

THE BILL

1. This Act may be cited as the Sudanese Nationality Act 1957.
2. The Definition of Sudanese Ordinance, 1948 is hereby repealed.
3. In this Act, unless the contrary intention appears :-

Alien means a person who is not a Sudanese;

Certificate of Naturalization means a certificate of naturalization granted or deemed to have been granted under this Act;

Child means a legitimate child and includes an adopted child and a step-child;

Council means the Council of Ministers;

Disability means the incapacity attached to any person by reason of minority or unsoundness of mind;

Domicile means the place in which a person has his home or in which he resides and to which he returns as his place of permanent abode and does not mean the place where he resides for a special or temporary purpose only;

Father in regard to a person born out of wedlock or not legitimated, includes the mother of the person;

Minister means the Minister of the Interior;

Major means a person who has not attained the age of twenty-one years.

Prescribed means prescribed by regulations made under this Act;

Responsible parent in relation to a child, means the father of that child or, where the mother has been given the custody of the child by the order of a competent court, or the father is dead, or the child was born out of wedlock and resides with the mother, means the mother of that child.

Sudan comprises all these territories which were included in the Anglo-Egyptian Sudan, immediately before the commencement of the Transitional Constitution of the Sudan.

4. A person shall, for the purposes of this Act, be of full age, if he has attained the age of eighteen years, and of full capacity if he is not of unsoundmind.

## PART II - NATIONALITY BY DESCENT

5. (1) A person born before the commencement of this Act shall be a Sudanese by descent, if—

(a) (1) he was born in the Sudan, or his father was born in the Sudan; and

(11) he, at the coming into force of this Act, is domiciled in the Sudan, and has been so domiciled since 31st December, 1897 or else whose ancestors in the direct male line since that date have all been so domiciled; or

(b) has acquired and maintained the status of a Sudanese by domicile under Section 3 (a) of the Definition of Sudanese Ordinance, 1948.

(c) A person born after the commencement of this Act, shall be a Sudanese at the time of his birth.

6. A person who is or was first found as a deserted infant of unknown parents shall, until the contrary is proved, be deemed to be a Sudanese by descent.

7. The Minister shall, on the application of any Sudanese by descent under the provisions of this part of the Act, and upon payment of the prescribed fees, issue to such applicant a nationality certificate in the prescribed form.

## PART III - NATURALIZATION

8. (1) The Minister may, at his discretion, grant a certificate of naturalization as a Sudanese, to an alien who makes an application in the prescribed form and satisfies the Minister that—

(a) he is of full age and capacity;

(b) he has been domiciled in the Sudan for a period of ten years immediately preceding the date of the application;

(c) he has an adequate knowledge of the Arabic language or, if he has not such adequate knowledge, he has resided continuously in the Sudan for more than twenty years;

(d) he is of good character;

(e) he intends, if naturalized, to continue to reside permanently in the Sudan; and

(f) if he is a national of any foreign country under any law in force in that country, he has formally renounced the nationality of that country

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(2) No certificate of naturalization shall be granted to any person under the preceding subsection, until the applicant has taken the oath of allegiance in the form set out in the schedule hereto.

(3) A person to whom a certificate of naturalization has been granted under this section, shall have the status of a Sudanese by naturalization as from the date of that certificate.

(4) The Minister may, upon application in that behalf include in a certificate of naturalization the names of any minor children of whom the grantee is the responsible parent; such minor shall, as from the date of such inclusion, have the status of a Sudanese by naturalization.

(5) A grant made under Section 4 of the Definition of Sudanese Ordinance, 1948, shall be deemed to be a certificate of naturalization granted under sub-section (1).

9. The Minister shall grant a certificate of naturalization as a Sudanese to an alien woman who makes an application in the prescribed form and satisfies the Minister that -

(a) she is the wife of a Sudanese;

(b) she has resided with her husband in the Sudan for a continuous period of not less than one year immediately preceding the application; and

(c) she has renounced her foreign nationality.

10. The Minister's refusal to grant a certificate of naturalization as a Sudanese shall be final and shall not be contested in any Court, but the Minister may at any subsequent time grant such certificate.

11. There shall be kept and maintained, in the prescribed form, a register of persons who are granted the Sudanese nationality by naturalization.

#### PART IV - LOSS OF NATIONALITY

12. Where the Council is satisfied that a Sudanese of full age and capacity -

(a) has acquired the nationality of a foreign country by any voluntary and formal act other than marriage; or

(b) has made a declaration, announcing his Sudanese nationality; provided however, that the Council may refuse to accept such declaration if it is made during the continuance of any war in which the Sudan is engaged; or

(c) has, after the commencement of this Act, taken or made an oath of affirmation or the declaration of allegiance to a foreign country; or

(d) has entered or continued in the service of a foreign country, in contravention of any express provision of any Law in the behalf;

The Council may order that such person shall cease to be a Sudanese.

