.”*

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

Section 6(1) of The Constitution of Barbados (L.R.O. 2002)

*“Any woman who, after 29th November 1966, marries a person who is or becomes a citizen of Barbados shall be entitled, upon making application in such manner as may be prescribed and, if she is a British protected person or an alien, upon taking the oath of allegiance, to be registered as a citizen of Barbados.”*

### **Unmarried father of child born abroad cannot pass to child at all**

Section 5(1) of The Constitution of Barbados (L.R.O. 2002)

*“A person born outside Barbados after 29th November, 1966 shall become a citizen of Barbados at the date of his birth if at that date his father is a citizen of Barbados otherwise than by virtue of this section or section 2(2) (see above).”*

Section 5(2) of The Constitution of Barbados (L.R.O. 2002)

*“Subject to subsection (1) and without derogating from, or in any way affecting, that subsection, a person born outside Barbados after 29th November 1966 shall become a citizen of Barbados at the date of his birth if at the date of the birth at least one of his parents is a citizen of Barbados who was born in Barbados.”*

Section 10(2) of The Constitution of Barbados (L.R.O. 2002)

*“Any reference in this Chapter to the father of a person shall, in relation to any person born out of wedlock other than a person legitimated before 30<sup>th</sup> November 1966, be construed as a reference to the mother of that person.”*

### **Women cannot pass nationality to adopted children on an equal basis with men (in the case of joint adoption)**

Section 5(3) The Barbados Citizenship Act, Cap. 186 (last amended 1982)

*“where under any enactment in force in Barbados relating to the adoption of children an adoption order is made in respect of a minor not a citizen of Barbados, then if the adopter or in the case of a joint adoption the male adopter is a citizen of Barbados, the minor shall become a citizen of Barbados as from the date of the order.”*

The Barbados Citizenship Act, Cap. 186 (last amended 1982) *“minor” means a person were had not attained the age of eighteen years.”*

## **Benin**

- Loi n° 65-17 du 23/06/65 portant Code de la nationalité dahoméenne - <http://www.refworld.org/docid/3ae6b581c.html>
- *Law No. 65-17 of 23/06/65 containing the Code of Dahomean Nationality*, 23 June 1965, available at: <http://www.refworld.org/docid/3ae6b5b14.html>. (Unofficial translation - The Law, dated 23 June 1965, was published in the Journal Officiel de la Républi

*Note:* All references to Dahomean and Dahomey relate to the country's previous name during the colonial period. The country was renamed Benin on 30 November 1975 after the Code was already in operation.

### **Married woman cannot pass to foreign spouse on an equal basis with married man (husband can apply for naturalisation under normal procedures with reduced or waived conditions)**

#### Article 18

*Subject to the provisions of Articles 19, 20, 22 and 23, a foreign woman marrying a Dahomean national acquires Dahomean nationality at the moment of celebration of the marriage.*

#### Article 35

*Naturalisation may be conferred on foreigners fulfilling the following requirements:*

- 1) *having attained the full age of twenty-one years in accordance with Article 5.*
- 2) *justifying habitual residence in Dahomey for three years up to presentation of the application, subject to restrictions provided for in Article 36 of this law.*
- 3) *being of good characters and morals and not having been sentenced to a term of more than one year of imprisonment for an offence against ordinary law, not expunged by rehabilitation or amnesty.*
- 4) *being of sound body and mind.*
- 5) *justifying of their assimilation in the Dahomean community, notably by a sufficient knowledge of a Dahomean language or the official language, according to their condition.*

#### Article 36

*Notwithstanding the provisions of the foregoing Section, no probationary period shall be required of:*

- 1) *a foreigner born in Dahomey or married with a Dahomean woman.*
- 2) *the wife and child having come of age of a foreigner acquiring Dahomean nationality.*

### **Woman automatically loses her nationality upon change of nationality of her husband (but only if she has another nationality)**

#### Article 49

*A Dahomean national acting as a national of a foreign country may be declared, by decree, to have lost Dahomean nationality if he possesses the nationality of such foreign country. In that case, he is freed from allegiance to Dahomey from the date of the decree. The loss of nationality may be extended to his wife and minor children if they themselves possess a foreign nationality, provided that it shall not be extended to the minor children when not extended to the wife.*

## **Brunei**

- Brunei Nationality 4 of 1961 (1984 Edition, Chapter 15 Amended by S 43/00; 2002 Edition, Chapter 15, amended by S 55/02; Revised edition 2011) - <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/97408/115570/F-2002352985/BRN97408.pdf>

### **Unmarried mother cannot pass to child born in country on an equal basis with unmarried father**

*S. 3: A subject of His Majesty the Sultan and Yang Di-Pertuan shall have the status of a national of Brunei Darussalam.*

*S. 4(1): On or after the appointed day the following persons, and no others, shall be subjects of His Majesty the Sultan and Yang Di-Pertuan by operation of law –*

*(a) any person born in Brunei Darussalam before, on or after the appointed day who is commonly accepted as belonging to one of the following indigenous groups of the Malay race, namely, ... if the birth of such person was registered at a Brunei Darussalam Consulate or in Brunei Darussalam within 6 months of its occurrence, or such longer period as His Majesty the Sultan and Yang Di-Pertuan may in any particular case allow;*

*(b) any person born in Brunei Darussalam before, on or after the appointed day whose father and mother were both born in Brunei Darussalam and are members of any of the groups of people specified in the First Schedule... if the birth of such person was registered at a Brunei Darussalam Consulate or in Brunei Darussalam within 6 months of its occurrence, or such longer period as His Majesty the Sultan and Yang Di-Pertuan may in any particular case allow;*

*(d) any person born in Brunei Darussalam on or after the appointed day whose father was, at the time of the birth of such person, a subject of His Majesty the Sultan and Yang Di-Pertuan... if the birth of such person was registered at a Brunei Darussalam Consulate or in Brunei Darussalam within 6 months of its occurrence, or such longer period as His Majesty the Sultan and Yang Di-Pertuan may in any particular case allow;*

...

*S. 6(1): His Majesty the Sultan and Yang Di-Pertuan may cause the minor child of any subject of His Majesty the Sultan and Yang Di-Pertuan to be registered as a subject of His Majesty the Sultan and Yang Di-Pertuan upon application made in the prescribed manner by a parent or guardian of the child.*

*S. 6(2): His Majesty the Sultan and Yang Di-Pertuan may, in such special circumstances as he thinks fit, cause any minor to be registered as a subject of His Majesty the Sultan and Yang Di-Pertuan.*

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father**

*S. 3: A subject of His Majesty the Sultan and Yang Di-Pertuan shall have the status of a national of Brunei Darussalam.*

*S. 4(1): On or after the appointed day the following persons, and no others, shall be subjects of His Majesty the Sultan and Yang Di-Pertuan by operation of law –*

...

*(c) any person born outside Brunei Darussalam before, on or after the appointed day –*

*(i) whose father was, at the time of birth of such person, a person born in Brunei Darussalam before, on or after the appointed day and was a person commonly accepted as belonging to one of the following indigenous groups of the Malay race, namely, Belait, Bisayah, Brunei, Dusun, Kedayan, Murut or Tutong; or*

*(ii) whose father and mother were both born in Brunei Darussalam and were members of any of the groups specified in the First Schedule;*

*(d) ... any person born outside Brunei Darussalam before, on or after the appointed day, whose father was, at the time of birth of such person, a subject of His Majesty the Sultan and Yang Di-Pertuan and was employed outside Brunei Darussalam in the service of the Government, by any company registered in Brunei Darussalam or in such special circumstances as His Majesty the Sultan and Yang Di-Pertuan thinks fit, if the birth of such person was*



registered at a Brunei Darussalam Consulate or in Brunei Darussalam within 6 months of its occurrence, or such longer period as His Majesty the Sultan and Yang Di-Pertuan may in any particular case allow; and  
(e) any person born outside Brunei Darussalam on or after the appointed day whose father was at the time of birth of such person a subject of His Majesty the Sultan and Yang Di-Pertuan by registration under section 5 or 6 or by naturalisation under section 8, if the birth was registered at a Brunei Darussalam Consulate or in Brunei Darussalam within 6 months of its occurrence, or such longer period as His Majesty the Sultan and Yang Di-Pertuan may in any particular case allow.

S. 6(1): His Majesty the Sultan and Yang Di-Pertuan may cause the minor child of any subject of His Majesty the Sultan and Yang Di-Pertuan to be registered as a subject of His Majesty the Sultan and Yang Di-Pertuan upon application made in the prescribed manner by a parent or guardian of the child.

S. 6(2): His Majesty the Sultan and Yang Di-Pertuan may, in such special circumstances as he thinks fit, cause any minor to be registered as a subject of His Majesty the Sultan and Yang Di-Pertuan.

**Married mother cannot pass to child born in country on an equal basis with married father**

*Same provisions as first category above*

**Married mother cannot pass to child born outside country on an equal basis with married father**

*Same provisions as second category above*

**Married woman cannot pass to foreign spouse on an equal basis with married man**

S. 3: A subject of His Majesty the Sultan and Yang Di-Pertuan shall have the status of a national of Brunei Darussalam.

S. 5(6): Subject as hereinafter provided a woman who –

- (a) is not a subject of His Majesty the Sultan and Yang Di-Pertuan; and
- (b) is or has been married to a subject of His Majesty the Sultan and Yang Di-Pertuan,

shall, on making application therefor to His Majesty the Sultan and Yang Di-Pertuan in the prescribed manner, be eligible to be registered as a subject of His Majesty the Sultan and Yang Di-Pertuan, whether or not she is of full capacity:

*Provided that no woman shall be eligible to be registered under this subsection –*

(A) unless she –

- (i) satisfies His Majesty the Sultan and Yang Di-Pertuan that she is of good character; and
- (ii) has taken the oath in the form set out in the Second Schedule; or

(B) if at the time of her application she has ceased to be married to a subject of His Majesty the Sultan and Yang Di-Pertuan and has married a man who is not a subject of His Majesty the Sultan and Yang Di-Pertuan.

## **Burundi**

- Loi n° 1/013 du 18 juillet 2000 portant réforme du code de la nationalité (Law 1/013 of 18 July 2000 on the reform of the nationality code) - <http://www.refworld.org/docid/452d01c94.html>

### **Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father unknown or has repudiated/not acknowledged the child/ except under certain conditions)**

#### Article 2

*A person is Burundian by birth if he or she is:*

*(a) the legitimate child, even if born abroad, of a father who is on the day of the birth, or, in the case of the death of the father before the birth of the child, who was on the day of his death, Burundian;*

*(b) the illegitimate child of a mother of any filiation that is the object of a voluntary procedure of recognition, legitimation or judicial recognition establishing filiation with a Burundian father;*

*(c) an illegitimate child whose paternal filiation is not known and that is the object of a voluntary procedure of judicial recognition establishing his or her filiation with a Burundian mother;*

*(d) a child that has been repudiated by his or her father but whose mother is a Burundian national on the date of the repudiation.*

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (unless father unknown or has repudiated/not acknowledged the child)/ except under certain conditions)**

Same provision as above

### **Married mother cannot pass to child born in country on an equal basis with married father (unless father unknown or has repudiated/not acknowledged the child; express application can be made)**

#### Article 5

*A person may acquire Burundian nationality by option if he or she is:*

*(a) the child born of parents of whom at least one, pursuant to articles 2 and 3, is Burundian at the time of the option; ...*

#### Article 13

*The declaration of option is made before the Public Prosecutor, who informs, for investigation, the Municipal Administrator of the applicant's place of residence. The declaration is made by the person exercising parental authority if the person concerned is a minor and by the person concerned if he or she is of full age.*

#### Article 14

*The Public Prosecutor immediately posts the declaration on the doors of his or her office to allow anyone who may know of any potential objections to make them known to the Public Prosecutor.*

#### Article 15

*Once the investigation, which must not last longer than ten months from the date of the posting, is closed, the Municipal Administrator forwards the results of the investigation to the Public Prosecutor.*

#### Article 16

*Approval of the option is pronounced by order of the Minister of Justice and notified to the person concerned, the Public Prosecutor and the Municipal Administrator. The approval order is recorded in register of instruments declaring or modifying nationality. It is also published as an excerpt in the Official Bulletin of Burundi by the declarant, and the option does not take effect until this publication.*

#### Article 17

*The nationality option incurs payment of a fee, the amount of which is set by a joint order from the Minister of Justice and the Minister of Finance. Said fee and publication costs are assumed by the declarant.*

**Married mother cannot pass to child born outside country unless father unknown or has repudiated/not acknowledged the child/ except under certain conditions)**

Same provisions as above

**Married woman cannot pass to foreign spouse on an equal basis with married man (husband can apply for naturalisation under normal procedures with reduced or waived conditions).**

Article 10

*A foreign woman acquires, by marriage, the nationality of her Burundian spouse by simple declaration.*

Article 11

*The declaration is made at any time during or after the celebration of the marriage. It is received or registered by the officer of civil status.*

Article 12

*This declaration takes effect as of right from the time it is registered.*

Article 6

*Burundian nationality can also be acquired by naturalisation. Naturalisation is granted by the President of the Republic by decree.*

Article 7

*The admissibility of the application for naturalisation is subject to following conditions:*

*(a) at the time of the application, the person concerned must be at least twenty- one years of age, or, if the child's application is made at the same time as that of the father or mother, twenty years old at most;*

*(b) The applicant must be of good behaviour, life and character, and must not have been sentenced for any crime;*

*(c) The applicant must prove his or her attachment to the Burundian nation and assimilation with Burundian citizens;*

*(d) The person concerned must have resided permanently in Burundi for at least ten years. This period is reduced to five years for foreigners married to Burundian women and foreigners who have done exceptional favours for Burundi.*

## Cameroon

- Loi n° 1968-LF-3 du 11 juin 1968, Portant code de la nationalité camerounaise - <http://www.refworld.org/docid/3ae6b4db1c.html>  
<http://www.ccdhr.org/cameroon-laws/Cameroon%20Nationality%20Law%20Decree%20No%2068-DF-478%20of%2016%20Dec%201968.pdf>
- In French - <http://www.refworld.org/docid/3ae6b4d734.html>

### **Married woman cannot pass to foreign spouse on an equal basis with married man (husband can apply for naturalisation under normal procedures with reduced or waived conditions)**

Section 17.

*Subject to the following provisions, a foreign woman marrying a Cameroonian may, by express request, acquire Cameroon nationality at the moment of celebration of the marriage.*

Section 18.

- (1) *A woman whose national law permits her to retain her nationality of origin may declare, at the time of celebration of the marriage and in the form prescribed by Sections 36 and following of this law, that she declines Cameroon nationality.*
- (2) *She may exercise this right without authorization even if a minor.*

Section 19.

*Within six months after the celebration of marriage while this law is in force or within six months from the date of the promulgation of this law in the case of any marriage celebrated earlier, the Government may by Decree prevent such an acquisition of Cameroon nationality.*

Section 24.

*Cameroon nationality may be conferred by decree on a foreigner requesting it.*

Section 25.

*Cameroon nationality may not be conferred on a person:*

- a) Who has not attained the full age of twenty one years;*
- b) Who cannot show habitual residence in Cameroon for five consecutive years up to presentation of his application;*
- c) Whose main interests are not based in Cameroon at the time of the signature of the naturalization decree;*
- d) Who is not of good character and morals, or has suffered conviction of an offence against ordinary law, not expunged by rehabilitation or amnesty;*
- e) Who has not been found to be of sound body and mind.*

Section 26.

*Notwithstanding the provisions of the foregoing section, no probationary period shall be required of a foreigner;*

- a) Born in Cameroon or married to a Cameroon wife; ....*

## **Central African Republic**

- Loi n° 1961.212 du 20 avril 1961 portant code de la nationalité centrafricaine
  - Link to original French language version - <http://www.refworld.org/country,LEGAL,,,CAF,,3ae6b55d4,0.html%20>
  - Link to English translation – [http://citizenshiprightsinafrica.org/wp-content/uploads/CAR-Loi-63-406-Code-de-la-Nationalite-1961\\_ENG.pdf](http://citizenshiprightsinafrica.org/wp-content/uploads/CAR-Loi-63-406-Code-de-la-Nationalite-1961_ENG.pdf)

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

#### **Article 13**

*Subject to the provisions of Articles 14, 15 and 17 (see note below), a foreign woman who marries a Central African acquires Central African nationality at the time the marriage is celebrated before a Civil Affairs official.”*

Original French language version:

*“Sous réserves des dispositions des articles 14, 15 et 18 la femme étrangère, qui épouse un centrafricain, acquiert la nationalité centrafricaine au moment de la célébration du mariage, devant l’officier de l’état-civil.”*

*Note:* The legislation refers to Article 18 instead of Article 17 but assume this is an error as Article 18 does not relate to the passing of nationality by marriage, whereas Article 17 does.

