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Under henvisning til Udlændingestyrelsens skrivelse af 8. november 1999 og Udenrigsministeriets skrivelse af 25. januar 2000 fremsendes hermed kopi af indberetning nr. 17 af 7. februar 2000 fra ambassaden i Riyadh.

Udenrigsministeriet vil vende tilbage, når besvarelse fra de kuwaitiske myndigheder måtte foreligge.

P.M.V

E.B.

Mia Steninge

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Indfødsretslovgivning i
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I fortsættelse af oven citerede amfax, kan det nu meddeles, at undertegnede under en samtale på UNHCR's repræsentation i Kuwait, nu har fået besvaret de af Udlændingestyrelsen stillede spørgsmål vedrørende irakiske statsborgeres mulighed for at opnå kuwaitisk statsborgerskab eller på anden måde at opnå opholdstilladelse samt mulighed for ind- og udrejse i Kuwait.

Spørgsmålene, om der på baggrund af følgende betingelser kan opnås kuwaitisk statsborgerskab, besvares punkt for punkt:

1. Indgåelse af ægteskab med kuwaitisk statsborger – en udenlandsk kvinde gift med en kuwaitisk mand, kan efter min. 10 års ægteskab iflg. lovgivningen opnå kuwaitisk statsborgerskab. Ægteskab mellem en kuwaitisk kvinde og en udenlandsk mand giver ikke samme rettighed til naturalisering – ikke forudset i lovgivningen.
2. Øvrige familietilhørsforhold til kuwaitisk statsborger giver ingen rettigheder til naturalisering.
3. Fødsel i Kuwait er heller ikke noget kriterium for at opnå kuwaitisk statsborgerskab.
4. Længere tids ophold og et langt ansættelsesforhold i Kuwait er heller ikke kriterier, som i sig selv giver ret til opnåelse af kuwaitisk statsborgerskab.

Der vedlægges en engelsk oversættelse af den kuwaitiske indfødsretslov. Heraf fremgår det, at der når visse betingelser er opfyldt (eksempelvis 20 års uafbrudt ophold i Kuwait), er åbnet mulighed for opnåelse af kuwaitisk statsborgerskab. Dette er i modstrid med svaret under punkt 4, men forklares af UNHCR's repræsentant med, at loven er en ting og praksis en anden. En anmodning om erhvervelse af kuwaitisk statsborgerskab vil blive individuelt behandlet af Indenrigsministeriet – og skal slutteligt godkendes af Emiren – og dette sker kun i yderst begrænset omfang.

Eneste undtagelse for ovenstående er bedoons - statsløse personer – der i nogle tilfælde kan være 2. generations bedoon'ere i landet. Ifølge UNHCR har ca. 1.600 bedoons (af i alt ca. 105.000 bedoons i landet) – efter langvarige processer og forelæggelse af et utal af dokumenter, opnået kuwaitisk statsborgerskab i landet igennem de forløbne 2 år.

Opnåelse af opholdtilladelse: Der kræves et gyldigt pas, en kuwaitisk sponsor, og en arbejdstilladelse. Når lønnen er på over KD 600,- (ca. kr. 15.000,-) kan arbejdstageren få lov at medbringe kone og børn.

En opholdtilladelse udløber automatisk når personen opholder sig mere end 6 mdr. uden for Kuwait – efter 6 mdrs. udlandsophold vil personen ikke få tilladelse til indrejse i landet selvom opholdtilladelsen fortsat er gyldig (reglen håndhæves meget striks). For personer med en gyldig opholdstilladelse kræves der ingen specielle ind- og udrejsetilladelser.

Supplerende bemærkninger: Det oplyses, at statsborgere fra visse lande udsættes for en mere restriktiv behandling i forbindelse med ansøgning om opholdstilladelse (selvom pas, sponsorship m.v. er i orden). Disse lande er Irak, Sudan, Yemen, Jordan og Palæstina.

Med hensyn til bedoonernes situation i Kuwait anføres det, at myndighederne indtil nu har set igennem fingrene med, at disse statsløse personer – som for flertallets vedkommende ikke engang har et lokalt Id-kort, der bl.a. kræves for at kunne sende børn i skole, benytte hospitaler m.v. – har kunnet benytte sidstnævnte faciliteter. Regeringen ønsker at løse bedoon-problemet hurtigst mulig, og har nu sat en deadline – den 1. juli 2000 - for at bedoonerne kan få deres situation i landet reguleret/berigtiget. Dette er lettere sagt end gjort idet det for mange bedooners vedkommende vil være uhyre vanskeligt at få

stadfæstet deres originale herkomst (statsborgerskab). Man har opfordret bedoonerne til at skaffe sig pas (myndighederne er ligeglade med hvorfra eller hvordan), og man vil så give dem opholdtilladelse på lempelige betingelser. UNHCR har en dialog med den kuwaitiske regering omkring problemet.

