

## 48. Liberia

(a) LAW OF 8 FEBRUARY 1922.<sup>1</sup>

### CHAPTER IV. CITIZENS

*Section 66. Native Citizens.* All persons of Negro descent born in the Republic of Liberia and subject to the jurisdiction thereof are citizens of the Republic of Liberia. The circumstance of birth within the Republic of Liberia makes one who is of Negro descent a citizen thereof, even if his parents were at the time aliens, provided they were not, by reason of diplomatic character or otherwise, exempted from the jurisdiction of its laws.

*Section 67. Children of Citizens Born Abroad.* All children born out of the limits and jurisdiction of the Republic of Liberia whose fathers were at the time of their birth citizens thereof are citizens of the Republic of Liberia; but the rights of citizenship do not descend to children whose fathers never resided in the Republic of Liberia. That the citizenship of the father descends to the children born to him when abroad is a generally acknowledged principle of international law.

*Section 68. Naturalized Citizens.* Naturalization is a judicial act, and certificates of naturalization in regular form, by any circuit or territorial court of the Republic of Liberia, will be treated by consular officers as conclusive evidence of citizenship, except as herein otherwise provided.

*Section 69. Other Races.* The Statutes of the Republic of Liberia with respect to naturalization authorize the naturalization only of Negroes, or persons of Negro descent. The naturalization of all persons not Negroes nor of Negro descent, as aforesaid, is unauthorized and void, and consular officers will disregard their certificates of naturalization.

*Section 70. Wife of Citizen.* Any woman of Negro descent married to a citizen of the Republic of Liberia is a citizen thereof; and it is immaterial whether the husband became a citizen before or after marriage. Any woman who acquires Liberian citizenship by marriage shall be assumed to have retained it after the termination of the marital relation by death or absolute divorce if she continues to reside in the Republic of Liberia, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens or, if she resides abroad, she may retain Liberian citizenship by registering as a Liberian citizen before a Liberian consul within one year after the termination of the marital relation.

*Section 71. A Liberian Woman who Marries a Foreigner.* A Liberian woman who marries a foreigner takes the nationality of her husband. At the termination of the marital relation, by death or absolute divorce, she may resume her Liberian citizenship; if abroad, by registering as a Liberian citizen within one year with a Consul of the Republic of Liberia, or by returning to reside in the Republic of Liberia; or if residing in the Republic of Liberia at the termination of the marital relation by continuing to reside therein.

*Section 72. Children of Naturalized Citizens.* The naturalization or resumption of Liberian citizenship of the parents confers Liberian citizenship

<sup>1</sup> Flournoy and Hudson, A Collection of Nationality Laws, New York 1929. pp. 413-415.

upon the minor children and shall begin at the time such minor children begin to reside permanently in the Republic of Liberia.

*Section 73. Expatriation.* A Liberian citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state. When any naturalized citizen shall have resided for two years in that foreign state from which he came, or for five years in any other foreign state, it shall be presumed that he has ceased to be a Liberian citizen, and his place of general abode shall be deemed his place of residence during the said years.

*Provided:* That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the Republic of Liberia, under such rules and regulations as the Department of State may prescribe. A Liberian citizen shall not be allowed to expatriate himself when this country is at war.

*Section 74. Oath of Allegiance.* Every child born without the Republic of Liberia of Liberian parents and resident abroad upon attaining his majority is required, in order to conserve his Liberian citizenship, to take the oath of allegiance to the Republic of Liberia before a Liberian consul.

*Section 75. Duplicates of Evidence of Citizenship.* Diplomatic and consular officers are required to file with the Department of State duplicates of any evidence, registration, or other acts taken before them in conservation of citizenship and the right of protection.

(b) LAW ON NATURALIZATION OF 14 DECEMBER 1938. AN ACT RELATING TO NATURALIZATION.

*Section 1.* That from and after the passage of this Act, all laws or parts of law conflicting with the provisions of this Act, are hereby repealed.

*Section 2.* This Act shall be known as the Naturalization Act, and shall be enforced from the date of its publication.

*Section 3.* The term Naturalization, when used in this Act, shall mean the act of clothing or adopting any alien Negro of the age of twenty-one years and upward, or any alien person of Negro descent, of the age of twenty-one years and upward with the privileges of a native citizen of the Republic of Liberia.

*Section 4.* Filing of Declaration of Intention to become a citizen: Any alien Negro or any alien person of Negro descent intending to become a citizen of the Republic of Liberia, shall as a prerequisite appear before the office of the Clerk of any Circuit Court, or his authorized deputy, in the jurisdiction in which such alien resides and file a declaration upon or affidavit of his intention to become a citizen.

*Section 5.* The Declaration of Intention mentioned above must give information regarding the applicant, that is, his name, age, occupation, physical description, place of birth, last foreign residence, and allegiance, date of arrival in Liberia, name of (if any) by which he/vessel entered the territory of the Republic, and, present residence.