#### **Article 14**

*A woman, in a case where her national law allows her to retain her nationality, has the right to declare at the time the marriage is celebrated, the status of being Central African.*

*She may, even if she is a minor, exercise this right without any authorization.*

Original French language version:

*“La femme, dans le cas où sa loi nationale lui permet de conserver sa nationalité, a la faculté de déclarer au moment de la célébration du mariage qualité centrafricaine.*

*Elle peut, même si elle est mineure, exercer cette faculté sans aucune autorisation.”*

#### **Article 15**

*During the six-month period that follows the celebration of the marriage, the Government may oppose the acquisition of Central African nationality, by decree issued on the basis of a report by the Interior Minister. To this end, the Civil Affairs official sends an excerpt from the marriage certificate within eight days of the celebration, to the Interior Minister for registration.*

*In case of opposition by the Government, the person concerned is deemed to have never acquired Central African nationality.*

*However, when the validity of acts entered into before the opposition decree was subordinated to the acquisition by the wife of Central African nationality; this validity cannot be challenged on the grounds that the woman was unable to acquire this status.*

Original French language version:

*“Au cours du délai de six mois, qui suit la célébration du mariage, le Gouvernement peut s’opposer, par décret pris sur rapport du Ministre de l’intérieur, à l’acquisition de la nationalité centrafricaine.*

*A cet effet, un extrait de l’acte de mariage est adressé par l’officier de l’état civil dans les huit jours de la célébration, au Ministre de l’Intérieur, pour enregistrement.*

*En cas d’opposition du Gouvernement, l’intéressée est réputée n’avoir jamais acquis la nationalité centrafricaine.*

*Toutefois, lorsque la validité des actes passés antérieurement au décret d’opposition était subordonnée à l’acquisition par la femme de la nationalité centrafricaine, cette validité ne peut être contestée pour le motif que la femme n’a pu acquérir cette qualité.”*

#### **Article 17**

*A woman does not acquire Central African nationality if her marriage to a Central African is declared null and void by a decision issued by a Central African court or rendered enforceable in the Central African Republic, even if the marriage was contracted in good faith.*

*However, when the validity of acts entered into before the court decision finding that the marriage was null and void was subordinated to the acquisition by the wife of Central African nationality, this validity cannot be challenged on the grounds that the woman was unable to acquire this status.*

Original French language version:

*“La femme n’acquiert pas la nationalité centrafricaine si son mariage avec un centrafricain est déclaré nul par une décision émanant d’une juridiction centrafricaine ou rendue exécutoire en République Centrafricaine, même si le mariage a été contracté de bonne foi.*

*Toutefois, lorsque la validité des actes passés antérieurement à la décision judiciaire constatant la nullité du mariage était subordonnée à l’acquisition par la femme de la nationalité centrafricaine, cette validité ne peut être contestée pour les motifs que la femme n’a pu acquérir cette qualité.”*

Article 29

*May be naturalized without a qualifying period:*

.....

*3 The wife and adult child of a foreigner who acquires Central African nationality;*

Original French language version:

*“Peut être naturalisé sans condition de stage: .....*

*3 La femme et l’enfant majeur de l’étranger qui acquiert la nationalité centrafricaine;”*

## Comoros

- Loi n° 79-12 du 12 décembre 1979 portant code de la nationalité comorienne  
<http://comoresdroit.comores-droit.com/wp-content/dossier/constitutions/UniondeComoresde23dec01.pdf>  
<http://comoresdroit.comores-droit.com/wp-content/dossier/constitutions/Loi%20fondamentale.pdf>  
<http://comoresdroit.comores-droit.com/wp-content/dossier/constitutions/constitutiondu30octobre1996.pdf>

### **Married woman cannot pass to foreign spouse on an equal basis with married man (husband can apply for naturalisation under normal procedures with reduced or waived conditions)**

Article 15 of the Nationality Law

Save in certain circumstances (e.g. if the marriage is opposed by the Comorian Government or if the woman chooses to keep her original nationality or is the subject of deportation or asylum), a foreign woman who marries a Comorian shall automatically acquire Comorian nationality at the time of the celebration of the marriage before the Civil Affairs Official having jurisdiction in the area.

Original French language version:

*“Sous réserve des dispositions des articles 16, 17, 43, la femme étrangère qui épouse un comorien acquiert la nationalité comorienne, au moment de la célébration du mariage, devant l'officier de l'état civil.”*

Article 17 of the Nationality Law

Within the six months following the solemnisation of the marriage, the Comorian Government can oppose the acquisition of Comorian nationality by the foreign woman, by an order jointly made by the ministers responsible for Justice, the Interior, Health and Social Affairs.

For this purpose, a copy of the marriage certificate is sent by the civil status officer to the minister responsible for Justice for registration within eight days following the solemnisation. In the case of opposition by the Government, the foreign woman is deemed never to have had Comorian nationality. However, if certain acts executed prior to the order of opposition was conditional on the woman having Comorian nationality, the validity of such acts may not be challenged on the grounds that the woman was unable to acquire Comorian nationality.

Original French language version:

*“Au cours du délai de six mois qui suit la célébration du mariage, le Gouvernement peut s'opposer, par décret pris sur rapport commun des ministres chargés de la Justice, de l'Intérieur, de la Santé et des Affaires sociales, à l'acquisition de la nationalité comorienne. A cet effet, un extrait de l'acte de mariage est adressé par l'officier de l'état civil, dans les huit jours de la célébration, au ministre chargé de la Justice pour enregistrement. En cas d'opposition du Gouvernement, l'intéressé est réputé n'avoir jamais acquis la nationalité comorienne. Toutefois, lorsque la validité des actes passés antérieurement au décret d'opposition était subordonnée à l'acquisition par la femme de la nationalité comorienne, cette validité ne peut être contestée pour le motif que la femme n'a pu acquérir cette qualité.”*

Article 18 of the Nationality Law

If the marriage takes place abroad, the six month time period as mentioned above shall run from the date of the official registration of the marriage in the civil status records of Comorian diplomats or consular officers.

Original French language version:

*“Lorsque le mariage a été célébré à l'étranger, le délai prévu à l'article précédent court du jour de la transcription de l'acte sur les registres de l'état civil des agents diplomatiques ou consulaires comoriens.”*

Article 31 of the Nationality Law

Original French language version:

*“Peut être naturalisé, sans condition de stage : ...  
3° - la femme de l'étranger qui acquiert la nationalité comorienne;...”*

Article 30 of the Nationality Law

This residence requirement of ten years is reduced to five years for a foreigner born in Comoros or married to a Comorian.

Original French language version:

*“Le stage visé à l'article 29 est réduit de cinq ans : (i) pour l'étranger né aux Comores ou marié à une Comorienne ; ...”*



### **Congo (Republic of)**

- Loi n° 35-61 du 20 juin 1961 portant code de la nationalité congolaise - <http://www.refworld.org/docid/3ae6b4db4.html>
- Loi 2-93 du 30 septembre 1993 modifiant l'article 30 de la loi No 35-61 du 20 juin 1961 portant code de la nationalité - <http://www.cesbc.org/congo/Lois/Loi%202-93.pdf>
- Loi n° 32 - 2011 du 3 octobre 2011 modifiant certaines dispositions de la loi n° 35-61 du 20 juin 1961 portant code de la nationalité congolaise - [http://www.sgg.cg/imageProvider.asp?private\\_resource=1305&fn=jo\\_2011\\_40.pdf](http://www.sgg.cg/imageProvider.asp?private_resource=1305&fn=jo_2011_40.pdf)  
<http://www.ilo.org/dyn/natlex/docs/SERIAL/88179/100738/F1238752969/COG-88179.pdf>

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

#### Article 18

*La femme étrangère qui épouse un Congolais acquiert la nationalité congolaise après cinq ans de résidence commune au Congo depuis l'inscription du mariage sur les registres de l'état civil.*

#### Article 19

*Jusqu'à l'expiration du délai ci-dessus la femme étrangère a la faculté de déclarer, dans les conditions prévues aux articles 57 et suivants, qu'elle décline la qualité de Congolais.*

Article 30 (Loi 2-93 du 30 septembre 1993 modifiant l'article 30 de la loi No 35-61 du 20 juin 1961 portant code de la nationalité)

*Peut être nationalisé sans condition de stage :*

*1° L'enfant mineur dont l'un des parents acquiert la nationalité congolaise et qui ne bénéficie pas de l'effet collectif attaché à cette acquisition ;*

*2° La femme et l'enfant majeur de l'étranger qui acquiert la nationalité congolaise ;*

*3° L'enfant dont l'un des parents a perdu la qualité de congolais pour une cause indépendante de sa volonté, à l'exclusion d'une déchéance;*

*4° Tout étranger ayant rendu des services exceptionnels au Congo ou celui dont la naturalisation présente pour le Congo un intérêt particulier susceptible d'avoir une influence bénéfique sur son développement économique, social, culturel et scientifique.*

## Egypt

- Law No 26 For The Year 1975 Concerning Egyptian Nationality As Amended By Law N° 154/2004 - <http://www.refworld.org/docid/3ae6b4e218.html>
- In Arabic - <http://deltalaw.blogspot.com/2012/09/26-1975-154-2004.html>

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

#### Article 7

*A foreign woman who gets married to an Egyptian shall not acquire his nationality through marriage, unless she notifies her wish to acquire his nationality to the Minister of Interior provided the marriage shall not be terminated before the lapse of two years from the date she announces her wish, for another reason than the husband's decease. The Minister of Interior may issue a substantiated decree depriving the wife from acquiring the Egyptian nationality, before the lapse of the two years.*

#### Article 14

*A wife who was of Egyptian nationality, then forfeits it, and a wife who is of Egyptian origin, shall acquire the Egyptian nationality once her husband acquire it, or once she gets married to an Egyptian, if she declares her wish to have the Egyptian nationality restored to her, to the Minister of Interior.*

### **Woman who has lost her nationality of origin through marriage cannot regain it on the termination of marriage (unless was residing or came back to reside in Egypt and declares her wish to recover her nationality and to the Minister of the Interior)**

#### Article 10

*An Egyptian may not acquire a foreign nationality except after obtaining a permission therefor, to be issued by decree of the Minister of Interior. Otherwise, he shall continue to be regarded in all cases as Egyptian from all points of view, unless the Council of Ministers decide to strip him of the nationality according to the provisions of article 16 of the present law.*

*An Egyptian who acquires a foreign nationality shall forfeit the Egyptian nationality, if he has been permitted to obtain the foreign nationality.*

*However, a permission to acquire a foreign nationality, may also comprise the permission for him, his wife and minor children, to retain the Egyptian nationality. If within a period not exceeding one year from the date he acquires the foreign nationality, he declares his wish to benefit thereby, they shall retain their Egyptian nationality, despite their acquiring the foreign nationality.*

#### Article 11

*The obtainment of a foreign nationality by an Egyptian after getting the permission to obtain it, thus forfeiting his Egyptian nationality, shall not result in his wife forfeiting the Egyptian Nationality, unless she declares her wish to acquire the nationality of her husband then obtains it by virtue of the Law governing that nationality. However, she may continue to retain the Egyptian nationality according to the last clause of the previous article....*

#### Article 12

*An Egyptian woman, who gets married to an alien shall continue to retain her Egyptian nationality, unless she wishes to acquire the nationality of her husband and has declared that wish upon marriage, or during the existence of her marriage, in case she is entitled to acquire her husband's nationality by force of the Law governing it. However, she shall continue to retain the Egyptian nationality, if she declares here wish to retain it, within one year from the date she enters the nationality of her husband.*

*If the contract of marriage is considered invalid under the provisions of the Egyptian Law, but valid under the provisions of the Law of the husband's country, she remains Egyptian in all respects and in all cases. However, she may be considered, by means of a decree of the Minister of Interior, as forfeiting the Egyptian nationality, if she has acquired the nationality of her husband.*

Article 13

*An Egyptian woman who forfeits her nationality under the provisions of the first clause of article (11), and the first clause of article (12), may recover her Egyptian nationality, if she applies for it, and the Minister of Interior approves. She shall also recover the Egyptian nationality if marriage is terminated and she has been a resident of Egypt, or if she has returned to reside in it, and declared her wish to recover the Egyptian nationality.*

**If a father's nationality changes, his children may cease to be citizens (minor children will forfeit nationality if, as a result of their father's change in nationality, they acquire the new nationality as a result of applicable law but they can decide to choose the Egyptian nationality during the second year of reaching majority)**

Article 11

*The obtainment of a foreign nationality by an Egyptian after getting the permission to obtain it, thus forfeiting his Egyptian nationality, shall not result in his wife forfeiting the Egyptian Nationality, unless she declares her wish to acquire the nationality of her husband then obtains it by virtue of the Law governing that nationality. However, she may continue to retain the Egyptian nationality according to the last clause of the previous article.*

*Minor children shall forfeit the Egyptian nationality, if they - because of the change of their father's nationality - acquire the new nationality by virtue of the Law governing it. However, they are authorized, during the year following the date they attain full age, to decide to elect the Egyptian nationality.*

## Guatemala

- Constitución Política de 1985 reformada por Acuerdo Legislativo No. 18-93 del 17 de Noviembre de 1993  
<http://www.minex.gob.gt/adminportal/data/doc/20100930182101427consti1965.art.1transi.pag.65.pdf>
- Decreto número 1613 - 29 Octubre 1966 Ley de Nacionalidad y sus reformas\*  
\*Incluye reformas a la Ley de Nacionalidad mediante Decreto N° 86-96 del Congreso de la República de Guatemala, dictado el 9 de octubre de 1996 y refrendado el 21 de octubre de 1996  
<http://www.refworld.org/docid/3e5110302.html>

### **Married woman cannot pass to foreign spouse on an equal basis with married man (husband can apply for naturalisation under normal procedures with reduced or waived conditions)**

Artículo 7- Son guatemaltecos naturalizados

*“3. La extranjera casada con guatemalteco que, optare por la nacionalidad guatemalteca o si conforme a la ley de su país perdiere su nacionalidad por el hecho del matrimonio. ... Los guatemaltecos naturalizados no tendrán más limitaciones que las que se derivan de esta Constitución y las que por ley sean aplicables a todos los guatemaltecos.*

*4. El extranjero casado con guatemalteca, con dos o más años de residencia, cuando optare por la nacionalidad guatemalteca y siempre que el domicilio conyugal se halle establecido en Guatemala. ... Los guatemaltecos naturalizados no tendrán más limitaciones que las que se derivan de esta Constitución y las que por ley sean aplicables a todos los guatemaltecos.”*

Article 7. They are naturalized Guatemalans

*3. The foreign woman married to a Guatemalan that chooses Guatemalan nationality or under the law of their country lose their nationality because of marriage.*

*4. The foreign man married to a Guatemalan woman, with two or more years residence, when chooses to Guatemalan nationality and provided that the marital home is established in Guatemala. ...*

## Guinea

- Code Civil, 16 February 1983  
*Please note that no English translation is available (all references available in French only - [http://www.hcch.net/upload/cc\\_gn.pdf](http://www.hcch.net/upload/cc_gn.pdf))*

**Married woman cannot pass to foreign spouse on an equal basis with married man (husband can apply for naturalisation under normal procedures with reduced or waived conditions)**

Guinean Civil Code

Article 49

*[...] la femme étrangère qui épouse au guinéen acquiert la nationalité guinéenne au moment de la célébration du mariage"*

Article 70

*La naturalisation guinéenne est accordée par décret après enquête.*

Article 71

*Nul ne peut être naturalisé s'il n'a pas en Guinée sa résidence au moment de la signature du décret de naturalisation.*

Article 72

*Sous réserve des exceptions prévues aux articles 73 et 74, la naturalisation ne peut être accordée qu'à l'étranger justifiant d'une résidence habituelle en Guinée pendant les cinq années qui précèdent le dépôt de sa demande.*

Article 73

*Le stage visé à l'article 72 est réduit à deux ans:*

*1.- Pour l'étranger né en Guinée ou marié à une Guinéenne: ...*

## Iran

- The Civil Code of the Islamic Republic of Iran, 23 May 1928 - <http://www.princeton.edu/irandatportal/laws/institutionsgovernance/nationality-law/>

### **Unmarried mother cannot pass to child born in country on an equal basis with unmarried father**

Article 976(2)

*The following persons are considered to be Iranian subjects: Those whose fathers are Iranians, regardless of whether they have been born in Iran or outside of Iran.*

Article 976(4)

*The following persons are considered to be Iranian subjects: Persons born in Iran of foreign parents, one of whom was also born in Iran.*

Article 976(5)

*The following persons are considered to be Iranian subjects:*

*Persons born in Iran of a father of foreign nationality and have resided at least one more year in Iran immediately after reaching the full age of 18; otherwise, their naturalization as Iranian subjects will be subject to the stipulations for Iranian naturalization laid down by the law.*

Article 977

*(a) If persons mentioned in Clause 4 of Article 976 wish to accept the nationality of their fathers, they must submit a written request to the Ministry of Foreign Affairs to which they should annex a certificate issued by the national Government of their fathers to the effect that the said Government would recognize them as their own nationals.*

*(b) If persons mentioned in Clause 5 of Article 976 after reaching the full age of 18 years wish to remain of the nationality of their fathers, they must, within a period of one year, submit a written request to the Ministry of Foreign Affairs to which they should annex a certificate from their father's national Government indicating that the said Government would recognize them as its own nationals*

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father**

Article 976(2)

*The following persons are considered to be Iranian subjects: Those whose fathers are Iranians, regardless of whether they have been born in Iran or outside of Iran”*

**Married mother cannot pass to child born in country (There is suggestion that citizenship is possible at age 18 for children born of Iranian women and non-national men. Several restrictions are placed on women marrying at all. For example, women need government permission to marry non-national men and Moslem women are explicitly forbidden from marrying non-Moslem men)**

Article 976(2)

*The following persons are considered to be Iranian subjects: Those whose fathers are Iranians, regardless of whether they have been born in Iran or outside of Iran.*

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**Married mother cannot pass to child born outside country (There is a suggestion that citizenship is possible at age 18 for children born of Iranian women and non-national men.)**

Article 976(2)

*The following persons are considered to be Iranian subjects: Those whose fathers are Iranians, regardless of whether they have been born in Iran or outside of Iran*

**Married woman cannot pass to foreign spouse on an equal basis with married man (Men who are married to Iranian women, and have a child with the Iranian national may apply for governmental approval to become a national)**

Article 976(6)

*The following persons are considered to be Iranian subjects: Every woman of foreign nationality who marries an Iranian husband.*

Article 980

*Those opting for Iranian nationality who have rendered services or notable assistance to public interests in Iran, or who have Iranian wives by whom they have children, or who have attained high intellectual distinctions or who have specialized in affairs of public interest may be accepted as nationals of the Islamic Republic of Iran without the observance of the requirement of residence, subject to the sanction of the Council of Ministers and provided that the Government considers their naturalization to Iranian nationality to be advisable. (Amended in accordance to the Law on Amendment of Several Articles of the Civil Law, 1991)*

**Woman automatically loses nationality upon marrying spouse of another nationality (only if the laws of the spouse's nation automatically impose their nationality on her)**

Article 987

*“An Iranian woman marrying a foreign national will retain her Iranian nationality unless according to the law of the country of the husband the latter's nationality is imposed by marriage upon the wife. But in any case, after the death of the husband or after divorce or separation, she will re - acquire her original nationality together with all rights and privileges appertaining to it by the mere submission of an application to the Ministry of Foreign Affairs, to which should be annexed a certificate of the death of her husband or the document establishing the separation”*

## **Iraq**

- Iraqi Nationality Act (N° 26/2006), published in the Iraqi Gazette N° 4019, issued on 7 March 2006 - <http://www.refworld.org/pdfid/4b1e364c2.pdf>
- In Arabic - [http://www.iraqinationality.gov.iq/attach/qanoon\\_aljinsiya.pdf](http://www.iraqinationality.gov.iq/attach/qanoon_aljinsiya.pdf)

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (unless father stateless or unknown/ except under certain conditions)**

*Note:* There is a possible contradiction in the law.