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13. (1) Where the Council is satisfied that a Sudanese by naturalization

(a) has obtained his certificate of naturalization by fraud, false representation or the concealment of any material fact, or

(b) has, during any war in which the Sudan is or has been engaged, unlawfully traded or communicated with the enemy or with a subject of any enemy state or has been engaged in, or associated with, any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or

(c) has, within five years after the date on which he has naturalized, been sentenced in any country to imprisonment for a term not less than one year; or

(d) if out of the Sudan, has shown himself by act of speech to be disloyal or disaffected towards the Sudan; or

(e) if in the Sudan, has been convicted of any offence involving disloyalty or disaffection to the Sudan; or

(f) has resided outside the Sudan for a continuous period of five years unless -

(1) he has so resided by reason of his service under the Sudan Government or of his service with an international organization of which the Sudan is a member, or

(11) he has so resided as the representative or employee of a person company or firm resident or established in the Sudan; or

(111) in the case of a wife or minor child of a person referred to in paragraphs (1) or (11), such wife or child has so resided with such person; or

(1V) he has, at least once in every year during that period given notice to the Minister in the prescribed form of his intention to retain his Sudanese nationality;

The Council may by order, deprive that person of his Sudanese nationality.

(2) Before making an order under this section, the Council shall give to the person in respect of whom the order is proposed to be made, notice in writing informing him of the ground on which the order is proposed to be made, and that he may apply to have the case referred to a committee of inquiry.

(3) If in accordance with the provisions of the preceding sub-section and within a period of six months of the date of the notice, such person so applies, the Council shall refer the case to a committee for inquiry as hereinafter provided.

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(4) An inquiry under this section shall be held by a committee constituted for the purpose by the Council, and the Chairman shall be a person who holds or had held a judicial office not below the status of a Province Judge.

(5) The person in respect of whom an order is proposed to be made under this section, shall be entitled to appear before the committee of inquiry personally or by an advocate or a duly authorised agent on his behalf.

(6) The Committee appointed under this section shall have all such powers, rights and privileges as are vested in a Court of a District Judge of the First Grade in respect of :-

(a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise, and the issue of a commission or request to take evidence abroad; and

(b) compelling the production of documents.

(7) The Committee of Inquiry shall, on such reference hold the inquiry in such manner as may be prescribed and submit its report to the Council, and the Council shall act upon the decision of the Committee.

14. Where the Council orders that any person shall cease to be a Sudanese, or be deprived of his Sudanese nationality, the order shall have effect from such date as the Council may direct, and thereupon the said person shall cease to be a Sudanese.

15. When a person ceases to be a Sudanese or has been deprived of his Sudanese nationality, he shall not thereby be discharged from any obligation, duty or liability in respect of any act or thing done or omitted before he has ceased to be a Sudanese or been deprived of the Sudanese nationality.

16. (1) When the responsible parent of a minor ceases to be a Sudanese under Section 12 of this Act, that minor shall cease to be a Sudanese only if he be or thereupon becomes under the Law of any country, other than the Sudan, a national of that country.

(2) Where a person is deprived of his Sudanese nationality, under Section 13 of this Act, the Minister may, by order, direct that all or any of the minor children of whom that person is the responsible parent shall cease to be Sudanese :

provided that such minor may, within one year after attaining majority, make a declaration that he wishes to resume the Sudanese nationality, and thereupon he shall again become a Sudanese.

17. The Minister shall cause to be published in the Gazette the names and addresses of persons who have lost or who have been deprived of their Sudanese nationality under this part of the Act.

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PART V - MISCELLANEOUS

18. Any references in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death; and where the death occurred before, and the birth after, the commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

19. Every person who :-

(a) for any of the purposes of this Act knowingly makes a false representation or a statement false in a material particular; or

(b) uses another person's certificate of naturalization to personate that other person; or

(c) knowingly permits his certificate of naturalization to be used to personate himself; or

(d) having been deprived of his Sudanese nationality under Section 13 fails, upon being so demanded by the Minister, to surrender his certificate of naturalization;

shall be guilty of an offence and shall on conviction be liable to imprisonment for a term which may extend to three years or to fine or to both.

20. The Minister may make regulations generally for carrying into effect the provisions and purposes of this Act, and in particular may by such regulations provide for :-

(a) the forms to be used and the registers to be maintained under this Act;

(b) the administration and taking of oaths of allegiance under this Act, and the manner in which such oaths shall be taken and recorded;

(c) the payment of fees in respect of any registration, the making of any declaration or the grant of any certificate authorised to be made or granted by this Act, and in respect of the administration or registration of an oath;

(d) the procedure to be followed by the committee of inquiry appointed under Section 13 of this Act,