*Section 6.* Petition for Citizenship: An applicant for naturalization must not less than two nor more than three years after he has made his declaration of intention, make and file a petition signed in his own handwriting and duly verified in which he must give information similar to

that required in the Declaration of Intention, and he must state that he does not believe in Anarchy. The petition must also show that he renounces all foreign allegiance and intends to reside permanently within the Republic of Liberia, and must state whether he has heretofore been refused naturalization, and if so, on what grounds; and it must be verified by two credible witnesses, citizens of the Republic of Liberia, who personally know that the applicant has been at least two years a resident in the territory of the Republic of Liberia, or of the County where the application is made, and who personally know him to be of good moral character, and that he has not been guilty of any impropriety in his public conduct.

*Section 7. Oath of Allegiance:* The applicant shall declare upon oath before the Clerk of the Circuit Court of the County in which he resides that he will support the Constitution and laws of the Republic of Liberia, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign Prince, Potentate, State and Sovereignty whatever and particularly to the one of which he was before a citizen or subject.

*Section 8. Notice and Hearing:* Upon the filing of a Declaration of Intention and a petition for naturalization, the Clerk of the Court is required to file a copy thereof with the Attorney General for his information, and to give public notice thereof by posting data regarding the applicant, together with the date, as near as may be, of the final hearing, and the names of the witnesses whom the applicant expects to summon in his behalf; and if the applicant desires, the Clerk of Court shall issue subpoenas for such witnesses, who shall not be those verifying the petition.

*Section 9. Fees:* The Clerk of the Court shall charge and collect from the petitioner the following fees in each proceeding for naturalization: an internal revenue stamp fee of \$3.00, and stamps of the aforesaid value shall be placed upon each Declaration of Intention. A further charge of \$3.00 shall be made by the Clerk of the Court for his services in receiving and filing each Declaration of Intention and Petition for Naturalization and for issuing a Certificate of Citizenship to the Petitioner.

*Section 10.* The Department of Justice shall have the right to intervene in all matters of naturalization for the purpose of cancelling Certificates of Citizenship, or for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition, and has the right to call witnesses and produce evidence in opposition to the petition.

*Section 11. Cancellation of Certificate for fraud or absence:* If any naturalized alien shall have fraudulently secured a Certificate of Citizenship, or if any alien who after the issuance of a Certificate of Citizenship shall return to the country of his nativity, or go to any other foreign country, and take up permanent residence therein for seven consecutive years, and no account can be given of his absence, the Judge of the Circuit Court upon information of the Attorney General, County or District Attorney, shall have authority to cancel the Certificate of the said naturalized alien and the Clerk of the Court shall notify the Department of State of such cancellation. All lands held in the territory of the Republic by any person whose Certificate of Citizenship is so cancelled, shall be forfeited and they shall be escheated to the Government, unless said naturalized alien shall leave a wife or legitimate children in the Republic. Officials and employees of Government who may be engaged on Govern-

mental duties abroad are, however, exceptions to the provisions of this paragraph.

*Section 12.* Application to be filed in the Department of State: The Secretary of State shall furnish the Clerk of Court in each County with forms of Declaration of Intention, and Certificate of Citizenship. All declarations shall be signed by the applicant in triplicate, and a copy thereof shall be forwarded by the Clerk of Court to the Department of State, within thirty days after the date of its execution, and the same shall be filed in the Department of State.

*Section 13.* Penalty for fraud or official neglect: Any person falsely procuring the naturalization of any party, or any person making any false statement, or doing any wrongful thing contrary to the provisions of this chapter, shall be deemed guilty of a felony, and shall be punished with a fine not exceeding \$300.00 or imprisonment not exceeding six months or both; and any officer neglecting any duty imposed upon him by this chapter shall be deemed guilty of a misdemeanor, and shall be punished with a fine not exceeding \$200.00 or dismissal from office or both.

*Section 14.* Evidence of naturalization: The Clerk of Court shall keep a record of all naturalization certificates issued and of all cases where naturalization has been refused, and such record shall be sufficient proof of naturalization. If the record is available parole evidence will not be admitted to prove or disprove naturalization, but where no naturalization records can be produced secondary evidence of the contents may be given just as secondary evidence of the contents of any record may be given.

*Section 15.* After an immigrant shall have been naturalized he shall then be entitled to a Certificate of Citizenship to be issued to him by the Clerk of the Circuit Court.

SCHEDULE OF FORM

DECLARATION OF INTENTION

Republic of Liberia,  
County . . . . .

I . . . . . age . . . . . years, do declare on oath (or affirm) that it is my intention to settle permanently in the Republic of Liberia, and to become a citizen thereof; and I hereby declare my allegiance to the Republic of Liberia and renounce forever all allegiance and fidelity to any foreign Power and particularly to the . . . . . being the foreign Power of which I am now a citizen or subject, so help me God.

Subscribed and sworn to before me this . . . . day of . . . . . A. D.  
. . . . .