#### Article 4:

The Minister may consider Iraqi any person born outside Iraq to an Iraqi mother and an unknown or stateless father, if he chooses the Iraqi nationality, within one year from coming of age (reaching the age of maturity), unless he fails to do so, due to difficult circumstances, provided that he is residing within Iraq at the time of application for the Iraqi nationality.

Compare with Article 3:

#### Article 3:

A person shall be considered Iraqi if:

- a. he/ she is born to an Iraqi father or an Iraqi mother;
- b. he/ she is born in Iraq to unknown parents. A foundling found in Iraq shall, in the absence of proof to the contrary, be considered to have been born therein.

### **Married mother cannot pass to child born outside country (unless father stateless or unknown/ except under certain conditions)**

Same provisions as above

### **Foreign mother who was born in country cannot pass to child born in country on an equal basis with foreign father born in country**

#### Article 5:

The Minister may consider Iraqi anyone who was born within Iraq to a non-Iraqi father, who was also born in Iraq, had come of age and had been habitually residing therein at the time of child's birth, provided the child will apply for the Iraqi nationality.

### **Married woman cannot pass to foreign spouse on an equal basis with married man (husband can apply for naturalisation under normal procedures with reduced or waived conditions).**

#### Article 11

*A non-Iraqi woman married to an Iraqi shall have the right to acquire Iraqi nationality subject to the following conditions:*

1. *That he has submitted an application to the Minister;*
2. *That she has been married and resident within Iraq for five years; and*
3. *That she has been engaged in wedlock up to the date of application. Exempted from this condition shall be any divorced or widowed woman, who has a child from her divorcee or deceased husband.*

#### Article 7

*I-The Minister may approve naturalization of a non-Iraqi married to an Iraqi woman subject to the conditions set forth in Article 6 hereof, provided the period of residence stipulated in Paragraph c of item I of Article 6 hereof shall be no less than five years and on condition of continued wedlock.*

### **Woman who has lost her nationality of origin through marriage cannot regain it on the termination of marriage, unless she is in Iraq at the time of application (not explicitly resident)**



Article 13

*If an Iraqi woman renounces her Iraqi nationality in accordance with item (III) of Article 10 hereof, she shall have the right to restore her Iraqi nationality subject to the following conditions:*

*I- if her non-Iraqi husband is granted Iraqi nationality, or if she remarries a man enjoying Iraqi nationality; in which case, she shall regain her Iraqi nationality effective the date of application to this effect.*

*II- if her husband passes away, divorces her or terminates their marriage contract, in which case she shall regain her Iraqi nationality effective the date of application to this effect, provided she has been resident in Iraq at the time of application to this effect.*

**If a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality**

Article 14

*I- If a non-Iraqi acquires Iraqi nationality, his minor children shall be Iraqis, provided that they are residing with him in Iraq. II- If an Iraqi loses Iraqi nationality, his minor children shall consequently lose that nationality.*

*Notwithstanding, they may restore Iraqi nationality upon their request if they return to and reside in Iraq. They shall be considered Iraqis for one year effective the date of return. Excluded from the benefit of this provision shall be the children of Iraqis denaturalized by virtue of the provisions of Law No. (1) of 1950 and Law No. (12) of 1952.*

*Note: The wording above suggests that this provision only applies to a man, although the interpretation provisions state that "An Iraqi" means a person enjoying Iraqi nationality, i.e. a man or a woman.*

## **Jordan**

- Law N° 6 of 1954 on Nationality (last amended 1987) - <http://www.refworld.org/docid/3ae6b4ea13.html>
- In Arabic - <http://www.cspd.gov.jo/Portal1/Upload/Menu/Image/%D9%82%D8%A7%D9%86%D9%88%D9%86%20%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A%D8%A9%20%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86%D9%8A%D8%A91.pdf>

### **Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father unknown, without nationality or fatherhood not substantiated)**

Article 3

*The following shall be deemed to be Jordanian nationals:*

...

*(3) Any person whose father holds Jordanian nationality;*

*(4) Any person born in the Hashemite Kingdom of Jordan of a mother holding Jordanian nationality and of a father of unknown nationality or of a Stateless father or whose filiation is not established.*

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father**

Article 9

*The children of a Jordanian man shall be Jordanian wherever they are born.*

### **Married mother cannot pass to child born in country on an equal basis with married father (unless father unknown, without nationality or fatherhood not substantiated)**

Article 3

*The following shall be deemed to be Jordanian nationals:*

...

*(3) Any person whose father holds Jordanian nationality;*

*(4) Any person born in the Hashemite Kingdom of Jordan of a mother holding Jordanian nationality and of a father of unknown nationality or of a Stateless father or whose filiation is not established.*

### **Married mother cannot pass to child born outside country on an equal basis with married father**

Article 9

*The children of a Jordanian man shall be Jordanian wherever they are born.*

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

Article 8

*(1) Subject to the approval of the Minister of Internal Affairs, a foreign woman who marries a Jordanian national may acquire Jordanian nationality if she so wishes by making a written statement to that effect:*

*(a) Three years after her marriage if she is an Arab;*

*(b) Five years after her marriage if she is not an Arab.*

## **Kiribati**

- The Constitution of Kiribati – The Kiribati Independence Order 1979 - <http://www.parliament.gov.ki/content/constitution-kiribati>
- Laws of Kiribati, Revised Edition 1998, Chapter 18, Citizenship - <http://www.refworld.org/pdfid/3eb6886c4.pdf>

### **Married mother cannot pass to child born in country on an equal basis with married father (except under certain conditions)**

Section 25 of Kiribati Constitution

*Persons born after the day prior to Independence Day*

25. (1) *Every person born in Kiribati after the day prior to Independence Day shall become a citizen of Kiribati at the date of his birth unless on that date, not being a person of I-Kiribati descent or a person whose father is a citizen of Kiribati, he becomes a citizen of some other country:*

*Provided that a person shall not become a citizen of Kiribati by virtue of this subsection if at the time of his birth-*

*(a) his father possesses such immunity from suit and legal process as is accorded to any envoy of a foreign sovereign power accredited to Kiribati and neither of his parents is a citizen of Kiribati*

### **Married mother cannot pass to child born outside country on an equal basis with married father**

Section 25 of Kiribati Constitution:

*Persons born after the day prior to Independence Day*

25. (2) *Every person born outside Kiribati after the day prior to Independence Day shall become a citizen of Kiribati at the date of his birth if at that date his father is, or would but for his death have been, a citizen of Kiribati.*

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

Section 26 of Kiribati Constitution

*Marriage to citizens of Kiribati*

26. *Any woman who after the day prior to Independence Day marries a person who is or becomes a citizen of Kiribati shall be entitled, upon making application in such manner as may be prescribed, to be registered as a citizen of Kiribati.*

### **Women cannot pass nationality to adopted children on an equal basis with men (in the case of joint adoption)**

Citizenship by adoption

6. *A child adopted under the provisions of any law relating to the adoption of children on or after the commencement of this Act, who is not a citizen on the date of the adoption, becomes a citizen on that date if the adopter, or in the case of a joint adoption the male adopter, is a citizen on that date.*

## **Kuwait**

- Nationality Law, 1959 including all changes/amendments from: Decree Law N° 40/1987, Decree N° 1/1982, Statute N° 1/1982, Decree Law N° 100/1980, and Statute N° 30/1970 - <http://www.refworld.org/docid/3ae6b4ef1c.html>
- In Arabic - <http://www.f-law.net/law/threads/12974-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A%D8%A9-%D8%A7%D9%84%D9%83%D9%88%D9%8A%D8%AA%D9%8A%D8%A9>

### **Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (not by right, but possible by decree issued by the Minister of the Interior if father unknown or not legally established)**

#### Article 2

*Any person born in Kuwait whose father is a Kuwaiti national shall be a Kuwaiti national.*

#### Article 3

*Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to any person [upon his attaining his majority who was] born in, or outside, Kuwait to a Kuwaiti mother whose father is unknown or whose kinship to his father has not been legally established. The Minister of the Interior may afford to such children, being minors, the same treatment as that afforded to Kuwaiti nationals until they reach their majority.*

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (not by right, but possible by decree issued by the Minister of the Interior if father unknown or not legally established)**

Same provisions as above

### **Married mother cannot pass to child born in country on an equal basis with married father (unless mother irrevocably divorced/foreign father deceased and child resident in Kuwait until reaches majority)**

#### Article 5

*Notwithstanding the provisions of the immediately preceding Article, the following may be granted Kuwaiti nationality by Decree, upon the recommendation of the Minister of the Interior:*

*[...]*

*2. any person [upon his attaining his majority who was] born to a Kuwaiti mother and who has maintained his residence [in Kuwait] until reaching the age of majority and whose foreign father has irrevocably divorced his mother or has died. The Minister of the Interior may afford to such children, being minors, the same treatment as that afforded to Kuwaiti nationals in all respects until they reach the age of majority.*

### **Married mother cannot pass to child born outside country on an equal basis with married father**

#### Article 2

*Any person born in Kuwait whose father is a Kuwaiti national shall be a Kuwaiti national.*

#### Article 3

*Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to any person [upon his attaining his majority who was] born in, or outside, Kuwait to a Kuwaiti mother whose father is unknown or whose kinship to his father has not been legally established. The Minister of the Interior may afford to such children, being minors, the same treatment as that afforded to Kuwaiti nationals until they reach their majority.*

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

#### Article 8

*Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to a foreign*

*woman who marries a Kuwaiti national provided that she declares her wish to acquire Kuwaiti nationality and that the marriage shall have lasted for at least 15 years from the date of her declaration. All or part of the above requirement as to time may be waived upon the recommendation of the Minister of the Interior.*

**If a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality**

Article 11

*His children, being minors, shall also lose their Kuwaiti nationality if they themselves acquire ipso facto the nationality of the State according to the law of which their father has become naturalized if that law so provides. Such children shall reacquire Kuwaiti nationality upon their informing the Minister of the Interior within two years following their attaining the age of majority of their wish to do so.*

## **Lebanon**

- Decree No. 15 on Lebanese Nationality (19 January 1925), as amended by Regulation No. 160 dated 16 July 1934; Regulation No. 122 L.R. dated 19 June 1939; Law of 11 January 1960 - <http://www.refworld.org/docid/44a24c6c4.html>
- In Arabic - <http://www.azmsaade.net/index.php/mountadayat/lawyers-forum/713-lebanese-nationality-law?showall=1&limitstart=>

### **Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father unknown, without nationality or fatherhood not substantiated)**

#### Article 1

*The following are considered Lebanese:*

*Every person born of a Lebanese father.*

*Every person born in the Greater Lebanon territory and did not acquire a foreign nationality, upon birth, or by affiliation.*

*Every person born in the Greater Lebanon territory of unknown parents or parents of unknown nationality.*

#### Article 2

*The illegitimate child whose nationality has not been established during his minority shall have the Lebanese nationality if one of his parents in respect of whom affiliation is first established and if the proof of affiliation regarding both the father and the mother results from a single contract or judgment, the child shall acquire the nationality of the father should the latter be Lebanese.*

#### Article 11

*Children and married women having acquired a foreign nationality, in accordance with article 36 of the Lausanne Treaty, may obtain, after investigation, the Lebanese nationality by decision of the Head of State provided they reside in the Lebanese territory and submit a declaration to this effect within the year following maturity or dissolution of marriage.*

### **Unmarried mother cannot pass to child born outside country equal basis with unmarried father (unless father unknown or has repudiated/not acknowledged the child)**

Same provisions as above

### **Married mother cannot pass to child born in country on an equal basis with married father (unless father of unknown nationality or / unless by permission of Head of State after acquiring foreign nationality and reapplying for Lebanese nationality within one year of dissolution of marriage/maturity of child and living in Lebanon)**

Same provisions as above

### **Married mother cannot pass to child born outside country (unless by permission of Head of State after acquiring foreign nationality and reapplying for Lebanese nationality within one year of dissolution of marriage/maturity of child and living in Lebanon)**

Same provisions as above

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

#### Article 5

*The foreign woman married to a Lebanese shall, upon her request, become Lebanese after one year from the date of registration of the marriage in the Civil Status Office.*

## Lesotho

- The Constitution of Lesotho adopted in 1993, amended 1996, 1997, 1998, 2001, 2004  
1993 Constitution – [http://www.gov.ls/documents/Lesotho\\_Constitution.pdf](http://www.gov.ls/documents/Lesotho_Constitution.pdf) ; 1996 amendment – [http://www.commonlii.org/ls/legis/num\\_act/fatca1996398.pdf](http://www.commonlii.org/ls/legis/num_act/fatca1996398.pdf) ; 1997 amendment – <http://aceproject.org/eroen/regions/africa/LS/Second%20Amendment%20to%20the%20Constitution%20Act%201997.pdf> ; 1998 amendment – [http://www.commonlii.org/ls/legis/num\\_act/3atca1998321.pdf](http://www.commonlii.org/ls/legis/num_act/3atca1998321.pdf)

*Note:* Pdf copies of the 2001 and 2004 amendments were obtained through the Lesotho Legal Information Institute – these constitutional amendments are not relevant to this subject area.

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

#### 40. Marriage to Lesotho citizen

*(1) Any woman who, immediately before the coming into operation of this Constitution, is or has been married to a person -*

*(a) who continues to be a citizen of Lesotho by virtue of section 37 of this Constitution; or*

*(b) who, having died before the coming into operation of this Constitution would, but for his death, have continued to be a citizen of Lesotho by virtue of that section, shall be entitled, upon making application and upon taking the oath of allegiance, to be registered as a citizen of Lesotho.*

*(2) Any woman who, after the coming into operation of this Constitution, marries a citizen of Lesotho shall be entitled, upon making application and upon taking the oath of allegiance, to be registered as a citizen of Lesotho.*

## **Liberia**

- The Alien and Nationality Law as amended in May 1974 - <http://www.pul.org.lr/doc/Liberia%20Alien%20Law.pdf>
- The Constitution of the Republic of Liberia, 1986 - <http://www.pul.org.lr/doc/Liberia%20Alien%20Law.pdf>

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (except under certain conditions)**

#### **§ 20.1(b)**

*“The following shall be citizens of Liberia at birth: [...]*

*(b) A person born outside of Liberia whose father (i) was born a citizen of Liberia; (ii) was a citizen of Liberia at the time of the birth of such child and (iii) had resided in Liberia prior to the birth of such child.”*

§ 21.31. Children born outside Liberia of alien parents or of citizen mother and alien father.