Der foreligger fortsat intet svar fra officielt kuwaitisk hold på ambassadens note af 5. januar 2000 i sagen – et eventuelt svar vil blive indsendt så snart det modtages her.

P.A.V.



Bent Roll

cc. S.5

NATIONALITY LAW, 1959

Country: Kuwait**Date of entry into force:** 1959**This legislation includes amendments up to and including:** 1987**[NOTE: This is an unofficial translation. It includes all changes/amendments from: Decree Law No. 40/1987, Decree No. 1/1982, Statute No. 1/1982, Decree Law No. 100/1980, and Statute No. 30/1970.]**Table of Contents

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Article 1

Original Kuwaiti nationals are those persons who were settled in Kuwait prior to 1920 and who maintained their normal residence there until the date of the publication of this Law. Ancestral residence shall be deemed complementary to the period of residence of descendants.

A person is deemed to have maintained his normal residence in Kuwait even if he resides in a foreign country if he has the intention of returning to Kuwait.

Article 2

Any person born in, or outside, Kuwait whose father is a Kuwaiti national shall be a Kuwaiti national himself.

Article 3

Kuwaiti nationality is acquired by any person born in Kuwait whose parents are unknown. A foundling is deemed to have been born in Kuwait unless the contrary is proved. 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.

Article 4

Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to any person of full age satisfying the following conditions:

1. that he has lawfully resided in Kuwait for at least 20 consecutive years or for at least 15 consecutive years if he is an Arab belonging to an Arab country. The requirement of consecutive residence shall not be affected if the applicant leaves Kuwait on official business. If he leaves for a reason other than that of official business, but retains the intention of returning, the period spent abroad shall be deducted from the total period of his residence in Kuwait;
2. that he has lawful means of earning his living, is of good character and has not been convicted of an honour-related crime or of an honesty-related crime;
3. that he has knowledge of the Arabic language;
4. that he possesses qualifications or renders services needed in Kuwait;
5. that he be an original Muslim by birth, or that he has converted to Islam according to the prescribed rules and procedures and that a period of at least 5 years has passed since he embraced Islam before the grant of naturalization. Nationality thus acquired is ipso facto lost and the Decree of naturalization rendered void ab initio if the naturalized person expressly renounces Islam or if he behaves in such a manner as clearly indicates his intention to abandon Islam. In any such case, the

nationality of any dependant of the apostate who had acquired it upon the naturalization of the apostate is also rendered void.

A Committee of Kuwaiti nationals, appointed by the Minister of the Interior, shall select from those who apply for naturalization, the applicants whom it recommends for naturalization in accordance with the provisions of this Article.

The number of persons who may be naturalized in any one year in accordance with the provisions of this Article shall be decided by an Act.

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:

1. any person who has rendered valuable services to Kuwait;
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;
3. an Arab belonging to an Arab country provided that he had resided in Kuwait since before 1945 and has maintained his residence there until the promulgation of the Decree providing for his naturalization;
4. a non-Arab provided that he had resided in Kuwait since before 1930 and has maintained his residence there until the promulgation of the Decree providing for his naturalization. Ancestral residence shall be deemed complementary to the period of residence of descendants for the purposes of the application of the third and fourth paragraphs of this Article, provided that the descendant was born in and is residing in Kuwait. Proof of residence shall be effected according to the procedure prescribed by Article 21 of this Law.

The number of persons who may be naturalized in any one year in accordance with the provisions of paragraphs 3 and 4 of this Article shall be decided by an Act.

The grant of Kuwaiti nationality in virtue of the provisions of this Article shall be further subject to the conditions laid down in paragraphs 2, 3 and 5 of the Article immediately preceding.

Article 6

A person who has acquired Kuwaiti nationality by virtue of the provisions of any of Articles 3, 4, 5, 7 or 8 of this Law shall not have the right to vote in any Parliamentary election within 30 years following the date of his naturalization. The provisions of this Article shall apply to any who have already acquired Kuwaiti nationality by virtue of naturalization prior to the enactment of this amendment. The 30 year period shall be deemed to start to run in the case of such persons from 6 July 1966.

A person to whom this Article applies shall not have the right to stand as a candidate for or to be appointed to membership of any Parliamentary body.

Article 7

The [foreign] wife of a foreigner who has acquired Kuwaiti nationality shall not ipso facto be considered to be a Kuwaiti national unless she declares her wish so to be considered within one year following the date of her husband's naturalization. The children, being minors, of a foreigner who has acquired Kuwaiti nationality, shall, ipso facto, themselves be considered to be Kuwaiti nationals. They shall have the right to decide whether to retain their nationality of origin within a year of their attaining the

age of majority.

