

Law No. 28 of 22 December 1962

Somali Citizenship

THE PRESIDENT OF THE REPUBLIC

Taking note of the approval of the National
Assembly

HEREBY PROMULGATES

The following law:

Article 1.

Acquisition of Citizenship

Somali citizenship may be acquired by operation
of law or by grant

Article 2.

Acquisition of Citizenship by Operation of Law

Any person:

- a) whose father is a Somali citizen;
- b) who is a Somali residing in the territory of the Somali Republic or abroad and declares to be willing to renounce any status as citizen or subject of a foreign country shall be a Somali Citizen by operation of law.

Article 3.

Definition of "Somali"

For the purpose of this law, any person who by origin, language or tradition belongs to the Somali Nation, shall be considered a "Somali".

Article 4.

Acquisition of Citizenship by Grant

Somali citizenship may be granted to any person who is of age and makes application therefore, 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.

Article 6.

Renunciation of Foreign Citizenship

1. Any person who, in accordance with articles 2 and 4 of this law, declares that he is willing to renounce any status as citizen or subject of a foreign country, shall make such declaration before the President of the District Court of the district where he resides or, if he resides abroad, before a Consulate of the Somali Republic.
2. A certificate that the declaration has been made shall be issued in two copies, one of which shall be delivered to the person concerned.

3. In the case provided for in paragraph b) of article 2. if the person concerned is a minor, the declamation may be made by his legal representative.

Article 7.

Granting of Citizenship

1. The granting of citizenship provided for in article 4 of this law shall be made by decree of the President of the Minister of interior, having heard the Council of Ministers.

2. The granting of citizenship shall be subject to the prior advice of a special Commission consisting of a President and eight members appointed for a period of two years by decree of the President of the Republic on the proposal of the Prime Minister, having heard the Council of Ministers.

3. The President and the Members of the Commission shall be chosen from among qualified Somali Citizens representing the various sections of the national community.

Article 8.

Oath

1. The decree granting Somali citizenship referred to in the preceding article shall not come into force unless the person concerned takes an oath of allegiance that he will be loyal to the Republic and comply with the Constitution and other laws.

2. The oath shall be administered before the President of the District Court competent for the area.

Article 9.

Granting of Honorary Citizenship

1. Honorary Somali citizenship may be granted to any person who has rendered exceptional services to the Somali Republic. The granting of honorary citizenship shall be made by decree of the President of the Republic on the proposal of the Prime Minister, having heard the Council of Ministers. The granting of honorary citizenship shall not be subject to the procedures and conditions established in the preceding articles.

2. The granting of honorary citizenship shall not include the enjoyment of political rights or the obligation to render military service. It shall not extend to the members of the family of the person to whom honorary citizenship has been granted.

Article 10.

Renunciation of Citizenship

Any Somali citizen who:

- a) having established his residence abroad, voluntarily acquires foreign country;
- b) having established his residence abroad, and having acquired, for reasons beyond his will, foreign citizenship or the status as subject of a foreign country, declares to renounce Somali citizenship;
- c) being abroad and having accepted employment from a foreign Government or voluntarily serving in the armed forces of a foreign country, continues to retain his post, notwithstanding the notice from, the Somali Government that, unless he leaves the employment or the service within a definite period of time, he shall lose Somali citizenship; shall cease to be a Somali citizen.

Article 11.

Deprivation of Citizenship acquired by Grant by Reason of Unworthiness

1. Any person who has acquired Somali citizenship by grant may be deprived of his Somali citizenship b reason of unworthiness:

a) where the decree granting citizenship has been obtained with fraud, false

representation or the concealment of any material fact;

b) where the person concerned has been sentenced to imprisonment for a term

not less than five years for a crime against the personality of the Somali State.

2. The decree depriving a person of his Somali citizenship shall be issued in the same

manner prescribed for the decree granting citizenship.

3. Deprivation of citizenship acquired by grant shall not extend to the wife and minor children of the person concerned.

Article 12.

Recovery of Citizenship

1. Any person who fulfils the conditions laid down in article 2 of this law and has lost his Somali citizenship may recover it, on application made therefore, if the subsequently establishes his residence in the territory of the Somali Republic, and declares to be willing to renounce any status as citizen or subject of a foreign country.

2. In any other case, a person who has lost his Somali citizenship may recover it, on application made therefore, if he subsequently establishes his residence in the territory of the Somali Republic for at least three years and proves that he fulfilled the conditions laid down in this law for the acquisition of citizenship.

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.

Article 17.

Repeal

The Law 12 February 1960, No. 9, the Ordinance 25 June 1960, No. 15, and any other provision incompatible with this law, are hereby abrogated.

Article 18.

Citizenship Previously Acquired

Any person who, at the date of the entry into force of this law, had acquired Somali citizenship under the provisions of previous legislation, shall retain his citizenship for all purposes.

Article 19.

Regulations

Regulations for the implementation of this Law shall be issued within six months from the date of the entry into force of this Law.

Article 20.

Entry Into Force

This Law shall come into force on the thirtieth day following the date of its publication.

This law shall be included in the Official Compilation of Laws and published in the Official Bulletin.

All persons shall be required to observe it and to cause others to observe it as a law of the Republic.

Aden Abdulla Osman

The Prime Minister

ABDI-RASHID ALI SHERMARKE

The Minister of Interior

MOHAMUD ABDI NUR