*“1. Derivation of citizenship through naturalization of father. A child born outside Liberia of alien parents, or of a citizen mother and a father who was not born a citizen of Liberia, becomes a citizen of Liberia through naturalization of the father if (a) such naturalization takes place while such child is under the age of 21 years; and (b) such child is residing in Liberia following lawful admission for permanent residence at the time of the naturalization of the father, or thereafter begins to reside permanently in Liberia while under the age of 21 years.”*

**Married mother cannot pass to child born outside country on an equal basis with married father (except under certain conditions/ the Liberian Constitution provides that either parent can pass nationality to their children, but the nationality law restricts this. A new draft nationality law published at the end of 2012 proposes amendments to conform to the Constitution).**

Same provisions as above



## **Libya**

- Law N° (24) for 2010/1378 On The Libyan Nationality - <http://www.refworld.org/pdfid/4e2d8bf52.pdf>  
In Arabic - <http://www.security-legislation.ly/ar/node/33060>

### **Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father stateless or unknown/ except under certain conditions)**

#### Section 3

*Is a Libyan:*

*Everyone born in Libya to a Libyan father, if his father nationality is acquired according to his birth or got naturalised after that.*

*Everyone born outside Libya to a Libyan father, in this case the birth should have been registered within one year with the Popular Office, to a brotherhood office abroad or any other institution identified by the Coordinator of the Popular Committee for the General Security. If the person that born outside Libya acquired other nationality due to the incident of birth abroad he/she will not lose the Libyan nationality but retains the right to choose the foreign nationality that he/she acquired upon reaching the maturity age.*

*Everyone born in Libya for a Libyan mother and father that his nationality is unknown or being stateless. Or his/her parents are unknown.*

#### Section 11

*Children of Libyan women from none [sic] Libyan nationals could have the Libyan nationality. The executive rules govern the implementation of this section to be issued.*

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (except under certain conditions)**

Same provisions as above

### **Married mother cannot pass to child born in country on an equal basis with married father (unless father stateless or unknown/ except under certain conditions)**

Same provisions as above

### **Married mother cannot pass to child born outside country (except under certain conditions)**

Same provisions as above

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

#### Section 9

*It's possible to give the Libyan nationality to the persons that interested in it based on a decision from the General Popular Committee after recommendation of the coordinator of the General Popular Committee for General Security if he/she meets the following conditions:*

*Reached the maturity age and legally responsible.*

*Entered to the Greatest Socialist Libyan Arab Jamahiriya legally and according to a valid travel document issued by the authorities of the country that he/she holds it nationality.*

*Resided in Libya legally for a period not less than 10 years since he entered the country, and has a regular source of income.*

*Has good conduct and never been convicted with an offence or a crime that affected the honour or the security unless the conviction was dismissed.*

*Free of all contaminated and transmitted diseases.*

*His/her age is not more than 50 years at the time of presenting the request.*

*Any other conditions deemed to be relevant to the public interest as per the Executive rules for this law.*

*In all cases it's not possible to grant the Libyan nationality to the Palestinian except the Palestinians' women*

*married to Libyan nationals.*

**Section 10**

*The following groups are exempted from the application of sub-section 2 & 6 under section (9) in this law:*

*Persons that have special skills and expertise needed in Libya.*

*Foreign women that married to Libyan nationals for more than 2 years before making the request for the Libyan nationality.*

*Widowed and divorcee women of Libyan nationals.*

*Children who reached the age of maturity without being registered according to the nationality of their foreign father.*

*Persons that provided special services to the Greatest Socialist Libyan Arab Jamahiriya.*

## **Madagascar**

- Ordonnance n° 1960-064 portant code de la nationalité malgache (*J.O. n°111 du 23.07.60 p.1305*), modifiée par la loi n° 61-052 du 13 décembre 1961 (*J.O. n° 201 du 23.12.61, p.2260*), la loi n° 62-005 du 6 juin 1962 (*J.O. n° 228 du 16.06.62, p. 1075*), l'ordonnance n° 73-049 du 27 août 1973 (*J.O. n° 934 E.S. du 27.08.73, p. 2713*) et par la loi n° 95-021 du 18 septembre 1995 (*J.O. n° 2341 du 01.01.96, p. 3 et 13*).

[https://www.ecoi.net/file\\_upload/2016\\_1331722181\\_4f5473682.pdf](https://www.ecoi.net/file_upload/2016_1331722181_4f5473682.pdf)

<http://www.refworld.org/country,,,MDG,456d621e2,3ae6b4ed8,0.html>

Order no 1960-064 on the Malagasy nationality code (published in Official Journal (OJ) n°111 of 23 July 1960, p.1305), as modified by Law no 61-052 of 13 December 1961 (published in OJ no 201 of 23 December 1961, p.2260), Law no 62-005 of 6 June 1962 (published in OJ no 228 of 16 June 1962, p. 1075), Order no 73-049 of 27 August 1973 (published in OJ no 934 E.S. of 27 August 1973, p. 2713), and by and by Law no 2003-027 repealing Law no 95-021 of 18 September 1995 (OJ no 2341 of 1 January 1996, pp. 3 and 13) having modified the Order no 1960-064 on the Malagasy nationality code.

*Note:* New bill under consideration would remove sex discrimination noted below

### **Married mother cannot pass to child born in country on an equal basis with married father (unless father stateless or unknown nationality)**

#### TITRE PREMIER

#### DE L'ATTRIBUTION DE LA NATIONALITE MALGACHE A TITRE DE NATIONALITE D'ORIGINE

Arts. 9-14

Art. 9 - *Est malgache :*

1° *L'enfant légitime né d'un père malgache ;*

2° *L'enfant légitime né d'une mère malgache et d'un père qui n'a pas de nationalité ou dont la nationalité est inconnue.*

#### TITRE II

#### DE L'ACQUISITION DE LA NATIONALITE MALGACHE

#### CHAPITRE PREMIER

De l'acquisition de la nationalité en raison de la filiation, de la naissance ou de l'adoption

Arts 16-21

Art. 16 - *L'enfant légitime né d'une mère malgache et d'un père de nationalité étrangère pourra, jusqu'à sa majorité, réclamer la nationalité malgache.*

*La même faculté appartiendra à l'enfant né hors mariage, lorsque celui de ses parents à l'égard duquel la filiation a été établie en second lieu est malgache, si l'autre parent est de nationalité étrangère.*

### **Married mother cannot pass to child born outside country on an equal basis with married father (unless father stateless or unknown nationality)**

Art. 9 - *Est malgache :*

1° *L'enfant légitime né d'un père malgache ;*

2° *L'enfant légitime né d'une mère malgache et d'un père qui n'a pas de nationalité ou dont la nationalité est inconnue.*

Art. 16 - *L'enfant légitime né d'une mère malgache et d'un père de nationalité étrangère pourra, jusqu'à sa majorité, réclamer la nationalité malgache.*

*La même faculté appartiendra à l'enfant né hors mariage, lorsque celui de ses parents à l'égard duquel la filiation a été établie en second lieu est malgache, si l'autre parent est de nationalité étrangère.*

**Married woman cannot pass to foreign spouse on an equal basis with married man**

Art. 22 - *La femme étrangère qui épouse un Malgache n'acquiert la nationalité de Malgache que sur sa demande expresse ou si, en conformité des dispositions de sa loi nationale, elle perd nécessairement sa nationalité. La femme apatride qui épouse un Malgache acquiert la nationalité malgache.*

Art. 29 - *Pourront toutefois être naturalisés sans condition de stage:*

2° *La femme de l'étranger qui acquiert la nationalité malgache.*

Art. 24 - *Le Gouvernement peut, pendant un délai de deux ans, à compter de la célébration du mariage, s'opposer par décret à l'acquisition de la nationalité malgache, soit pour indignité, soit pour grave incapacité physique ou mentale (Loi no 61.052 du 13.12.61) Lorsque le mariage a été célébré à l'étranger, ce délai court du jour de la transcription de l'acte sur les registres de l'état civil des agents diplomatiques ou consulaires malgaches ou, dans le cas prévu à l'article 47, alinéa 3 du Code civil, du jour du dépôt de l'acte au Ministère des Affaires Etrangères.*

**Woman automatically loses nationality of origin upon marrying spouse of another nationality (only if the laws of the spouses' nationality on a automatically impose their nationality on her and if they live abroad)**

Art. 47 - *La femme malgache qui épouse un étranger conserve la nationalité malgache à moins qu'elle ne déclare expressément vouloir acquérir, en conformité de la loi nationale de son mari, la nationalité de ce dernier. Elle perd la qualité de Malgache si les époux fixent leur premier domicile hors de Madagascar après la célébration de leur mariage et si la femme acquiert nécessairement la nationalité du mari, en vertu de la loi nationale de ce dernier.*

*La déclaration est faite dans les formes et dans le délai prévu à l'article 23.*

*La femme est, dans ce cas, libérée de son allégeance à l'égard de Madagascar à la date de la célébration du mariage.*

**If a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality (if they have another nationality and if his wife's nationality changes also)**

Art. 48 –

*Le Malgache qui se comporte en fait comme le national d'un pays étranger peut, s'il a la nationalité de ce pays, être déclaré, par décret, avoir perdu la qualité de Malgache. Il est libéré, dans ce cas, de son allégeance à l'égard de Madagascar à la date de ce décret. La mesure prise à son égard peut être étendue à sa femme et à ses enfants mineurs s'ils ont eux-mêmes une nationalité étrangère. Elle ne pourra, toutefois, être étendue aux enfants mineurs si elle ne l'est également à la femme.*

**Unmarried father cannot pass to child born in country on an equal basis with unmarried mother (mother has to be unknown or of unknown nationality)**

Art. 10 - *Est malgache :*

1° *L'enfant né hors mariage lorsque la mère est malgache ;*

2° *L'enfant né hors mariage lorsque la mère est inconnue ou de nationalité inconnue, mais dont le père est malgache.*

**TITRE II**

**DE L'ACQUISITION DE LA NATIONALITE MALGACHE**

**CHAPITRE PREMIER**

**De l'acquisition de la nationalité en raison de la filiation, de la naissance ou de l'adoption**

**Arts 16-21**

Art. 20 - *L'enfant né hors mariage légitimé au cours de sa minorité acquiert la nationalité malgache si son père est malgache.*

Art. 5 - *La date de la majorité, au sens du présent Code, est celle de vingt et un ans révolus*

**Unmarried father cannot pass to child born abroad on an equal basis with unmarried mother (mother has to be unknown or of unknown nationality)**  
Same provisions as above

## Malawi

- An Act to repeal and replace the Malawi Citizenship Act, 1964 with amendments made up to 1972 - <http://www.refworld.org/docid/3ae6b5b110.html>
- Marriage, Divorce and Family Relations Bill 2015 – <http://malawi24.com/wpcontent/uploads/2015/02/Malawi-Marriage-Divorce-and-Family-Relations-bill-2015.pdf> ; <http://www.girlsnotbrides.org/wp-content/uploads/2015/03/Malawi-Marriage-Divorce-and-Family-Relations-bill-2015.pdf>

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

Part IV Citizenship by registration and naturalisation, Section 16 Registration of wives of Malawi citizens

*(1) Subject to subsection (2), any woman, being a person of full capacity, who has been married to a citizen of Malawi or to a person who would but for his death have become a citizen of Malawi on 6th July, 1966, may be registered as a citizen of Malawi, notwithstanding that she is an alien, on making application therefor to the Minister in the manner prescribed by section 28, if she satisfies the Minister that she fulfils all the requirements specified in section 13 (1) (a), (b), (c) and (d).*

*(2) A woman shall not be registered as a citizen of Malawi under this section unless at the time of application she makes a declaration in writing—*

*(a) of her willingness to take an oath of allegiance in the form specified in the Second Schedule; and*

*(b) of her willingness to renounce any other nationality or citizenship she may possess; and  
or citizenship she may possess; and*

*(c) in the case of a woman who is widowed, divorced or separated from her husband, of her intention to continue to reside permanently in Malawi.*

\*\*\*\*

Part III Dual Citizenship, Section 9 Acquisition of other citizenship by marriage

*A citizen of Malawi, being a woman, who acquires by marriage the citizenship of some country other than Malawi shall cease on the first anniversary of the date of that marriage to be a citizen of Malawi unless, before that anniversary, she has made a declaration in writing—*

*(a) in the form specified in the Third Schedule, of her intention to retain citizenship of Malawi; and*

*(b) in the form specified in the Fourth Schedule, renouncing, so far as it lies within her power, citizenship of that other country.*

However, please note that the Section 48(4) of the Marriage, Divorce and Family Relations Bill 2015 may prevail over section 9 of the Citizenship Act.

*Section 48(4) of the Marriage Bill*

*Notwithstanding any other written law to the contrary in force at the commencement of this Act, a spouse has the right to retain his or her nationality or citizenship during the subsistence of the marriage.*

## **Malaysia**

- The Constitution of Malaysia (incorporating all amendments up to 1 January 2006)  
[http://www.agc.gov.my/images/Personalisation/Buss/pdf/Federal%20Consti%20\(BI%20text\).pdf](http://www.agc.gov.my/images/Personalisation/Buss/pdf/Federal%20Consti%20(BI%20text).pdf)

### **Married mother cannot pass to child born outside country on an equal basis with married father (except under certain conditions)**

Article 14(1)(b) of the Constitution provides that:

*Subject to the provisions of this Part, the following persons are citizens by operation of law, that is to say:*

*(b) every person born on or after Malaysia Day, and having any of the qualifications specified in Part II of the Second Schedule.*

Clauses 1(b), (c) and (d) of Part II of the Second Schedule of the Constitution provide that:

*Subject to the provision of Part III of this Constitution, the following persons born on or after Malaysia Day are citizens by operation of law, that is to say:*

*(b) every person born outside the Federation whose father is at the time of the birth a citizen and either was born in the Federation or is at the time of the birth in the service of the Federation or of a State; and*

*(c) every person born outside the Federation whose father is at the time of the birth a citizen and whose birth is, within one year of its occurrence or within such longer period as the Federal Government may in any particular case allow, registered at a consulate of the Federation or, if it occurs in Brunei or in a territory prescribed for this purpose by order of the Yang di-Pertuan Agong, registered with the Federal Government; and*

*(d) every person born in Singapore of whose parents one at least is at the time of the birth a citizen and who is not born a citizen otherwise than by virtue of this paragraph.*

Article 15(2) of the Constitution provides that:

*Subject to Article 18, the Federal Government may cause any person under the age of twenty-one years of whose parents one at least is (or was at death) a citizen to be registered as a citizen upon application made to the Federal Government by his parent or guardian.*

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

Article 15(1) of the Constitution provides that:

*Subject to Article 18, any married woman whose husband is a citizen is entitled, upon making application to the Federal Government, to be registered as a citizen if the marriage was subsisting and the husband a citizen at the beginning of October 1962, or if she satisfies the Federal Government -*

*(a) that she has resided in the Federation throughout the two years preceding the date of the application and intends to do so permanently; and*

*(b) that she is of good character.*

### **Unmarried father of child born abroad cannot pass to child without additional requirements**

Article 14(1)(b) of the Constitution provides that:

*Subject to the provisions of this Part, the following persons are citizens by operation of law, that is to say:*

*(b) every person born on or after Malaysia Day, and having any of the qualifications specified in Part II of the Second Schedule.*

Clauses 1(b), (c) and (d) of Part II of the Second Schedule of the Constitution together provide that:

*Subject to the provision of Part III of this Constitution, the following persons born on or after Malaysia Day are citizens by operation of law, that is to say:*

*(b) every person born outside the Federation whose father is at the time of the birth a citizen and either was born in the Federation or is at the time of the birth in the service of the Federation or of a State; and*

*(c) every person born outside the Federation whose father is at the time of the birth a citizen and whose birth is, within one year of its occurrence or within such longer period as the Federal Government may in any particular case allow, registered at a consulate of the Federation or, if it occurs in Brunei or in a territory prescribed for this purpose by order of the Yang di-Pertuan Agong, registered with the Federal Government; and*

*(d) every person born in Singapore of whose parents one at least is at the time of the birth a citizen and who is not born a citizen otherwise than by virtue of this paragraph.*

Clause 17 of Part III of the Second Schedule of the Constitution provides that:

*For the purposes of Part III of this Constitution references to a person's father or to his parent, or to one of his parents, are in relation to a person who is illegitimate to be construed as references to his mother and accordingly section 19 of this Schedule shall not apply to such a person.*



## **Mauritania**

- Loi n° 1961-112, Loi portant code de la nationalité mauritanienne, Loi n° 1962-157 and Loi n° 1976-207
- Loi n°2010 – 023 du 11 février 2010 abrogeant et remplaçant certaines dispositions de la loi 61 –112 du 12 juin 1961 portant code de la Nationalité Mauritanienne

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (except under certain conditions)**

Article 8

*Est mauritanien:*

(1) *L'enfant né d'un père mauritanien*

(2) *L'enfant né d'une mère mauritanienne et d'un père sans nationalité, ou de nationalité inconnue*

Article 13

*Peut opter pour la nationalité mauritanienne, dans l'année précédant sa majorité: L'enfant né à l'étranger d'une mère mauritanienne et d'un père de la nationalité étrangère.*

Article 14:

*Dans un délai d'un an qui suit, soit la déclaration, soit la décision judiciaire qui admet la validité de la déclaration, le Gouvernement peut, par décret, s'opposer à l'acquisition de la nationalité mauritanienne, soit pour indignité, défaut ou insuffisance d'assimilation, soit pour grave incapacité physique ou mentale.*

### **Married mother cannot pass to child born outside country on an equal basis with married father (except under certain conditions)**

Same provisions as above

### **Married woman cannot pass to foreign spouse on an equal basis with married man (husband can apply for naturalisation under normal procedures with reduced or waived conditions)**

Art. 16:

*La femme étrangère qui épouse un mauritanien peut, sur sa demande expresse et après une période de cinq ans à compter de la célébration du mariage, acquiert la Nationalité Mauritanienne si elle justifie d'une période de résidence de cinq ans sans interruption en Mauritanie.*

Art. 18:

*Nul ne peut être naturalisé s'il n'a depuis dix ans au moins sa résidence habituelle en Mauritanie au moment de la présentation de la demande. Toutefois, ce délai peut être réduit à cinq ans pour ceux qui sont nés en Mauritanie, ou mariés conformément à la Chariaa a un mauritanien ou à une mauritanienne, ou qui ont rendu à la Mauritanie des services exceptionnels.*

### **If a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality (i.e. if a naturalised man loses his nationality, his children and naturalised wife may cease to be citizens (subject to certain conditions))**

*Art. 34.- La déchéance peut être étendue à la femme et aux enfants mineurs de l'intéressé à condition qu'ils soient d'origine étrangère et qu'ils aient conservé une nationalité étrangère. Elle ne pourra, toutefois, être étendue aux enfants mineurs, si elle ne l'est également à la femme.*

## **Mauritius**

- Mauritius Citizenship Act – RL 3/585 – 14 December 1968 - <http://www.refworld.org/pdfid/4c592d0e2.pdf>

### **Women cannot pass nationality to adopted children on an equal basis with men (in the case of joint adoption)**

#### Section 3 Citizenship on adoption

Where under any enactment in Mauritius relating to the adoption of children, an adoption order is made in respect of a minor who is not a citizen of Mauritius, and the adopter, or in the case of a joint adoption the male adopter, is a citizen of Mauritius, the minor shall become a citizen of as from the date of the order.