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. In the event of such woman's marriage being terminated by divorce or the death of her husband, and if a child had been or is born to her by her husband, Kuwaiti nationality may be granted to her by Decree upon the recommendation of the Minister of the Interior, provided that she maintains her lawful and normal residence in Kuwait until the end of such 15 year period.

Article 9

A foreign woman who has acquired Kuwaiti nationality by virtue of either of the two articles immediately preceding shall not lose it upon the termination of the marriage unless she thereupon re-acquires her nationality of origin or acquires another nationality.

Article 10

A Kuwaiti woman who marries a foreigner shall not lose her Kuwaiti nationality unless she acquires the nationality of her husband at her own request.

Article 11

A Kuwaiti national shall lose his Kuwaiti nationality if he becomes voluntarily naturalized according to the law of another State. His wife, being a Kuwaiti national, shall not lose her Kuwaiti nationality by virtue of her husband's naturalization unless she voluntarily acquires the nationality of her husband. 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.

A Kuwaiti national who has lost his Kuwaiti nationality by virtue of the provisions of this Article may reacquire his Kuwaiti nationality by Resolution of the Council of Ministers upon the recommendation of the Minister of the Interior, provided that he has lawfully resided in Kuwait for not less than one year and provided further that he applies for such reacquisition and has renounced his foreign nationality. He shall resume his Kuwaiti nationality upon the acceptance of his application by the Council of Ministers.

Article 11bis

A foreigner who may acquire Kuwaiti nationality by virtue of the provisions of any of Articles 4, 5, 7 or 8 of this Law shall renounce any other nationality he may have within three months following the date of his naturalization according to the law of Kuwait and shall provide evidence of his having done so to the Minister of the Interior. In the event of his failure to do so, his naturalization shall *ipso facto* be revoked and deemed void *ab initio*. Kuwaiti nationality shall be revoked by Decree upon the recommendation of the Minister of the Interior. Kuwaiti nationality which may have been acquired by any dependant of any such person shall also be revoked.

Article 12

A Kuwaiti woman who has lost her Kuwaiti nationality by virtue of the provisions of either of the two Articles immediately preceding may reacquire her Kuwaiti nationality by

Resolution of the Council of Ministers upon the recommendation of the Minister of the Interior, provided that she has renounced her foreign nationality and that she has maintained her normal residence in Kuwait or has returned to reside in Kuwait. She shall resume her Kuwaiti nationality from the date of the Resolution of the Council of Ministers.

Article 13

The nationality of a Kuwaiti national naturalized by virtue of any of Articles 3, 4, 5, 7 or 8 may be revoked by Decree upon the recommendation of the Minister of the Interior in the following cases:

1. where naturalization has been acquired by virtue of fraud or on the basis of a false declaration. Kuwaiti nationality which has been acquired by any dependant of any such person may also be revoked;
2. where, within 15 years of the grant of naturalization, a person is convicted of any honour related crime or honesty-related crime. In such case, the nationality of the convicted person alone may be revoked;
3. where, within 10 years of the grant of naturalization, a person is dismissed from public office on disciplinary grounds for reasons relating to honour or honesty;
4. where the competent authorities have evidence that a naturalized person has disseminated opinions which may tend seriously to undermine the economic or social structure of the State or that he is a member of a political association of a foreign State. Kuwaiti nationality which has been acquired by any dependant of any such person may also be revoked.

Article 14

A Kuwaiti national may be deprived of his Kuwaiti nationality by Decree upon the recommendation of the Head of the Departments of Police and Public Security, in the following cases:

1. where a person has entered the military service of a foreign State and has remained in such service notwithstanding an instruction from the Government of Kuwait that he leave such service;
2. where a person has worked for a foreign State which is at war with Kuwait or with which diplomatic relations have been suspended;
3. where a person is normally resident abroad and he has become a member of an association whose objects include objects which may tend seriously to undermine the social or economic structure of Kuwait or where he has been convicted of an offence involving breach of his allegiance to Kuwait. In such cases, only the person concerned may be deprived of his nationality.

Article 15

Kuwaiti nationality may, by Decree issued on the submission of the Head of the Departments of Police and Public Security, be restored at any time to a person from whom it was withdrawn or who was deprived of it in accordance with the provisions of the Articles preceding.

Article 16

The acquisition, withdrawal, deprivation or re-acquisition of Kuwaiti nationality shall be of no retrospective effect, unless express provision to the contrary is made [by the

relevant Decree or other instrument].

Article 17

The age of majority referred to in any provision of this Law shall be in accordance with the general provision at any time in force of Kuwaiti law.

Article 18

All declarations, notifications of choice and option, application forms and all other forms and procedures referred to in this Law shall, where effected in Kuwait, be addressed to the Head of the Departments of Police and Public Security. Where effected outside Kuwait, they shall be presented to the Consular bodies authorised to attend to them.

