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CODE OF NATIONALITY

**LAW No. 79-12 OF DECEMBER 12, 1979
SETTING FORTH THE COMORIAN
CODE OF NATIONALITY**

**PRELIMINARY TITLE:
GENERAL PROVISIONS**

**CHAPTER I:
SOURCES OF COMORIAN NATIONALITY**

Art. 1. Federal Law determines which individuals have Comorian nationality at birth, as their nationality of origin.

Comorian nationality is acquired or lost after birth, by the effects of the law or by a decision of the public authority made under the conditions set by the law.

Art. 2. The provisions relating to nationality contained in the international agreements duly ratified and published apply even if they are contrary to the provisions of internal legislation.

**CHAPTER II:
JURISDICTION OF THE LAW IN PRESENT FORCE**

Art. 3. The new laws relative to the attribution of Comorian nationality as their nationality of origin apply even to individuals born before the date they went into effect, if these individuals have not yet, at that date, reached their age of majority.

This application does not however affect the validity any legal acts entered into by the person concerned, or the rights acquired by third parties on the basis of previous laws.

Art. 4. The term "New Law" in Article 3 above shall be construed to indicate the laws that may come into force after the enactment of this Code.

Art. 5. The conditions for the acquisition and the loss of Comorian nationality, after birth, are governed by the law in force at the time of the occurrence of the facts and acts of such a nature as to entail this acquisition or this loss.

Art. 6. The age of majority under this Code is set at twenty-one years of age.

When the date of birth of an individual can be specified in respect to a given birth year, but not as to the month and day, the individual will be deemed to have been born on December 31 of that year.

**CHAPTER III:
JURISDICTION ON COMORIAN TERRITORY**

Art. 7. For the purposes of this Code, the term Comoros is understood to be the entire Territory of the Federal Islamic Republic of Comoros, such as the Archipelago was historically and legally established.

Art. 8. The changes resulting from duly ratified and published international treaties are to be

taken into account at all times for determining the territory of the Comoros.

CHAPTER IV: TERMINOLOGY

Art. 9. In this Code, the expression "father" or "mother" should be understood as any parent whose descendance with regards to the child concerned has been legally established.

TITLE I:
ATTRIBUTION OF COMORIAN NATIONALITY AS THE NATIONALITY OF
ORIGIN

Art. 10. Any individual born in the Comoros is Comorian unless both his parents are foreigners.

Art. 11. Any individual born outside of the Comoros to a Comorian parent is Comorian.

Art. 12. The child who is Comorian by virtue of the provisions of this Title is deemed to have been Comorian since his birth, even if the existence of the conditions required by law for the attribution of Comorian nationality are not established until after his birth.

However, in the latter case, the attribution of Comorian status at birth does not affect the validity of acts entered into by the person concerned nor the rights acquired by third parties on the basis of the apparent nationality possessed by the child.

Art. 13. Birth or parentage does not become effective in matters of attribution of Comorian nationality unless it is established by a civil affairs certificate or by a judgment.

However, a child found without evident guardians in the Comoros is presumed to have been born there, unless proved otherwise by any means.

Art. 14. The provisions of the preceding articles are not applicable to children born in the Comoros to diplomatic agents or career consuls of foreign nationality.

PART II: THE ACQUISITION OF COMORIAN NATIONALITY

CHAPTER I: THE METHODS OF ACQUISITION OF COMORIAN NATIONALITY

SECTION I: ACQUISITION OF COMORIAN NATIONALITY BY RIGHT

Art. 15. Subject to the provisions of Articles 16, 17, 43, a foreign woman who marries a Comorian acquires Comorian nationality at the time of the celebration of the marriage before the Civil Affairs Official having jurisdiction in the area.

Art. 16. In the case where national laws allow the woman to retain her nationality, the woman has the right to declare, prior to the celebration of the marriage, that she declines the status of Comorian.

She can, even if she is a minor, exercise this right without any authorization.

Art. 17. During the six month period following the celebration of the marriage, the Government may oppose, by decree issued pursuant to a joint report from the Ministries in charge, the Ministries of Justice, the Interior, and Health and Social Affairs, the acquisition of Comorian nationality.

To this end, a summary of the marriage certificate is sent by the Civil Affairs Official having jurisdiction, within eight days of celebration, to the Ministry of Justice for registration.

In case of opposition by the Government, the person concerned is deemed to have never acquired Comorian nationality.

However, when the validity of acts entered into prior to the decree of opposition was subordinated to the acquisition by the wife of Comorian nationality, this validity can not be challenged on the grounds that the woman was unable to acquire this status.