## Monaco

- Law No. 1155 on Nationality (December 18, 1992) as amended by Law No. 1276 (Dec. 22, 2003) and Law No. 1387 (Dec. 19, 2011)  
<http://www.legimonaco.mc/305/legismclois.nsf/db3b0488a44ebcf9c12574c7002a8e84/53a6ced455accb9dc1257c3c00340b84!OpenDocument>

*Note:* While Article 1 of Law No. 1155 was amended in 2003 to expand the categories by which a child can obtain citizenship through his/her mother, Article 1 is still discriminatory in that fathers, unlike mothers, have unconditional rights in passing nationality to their children

### Article 1.

*A Monegasque is:*

- 1. Every person born of a Monegasque father unless he acquired his nationality by declaration under the provisions of Article 3.*
- 2. Every person born of a mother who was born Monegasque and who still has Monegasque nationality on the date of that person's birth.*
- 3. Every person born of a Monegasque mother and who has a Monegasque-born ancestor on the mother's side of the family.*
- 4. Every person born of a Monegasque mother who acquired Monegasque nationality by naturalization, by reestablishment of nationality, or by application of the provisions of the second paragraph of article 6 or the fourth paragraph of article 7 of this law.*
- 5. Every person born of a mother who acquired Monegasque nationality by declaration following a simple adoption.*

## Morocco

- Code de la Nationalite Marocaine (version consolidée en date du 26 octobre 2011 - <http://www.refworld.org/pdfid/501fc9822.pdf>)
- In Arabic - <http://www.ism.ma/basic/web/ARABE/Textesdeloiarabe/LoiNation/LoiNation.pdf>

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

#### Article 10

*The foreign wife who marries a Moroccan can acquire the Moroccan nationality with an application to the Minister of Justice, but only if the couple have resided habitually and regularly in Morocco for no less than five years.*

#### Original French language version

##### Article 10

*La femme étrangère qui a épousé un Marocain peut, après une résidence habituelle et régulière au Maroc du ménage depuis cinq ans au moins, souscrire, pendant la relation conjugale, une déclaration adressée au ministre de la justice, en vue d'acquérir la nationalité marocaine.[...]*

##### Article 11

*Sous réserve des exceptions prévues à l'article 12, l'étranger qui formule la demande d'acquisition de la nationalité marocaine par la naturalisation doit justifier qu'il remplit les conditions fixées ci-après :*

*1° - avoir une résidence habituelle et régulière au Maroc pendant les cinq années précédant le dépôt de sa demande, et résider au Maroc jusqu'à ce qu'il soit statué sur cette demande;*

*2° - être majeur au moment du dépôt de la demande;*

*3° - être sain de corps et d'esprit;*

*4° - être de bonne conduite et de bonnes moeurs et ne pas avoir fait l'objet de condamnation pour :*

*- crime;*

*- délit infamant;*

*- actes constituant une infraction de terrorisme;*

*- actes contraires aux lois de la résidence légale au Maroc;*

*- ou actes entraînant la déchéance de la capacité commerciale. non effacés dans tous les cas par la réhabilitation;*

*5° - justifier d'une connaissance suffisante de la langue arabe;*

*6° - justifier de moyens d'existence suffisants.*

*Est créée une commission chargée de statuer sur les demandes de naturalisation, dont la composition et les modalités de fonctionnement sont fixées par l'administration.*

##### Article 12:

*Peut être naturalisé, nonobstant la condition prévue au paragraphe 3 de l'article 11, l'étranger dont l'infirmité ou la maladie a été contractée au service ou dans l'intérêt du Maroc. Peut être naturalisé nonobstant les conditions prévues aux paragraphes 1, 3, 5 et 6 de l'article 11, l'étranger qui a rendu des services exceptionnels au Maroc ou dont la naturalisation présente un intérêt exceptionnel pour le Maroc.*

## **Nauru**

- The Constitution of Nauru – 29 January 1968 - [www.paclii.org/nr/legis/num\\_act/con256.rtf](http://www.paclii.org/nr/legis/num_act/con256.rtf)

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

Article 74 of the Constitution: *“A woman, not being a Nauruan citizen, who is married to a Nauruan citizen or has been married to a man who was, throughout the subsistence of the marriage, a Nauruan citizen, is entitled, upon making application in such manner as is prescribed by law, to become a Nauruan citizen.”*

## **Nepal**

- Constitution of Nepal 2015, unofficial English translation on file at Equality Now
- Nepal Citizenship Act 2063 (2006) - <http://www.refworld.org/docid/4bbca97e2.html>

### **Unmarried woman cannot pass to child born in country on an equal basis with unmarried father (except under certain conditions, i.e. unless father unknown)**

Constitution of Nepal 2015

*11. To be deemed citizen of Nepal:*

*(5) A person, born in Nepal to a Nepali citizen mother, who has domicile in Nepal and whose father is not identified, shall be granted citizenship of Nepal by descent.*

*Provided that in case his/her father is proved to be a foreign citizen the citizenship of such a person shall be converted into naturalized citizenship as provided for by the federal law.*

*(7) Notwithstanding anything contained elsewhere in this Article, in case of a person born to a Nepali woman citizen married to a foreign citizen, who has permanent domicile in Nepal and has not acquired citizenship of a foreign country, he/she may acquire naturalized citizenship of Nepal as provided for by the federal law.*

*Provided that at the time of acquisition of citizenship, both his/her mother and father are citizens of Nepal such person born in Nepal may acquire citizenship of Nepal by descent.*

But Note this section which seems to give equal rights to mothers and fathers to transfer their citizenship to a child:

*11. To be deemed citizen of Nepal:*

*(2) At the commencement of this Constitution, the following persons who have their permanent domicile in Nepal shall be deemed citizens of Nepal by descent:*

...

*(b) Any person whose father or mother was a citizen of Nepal at the birth of such person.*

### **Unmarried woman cannot pass to child born outside country (except under certain conditions i.e. unless father unknown)**

Same provisions as above

And note this section which also seems to give equal rights to mothers and fathers to transfer their citizenship to a child:

Constitution of Nepal 2015

*14. Non-resident Nepali citizenship may be granted: A person who has acquired citizenship of a foreign country and who resides in a country other than a country member of South Asian Association for Regional Cooperation and who previously himself or herself or his/her father or mother, grandfather or grandmother was a citizen of Nepal by descent or by birth and who later acquired the citizenship of a foreign country may be granted non-resident citizenship of Nepal allowing him/her to enjoy the economic, social and cultural rights as provided for by the federal law.*

### **Married woman cannot pass to child born in country (except under certain conditions)**

Constitution of Nepal 2015

*11. To be deemed citizen of Nepal:*

*(5) A person, born in Nepal to a Nepali citizen mother, who has domicile in Nepal and whose father is not identified, shall be granted citizenship of Nepal by descent.*

*Provided that in case his/her father is proved to be a foreign citizen the citizenship of such a person shall be converted into naturalized citizenship as provided for by the federal law.*

*(7) Notwithstanding anything contained elsewhere in this Article, in case of a person born to a Nepali woman citizen married to a foreign citizen, who has permanent domicile in Nepal and has not acquired citizenship of a foreign country, he/she may acquire naturalized citizenship of Nepal as provided for by the federal law.*

*Provided that at the time of acquisition of citizenship, both his/her mother and father are citizens of Nepal such person born in Nepal may acquire citizenship of Nepal by descent.*

But note this section which seems to give equal rights to mothers and fathers to transfer their citizenship to a child:  
*11. To be deemed citizen of Nepal:*

*(2) At the commencement of this Constitution, the following persons who have their permanent domicile in Nepal shall be deemed citizens of Nepal by descent:*

...

*(b) Any person whose father or mother was a citizen of Nepal at the birth of such person.*

**Married woman cannot pass to child born outside country (except under certain conditions)**

Same provisions as above

And note this section which also seems to give equal rights to mothers and fathers to transfer their citizenship to a child:

Constitution of Nepal 2015

*14. Non-resident Nepali citizenship may be granted: A person who has acquired citizenship of a foreign country and who resides in a country other than a country member of South Asian Association for Regional Cooperation and who previously himself or herself or his/her father or mother, grandfather or grandmother was a citizen of Nepal by descent or by birth and who later acquired the citizenship of a foreign country may be granted non-resident citizenship of Nepal allowing him/her to enjoy the economic, social and cultural rights as provided for by the federal law.*

**Married woman cannot pass to husband on an equal basis**

Constitution of Nepal 2015

*11. To be deemed citizen of Nepal:*

*(6) If a foreign woman married to a Nepali citizen so wishes, she may acquire naturalized citizenship of Nepal as provided for by the federal law.*

Section 8(1) Nepal Citizenship Act 2063 (2006)

*(1) A person attaining the age of 16 years desiring to acquire citizenship of Nepal by descent pursuant to Section 3, shall have to file an application in the prescribed form along with copies of the following documents to the designated authority:*

*(a) Nepalese Citizenship Certificate of descendants of relatives within three generations from paternal or maternal side.*

*Provided that, this provision shall not be applicable to Nepalese female citizen married to a foreigner.*

Section 5(1) Nepal Citizenship Act 2063 (2006)

*“A foreign women married to a citizen of Nepal desiring to obtain citizenship of Nepal shall have to submit an application in the prescribed form to the designated officer. On submitting such application she has to produce the marriage relationship document with the citizen of Nepal and also evidence to show the initiation of procedure for renunciation of own's foreign citizenship.”*

## **Nigeria**

- The Constitution of the Federal Republic of Nigeria 1999 - [http://www.nigerstate.gov.ng/epubl/Niger\\_constitution\\_1999.pdf](http://www.nigerstate.gov.ng/epubl/Niger_constitution_1999.pdf)

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

Section 26. (Citizenship by registration)

*(1) Subject to the provisions of section 28 of this Constitution, a person to whom the provisions of this section apply may be registered as a citizen of Nigeria, if the President is satisfied that:*

- (a) he is a person of good character;*
- (b) he has shown a clear intention of his desire to be domiciled in Nigeria; and*
- (c) he has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution.*

*(2) The provisions of this section shall apply to:*

- (a) any woman who is or has been married to a citizen of Nigeria; or*
- (b) every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria.*



## Oman

- Royal Decree N° (3/38) Law on the Organisation of the Omani Nationality - [http://gulfmigration.eu/database/legal\\_module/Oman/National%20Legal%20Framework/Citizenship%20and%20Statelessness/2.1%20CS%20New%20Citizenship%20Law\\_AR.pdf](http://gulfmigration.eu/database/legal_module/Oman/National%20Legal%20Framework/Citizenship%20and%20Statelessness/2.1%20CS%20New%20Citizenship%20Law_AR.pdf)
- In Arabic - <https://www.rop.gov.om/arabic/roprules/ROPRULE-7.pdf>

### **Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father is stateless or unknown)**

#### Article 11

*The following shall be considered Omani in origin:*

1. *who is born, in Oman or abroad, to an Omani father.*
2. *who is born, in Oman or abroad, to an Omani mother and his father was an Omani and became of no nationality.*
3. *who is born, in Oman or abroad, from a Foreigner mother and his father was original Omani, and became of no nationality, provided that the marriage of his parents has been approved by the Ministry.*
4. *who is born, in Oman or abroad, from an Omani mother without legitimate proven lineage to a father.*
5. *who is born in Oman to unknown parents.*

#### Article 18

*It is permissible to request Omani citizenship for a minor child born to an Omani mother and who has a foreign father if the following conditions apply:*

- 1) *The mother shall be widowed or divorced, absent or abandoned by her husband for an unknown destination for a period of not less than Ten (10) continuous years, and this absence or desertion must be proved by a court judgment.*
- 2) *If she obtained the preapproval from the ministry for her marriage provided that such preapproval is not required in connection with any husband she may have had before acquiring the Omani nationality.*
- 3) *The mother shall have the custody of children in accordance to a court judgment.*
- 4) *The minor shall have been resided in Oman with for a minimum of Ten (10) continuous years. His residency will not be considered continuous if she leaves Oman for more than Sixty (60) days.*
- 5) *Shall be of good conduct and background.*
- 6) *Shall not have been convicted by a criminal penalty or in breach of honour or honesty crime, even if rehabilitated.*
- 7) *The minor child shall have an approval from the guardian - if any - in writing containing a no objection of acquiring the Omani nationality.*
- 8) *He shall prove that the law of his country permits him to do so.*

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (unless father is unknown or father has not acknowledged child)**

Same provisions as above

### **Married mother cannot pass to child born in country on an equal basis with married father (except under very restrictive circumstances)**

Same provisions as above

### **Married mother cannot pass to child born outside country (except under very restrictive circumstances)**

Same provisions as above

**Married woman cannot pass to foreign spouse on an equal basis with married man (Naturalisation requirements are reduced to 15 years marriage from a 20 year residency requirement (only 10 years for foreign spouse of an Omani man) AND the foreign husband must have had a son from his Omani wife)**

#### Article 15

*A foreigner can request Omani citizenship if the following conditions apply:*

- 1) *Before submitting his request for citizenship, the person shall have resided in Oman for a minimum of Twenty (20) continuous years or if he is married for Fifteen (15) years to an Omani woman with a pre-approval from the ministry for the marriage and should have a son from his wife. His residency will not be considered continuous if he leaves Oman for more than Sixty (60) days.*
- 2) *Shall be familiar with the Arabic language (reading and writing).*
- 3) *Shall be of good conduct and background.*
- 4) *Shall not have been convicted by a criminal penalty or in breach of honour or honesty crime, even if rehabilitated.*
- 5) *Shall be physically fit and free of any contagious diseases in accordance with the regulations.*
- 6) *Shall have a legitimate means of earning a living that is sufficient to meet the needs of their dependents.*
- 7) *Shall acknowledges in writing his intention to waive the nationality of the country he is holding and submit a proof of the law permits it.*
- 8) *Minor children acquire the Omani nationality depending on the father accordingly, if they were born in Oman, or if their residency was regular in Oman.*

#### Article 16

*It is permissible for a foreign wife of an Omani national to request Omani citizenship if the following conditions apply:*

- 1) *If she obtained the preapproval from the ministry of interior for her marriage and this is not applicable on who was her husband before acquiring the Omani nationality.*
- 2) *Shall have a son from his Omani husband.*
- 3) *Shall have been married to the Omani and resided in Oman with him for a minimum of Ten (10) continuous years. Her residency will not be considered continuous if she leaves Oman for more than Sixty (60) days.*
- 4) *Shall be familiar with the Arabic language (speaking).*
- 5) *Shall be of good conduct and background.*
- 6) *Shall not have been convicted by a criminal penalty or in breach of honour or honesty crime, even if rehabilitated.*
- 7) *Shall acknowledges in writing her intention to waive the nationality of the country she is holding and submit a proof of the law permits it.*

**If a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality citizens (at father's request and if father's new country gives children nationality; regaining Omani citizenship for minor children only possible through the father)**

#### Article 6

*Surrender by an Omani of the Omani nationality to acquire another nationality may not be approved before making sure that this person's duties and obligations towards the Sultanate have been fulfilled.*

*Surrender by an Omani father of Omani nationality shall not result in his minor children losing Omani nationality together with their father unless the father requests the same, and provided that the law of his new nationality grants nationality to them.*

#### Article 12

*Subject to the provisions of Article (6) of this law, an original Omani who surrendered his nationality and acquired another nationality may request restitution of the Omani nationality subject to the following conditions:*

*... 6) minor children shall retrieve Omani nationality following their father, provided that the law of the state they hold nationality of allows such surrender.*

## **Pakistan**

- Pakistan Citizenship Act, 1951 - <http://www.refworld.org/pdfid/3ae6b4ffa.pdf>
- The Naturalization Act, 1926 Subs. By Act 61 of 1952, S. 6, for the existing section - <http://www.refworld.org/pdfid/3ae6b4f68.pdf>

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

#### Section 10

*“10. Married women.— ... (4) a woman who has been married to a citizen of Pakistan or to a person who but for his death would have been a citizen of Pakistan under section 3, 4 or 5 shall be entitled, on making application therefore to the Federal Government in the prescribed manner, add, if she is an alien, on obtaining a certificate of domicile and taking the oath of allegiance in the form set out in the Schedule to this Act, to be registered as a citizen of Pakistan whether or not she has completed twenty-one years of her age and is of full capacity.”*

#### Section 7 (The Naturalization Act, 1926 Subs. By Act 61 of 1952, S. 6, for the existing section 7.)

*“...the wife of any such person to whom a certificate of naturalization is granted after the commencement of the Indian Naturalization (Amendment) Act, 1935, shall, if not already a citizen of Pakistan, in like manner be so deemed and be so entitled and so subject, if within one year, or such longer period as the Federal Government may in special circumstances allow, from the date of the taking and subscribing of such oath by her husband, She makes to the Federal Government a declaration that she desire to be deemed to be a citizen of Pakistan, and if she is an alien as defined in the Pakistan Citizenship Act, 1951, obtains a certificate of domicile under that Act, and takes and subscribes the oath prescribed by section 6 of this Act.”*

### **If a father’s nationality changes, his children may cease to be citizens without consideration of the mother’s nationality**

#### Section 14 ((Pakistan Citizenship Act, 1951)

*“14-(2) Where a male person ceases to be a citizen of Pakistan:*

*(a) Every such minor child of that person as is residing outside Pakistan shall thereupon cease to be a citizen of Pakistan: Provided that any such child may, within one year of his completing the age of twenty-one years, make a declaration that he wishes to resume the citizenship of Pakistan and shall upon the making of such declaration become a citizen of Pakistan; and*

*(b) Every such minor child of that person as is residing in Pakistan shall continue to be a citizen of Pakistan.”*

## Philippines

- 1939 Commonwealth Act No. 473 - [http://www.lawphil.net/statutes/comacts/ca\\_473\\_1939.html](http://www.lawphil.net/statutes/comacts/ca_473_1939.html)

### **Married man cannot pass to foreign spouse on an equal basis with married woman**

#### Section 2

“... any person having the following qualifications may become a citizen of the Philippines by naturalization:

*First.* He must be not less than twenty-one years of age on the day of the hearing of the petition;

*Second.* He must have resided in the Philippines for a continuous period of not less than ten years;

*Third.* He must be of good moral character and believes in the principles underlying the Philippine Constitution, and must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living.

