

Law No. 6 of 1990 on Yemeni Nationality

In the name of the people

Whereas the President of the Presidency Council

- In view of the Agreement establishing the Yemeni Republic,

- In view of the Constitution of the Yemeni Republic.

Whereas the Council of Deputies and the Council of the Presidency did adopt,

The President of the Presidency Council does hereby promulgate the Law of which the following is the text:

CHAPTER ONE - Title and Definitions

Article (1)

a - This Law shall be known as the "Yemeni Nationality Law".

b - The following terms and expressions shall have the meanings listed against each of them, unless the context indicates otherwise:

1 - A Yemeni: A person who enjoys Yemeni Nationality.

2 - A foreigner: A person who does not enjoy this Nationality.

3 - Age of Majority: eighteen full calendar years.

4 - The Minister: the Minister of the Interior

5 - Yemeni Nationality: Nationality of the Yemeni Republic.

CHAPTER TWO - Nationality Acquisition

Section I - Nationality by Birth or Nationality by Origin

Article (2)

Yemenis are: Those settled in Yemen who will have resided in the country for at least fifty calendar years by the time this Law enters into effect. The residence of ancestors shall be considered complementary to the residence of blood descendants and wife when they have the intention to settle.

Article (3)

The following shall enjoy Yemeni Nationality:

a) Anyone born to a Yemeni father who enjoys Yemeni Nationality.

b) Anyone born in Yemen to a mother of Yemeni Nationality and a father of unknown nationality or without one.

c) Anyone born in Yemen to a mother of Yemeni Nationality and to a legally unknown father.

d) Anyone born in Yemen to unknown parents. A foundling in Yemen shall be considered born in it unless there is proof to the contrary.

e) Any Yemeni emigrant who had Yemeni Nationality when he left the homeland and who has not abandoned it on the basis of a written request in accordance with the Law, even if he has acquired the Nationality of the country in which he resides by force of Law.

Section II - The Granting of Nationality

Article (4)

The Yemeni Nationality may be granted to any of the following by presidential decision made on the recommendation of the Ministers:

a) Anyone born abroad to a mother holding Yemeni Nationality and a father of unknown nationality or without one, provided that he had taken normal legal residence in Yemen for ten consecutive years prior to majority and that his application for Yemeni Nationality be made within one year of his attaining majority.

b) Anyone born in Yemen to two foreign parents, who has resided in Yemen until majority, who is acquainted with Arabic, is of sound mind, free of impairments that render him a burden on society of good conduct and reputation, who has never been sentenced for a criminal offence or been the subject of a sentence restricting his freedom for an offence arising from violation

or been the subject of a sentence restricting his freedom for an offence arising from violation of public order or public decency, unless he has been reinstated, and provided he applies for Yemeni Nationality within a year of attaining majority.

c) Anyone born in Yemen to a non-Yemeni father who himself was born in Yemen.

d) Any one who has rendered a great service to Yemen or to the Arab Nation,

e) Any one of Yemeni origin who applies for Yemeni Nationality after five years of residence provided there is proof that his paternal grand father was resident in Yemen and that he will surrender all other nationalities upon award of Yemeni Nationality.

Article (5)

The Yemeni Nationality may be granted, by presidential decision upon the recommendation of the Minister, to any Moslem Arab or foreigner for whom the provisions of the preceding article do not apply provided he meets the following conditions:

1- That he has attained the age of majority.

2- That he has taken on normal legal residence in the Republic for ten consecutive years.

3- That he be of good conduct and reputation, never sentenced for a criminal offense or had his freedom restricted for an offense against public order or public decency, unless reinstated.

4- That he be in possession of a legitimate means of earning his living.

5- That he be acquainted with Arabic.

6- That he be in possession of a particular proficiency or expert needed by Yemen. In such a case he may be exempted from the Arabic language requirement.

Article (6)

The period provided for in item (2) of the preceding Article may be reduced to five consecutive years in the case foreigner who obtains permission from the Minister to settle in Yemen for purposes of obtaining its nationality for urgent reasons. Actual residence in Yemen for five years shall be required, as shall be the condition that he applies for nationality within three months following the completion of the five year residence requirement. Should he die before he has been granted Yemeni Nationality, his wife and minor children who were with him at the time he was granted the permission and continued to live with him until his death may benefit from residence and from the length of residence of the deceased.