. . . . .  
*Clerk of the Circuit Court*

. . . . .  
*County*

CERTIFICATE OF CITIZENSHIP

Republic of Liberia,  
County . . . . .

Be it known that on this . . . . . day of . . . . . A.D. . . . . who previous to his (or her) naturalization was a citizen or subject of

..... at present residing at ..... in the Republic of Liberia, having filed his (or her) Declaration of Intention as provided by law, and having satisfied me by his (or her) own statement under oath that he (or she) is a person of good moral character, attached to the principles of the Constitution of the Republic of Liberia, and has been in every respect a law abiding person during his (or her) residence in the Republic; and having taken oath to support and defend the Constitution and laws of the Republic of Liberia against all enemies, foreign and domestic, and to renounce and abjure all allegiance and fidelity to any foreign Power particularly to the ..... being the foreign Power to which he (or she) formerly owed allegiance.

Therefore it is ordered: That said ..... be and he (or she) is hereby admitted as a citizen of the Republic of Liberia.

In Witness whereof this Certificate is signed by the Clerk of Court of the County of ..... this ..... day of ..... A.D. ....

.....  
*Clerk of the Circuit Court*

.....  
*County*

Any law to the contrary notwithstanding

(c) LAW ON NATURALIZATION OF 28 JANUARY 1948. AN ACT TO AMEND AN ACT RELATING TO NATURALIZATION PASSED AND APPROVED 14 DECEMBER 1938.

*Section 1.* That from and after the passage of this Act, Section Six of the Legislature entitled "An Act Relating to Naturalization" passed at the Session, 1938, be and the same is hereby amended to provide that the President of Liberia is authorized and empowered to waive the probationary period in the case of any applicant or applicants for naturalization after filing his Declaration of Intention and allow such applicant or applicants to become citizens immediately.

*Section 2.* This Act shall take effect immediately and be published in hand-bills.

Any law to the contrary notwithstanding

(d) LAW ON NATURALIZATION OF 17 JANUARY 1951. AN ACT REGULATING HOW CERTIFICATES OF CITIZENSHIP MAY BE CANCELLED OR ANNULLED.

*Section 1.* Any alien who may become a naturalized citizen of the Republic of Liberia pursuant to the Constitutional provision for acquiring such citizenship shall, upon presentation to any of the Circuit Courts of the Republic by the Attorney General or any prosecuting officer of State, have his citizenship certificate annulled or cancelled for any of the following reasons:

(a) Where it is shown that at the time the person acquired citizenship he was not eligible to such citizenship by some existing law of the Republic or that he was not eligible to enter or reside in the Republic.

(b) Where the person who has acquired citizenship is not of good moral character and such fact was not known at the time he became a citizen.

(c) A certificate of citizenship may be cancelled where, at the time it was issued, the person naturalized was an anarchist, or naturally opposed to all government or where subsequent disloyalty shows that at the time of naturalization he failed to disclose that he had stronger feelings for his native land than his adopted country thereby committing a legal fraud on the country of his adoption.

(d) A certificate of citizenship may also be cancelled on the ground of fraud where it can be shown that the person naturalized intentionally concealed material facts about himself or wilfully made a misstatement or misrepresentation of such facts.

(e) Where a manifest error of law or fact on the part of the persons authorized to issue certificates of citizenship results in the granting of a certificate without compliance with statutory requirements, such as where the person granting same has no jurisdiction, or where the certificate is granted before it should be, or where all the laws governing the naturalization of a citizen are not fully complied with.

*Section 2.* The Legislature may, where the gravity of the case demands, enact a special statute ordering proceedings for cancellation of certificates of citizenship on specified grounds not encompassed in sub-sections (a) to (e) of Section One of this Act.

*Section 3.* All proceedings having for their objects the cancellation of certificates of citizenship shall be brought in the Circuit Court at a special session held for the purpose upon information of the Department of Justice and/or any of its agencies. All trials shall be summary and without a jury.

*Section 4.* After a decree of court has been given cancelling a certificate of citizenship, the President of Liberia is hereby vested with authority to deport or cause to be deported the person or persons whose certificate of citizenship has been cancelled and should no territory be found to which to deport such person or persons, he shall cause him or them to be interned until they can be deported.

Any law to the contrary notwithstanding

## 49. Libya

### CONSTITUTION OF 7 OCTOBER 1951.

*Article 8.* Every person who resides in Libya and has no other nationality, or is not the subject of any other State, shall be deemed to be a Libyan if he fulfils one of the following conditions:

- (1) That he was born in Libya;
- (2) That either of his parents was born in Libya;
- (3) That he has had his normal residence in Libya for a period of not less than ten years.

*Article 9.* Subject to the provisions of Article 8 of this Constitution, the conditions necessary for acquiring Libyan nationality shall be determined by a federal law. Such law shall grant facilities to persons of Libyan origin residing abroad and to their children and to citizens of