*Fourth.* He must own real estate in the Philippines worth not less than five thousand pesos, Philippine currency, or must have some known lucrative trade, profession, or lawful occupation;

*Fifth.* He must be able to speak and write English or Spanish and any one of the principal Philippine languages; and

*Sixth.* He must have enrolled his minor children of school age, in any of the public schools or private schools recognized by the Office of Private Education<sup>1</sup> of the Philippines, where the Philippine history, government and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him prior to the hearing of his petition for naturalisation as Philippine citizen.”

#### Section 3(3)

“The ten years of continuous residence required under the second condition of the last preceding section shall be understood as reduced to five years for any petitioner having any of the following qualifications:

(3) Being married to a Filipino woman.”

#### Section 15. *Effect of the naturalization on wife and children.*

Any woman who is now or may hereafter be married to a citizen of the Philippines, and who might herself be lawfully naturalised shall be deemed a citizen of the Philippines.

## **Qatar**

- Nationality Act Law N° 38/2005 - <http://www.refworld.org/docid/542975124.html>
- Regarding the Regulation of Marriage to Foreigners Law N° 21/1989 - <http://www.almeezan.qa/LawPage.aspx?id=2555&language=en>
- Regarding Promulgating the Civil Code Law N° 22/2004 - <http://www.almeezan.qa/LawView.aspx?opt&LawID=2559&language=en>
- In Arabic - <http://www.almeezan.qa/LawPage.aspx?id=2578&language=ar>

### **Unmarried mother cannot pass to child born in country on an equal basis with unmarried father**

Article 1.4 of Law No 38 of 2005 on the acquisition of Qatari nationality 38/2005 (“**Law No 38**”)

*Any person born in Qatar or in a foreign country to a Qatari father in accordance with the preceding Articles.*

Article 2, Law No 38

*...In the application of the Qatari nationality rules, in pursuance of the provisions of this Article, priority shall be given to those applicants who have a Qatari mother.*

*Those born to a naturalised Qatari father in Qatar or outside Qatar shall be deemed to be a naturalised Qatari.*

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father**

Same provisions as above

### **Married mother cannot pass to child born in country on an equal basis with married father**

Same provisions as above

### **Married mother cannot pass to child born outside country on an equal basis with married father**

Same provisions as above

### **Married woman cannot pass to foreign spouse on an equal basis with married man (naturalised wife is also not permitted to pass to foreign spouse on same basis)**

Article 8, Law No 38

*“... upon submission of an official written report to acquire Qatari nationality, a woman may acquire Qatari nationality by virtue of being married to a Qatari citizen with whom she has maintained her marital status for a period of at least five years since the marriage announcement.*

*In the event that the marriage is terminated by divorce or the death of the husband before the end of this aforementioned time period, and the wife is left with one or more children, she may be, by an Emiri decision, granted Qatari nationality if her residence in Qatar continued until the completion of this period. Based on the requirements of public interest before the elapse of the aforementioned period, the Minister of Interior may issue a decision deferring the wife’s immediate acquisition of nationality for a renewable period of one (1) year.”*

Article 5, Law No 38

*“The wife of a naturalised person may be, by an Emiri decision, granted Qatari nationality by virtue of her husband, provided that her stay with him in Qatar extends for a period of at least five years from the date her husband acquired Qatari nationality.”*

## **St Lucia**

- Constitution of St Lucia 1979 (amended) - <http://www.govt.lc/media.govt.lc/www/legislation/ConstitutionOfSaintLucia.pdf>

### **Married woman cannot pass to foreign spouse on an equal basis with married man (possible for wives to pass nationality to non-national husbands, subject to proviso that Minister can refuse on reasonable grounds)**

Article 102(1)(a) (e) and (f) of the Constitution

*The following persons shall be entitled, upon making application, to be registered as citizens—*

*(a) any woman who is married to a citizen or who has been married to a person who, at any time during the period during which they were married to each other, was a citizen,*

*(e) any woman who is married to any such person as is mentioned in paragraph (b), (c) or (d) or who was married to a person who, at any time during the period during which they were married to each other, was entitled to be registered as a citizen under any such paragraph,*

*(f) any woman who, before the commencement of this Constitution, has been married to a person—*

*(i) who becomes a citizen by virtue of section 99; or*

*(ii) who, having died before such commencement, would but for his death have become a citizen by virtue of that section but whose marriage has been terminated by death or dissolution before such commencement.*

Article 102(2) of the Constitution

*The following persons shall, upon making application, be entitled to be registered as citizens—*

*(a) any man who is married to a citizen or who has been married to a person who, at any time during the period during which they were married to each other, was a citizen;*

*(b) any person who, being a Commonwealth citizen, is and for 7 years previous to his or her application has been ordinarily resident in Saint Lucia;*

*(c) any man who is married to any such person as is mentioned in subsection (1)(b), (1)(c) or (1)(d) or who was married to a person who, at any time during the period during which they were married too each other, was entitled to apply to be registered as a citizen under any such paragraph;*

*(d) any person under the age of 21 years who is the stepchild or child adopted in a manner recognised by law of a citizen or is the child, stepchild or child so adopted of a person who is or would but for his or her death have been entitled to be registered as a citizen under subsection (1):*

*Provided that if it is so provided by Parliament an application for registration as a citizen under this subsection may, in such circumstances as may be prescribed by Parliament in the interests of defence, public safety or public order, be refused by the Minister responsible for the matter in any case in which he or she is satisfied that there are reasonable grounds for refusing the application.;*

## **St Vincent and the Grenadines**

- The Constitution of Saint Vincent and The Grenadines, Statutory Instrument 1979 No. 916, last updated 11 November 2005 - [http://www.gov.vc/images/stories/Gov\\_images/docs/1979\\_constitution.pdf](http://www.gov.vc/images/stories/Gov_images/docs/1979_constitution.pdf)

*Note:* The Saint Vincent and The Grenadines Citizenship Act 1984 is unavailable

### **Married woman cannot pass to foreign spouse on an equal basis with married man (possible for wives to pass nationality to non-national husbands, subject to proviso that Minister can refuse on reasonable grounds)**

Section 93 of the 1979 Constitution.

*“93. (1) The following persons shall be entitled, upon making application, to be registered as citizens-*

- a. any woman who is married to a citizen or who has been married to a person who, at any time during the period during which they were married to each other, was a citizen;*
- b. any person who, being a Commonwealth citizen, or ordinarily resident in Saint Vincent at the commencement of this Constitution, having been so resident for the period of seven years immediately preceding such commencement;*
- c. any person who, having been a citizen, has renounced his citizenship in order to qualify for the acquisition or retention of the citizenship of another country;*
- d. any person who, but for having renounced his citizenship of the United Kingdom and Colonies in order to qualify for the acquisition or retention of the citizenship of another country, would have become a citizen at the commencement of this Constitution;*
- e. any woman who is married to any such person as is mentioned in paragraph (b), (c) or (d) of this subsection or who was married to a person who, at any time during the period during which they were married to each other, was entitled to be registered as a citizen under any such paragraph;*
- f. any woman who, before the commencement of this Constitution, has been married to a person-*
  - i) who becomes a citizen by virtue of section 90 of this Constitution; or*
  - ii) who having died before such commencement, would but for his death have become a citizen by virtue of that section, but whose marriage has been terminated by death or dissolution before such commencement.”*

Section 93(2) of the 1979 Constitution.

*“(2) The following persons shall be entitled, upon making application, to be registered as citizens.*

- a. any man who is married to a citizen or who has been married to a person who, at any time during the period during which they were married to each other, was a citizen;*
- b. by any person who, being a Commonwealth citizen, is and for seven years previous to his application has been ordinarily resident in Saint Vincent;*
- c. any man who is married to any such person as is mentioned in paragraph (b), (c) or (d) of subsection (1) of this section or who was married to a person who, at any time during the period during which they were married to each other, was entitled to apply to be registered as a citizen under any such paragraph;*
- d. any person under the age of twenty-one years who is the stepchild or child adopted in a manner recognized by law of a citizen or is the child, stepchild or child so adopted of a person who is or would but for his death have been entitled to be registered as a citizen under subsection (1) of this section:*

*Provided that if it is so provided by Parliament an application for registration as a citizen under [t]his subsection may, in such circumstances as may be prescribed by Parliament in the interests of defence, public safety or public order, be refused by the Minister responsible for the matter in any case in which he is satisfied that there are reasonable grounds for refusing the applications.”*

## **Saudi Arabia**

- Nationality Regulations 1374 H - Resolution N<sup>o</sup> (4) dated 25/1/1374 as amended - [http://www.ecoi.net/file\\_upload/1504\\_1217587365\\_saudi-arabian-nationality-regulations.pdf](http://www.ecoi.net/file_upload/1504_1217587365_saudi-arabian-nationality-regulations.pdf)  
[http://www.moi.gov.sa/wps/wcm/connect/121c03004d4bb7c98e2cdfbed7ca8368/EN\\_saudi\\_nationality\\_system.pdf?MOD=AJPERES](http://www.moi.gov.sa/wps/wcm/connect/121c03004d4bb7c98e2cdfbed7ca8368/EN_saudi_nationality_system.pdf?MOD=AJPERES)
- In Arabic - <https://www.boe.gov.sa/printsystem.aspx?lang=ar&systemid=223&versionid=25>

### **Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father unknown or has repudiated/ not acknowledged the child)**

Article 7

*A person born within or outside the Kingdom to a Saudi father or to a Saudi mother and a father who is unknown or stateless, is considered to be a Saudi citizen.*

Article 8 of the Saudi Arabian Citizenship Regulation promulgated by Ministerial Resolution number 4 dated 25/01/1374H. (corresponding to 23 September 1954) :

*Persons born in the Kingdom of Saudi Arabia to non-Saudi parents or to a non-Saudi father and a person born outside of the Kingdom of Saudi Arabia to a non-Saudi father and a Saudi mother is considered to be a non-Saudi citizen. However, such child may exercise the option to apply for the Saudi nationality if he/she meets the following requirements:*

- a) qualifies for being a permanent resident in the Kingdom of Saudi Arabia upon turning 18;*
- b) has general good morals and behaviour and has not been previously convicted or imprisoned for moral crimes for a period longer than 6 months;*
- c) to be fluent in the Arabic language; and*
- d) to apply within the year of reaching the legal age of 18; applicants who are mentally handicapped naturally take after their fathers' nationalities if their fathers are still alive. In the event of death of the father, then they shall have the option to apply for the Saudi citizenship if they meet the above requirements.*

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (unless father unknown or has repudiated/ not acknowledged the child)**

Same provision as above

### **Married mother cannot pass to child born in country on an equal basis with married father (except under certain conditions)**

Same provision as above

### **Married mother cannot pass to child born outside country on an equal basis with married father**

Same provision as above

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

Article 16:

*A foreign woman married to a Saudi national is entitled to the Saudi citizenship. (Note: The English translation of the Law states that she must renounce her original citizenship, however, the Arabic text of the Law (which prevails) only states that a foreign woman married to a Saudi national is entitled to the citizenship.)*

Article 14:

*A wife of a foreigner who has obtained a Saudi citizenship, is entitled to a Saudi citizenship as well, unless she decides within the first year of her husband obtaining it to keep her original citizenship.*



## **Sierra Leone**

- Citizenship Act, 1973, (<http://www.refworld.org/docid/3ae6b50610.html> ) as amended by the Sierra Leone Citizenship (Amendment) Act 2006 (<http://www.sierra-leone.org/Laws/2006-11.pdf> ).

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (except under certain conditions)**

*s5. Every person born outside Sierra Leone on or after the nineteenth day of April 1971, of a father who was or would but for his death have been a citizen of Sierra Leone by virtue of sections 2, 3 and 4, is a citizen of Sierra Leone by birth.*

#### **Conditions**

*S8(2) Every person of full age and capacity, either of whose parents is a person of negro African descent who is resident in Sierra Leone and has been continuously so resident for a period of not less than eight years may, on application in the prescribed manner being made by him that he is qualified for naturalisation under the Second Schedule, be granted a certificate of naturalisation.*

*(3) Every person of full age and capacity, neither of whose parents is a person of negro African descent, who is resident in Sierra Leone and has been continuously so resident for a period of not less than fifteen years may, on application being made by him in the manner prescribed, be granted a certificate of naturalisation if he satisfies the Minister that he is qualified for naturalisation under the provisions set forth in the Third Schedule.*

*(4) Any person under the age of twenty-one years -*

*(a) whose father or mother was a citizen of Sierra Leone by naturalisation,*

*(b) born outside Sierra Leone on or after the date on which the father or mother became a citizen as aforesaid, May, if he desires to acquire citizenship of Sierra Leone, make an application therefor for naturalisation under the foregoing provisions of this section.*

### **Married mother cannot pass to child born outside country on an equal basis with married father (except under certain conditions)**

Same provision as above

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

*S7 - Every woman who is not a Sierra Leonean and who is or has been married to a Sierra Leone citizen, may, on application being made by her in the manner prescribed, be granted a certificate of naturalisation.*

## Singapore

- Constitution of the Republic of Singapore  
<http://statutes.agc.gov.sg/aol/search/display/view.w3p;ident=ac2bcc0c-2264-45f0-a8c4-4547db3f79f2;page=0;query=DocId%3A%22cf2412ff-fca5-4a64-a8ef-b95b8987728e%22%20Status%3Ainforce%20Depth%3A0%20ValidTime%3A20150607000000%20TransactionTime%3A20150607000000;rec=0#PIX->

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

**123.** —(1) Subject to the provisions of this Constitution, any person resident in Singapore of or over the age of 21 years may, on application being made therefor in the prescribed form, be registered as a citizen of Singapore if he satisfies the Government that he —

- (a) is of good character;
- (b) has resided in Singapore throughout the 12 months immediately preceding the date of his application;
- (c) has during the 12 years immediately preceding the date of his application resided in Singapore for periods amounting in the aggregate to not less than 10 years:

Provided that the Government may exempt any applicant from compliance with this paragraph —

- (i) where such applicant has during the 6 years immediately preceding the date of his application resided in Singapore for periods amounting in the aggregate to not less than 5 years; or
  - (ii) where in any special case the Government considers fit to confer citizenship upon such applicant;
- (d) intends to reside permanently in Singapore; and
  - (e) has an elementary knowledge of one of the following languages, namely, Malay, English, Mandarin and Tamil:

Provided that the Government may exempt an applicant who has attained the age of 45 years or who is deaf or dumb from compliance with this paragraph.

(2) Subject to the provisions of this Constitution, any woman who is married to a citizen of Singapore may, on making application therefor in the prescribed manner, be registered as a citizen of Singapore if she satisfies the Government —

- (a) that she has resided continuously in Singapore for a period of not less than 2 years immediately preceding the date of the application;
- (b) that she intends to reside permanently in Singapore; and
- (c) that she is of good character.

### **Woman automatically loses nationality upon marrying spouse of another nationality (if marriage dissolves within 2 years and she won't be rendered stateless.)**

**129.** —(1) A citizen of Singapore who is a citizen by registration or by naturalisation shall cease to be such a citizen if he is deprived of his citizenship by an order of the Government made in accordance with this Article.