Article (7)

The number of persons to be proposed for Yemeni nationality every year may be restricted by presidential decision upon the recommendation of the Minister.

Article (8)

The Minister shall form a committee to be charged with the task of nominating those to be granted nationality within the limits set annually.

Article (9)

The wife of a nationalized Yemeni shall not acquire her husband's nationality by mere dependence, but must apply for it and publish her request in a local newspaper. Nationality is not granted till after the lapse of four years of married life from the date of the application, assuming that the Minister has raised no objections during the said period. The minor children of the naturalised Yemeni shall acquire Yemeni nationality by dependence by virtue of their father's nationality if their normal residence is with their father in Yemen. They have the option of choosing their original nationality during the year following their majority on condition that they reimburse the state for expenses incurred for their up-bringing and education.

Section III - Mixed Marriages

Article (10)

A Yemeni woman who married a Moslem foreigner shall keep her Yemeni nationality unless she indicates her desire to surrender her nationality on or during her marriage and provided the laws of her husband's country allow her into its nationality. Should the marriage contract of such a woman be legally void, she shall continue to hold the Yemeni nationality.

Article (11)

Any foreign woman who legally marries a Yemeni shall enter into his nationality provided that the following conditions are met:

- a) The filing with the Minister of an application for that purpose.
- b) The lapse of four years on the date of the marriage.
- c) the non-objection by the Minister, during the said four year period, to the entry of the woman into Yemeni nationality. Such an objection should take the form of a written and justified decision. The husband may submit his own objection in this regard to the minister during the same period.

Article (12)

The acquisition by a Yemeni of a foreign nationality, when authorized, shall not entail that his Yemeni wife shall, ipso facto, lose her Yemeni nationality, unless she explicitly declares her desire to acquire the new nationality of her husband. Minor children, however, shall not lose the Yemeni nationality if they acquire the new nationality of their father by dependence.

Article (13)

A woman who has acquired Yemeni nationality by dependence arising from marriage in accordance with Article(11) above, shall not lose this nationality by the mere termination of the marriage, provided that the marriage shall have continued for four years following her acquisition of the Yemeni nationality.

Section IV - Recovery and Restoration of Nationality

Article (14)

A Yemeni woman who lost her Yemeni nationality in accordance with Articles (10 and 12) above may recover it on the termination of the marriage should she request it back.

Article (15)

A Yemeni who has acquired a foreign nationality and abandoned his original nationality may recover his Yemeni nationality should he request it in writing.

Article (16):

The Yemeni nationality may be restored, by presidential decision on the recommendation of the Minister, to any one from whom it had been withdrawn in accordance with the provisions of Articles (18,19 and 21) below.

CHAPTER THREE - Withdrawal of Nationality

Article (17)

In accordance with the Constitution, no Yemeni may be deprived of the Yemeni Nationality. It may however be withdrawn from those who have acquired it in accordance with the provisions of this Law.

Article (18)

The Yemeni nationality may be withdrawn by presidential decision upon the recommendation of the Minister, from any person who comes to it by acquisition, anytime during a five year period following acquisition in any one of the following cases:

- a) The case of a person convicted for a criminal offense or sentenced to restriction of freedom for a crime against public order or public decency, unless reinstated.
- b) The case of a person who has interrupted his residence in Yemen for two consecutive years without reasons acceptable to the Minister.
- c) If the acquisition of the Yemeni Nationality was based on inaccurate testimonies or facts. In such a case withdrawal of the Yemeni nationality may be effected anytime proof is established.
- d) When the competent authorities have sufficient indications that a person has engaged in the promotion of principles likely to destroy the political, or economic, or social system in the country, or has belonged to a foreign political organisation, or is engaged in attempts to undertake actions considered a threat to the security of the state and the safety of the country.

e) If the person has obtained a foreign nationality without the authorisation provided for in Article (22) below.

