

Law on Nationality and Residence, State Ordinance of 24 November 1975 for the Regulation of the Surinamese Nationality and Residence in Suriname (last amended 1983)

BY THE QUEEN !

THE GOVERNOR OF SURINAME,

Whereas, in view of the independence of Suriname and the related transfer of Sovereignty, it is necessary to have regulations concerning the Surinamese nationality and residence in Suriname;

Has, upon the recommendation of the Advisory Council, and after deliberation with Parliament, laid down the following State Ordinance:

Article 1

The following terms in this law shall have the following meanings:

- a. birth in Suriname: also birth on board of a Surinamese vessel or aircraft;
 - b. of legal age: they who have reached the age of 18 years or were married before;
 - c. mother of a child: the woman who gives birth to the child;
 - d. father of a child: the person who is indicated as such in the sense of civil right;
 - e. father or mother: also adoptive father or adoptive mother;
 - f. the Minister: the Minister charged with affairs concerning nationality.
- [Added by the Decree of 5 October 1983.]

Article 2

A Surinamese national shall be:

- a. the person of legal age who, on the basis of the Agreement between Suriname and the Netherlands concerning the assignment of nationality has acquired or shall acquire the Surinamese nationality;
- b. anyone who was born in Suriname and has his residence or actual place of abode in Suriname at the time of independence.

Article 3

A Surinamese national by birth shall be:

- a. the legitimate or legitimized child or natural child acknowledged by the father, if at the birth of said child, the father has the Surinamese nationality;
- b. the legitimate child of a Surinamese national who died before the birth of the child;
- c. the natural, non-acknowledged child whose mother, at the time of birth of this child, had the Surinamese nationality;
- d. the natural, non-acknowledged child born in Suriname, unless it appears that this child has the nationality of another State.

Article 4

A Surinamese national shall also be:

- a. the child who is found (a foundling) or abandoned within the territory of Suriname, if both parents are unknown;
- b. the child born in Suriname, at the time of whose birth the mother has the Surinamese nationality, unless it appears that the child derives a different nationality from his non-Surinamese father. In that case the child will be deemed never to have possessed the Surinamese nationality.

Article 5

1. A child born in Suriname from a father or mother who resides in Suriname shall become a Surinamese national when he reaches the age of 18 years, if during an immediately preceding period of three years, the child's residence or main place of abode was in Suriname.
2. During the year preceding the attainment of the age of 18 years the child may, if at such time he has a different nationality, notify the authority referred to in Article 19 that, in deviation of the provision laid down in the preceding paragraph, he does not wish to acquire the Surinamese nationality.
3. The provisions shall not apply to children born in Suriname of professional consuls of foreign states, or of civil servants of other states or international law organizations with an official assignment in this country.

Article 6

1. The child who is acknowledged or legitimized after he has become of age, shall, for the application of Articles 3 and 4, be treated as if he were not acknowledged or legitimized.
2. A child who, not yet of age, is acknowledged or legitimized by a non Surinamese national shall, for the application of Articles 1 and 4, be treated as if he were not acknowledged or legitimized if, as a result of said legal acts, he has not acquired a different nationality.

Article 7

Surinamese by adoption is the child who is adopted in Suriname by judicial decision if the adoptive father, or if he has died, the adoptive mother, has the Surinamese nationality on the day on which the decision has become final and if the child is a minor in the first instance on the day of the judicial decision.

Article 8

1. The Surinamese nationality is acquired by naturalization when a law by which the nationality is granted comes into force.
2. For each naturalization an amount of at least fifty guilders and not exceeding two hundred and fifty guilders must be paid to the treasury, depending on the income during the last expired calendar year preceding the submission, which is taken into consideration for the levy of income tax, and in such a manner that with an income of one thousand five hundred guilders or less, an amount of fifty guilders shall be owing, whilst for each one thousand guilders exceeding the income of one thousand five hundred guilders, the amount owing will be increased by fifty guilders, up to the aforementioned maximum of two hundred and fifty guilders.
3. No charges are owing for naturalization of the wife who is naturalized together with her husband.
4. In order to submit a request for naturalization, the petitioner:
 - a. must be of legal age in the sense of this law;
 - b. must have lost his Surinamese nationality or had his residence or main place of abode in Suriname in the last Five years, or must have been born in Suriname of parents without or of unknown nationality;
 - c. must have paid the amount owing for naturalization to the Collector of Direct Taxes, who may demand the submission of evidence from which the amount of taxable income is apparent.
5. If the petitioner belongs to a different country, he may be required to produce evidence that the laws of that country do not form any legal impediment against his naturalization in Suriname.

6. With respect to persons who have lost the Surinamese nationality, as well as for the married woman who is not naturalized together with her husband, the charge shall be set at a fixed amount of fift guilders.