...  
(6) The Government may, by order, deprive of her citizenship any woman who is a citizen of Singapore by registration under Article 123(2) if the Government is satisfied that the marriage by virtue of which she was registered has been dissolved, otherwise than by death, within the period of 2 years beginning with the date of the marriage.

(7) No person shall be deprived of his citizenship under this Article or under Article 130 unless the Government is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Singapore; and no person shall be deprived of his citizenship under clause (2)(b) or clause (3)(a) or (b) (i) or under clause (4) or (5) or under Article 130 if the Government is satisfied that as a result of the deprivation he would not be a citizen of any country.

## **Solomon Islands**

- The Constitution of the Solomon Islands - The Solomon Islands Independence Order 1978 - <http://www.parliament.gov.sb/files/business&procedure/constitution.htm>
- Citizenship Act 1978 -[http://www.paclii.org/sb/legis/consol\\_act/ca148/](http://www.paclii.org/sb/legis/consol_act/ca148/)

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

Section 7(4) of the Citizenship Act.

*Where in an application made under this subsection:*

- (a) a citizen requests that his wife shall become a citizen by naturalisation; or*
- (b) a wife of a citizen requests that she shall become a citizen by naturalisation;*  
*and as a result of such inquiries as the Commission may cause to be made, the Commission is satisfied that the female person to whom the application so relates—*
- (i) was married to that citizen in accordance with law or custom of Solomon Islands, before the application was made;*
- (ii) is not living apart from that citizen under a decree of court or a deed of separation;*
- (iii) is, on the date of the application, and has been, during the period of two years immediately prior to that, ordinarily resident in Solomon Islands;*
- (iv) satisfies the conditions specified in paragraphs (b) to (i) (inclusive) of subsection (2); and*
- (v) in the case of an application made by such female person, that her husband consents to the grant of citizenship to her by naturalisation, the Commission may grant the application but otherwise shall refuse it.*

Section 7(1) of the Citizenship Act

*A person of full age and full capacity may apply in the prescribed manner to the Commission to be naturalised as a citizen.*

Section 7(2) of the Citizenship Act

*Where, on an application made pursuant to subsection (1) and as a result of such inquiries (if any) as the Commission may cause to be made, the Commission is satisfied that the person making the application:*

- (a) is, on the date of application, and has been, during the period of ten years immediately prior to that date ordinarily resident in Solomon Islands;*

### **Women cannot pass nationality to adopted children on an equal basis with men (in the case of joint adoption)**

Section 6 of the Citizenship Act

*A child, adopted under the provisions of any law relating to the adoption of children on or after the commencement of this Act, who is not a citizen on the date of the adoption becomes a citizen on that date if the adopter or, in the case of a joint adoption, the male adopter, is a citizen on that date.*

## **Somalia**

- Law N° 28 of 22 December 1962 - Somali Citizenship – <http://www.refworld.org/docid/3ae6b50630.html>
- Provisional Constitution of the Federal Republic of Somalia (1 August 2012) - <http://www.wipo.int/edocs/lexdocs/laws/en/so/so004en.pdf>

*Note:* Pursuant to Article 8 of the Provisional Constitution, the House of the People of the Federal Parliament of Somalia is required to enact a special law with respect to citizenship. No such law has been enacted as of the date of this document. Also note poor translation of Law N° 28 of 22 December 1962 - Somali Citizenship

### **Unmarried mother cannot pass to child born in country on an equal basis with an unmarried father (in June 2012, Somalia drafted a Constitution providing for equality between men and women with an indication the nationality law will be amended accordingly)**

Law No. 28

Article 2. Acquisition of Citizenship by Operation of Law

“Any person:

- a) whose father is a Somali citizen;
- b) ... shall be a Somali Citizen by operation of law.”

Article 4. Acquisition of Citizenship by Grant

*Somali citizenship may be granted to any person who is of age and makes application therefor, provided that:*

- a) he has established his residence in the territory of the Somali Republic for a period of at least seven years;
- b) he is of good civil and moral conduct;
- c) he declares to be willing to renounce any status as citizen or subject of a foreign country

Article 5. Reduction of Period

*The period referred to in sub-paragraph a) of the preceding article shall be reduced to two years, where the person concerned is the child of a Somali mother even if she is not a citizen.*

### **Unmarried mother cannot pass to child born outside country on an equal basis with an unmarried father (in June 2012, Somalia drafted a Constitution providing for equality between men and women with an indication the nationality law will be amended accordingly)**

Same provisions as above

### **Married mother cannot pass to child born in country on an equal basis with a married father (in June 2012, Somalia drafted a Constitution providing for equality between men and women with an indication the nationality law will be amended accordingly)**

Same provisions as above

### **Married mother cannot pass to child born outside country on an equal basis with married father (in June 2012, Somalia drafted a Constitution providing for equality between men and women with an indication the nationality law will be amended accordingly)**

Same provisions as above

### **Married woman cannot pass to foreign spouse on an equal basis with married man (in June 2012, Somalia drafted a Constitution providing for equality between men and women with an indication the nationality law will be amended accordingly)**

Article 13. Married Women

1. Any woman who is not a citizen and marries a citizen shall acquire Somali citizenship. She shall retain it even after the dissolution of the marriage, except where she Somali citizenship under the terms of article 10.
2. Except as provided in paragraph 2 of article 9, any woman who is not a citizen and is the wife of an alien or stateless person who acquires citizenship, shall acquire Somali citizenship.

### **Foreign woman automatically acquires her husband’s nationality at the time of the marriage or on his acquisition of citizenship**

Same provision as above

## Sudan

- Sudanese Nationality Act 1994 as amended by Sudanese Nationality Law (Amended) of Year 2005 - <http://www.refworld.org/pdfid/502cc1b92.pdf>
- Sudanese Nationality Act (Amendment) 2011 - <http://www.refworld.org/pdfid/502cc1b92.pdf>
- In Arabic - <http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opensslpdf.pdf?reldoc=y&docid=503492a82>

*Note:* Article 7(2) of the Interim Sudanese Constitution of 2005 states, “Every person born to a Sudanese mother or father shall have an inalienable right to enjoy Sudanese nationality and citizenship”, although the Act has not been amended to reflect this. - <http://www.refworld.org/pdfid/4ba749762.pdf>

**Married woman cannot pass to foreign spouse on an equal basis with married man (Sudanese mothers, unlike fathers, have to go through the process of expressly applying for citizenship for their children, which causes additional hardship, but the law provides technical equality hence the omission of Sudan from the other categories)**

### Section 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.*

**If a father’s nationality changes, his children may cease to be citizens without consideration of the mother’s nationality (if the minor is or was the national of any other country)**

*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.*

## **Swaziland**

- The Constitution of the Kingdom of Swaziland Act, 2005 – [http://www.equalitynow.org/law/constitution\\_of\\_the\\_kingdom\\_of\\_swaziland\\_act\\_2005](http://www.equalitynow.org/law/constitution_of_the_kingdom_of_swaziland_act_2005)

*Note:* Provisions in the Constitution governing nationality and citizenship (Chapter IV) replaced the *Swaziland Citizenship Act, 1992* (available at: [http://citizenshiprightsinafrica.org/docs/Swaziland\\_Citizenship\\_Act\\_14-91\\_01-Dec-92.pdf](http://citizenshiprightsinafrica.org/docs/Swaziland_Citizenship_Act_14-91_01-Dec-92.pdf)).

### **Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father has repudiated/ not acknowledged the child)**

Section 43(1)

*“A person born in Swaziland after the commencement of this Constitution is a citizen of Swaziland by birth if at the time of birth the father of that person was a citizen of Swaziland in terms of this Constitution.”*

Section 43(4)

*“Where a child born outside of marriage is not adopted by its father or claimed by that father in accordance with Swazi law and custom and the mother of that child is a citizen of Swaziland, the child shall be a citizen of Swaziland by birth.”*

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (unless father has repudiated/ not acknowledged the child)**

Section 43(4)

*“Where a child born outside of marriage is not adopted by its father or claimed by that father in accordance with Swazi law and custom and the mother of that child is a citizen of Swaziland, the child shall be a citizen of Swaziland by birth.”*

### **Married mother cannot pass to child born in country on an equal basis with married father**

Section 43(1)

*“A person born in Swaziland after the commencement of this Constitution is a citizen of Swaziland by birth if at the time of birth the father of that person was a citizen of Swaziland in terms of this Constitution.”*

### **Married mother cannot pass to child born outside country on an equal basis with married father**

Section 43 (2)

*A person born outside Swaziland after the commencement of this Constitution is a citizen of Swaziland if at the time of birth the father of that person was a citizen of Swaziland in terms of this Constitution . . .*

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

Section 44.

*(1) A woman who is not a citizen of Swaziland at the date of her marriage to a person who is a citizen (otherwise than by registration) shall become a citizen by lodging a declaration in the prescribed manner with the Minister responsible for citizenship or with any Diplomatic Mission or Consular Office of Swaziland or at any other prescribed office, either before or at any time during the marriage, accepting Swaziland citizenship.*

*(2) A woman who lodges a declaration in terms of subsection (1) shall be a citizen from the date of her marriage, where the declaration is lodged before the marriage, or where the declaration is lodged after marriage, from date of lodgement . . .*

## **Syrian Arab Republic**

- The Nationality Act - Legislative Decree n° 276 of 20 November 1969 as amended by the Legislative decree n° 17 of 13 February 1972 - <http://www.refworld.org/pdfid/4d81e7b12.pdf>
- In Arabic - <http://www.syrianbar.org/index.php?news=361>

### **Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father unknown, stateless or has repudiated/ not acknowledged the child)**

#### Article 3

*The following shall be considered as Syrian Arabs ipso facto:*

*A Anyone born inside or outside the country to a Syrian Arab father.*

*B. Anyone born in the country to a Syrian Arab mother and whose legal family relationship to his father has not been established.*

*C. Anyone born in the country to unknown parents or to parents of unknown nationality or without one. A foundling in the country shall be considered born in it, at the place in which he is found unless proved otherwise.*

*D. Anyone born in the country and was not, at the time of birth, entitled to acquire a foreign nationality by virtue of his parentage...*

#### Article 30

*Except where otherwise clearly stated, children shall have the nationality of the father.*

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father**

Same provisions as above

### **Married mother cannot pass to child born in country on an equal basis with married father**

Same provisions as above

### **Married mother cannot pass to child born outside country on an equal basis with married father**

Same provisions as above

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

#### Article 8

*"1. Nationality shall be granted to the wife of a naturalized foreigner under the following conditions:*

- a. An application in this regard must be submitted to the Ministry.*
- b. The marriage must remain valid for two years as of the date of the application.*
- c. She should be legally residing in the country during the period mentioned in the preceding paragraph B.*
- d. A decree must be issued by the Minister granting her a nationality."*

*The marriage must remain valid for two years as of the date of the application.*

*She should be legally residing in the country during the period mentioned in the preceding paragraph B.*

*A decree must be issued by the Minister granting her a nationality."*

#### Article 9

*A foreign woman, married to a person holding the nationality, cannot acquire except under the stipulations of Paragraph 1 of Article 8.*

## **Tanzania**

- The Constitution of the United Republic of Tanzania - <http://www.judiciary.go.tz/downloads/constitution.pdf>
- The Tanzania Citizenship Act, 1995 - <http://www.immigration.go.tz/downloads/Citizenship%20Act%201995.pdf>

### **Married woman cannot pass to foreign spouse on an equal basis as married man**

The Tanzania Citizenship Act, 1995, Section 11(1)

*“Subject to the provisions of subsection (2) and of section 6, a woman who is married to a citizen of the United Republic shall at any time during the lifetime of the husband be entitled, upon making an application in the prescribed form, to be naturalized as a citizen of the United Republic.”*



## **Thailand**

- Nationality Act B.E. 2508 (1965) as amended by Nationality Acts (no.2) B.E. 2535 (1992), (no.3) B.E. 2535 (1992) and (no.4) B.E. 2551 (2008) - <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/82873/109378/F2029485846/TH>

### **Married woman cannot pass to foreign spouse on an equal basis with married man (husband can apply for naturalisation under normal procedures with reduced or waived conditions)**

#### Section 9.

*An alien woman who marries a person of Thai nationality shall, if she desires to acquire Thai nationality, file an application with the competent official according to the form and in the manner prescribed in the Ministerial Regulations.*

*The granting or refusal of permission for acquisition of Thai nationality shall lie with the discretion of the Minister.*

#### Section 10.

*An alien who possess the following qualifications may apply for naturalization as a Thai:*

- 1. becoming sui juris in accordance with Thai law and the law under which he has nationality;*
- 2. having good behaviour;*
- 3. having regular occupation;*
- 4. having domicile in the Thai Kingdom for a consecutive period of not less than five years till the day of filing the application for naturalisation;*
- 5. having knowledge of Thai language as prescribed in the Regulations.*

#### Section 11.

*The provisions of Section 10 (4) and (5) shall not apply if the applicant for naturalization as a Thai;*

- 1. has rendered distinguished service to Thailand or has done acts to the benefit of official service, which is deemed suitable by the Minister;*
- 2. is a child, wife, or husband of a person who has been naturalised as a Thai or has recovered Thai nationality;*
- 3. is one who used to have Thai Nationality;*
- 4. is a husband of a person with Thai nationality.*

#### Section 12.

*Any person being desirous of applying for naturalisation as a Thai, shall file an application with the competent official according to the form and in the manner prescribed in the Ministerial Regulations.*

*Should the applicant for naturalisation as a Thai, under paragraph one, have children who are not sui juris in accordance with Thai law, and who have a domicile in Thailand, he may concurrently apply for such naturalization for his children. In this case, such children shall be exempt from possessing the qualifications under Section 10 (1), (3), (4) and (5).*

*The granting or refusal of permission for naturalisation as a Thai shall lie with the discretion of the Minister. In case the Minister deems appropriate to grant permission, he shall submit the matter to the King for Royal Sanction. After the Royal Sanction, the applicant shall make an affirmation of loyalty to Thailand.*

*When there is the publication in the Government Gazette under Section 5, the competent official shall issue a certificate of naturalisation as a Thai to the person as evidence.*

## Togo

- Ordonnance N° 78-34 portant code de la nationalité togolaise, 7 sept 1978 - [http://www.legitogo.gouv.tg/annee\\_txt/1978/Pages%20from%20jo\\_1978-021Bis-2.pdf](http://www.legitogo.gouv.tg/annee_txt/1978/Pages%20from%20jo_1978-021Bis-2.pdf)
- La Constitution de la IV<sup>e</sup> République Adoptée par Référendum le 27 septembre 1992 Promulguée le 14 octobre 1992 Révisée par la loi n°2002-029 du 31 décembre 2002 - <http://togoconsulatemiama.com/index.php?page=faq-s-on-legislation>
- Loi No 2007-017 du 6 juillet 2007 portant code de l'enfant
- Code des personnes et de la famille - <http://www.legitogo.gouv.tg/annee/2012/jo%202012-033Special.pdf>  
<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94360/110723/F53137169/TGO-94360.pdf>

*Note:* We understand that there is a bill under consideration that would remove the discrimination in the nationality law with regard to transferring from mother to child and woman to spouse.

ANCIENNE RÉDACTION	NOUVELLE RÉDACTION
<p><b>Article 3 :</b> Est Togolais :</p> <p>1-l'enfant né d'un père togolais ;</p> <p>2-l'enfant né d'une mère togolaise et d'un père n'ayant pas de nationalité ou dont la nationalité est inconnu.</p>	<p><b>Article 5 (article 3 nouveau) :</b> La nationalité togolaise est attribuée de droit :</p> <ul style="list-style-type: none"> <li>- aux enfants nés de père ou de mère togolais ;</li> <li>- aux enfants adoptés par un Togolais.</li> </ul>
<p><b>Article 5 :</b> Sous réserve des dispositions de l'article 6 ci-après, la femme étrangère qui épouse un Togolais acquiert la nationalité togolaise au nom de la célébration du mariage</p>	<p><b>Article 10 (article 5 nouveau)</b> Sous réserve des dispositions de l'article 16 ci-après, l'étranger ou l'apatride qui épouse un Togolais peut, après un délai de quatre (04) ans, acquérir la nationalité togolaise par déclaration à condition qu'à la date de cette déclaration, la communauté de vie tant affective que matérielle n'ait pas cessé entre les époux depuis le mariage et que le conjoint togolais ait conservé sa nationalité.</p> <p>La condition de stage est levée en cas de survenance d'enfant au sein du couple.</p> <p>Toutefois, le gouvernement peut, par décret en conseil des ministres, s'opposer à l'acquisition de la nationalité togolaise.</p> <p>La décision d'opposition est notifiée à l'intéressé avec ses motifs. Elle est susceptible de recours pour excès de pouvoir.</p> <p>Lorsque le mariage a été célébré à l'étranger, ce délai court du jour de la transcription de l'acte sur les registres de l'état civil des agents diplomatiques ou consulaires togolais.</p> <p>A cet effet, un extrait de l'acte de mariage est adressé par l'officier de l'état civil dans les huit jours de la célébration, au ministre de la Justice, pour enregistrement.</p> <p>En cas d'opposition du gouvernement, l'intéressé est réputé n'avoir jamais acquis la nationalité togolaise.</p> <p>Néanmoins, lorsque la validité des actes passés antérieurement à un acte d'opposition était subordonnée à l'acquisition par l'étranger de la nationalité togolaise, cette validité ne peut être contestée pour le motif qu'il n'a pu acquérir cette qualité.</p>
<p><b>Article 12 :</b> Nonobstant les dispositions de l'article précédent, aucune condition de stage ne sera exigée de l'étranger :</p> <ul style="list-style-type: none"> <li>- S'il est né au Togo ou marié à une Togolaise ;</li> <li>- S'il a rendu des services exceptionnels au Togo ou si sa naturalisation présente pour le Togo un intérêt exceptionnel.</li> </ul>	<p><b>Article 18 (Article 12 nouveau):</b> Nonobstant les dispositions de l'article précédent, aucune condition de stage ne sera exigée de l'étranger :</p> <ul style="list-style-type: none"> <li>- s'il est né au Togo ou marié à un Togolais ;</li> <li>- s'il a rendu des services exceptionnels au Togo ;</li> <li>- ou si sa naturalisation présente pour le Togo un intérêt exceptionnel.</li> </ul>

**Married woman cannot pass to foreign spouse on an equal basis with married man (Husband can apply for naturalisation under normal procedures with reduced or waived conditions/ the Togolese nationality law discriminates against Togolese mothers passing their nationality to their children, but the Constitution and Children's Act both provide for equal rights, hence the omission of Togo from the other categories)**

Nationality Law

Art. 5

*“Sous réserve des dispositions de l'article 6 ci-après, la femme étrangère qui épouse un togolais acquiert la nationalité togolaise au moment de la célébration du mariage.”*

Art. 6

*“La femme, dans le cas où sa loi nationale lui permet de conserver sa nationalité d'origine, à la faculté de déclarer, antérieurement à la célébration du mariage et dans les formes prévues par les articles 30 et suivants de la présente ordonnance, qu'elle décline la nationalité togolaise. Elle peut, même si elle est mineure, exercer cette faculté sans autorisation.”*

Art. 5

Subject to the provisions of Article 6 below, the foreign woman who marries a Togolese acquires Togolese nationality upon marriage.