Article (19)

The Yemeni nationality may be withdrawn **from anyone** who obtained it by acquisition for any of the following reasons:

- a) Entering into military service in a foreign country without prior authorization from the competent Yemeni authority.
- b) Working for a foreign state or government which is in a state of war with Yemen or with which diplomatic relations are severed.
- c) Accepting employment abroad for a foreign country or for an international or foreign organisation and remaining in his post despite orders from the Yemeni Government to leave it.
- d) The passing of a final sentence convicting him of crimes affecting his loyalty to the country or involving treason for it.

Article (20)

The provisions of the two preceding articles shall not apply in the case of persons enjoying Yemeni nationality on the basis of Articles (2,3,14, and 15) above.

Article (21):

The withdrawal of Yemeni Nationality from a person who had acquired it, shall apply to this person alone unless the withdrawal decision provides for its withdrawal from those who may have acquired it by virtue of dependence on him.

CHAPTER FOUR - General Provisions

Article (22)

With due regard to the conditions allowing Yemenis to acquire a foreign nationality by virtue of dependence in accordance with the provisions of this Law, no holder of the Yemeni nationality shall be allowed to take on another nationality before obtaining permission from the Minister. Should a Yemeni acquire a foreign nationality in violation of the provisions of the above paragraph, he shall continue to be treated as holder of the Yemeni nationality in all respects.

Article (23)

A Moslem foreigner who has acquired the Yemeni Nationality in accordance with Articles (4, 5, 6, 9, 11) shall not have the right to exercise the political rights designated for Yemenis till after fifteen years of his acquiring the Yemeni nationality. He, moreover, may not be elected to, or appointed in, any parliamentary body till after the lapse of the period specified above.

Article (24)

All rulings in nationality questions shall be considered of public interest and shall be published in the Official Gazette.

Article (25)

The provisions of all international treaties and conventions concluded or to be concluded on nationality questions shall be applicable only after ratification by the Council of Deputies.

Article (26)

All decisions on the acquisition, withdrawal, or restoration of the Yemeni nationality made in accordance with the provisions of this Law shall be effective as of the date of issue unless the law specifies otherwise. They shall be published in the Gazette within fifteen days of their issue. This does not affect the rights of persons with good intentions.

Article (27)

The burden of proof falls upon whomever claims to be holder of the Yemeni nationality or submits that he is not.

Article (28)

Marriage shall be instrumental in the acquisition or loss of nationality only if proven by a legal document issued by a competent authority.

Article (29)

All declarations, notices of choice, papers and applications specified in this Law shall be submitted to the Minister by handing them, against a receipt, to the official concerned in the Department of Passports and Nationality in the Governorate to which the applicant's place of residence belongs administratively. Abroad, they shall be delivered to the political representative or to the consuls. The Minister may authorize any other official to receive the declarations, notices, papers, and applications.

Article (30)

The Minister shall give every person who has acquired the Yemeni nationality a Yemeni Nationality Certificate against a fee to be determined by the Minister. The certificate shall be legally valid unless annulled by a decision from the Minister stating his reasons. The certificate shall be given within a year of the date of the application for it. Refusal by the Minister to issue the certificate shall be considered a rejection of the application.

The Minister shall form committees for the study and proof of Yemeni nationality for those concerned. These committees shall resort in the performance of their duties to all means of verification.

Article (31)

The courts shall be in charge of nationality disputes arising from the application of this Law.

Article (32)

Without prejudice to any severer penalty provided for in any other laws, any one who commits perjury before the competent authorities for the purpose of proving nationality for himself or for others or for disproving it for himself or for others, or submits inaccurate papers, shall be liable to imprisonment for no less than one year and no more than two years or to a fine of no more than twenty thousand riyals.

Article (33)

The Minister shall issue the decisions, regulations, and by-laws necessary for the implementation of this Law and consonant with its provisions.

Article (34)

This Law shall enter into force from the date of its promulgation and shall be published in the Official Gazette.

The Presidency, Sanaa

5 Safar 1411 H

26 August 1990 AD

Lt. General Ali Abdulla Saleh.

President of the Presidency Council