Article 19

The Head of the Departments of Police and Public Security shall issue to every Kuwaiti national a certificate of Kuwaiti nationality after investigation has been made to establish his right to such nationality in accordance with the provisions of this Law.

Article 20

In every case, the burden of proof shall rest upon one who claims Kuwaiti nationality.

Article 21

Kuwaiti nationality as provided for by the provisions of this Law may be proved by way of an investigation carried out by Nationality Committees established by Decree upon the recommendation of the Head of the Departments of Police and Public Security. Such Committees may accept documentary evidence as constituting proof of Kuwaiti nationality. The Committees may also admit evidence submitted by witnesses considered to be trustworthy, and be guided by matters of common repute and any other circumstantial evidence as they may consider to be sufficient to substantiate a claim to nationality.

The Committees shall report to a Supreme Committee to be established by Decree upon the recommendation of the Head of the Departments of Police and Public Security. No determination of a Committee shall be valid until it shall have been affirmed by the Supreme Committee.

Membership of all such Committees and rules of procedure to be adopted by them shall be regulated by Decree upon the recommendation of the Head of the Departments of Police and Public Security.

Article 21bis A

A nationality certificate may be withdrawn if it appears to have been obtained by virtue of fraud or on the basis of a false declaration or on the basis of false evidence submitted by a witness. Such withdrawal shall be effected by Resolution of the Council of Ministers upon the recommendation of the Minister of the Interior. Kuwaiti nationality which has been acquired by any dependant of any such person may also be revoked.

Article 21bis B

Any person who has made, whether orally or in writing, incorrect statements to the administrative authorities responsible for verification of Kuwaiti nationality or to the Committees established for that purpose, with the object of seeking to prove his own Kuwaiti nationality or that of another, or with the object of seeking to facilitate the acquisition of Kuwaiti nationality according to the provisions of this Law and who is not proved to have made reasonable effort to determine the truth of his statements, shall be liable to either or both of a term of imprisonment not exceeding three years and to a fine of not more than 200 Kuwaiti Dinars.

If such person has furnished statements knowing them to be false, he shall be liable to a term of imprisonment not exceeding seven years and to an additional fine of up to 500 Kuwaiti Dinars.

Article 22

For a period of 2 years from the date of entry into force of this Law, no Kuwaiti passports will be issued save to those who have established their Kuwaiti nationality in accordance with the provisions of this Law.

Article 23

All passports issued before the date of entry into force of this Law and all passports issued during the period of 2 years thereafter as provided by Article 22, to any who does not carry a certificate of Kuwaiti nationality as provided for by Article 19, shall cease to be valid on the expiration of that two-year period.

Article 24

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

All Orders for its due implementation shall be issued by the Head of the Departments of Police and Public Security.

DECREE LAW No. 100/1980

Country: Kuwait**Date of entry into force:** 1980**[NOTE: This is an unofficial translation.]**Table of ContentsArticle 1Article 2Article 3Article 4Article 5**Article 1**

[provides for the amendment of certain articles of the Nationality Law, 1959.]

Article 2

[provides for the addition of Article 11 bis to the Nationality Law, 1959.]

Article 3

Any person who claims that he is an original Kuwaiti national by virtue of the provisions of Article 1 of Amree Decree No. 15/1959 and any foreigner who may wish to acquire Kuwaiti nationality by virtue of the provisions of Article 5, paragraphs 3 and 4 of that Law shall apply within one year from the date of the entry into force of this Law. No application for confirmation of a claim in accordance with the provisions of Article 1 or for naturalization in accordance with the provisions of Article 5 of that Law shall be received after that date.

Any application submitted on behalf of a minor shall be submitted by his legal representative but shall be finally determined only upon his attaining the age of majority. Should an applicant die before his application for the acquisition of Kuwaiti nationality is considered, the applications submitted on behalf of his minor children shall be considered forthwith.

Article 4

All Decrees granting naturalization and all nationality' certificates issued according to the Resolution of the Supreme Committee for Nationality of 4 February 1961 whereby any person holding a Kuwaiti passport before 15 December 1959 was deemed to be a naturalized Kuwaiti national, are hereby declared to be and always to have been valid.

Any person whose Kuwaiti nationality was acquired by virtue of the above Resolution of 1961 shall be deemed to have acquired it from the date of the promulgation of the Decree providing for his naturalization or from the date of the issue of his nationality certificate.

No further conferment or acquisition of Kuwaiti nationality according to the provisions of the above Resolution shall be made or acknowledged after the date of the entry into force of this Law.

Article 5

The period prescribed by Article 11 bis of Amiree Decree No. 15/1959 (Nationality Law) referred to in this Decree-Law concerning those who had acquired Kuwaiti nationality prior to the date of entry into force of this Decree-Law shall run from that date.

