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National Assembly 3rd Convention

Sudanese Nationality Act (Amendment) 2011

Pursuant to the provisions of the Sudan Interim Constitution 2005, the National Assembly passed and the President of the Republic signed the following Act:

Title and Commencement of the law

- 1- This Act shall be cited as 'the Sudanese Nationality Act (Amended) of Year 2011'. It shall come into force on the date of signature¹.

Amendment

- 2- The Sudanese Nationality Act of year 1994 shall be amended as follows:

First: Section 6 of the act shall be amended as follows:

(a) The title of the section shall be amended by adding the phrase “granting and revocation” before the phrase nationality certificate.

(b) Add a new sub section 2 to the section which reads as follows:

“2- The Minister may decide to revoke Sudanese nationality by birth if the person has obtained it by fraud, forgery, false representation or the concealment of any material fact; or any other unlawful way”.

(c)The section's items are to be renumbered.

Second: Subsection1 of section 7 shall be amended as follows

Nationality by Naturalization

- (1) Sub section (c) shall be amended by adding the phrase “continuous and lawful residence”: after the phrase “residing in Sudan”, the provision should accordingly read as follows:

“(c) Residing in Sudan continuously and lawfully for 10 years or more”.

- (2) The following two sub-sections should be added after sub-section (d), as follows:

“(e) To be of a sound mind”.

“(f) To have a lawful way of gaining living”

Third: section10 shall be repealed and replaced by the following new section:

Loss of Nationality

10-(1) A Sudanese person will lose his nationality if it was proven that:

- a) he has made a declaration renouncing his Sudanese nationality, provided that the President of the Republic may refuse to accept such renunciation if it is made during the time of any war which Sudan is engaged in, or
- b) he has joined the service of any foreign country or continued in such service in violation of an express provision of any law criminalising such an act.

(2) A person will automatically lose his Sudanese nationality if he has acquired, de jure or de facto, the nationality of South Sudan.”

(3) Without prejudice to Section 15, a minor will lose his Sudanese nationality where his responsible parent loses their nationality pursuant to section 10(2) of this Act.

Fourth: Section 11 of the act shall be amended by adding the following new sub-section to item (1) after sub-section (f), accordingly it will read as follows:

“(g) He has made a written request or a declaration renouncing his Sudanese nationality”.

Fifth: the following new section shall be added after section 15 of the act, it reads as follows:

Reinstatement of nationality

16- Without prejudice to Section 10(2), the President of the Republic may reinstate nationality to any individual whose Sudanese nationality was lost or withdrawn when he applies for it.”

Sixth: section 18 of the act shall be amended as follows:

(First) the phrase “without prejudice to any severe punishment” shall be added to the preface of the section before the word “punishes” and the text will read as follows:

18- without prejudice to any severe punishment , he will be punished by imprisonment for a period not exceeding 5 years or with a fine or with both any person who:”

(second) the word “fails” in sub-section (d) from the section should be replaced by the word “refuse”.

(third) the following new sub-sections shall be added to the section after sub-section (d), it reads as follows:

(e) obtains a Sudanese certificate by fraud, false representation or the concealment of any material fact; or any other unlawful way”.

(f) Violates any of the provisions of this act.

Seventh: The sections of the act are to be renumbered in accordance to the aforementioned amendment.

Authentication

I hereby certify that the National Assembly has passed the Nationality Act (Amendment), 2011 in its session No. 38 dated 19 July 2011. The Permanent Joint Committee of the two

Chambers of Legislature decided in its meeting No.3 dated 26 July 2011 that this Act does not affect the interests of the states.

Ahmed Ibrahim Altahir
Speaker of the National Assembly
Head of the Permanent Joint Committee of the two Chambers of Legislature

I concur:
Field Marshal
Omer Hassan Ahmed Elbashir
President of the Republic
Date: 10/08/2011