Art. 6

The woman, where its national law allows her to retain her nationality of origin, may declare, before the marriage and in the manner provided by Articles 30 and following of this order, that she declines Togolese nationality. She may, even if she is minor, exercise such right without authorization.

Art. 12

*Nonobstant les dispositions de l'article précédent, aucune condition de stage ne sera exigée de l'étranger: - s'il est né au Togo ou marié à une togolaise; ...”*

Art. 12 – Notwithstanding the foregoing Article, any qualifying period will not required of a foreigner – if he was born in Togo or married a Togolese woman

**Woman who takes spouse's nationality automatically loses it upon termination of marriage (i.e. divorce, though note equality under the code of persons and the family)**

Art. 23

*“Perd la nationalité togolaise:*

...  
*3° - la femme étrangère séparée de son mari togolais par le divorce.”*

Art. 23

Loses Togolese nationality:

...  
3 - the foreign woman separated from her husband by divorce Togo.

But see:

Article 149 du Code des personnes et de la famille

*“Le divorce n'a aucun effet sur les droits acquis de l'homme ou de la femme en matière de nationalité togolaise. Il n'entraîne pas de son seul fait la perte de la nationalité. Celle-ci ne peut résulter que d'une décision du juge.”*

## Tunisia

- Code of Nationality (as amended by Law No. 10 for the year 2010, dated 1 December 2010) - <http://www.legislation.tn/sites/default/files/codes/NationaliteArabe-2.pdf>
- Décret-loi N° 63-6 du 28 février 1963 (4 chaoual 1382) portant refonte du Code de la Nationalité Tunisienne - (Modifié par la loi n°2010-55 du 1<sup>er</sup> décembre 2010)

*Note:* Official French and Arabic available only

### **Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (except under certain conditions)**

Article 6 (Modifié par la loi n°2010-55 du 1er décembre 2010)(\*)

*A child born to a Tunisian father or a Tunisian mother is Tunisian. (\*)*

" يكون تونسيا الطفل الذي ولد لأب تونسي أو لأم تونسية."

Est tunisien l'enfant né d'un père tunisien ou d'une mère tunisienne.\*

(\*) L'article 4 de la loi n°2010-55 du 1er décembre 2010 dispose que "devient tunisien l'enfant né en dehors de la Tunisie d'une mère tunisienne et d'un père étranger et qui a atteint l'âge de la majorité à la date d'entrée en vigueur de la loi n°2010-39 du 26 juillet 2010 portant unification de l'âge de la majorité civile, sous réserve de réclamer la nationalité tunisienne par déclaration au cours de l'année qui suit l'entrée en vigueur de la présente loi. La déclaration se fait conformément aux dispositions de l'article 39 du code de la nationalité tunisienne. L'intéressé acquiert la nationalité tunisienne à la date à laquelle la déclaration est enregistrée, sous réserve des dispositions prévues aux articles 15 et 41 du code susvisé".

[http://www.ecoi.net/file\\_upload/1930\\_1384951136\\_527237944.pdf](http://www.ecoi.net/file_upload/1930_1384951136_527237944.pdf) and <http://www.droit-afrique.com/images/textes/Tunisie/Tunisie%20-%20Code%20de%20la%20nationalite%202011.pdf>

Article 7

*Whoever is born in Tunisia and their father and paternal grandfather were also born in Tunisia, they are Tunisian.*

" يكون تونسيا من ولد بتونس وكان أبوه وجده للأب مولودين بها أيضا."

### **Married mother cannot pass to child born outside country on an equal basis with married father (except under certain conditions)**

Article 6

### **Married man cannot pass to foreign spouse on an equal basis with married woman (unless foreign woman is stripped of nationality)**

Article 13

*A foreign woman married to a Tunisian man is Tunisian from the day of the signing of the marital contract, if her country of origin strips her of her original nationality when she marries a foreigner."*

" تصبح تونسية منذ تاريخ عقد الزواج المرأة الأجنبية التي تتزوج بتونسي إذا كان قانونها الوطني يجردها من جنسيتها الأصلية متى تزوجت بأجنبي."

Article 14

*A foreign woman who marries a Tunisian, and the foreign woman's country/nationality of origin allows her to have dual citizenship despite being married to a foreigner, can apply a permit for Tunisian citizenship as set out in Article 39 of this Code, and both the husband and wife must be residing in Tunisia for two years at least. The wife will acquire citizenship from the date the permit is registered and so long as the requirements of Articles 15 and 41 are fulfilled.*

" يمكن للمرأة الأجنبية المتزوجة بتونسي والتي بموجب قانونها الوطني تحتفظ بجنسيتها الأصلية رغم تزوجها بأجنبي أن تطلب الجنسية التونسية بتصريح يقع طبق الشروط المنصوص عليها بالفصل 39 من هذه المجلة وذلك إذا كان الزوجان مقيمين بتونس منذ عامين على الأقل. وهي تكتسب الجنسية التونسية من تاريخ تسجيل التصريح مع مراعاة الأحكام المنصوص عليها بالفصلين 15 و 41 من هذه المجلة."

#### Article 20

*Those who can be naturalized without the residence requirement stipulated in the previous article:*

- 1. the individual who who can demonstrate his original nationality was Tunisian nationality;*
- 2. a foreigner married to a Tunisian, if the household resides in Tunisia when filing the application;*
- 3. foreigners who have rendered exceptional services to Tunisia or one whose naturalization is for Tunisia of exceptional interest. In this case, naturalization is granted on reasoned report of the Secretary of State for Justice.*

#### Article 21

*A married woman can pass her nationality to her foreign husband if they are residing in Tunisia when the application for citizenship is made.*

" يمكن أن يتجنس بالجنسية التونسية بدون شرط الإقامة ... الأجنبي المتزوج بتونسية اذا كان الزوجان مقيمين بتونس حين تقديم المطلب."

#### **Woman who take's spouse's nationality on marriage automatically loses it upon termination of marriage**

(marriage rendered void, could result in statelessness)

#### Article 16

*A foreign woman who gains her husband's nationality on marriage, as per Article 13 [would make her statelessness] - or Article 14 [after 2 years of marriage], may lose her Tunisian nationality where the marriage is deemed void by a Tunisian court or by a foreign court whose judgment is recognized by Tunisia.*

"في الصورة المنصوص عليها بالفصلين 13 و 14 تعتبر المرأة التونسية كأنها لم تكتسب الجنسية التونسية اذا صدر الحكم ببطالان زواجها عن محكمة تونسية وكان حكمها غير قابل للتعقيب او عن محكمة اجنبية اصبح حكمها قابلا للتنفيذ بتونس."

#### **If a man loses his nationality then wife and children may cease to be citizens**

#### Article 31

*If an Order [The loss (due to voluntary acquisition of another nationality)] is issued to revoke a Tunisian man's citizenship, then his wife and children (if under age) may lose their citizenship. However, both the wife and children must hold another nationality, otherwise they get to keep their Tunisian nationality.*

#### Article 31

*La perte de la nationalité tunisienne, par application de l'article précédent, peut être étendue par décret à la femme et aux enfants mineurs non mariés de l'intéressé, s'il ont eux mêmes une autre nationalité. Elle ne pourra, toutefois, être étendue aux enfants mineurs si elle ne l'est également à la femme.*

### **United Arab Emirates**

- Federal Law N° (17) for 1972 Concerning Nationality, Passports and Amendments thereof (updated 1975 and 2012) -[http://www.lexismiddleeast.com/files/353289/9801I\\_LN\\_1972-11-18\\_00017\\_FL\\_En.pdf](http://www.lexismiddleeast.com/files/353289/9801I_LN_1972-11-18_00017_FL_En.pdf)  
Arabic:  
<http://www.adjd.gov.ae/portal/binary/com.epicentric.contentmanagement.servlet.ContentDeliveryServlet/FilterResources/ADJDBooks/ADJDBooks/03092015/Fed.Nationality.Passport.Law.pdf>
- Decree of November 2011, on file at Equality Now

### **Unmarried mother cannot pass to child born in country (unless father unknown, without nationality or fatherhood not substantiated)**

Federal Law N° (17) for 1972 Concerning Nationality, Passports and Amendments thereof  
Article 2 :

Shall be deemed a citizen by law:

a- Any Arab settled in any of the member Emirates during or before year 1925, and who has maintained his regular residence until the date of enforcement of this Law.

Residence of ascendants shall be deemed complementary to residence of descendants.

b- A child born in the State or abroad to a national father by law.

c- A child born in the State or abroad to a national mother by law and whose affiliation to the father is not legally established.

d- A child born in the State or abroad to a national mother by law and of unknown father or stateless.

e- A child born in the State of unknown parents. Unless otherwise established, the foundling shall be deemed born in the State.

### **Unmarried mother cannot pass to child born outside country (unless father unknown, without nationality or fatherhood not substantiated)**

Same provision as above

### **Married mother cannot pass to child born in country on an equal basis with married father (unless father unknown, without nationality or fatherhood not substantiated/ a December 2011 decree allows Emirati women married to non-nationals to pass citizenship to their children once the child reaches maturity)**

Same provision as above

### **Married mother cannot pass to child born outside country (unless father unknown, without nationality or fatherhood not substantiated/ a December 2011 decree allows Emirati women married to non-nationals to pass citizenship to their children once the child reaches maturity)**

Same provision as above

### **Married woman cannot pass to foreign spouse on an equal basis with married man (Although under Article 3 an Emirati man can pass to a foreign spouse, “In all instances, the husband shall not affiliate to his wife’s nationality.”)**

Article 3 As amended by Federal Law No. 10/1975 dated 15/11/1975:

Marriage of foreign woman to a citizen shall not result to her acquisition of the nationality of her husband unless by declaration made to the Ministry of Interior of her will and should the wedlock continues three years from the date of declaration. It is also conditioned upon renunciation of her original nationality.

If the woman is married to a citizen before the date of implementation of this Law, and if wedlock is still existing or if her husband deceased leaving children from him, and if she is bearing the passport of any Emirate or she is mentioned in the passport of her husband, she shall be entitled to citizenship by affiliation provided that she renounces her original nationality. In all instances, the husband shall not affiliate to his wife’s nationality.

## **United States of America**

- The Immigration and Nationality Act 1952 (codified at 8 U.S. Code §§ 1401, 1409) –  
<http://www.gpo.gov/fdsys/pkg/USCODE-2011-title8/html/USCODE-2011-title8-chap12-subchapIII-partI-sec1409.htm>  
<http://www.gpo.gov/fdsys/pkg/USCODE-2011-title8/html/USCODE-2011-title8-chap12-subchapIII-partI-sec1401.htm>

### **Unmarried father of child born abroad cannot pass to child without additional requirements (more than proof of paternity)**

#### **8 U.S. Code § 1409 - Children born out of wedlock**

*(a) The provisions of paragraphs (c), (d), (e), and (g) of section 1401 of this title, and of paragraph (2) of section 1408 of this title, shall apply as of the date of birth to a person born out of wedlock if—*

*(1) a blood relationship between the person and the father is established by clear and convincing evidence,*

*(2) the father had the nationality of the United States at the time of the person's birth,*

*(3) the father (unless deceased) has agreed in writing to provide financial support for the person until the person reaches the age of 18 years, and*

*(4) while the person is under the age of 18 years—*

*(A) the person is legitimated under the law of the person's residence or domicile,*

*(B) the father acknowledges paternity of the person in writing under oath, or*

*(C) the paternity of the person is established by adjudication of a competent court.*

*(b) Except as otherwise provided in section 405 of this Act, the provisions of section 1401 (g) of this title shall apply to a child born out of wedlock on or after January 13, 1941, and before December 24, 1952, as of the date of birth, if the paternity of such child is established at any time while such child is under the age of twenty-one years by legitimation.*

*(c) Notwithstanding the provision of subsection (a) of this section, a person born, after December 23, 1952, outside the United States and out of wedlock shall be held to have acquired at birth the nationality status of his mother, if the mother had the nationality of the United States at the time of such person's birth, and if the mother had previously been physically present in the United States or one of its outlying possessions for a continuous period of one year.*

#### **8 U.S. Code § 1401 - Nationals and citizens of United States at birth**

*The following shall be nationals and citizens of the United States at birth:*

...

*(g) a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years: Provided, That any periods of honorable service in the Armed Forces of the United States, or periods of employment with the United States Government or with an international organization as that term is defined in section 288 of title 22 by such citizen parent, or any periods during which such citizen parent is physically present abroad as the dependent unmarried son or daughter and a member of the household of a person*

*(A) honorably serving with the Armed Forces of the United States, or*

*(B) employed by the United States Government or an international organization as defined in section 288 of title 22, may be included in order to satisfy the physical-presence requirement of this paragraph. This proviso shall be applicable to persons born on or after December 24, 1952, to the same extent as if it had become effective in its present form on that date; and ...*

## **Yemen**

- Law N° (6) of 1990 Concerning Yemeni Nationality (as amended 2010) – in Arabic- [http://www.yemen-nic.info/db/laws\\_ye/detail.php?ID=11266](http://www.yemen-nic.info/db/laws_ye/detail.php?ID=11266), version also available at

*Note:* Provisions below are from Law N° (6) of 1990 Concerning Yemeni Nationality - as we believe only Article 3 was amended in 2010 - <http://www.yemenembassy.org/consulate/nationality.htm>;  
<http://www.ypwatch.org/page.php?id=1131>

### **Married woman cannot pass to foreign spouse on an equal basis with married man**

#### Article 11

*The foreign woman who legally marries a Yemeni is enjoined in his nationality whenever the following conditions are met:*

- (a) Submits an application therefore to the Minister.*
- (b) Elapse of four years at least over the date of the marriage.*
- (c) That the Minister by a causal decision during the said four years does not object to her enjoining the Yemeni nationality. The husband shall have the right to object in this respect to the Minister within the same period.*

#### Article 9

*The wife of the naturalized shall not acquire Yemeni nationality by way of subjugation to her husband, unless she should apply for that, publishes her application in one of the local newspapers, the marital status continues for a period of four years from the date of such application and the Minister does not object within the said period. ...*

### **Woman automatically loses nationality upon marrying spouse of another nationality (Yemeni woman who marries Muslim foreigner keeps nationality if wants to)**

#### Article 10

*The Yemeni woman who marries a Muslim foreigner retains the Yemeni nationality, unless she should desire to relinquish her nationality and establishes this desire upon marriage or during the continuity of the marriage and the law of the country of her husband enjoins her in his nationality. If the marriage contract of such woman is legally void she shall continue to retain her Yemeni nationality.*

### **Naturalised mother cannot pass to children (on an equal basis with men)**

#### Article 9

*... As for the minor children of the said naturalised person they shall acquire Yemeni nationality by way of affiliation to their father if their ordinary domicile with their father in the Yemen is established and they may choose their original nationalities within a year after their attaining the age of adulthood, provided that they refund what the state may have expended upon them for their upbringing and education.*

### **Woman who takes spouse's nationality automatically loses it upon termination of marriage (if she has not held nationality for 4 years and was not married for at least 8 years under Article 11)**

#### Article 13

*The woman who has acquired Yemeni nationality by way of affiliation to her husband in accordance with Article (11) of this law shall not lose this nationality merely due to the termination of the marital relationship, provided that such marital relationship should have continued for at least four years since her acquiring the Yemeni nationality.*



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