Art. 18. When the marriage was celebrated abroad, the period provided for in the preceding article shall run from the date of the transcribing of the Certificate into the civil status records of the Comorian diplomatic or consular agents.

Art. 19. The woman does not acquire Comorian nationality if her marriage to a Comorian is declared invalid by a decision issued by a Comorian court or rendered enforceable in the Comoros, even if the marriage was contracted in good faith.

However, when the validity of acts entered into before the court decision finding the nullity of the marriage was subordinated to the acquisition of Comorian nationality by the wife, this validity can not be challenged on the grounds that the woman could not acquire this status.

SECTION II: ACQUISITION OF COMORIAN NATIONALITY BY DECLARATION

Art. 20. A minor child born in the Comoros to foreign parents can claim Comorian nationality by declaration under the conditions set in articles 60 and following, if, on the date of

his declaration, he/she has had his/her usual residence in the Comoros for at least five consecutive years, and if the proof of his/her birth is the result of a declaration of civil status to the exclusion of any other method.

Art. 21. A minor of eighteen years of age may make his declaration without any authorization.

If he or she is sixteen years old, but has not attained the age of eighteen years, the minor can only claim Comorian nationality if he or she is so authorized by the parent who exercises parental authority, or failing that, by his or her guardian.

In the event of divorce or separation, the authorization will be given by the parent to whom custody has been entrusted. If custody has been entrusted to a third party, the authorization will be given by the latter, after an opinion in accordance from the civil court with jurisdiction in the region of the residence of the minor, and such ruling will be produced in the relevant Counsel Chambers.

Art. 22. If the child is under the age of sixteen years, the person referred to in paragraphs 2 and 3 of the preceding article may, as the legal representative, declare that he/she claims the status of Comorian on behalf of the minor, provided however, that this legal representative, if he/she is a foreigner, has himself or herself had residence in the Comoros for at least five years.

Art. 23. Children born in the Comoros to diplomatic agents or career consuls of foreign nationality can claim Comorian nationality by declaration under the conditions set out in Articles 20, 21 and 22 above.

Art. 24. A child entrusted for at least five years to a public or private child care agency, or who, having been found without guardians in the Comoros, was raised there by a person of Comorian nationality can until his or her age of majority claim Comorian nationality by declaration under the same conditions as those provided by articles 20, 21 and 22.

Art. 25. The person concerned acquires Comorian nationality on the date on which the declaration was signed.

Art. 26. In the six month period following the date on which the declaration was submitted, the Government may, by decree, oppose the acquisition of Comorian nationality for any reason whatsoever.

SECTION III: ACQUISITION OF COMORIAN NATIONALITY BY DECISION OF THE PUBLIC AUTHORITIES

Art. 27. The acquisition of Comorian nationality by decision of the public authorities results from a naturalization or a reinstatement granted only at the request of the foreigner.

Paragraph 1 – Naturalization

Art. 28. Comorian naturalization is granted by decree after an enquiry.

No person can be naturalized if he/she does not have his usual residence in the Comoros at the time of the signing of the decree of naturalization.

Art. 29. Subject to the exceptions provided for in Articles 30 and 31, naturalization can not be granted except to the foreigner who proves his or her usual residence in the Comoros during the ten years preceding the filing of his application.

Art. 30. The conditional period referred to in Article 29 is reduced by five years:

1. - for a foreigner born in the Comoros or married to a Comorian;
2. - for a person who has rendered important services to the Comoros such as the contribution of artistic or scientific talent or literary distinction.

Art. 31. May be naturalized without a qualifying period:

1. - A foreign minor child born outside of the Comoros, if one of the parents acquires Comorian nationality during the lifetime of the other;
2. - A minor child of a foreigner who acquires Comorian nationality, in the event that, in accordance with Article 49 below, this child has not himself or herself acquired Comorian nationality by right;
3. - The wife of a foreigner who acquires Comorian nationality;
4. - An adult foreigner adopted before his/her age of majority by a person of Comorian nationality;
5. - A foreigner who has rendered outstanding services to the Comoros or a person whose naturalization is of exceptional interest to the Comoros.

Art. 32. With the exception of minors who can claim the benefits of the provisions of Article 31, no person may be naturalized if he/she has not attained the age of eighteen years.

Art. 33. A minor of eighteen years of age may apply for his naturalization without any authorization.

A minor under the age of eighteen who may invoke the privileges contained in the provisions of Article 31 must, in order to apply for naturalization, be authorized or represented under the conditions determined in Articles 21 and 22 of this Code.

Art. 34. No person may be naturalized if he/she is not of good character and comportment.