7. If the naturalization is not granted, half of the sum paid will be returned to the petitioner.

Article 9

1. Naturalization can also be granted for reasons of national interest. In this case, Article 8 shall not apply.

2. The law by which this is granted shall provide in each particular case for the consequences of such naturalization.

Article 10

1. The legitimate or legitimized child of a father who has become a naturalized Surinamese national and who was born before such a naturalization, and also any acknowledged natural child born before such a naturalization, shall be deemed to be naturalized as well.

2. The same applies to the legitimate, legitimized or acknowledged natural child if the mother is naturalized after the father of the child has died, as well as for the natural child who is born before the mother is naturalized.

3. The child who is adopted in accordance with the regulations of international private law applicable in Suriname and has acquired the status of a legitimate child through such an adoption, shall be considered naturalized as well when the adoptive father becomes a naturalized Surinamese national. Such a child is deemed naturalized as well when the adoptive mother becomes a naturalized Surinamese national if the mother is naturalized after the death of the adoptive father.

The provision in the second sentence of paragraph 10 of this article shall apply.

Article 11

The Surinamese nationality is lost:

1. For persons for whom this is laid down in the Agreement between Suriname and the Netherlands concerning the assignment of nationality in the cases and on the conditions provided therein.

2. Through naturalization in another country or, insofar as this concerns a minor, through participation in another nationality through naturalization in another country, either by the father or by the mother according to the distinctions made in Article sub a and c, or Article 7. The same

applies to the legitimate, legitimized, acknowledged, natural or adopted minor child if the mother is naturalized in another country after the death of the child's father.

3. Through cancellation, which is pronounced by the President at the request of the person of legal age who, besides the status of a Surinamese national also has another nationality and has his residence or main place of abode outside Suriname.

4. Through acquisition of another nationality by the will of the acquirer; the Surinamese woman shall not lose her Surinamese nationality on the basis of this provision if she does not make use of the right to reject another nationality which she has acquired by right through marriage.

5. By serving in foreign military or government service without permission of the President.

Article 12

The non-Surinamese woman, whose husband was a Surinamese national at the time the marriage was solemnized, acquires the Surinamese nationality by expressing her desire for such to the authority referred to in Article 19, if on the day of notification the marriage persists and the husband is still a Surinamese national.

Article 13

The Surinamese woman who is married to a non-Surinamese national and thus acquires the same nationality as her husband, shall lose the Surinamese nationality by expressing her desire for this to the authority referred to in Article 19.

Article 14

1. The woman who at or during her marriage loses the Surinamese nationality in the case and manner as referred to in Article 13, shall regain this nationality as from the day of dissolution of the marriage by expressing her will for this within one year after the dissolution or within the year after she has learned of such dissolution, to the authority referred to in Article 19.

2. The notification can also be made later if the woman is not re-married, has resided for at least one year in Suriname and has not acquired any other nationality after dissolution of the marriage by expression of her will thereto.

In this case the woman shall regain the Surinamese nationality on the day of that notification.

Article 15

1. The woman who has acquired the Surinamese nationality through marriage or has been naturalized together with her husband shall lose the Surinamese nationality as From the day of dissolution of her marriage by expressing her will thereto within one year after such dissolution

or within the year after she was informed of the dissolution, to the authority referred to in Article 19, if on the day of notification the woman has another nationality besides the Surinamese nationality.

2. The notification can also be made later. In that case the Surinamese nationality is lost on the day of notification.

Article 16

1. [Amended by Decree of 5 October 1983.] The Minister can, if the woman has the Surinamese nationality, also grant that nationality to her minor child whose father has died or is legally unknown, if the woman so requests and the child has resided or has had his main place of abode in Suriname For at least one year previous to the request.

2. The granting of the Surinamese nationality, as referred to in paragraph 1, shall be announced in the Government Advertiser of the Republic of Suriname.

3. When the child becomes of legal age in the sense of this law, he shall lose his Surinamese nationality by expressing his desire thereto within that year to the authority referred to in Article nineteen.

Article 16A [Added by the Decree of 5 October 1975.]

1. The Minister can grant the Surinamese nationality on the request of persons born outside Suriname, whose parents were both born in Suriname.

2. In order to acquire the Surinamese nationality as referred to in the preceding paragraph, the petitioner should meet the following requirements:

a. be of legal age in the sense of this law;

b. and have his residence or main place of abode in Suriname on the day the petition is submitted.

3. The acquisition of the Surinamese nationality in pursuance of the provision of paragraph 1 shall result in the loss of the foreign nationality.

4. The Ministerial Order concerned shall be published in the Advertiser of the Republic of Suriname.

Article 17

If the child who loses his nationality by virtue of Article 10, notifies the authority referred to in Article 19 within one year after having become of age in the sense of the Suriname Civil Code

that he wishes to regain the Surinamese nationality, he will be deemed to have acquired this nationality as from the date of his becoming of age.

Article 18

All who do not have the status of a Surinamese national are aliens.

Article 19

The notifications that have to be made in pursuance of this law must be submitted to the Attorney General with the Court of Justice in Suriname or to the representative of the Republic of Suriname in the country in which the person who is entitled to submit such notification, resides at that moment.

Article 20

1. Residents of Suriname are persons who live in Suriname.
2. Residence in Suriname shall end by establish one's residence or main place abode outside Suriname.

Article 21

1. A minor in the sense of the Suriname Civil Code, whose father or legal guardian is a resident of Suriname, shall also be considered as such.
2. When he becomes of age he shall retain the status of resident of Suriname if he takes up residence in Suriname.

Article 22

Provisions concerning residence, which are contained in special regulations, shall only apply insofar as they concern subjects treated in those regulations.

Article 23

Further regulations for the implementation by this law shall be given by State Decree.

Article 24 - Transitional and Final Provisions

1. When this law becomes operative, Article 7 of the General Provisions of Legislature of Suriname (Official Gazette 1945 no. 112) shall be cancelled, whilst for the stipulations in general ordinances concerning residence, reference is made to the provision of Article 22.

2. Foreigners with their residence or actual place of abode in Suriname and on whose petition for naturalization a favourable recommendation has been made by the Government, but which is still being dealt with by the crown at the time this law becomes operative, shall legally acquire the Surinamese nationality as From that date.

3. Persons who emigrated to Suriname from the former Dutch East Indies and the former British East Indies and have neither the Dutch nationality nor any other nationality on the date this law becomes operative, but who have had their residence or actual place of abode in Suriname for at least thirty-five years, shall legally acquire the Surinamese nationality on that date.

4. This Government Ordinance, which may be cited as the "Law on Nationality and Residence" shall become operative on the day the Statute for the Kingdom of the Netherlands ends for Suriname and then obtains the status of law.

EXPLANATORY NOTE - Decree C-78 - Decree of 5 September 1983 Concerning Amendments of The Law on Nationality And Residence (government Gazette 1975, No. 171)

The signatory notes that it belongs to each state's competence to determine who are its subjects. Such a law must be recognized by other states insofar as it is in accordance with international treaties, international custom and generally recognized legal principles of justice with respect to nationality.

Article 5 of the Agreement between Suriname and the Netherlands concerning the assignment of nationality determines that Dutch nationals who are of age, who were born in Suriname, or who were born outside Suriname and belong to the groups of persons mentioned in Article 4 under b, and who had their place of residence or actual abode outside the Republic of Suriname shall acquire the Surinamese nationality by expressing their desire therefor before 1 January 1986.

Persons of legal age are deemed to be those who have reached the age of 18 years or who were married before.

Said persons can also legally acquire the Surinamese nationality if they have their place of residence or actual abode in the Republic of Suriname for a period of two years.

In practice it appears that the current regulation of the Agreement concerning the assignment of nationality does not apply to a certain category of persons, whilst no provision in this matter has been made in the national legislation either. The category of persons concerned is the persons born outside the Republic of Suriname, whose parents were both born here. They can only acquire the Surinamese nationality by means of naturalization if they live in Suriname. We therefore felt the need to include a flexible regulation for this category of persons in our Nationality Law.

The present Nationality Law of Suriname uses the age of 18 years as age limit, which concurs with the age limit of the Agreement between Suriname and the Netherlands concerning the assignment of nationality, namely the age of 18 years or married before.

These persons are considered of legal age as far as nationality is concerned, and thus have an independent right.

If someone born outside Suriname of parents who were both born in Suriname, returns to Suriname and expresses the desire to become a Surinamese national, the Surinamese nationality is granted to him.

Yet, notwithstanding the other requirements, both parents of the applicant must have been born in Suriname. The other requirements are that the person must have reached the age of 18 years and have his residence or main place of abode in Suriname, Hence, this regulation shall not apply

if the father is born in Suriname and the mother is not, or if the mother is born in Suriname and the father is not.

It is self-evident that the applicant, in principle, will have to prove that both of his parents were born in Suriname, while, where necessary, the signatory will carry out an investigation into the applicant's actual place of birth.

The principle of place of birth shall be assessed according to the circumstances (e.g. the person concerned is entered in the Registers of Births, Deaths and Marriages of Suriname, or has accepted employment in Suriname, etc). The decision whether to grant the Surinamese nationality or not shall be taken by the Minister in charge of affairs of nationality (see also Article 16 of the Law on Nationality and Residence (Official Gazette 1975 no. 171).

In order to prevent double nationalities, following on the Agreement between Suriname and the Netherlands concerning the assignment of nationality, it has been determined that the acquisition of the Surinamese nationality in virtue of this article will result in the loss of the foreign nationality.

With this regulation the possibility has been opened to include this category of persons as well as nationals of the Republic of Suriname. Paramaribo,

5 October 1987

The Minister of Home Affairs, District Administration and Justice,

F.J. Leeftang