Art. 35. No person may be naturalized:

1. - if he/she is not recognized to not be of sound mind;
2. - if he/she is not recognized, due to his or her state of physical health, to be either a burden or a danger to the community;
3. - if he or she cannot demonstrate his or her assimilation into the Comorian community.

However, this condition is not required for a foreigner liable to benefit from the provisions of the last paragraph of Article 31.

Art. 36. At the time of each naturalization a Chancery duty of 20,000 F will be collected to the benefit of the Treasury.

Paragraph 2 - Reinstatement

Art. 37. Reinstatement of Comorian nationality is granted by decree after an enquiry.

Art. 38. Reinstatement can be obtained at any age and without a qualifying period.

However, no person may be reinstated if he/she does not have his or her usual residence in the Comoros at the time of reinstatement.

Art. 39. A person applying for reinstatement must provide proof of Comorian status.

Art. 40. Can not be reinstated the individual who has been stripped of Comorian nationality in accordance with Article 57 of this Code, unless, in a case where the forfeiture was motivated by a conviction, he has obtained rehabilitation from the court.

Art. 41. The individual referred to in the preceding article may however obtain reinstatement if he or she has rendered exceptional services to the Comoros or if his reinstatement is of exceptional interest for the Comoros.

SECTION IV:

PROVISIONS COMMON TO CERTAIN METHODS OF ACQUISITION OF COMORIAN NATIONALITY

Art. 42. No one can acquire Comorian nationality when residence in the Comoros constitutes a condition of this acquisition, if he does not meet the obligations and conditions imposed by the laws relating to foreigners living in the Comoros.

Art. 43. The foreigner who has been the subject of a deportation order or an order of house arrest may not acquire Comorian nationality by any manner whatsoever or be reinstated, if that order was not represented in the application in the form in which it was issued.

Art. 44. Residence in the Comoros during the period of house arrest or while serving a sentence of imprisonment is not taken into consideration in calculating the required qualifying residency period for the various methods of acquisition of Comorian nationality.

CHAPTER II:

THE EFFECTS OF THE ACQUISITION OF COMORIAN NATIONALITY

Art. 45. The individual who has acquired Comorian nationality enjoys the benefits, from the date of acquisition, of all the rights pertaining to Comorian status, subject to the restrictions provided for in Article 46 of this Code or in the special laws.

Art. 46. A naturalized foreigner is subject to the following restrictions:

1. - during a period of ten years from the date of the decree of naturalization, he or she may not be vested with functions or elective office for the exercise of which the status of Comorian is required;

2. - during a period of five years from the date of the decree of naturalization, he or she may not be a voter where the status of Comorian is necessary to permit voter registration;

3. - during a period of five years from the date of the decree of naturalization, he or she may not be appointed to public office paid for by the State, be registered with the Comorian bar or be appointed as the holder of a ministerial office.

Art. 47. A naturalized person who has rendered exceptional services to the Comoros or whose naturalization is of exceptional interest to the Comoros may be relieved in all or in part of the restrictions provided for in Article 46, by the decree of naturalization.

Art. 48. A minor child whose father and mother, in case of the death of one of them, acquires Comorian nationality and becomes by right Comorian in the same manner as his or her parents, on condition that his parentage is established by an act of civil status or by court order.

Art. 49. The provisions of the preceding article shall not apply to:

1. - A married minor child;
2. - An minor child who serves or has served in the army of his country of origin.

Art. 50. Is excluded from the benefits of Article 48, the minor child:

1. - who was affected by a deportation order or an order of house arrest not specifically cancelled in the form in which it was issued;
2. - who has been the subject of a conviction to more than six months imprisonment for an aggravated crime or offense;
3. - who, pursuant to the provisions of Article 46, can not acquire Comorian nationality;
4. - who has been the subject of a decree stating opposition to the acquisition of Comorian nationality pursuant to Article 26.

TITLE III: THE LOSS AND THE FORFEITURE OF COMORIAN NATIONALITY

CHAPTER I: THE LOSS OF COMORIAN NATIONALITY

Art. 51. Loses Comorian nationality, the Comorian adult who voluntarily acquires a foreign nationality.

However, during a period of fifteen years from either the conscription into the active Army or the registration on the census rolls for exemption from active service, the loss of Comorian nationality is subordinated to the authorization from the Government. This authorization is granted by decree pursuant to a report from the Minister for Justice, after approval by the Minister for Public Health and the Minister for National Defense.

Art. 52. The Comorian, even a minor, who by virtue of a foreign law possesses dual nationality by right, can be authorized by decree to lose the status of the Comorian.

A minor should, where appropriate, be authorized or represented under the conditions provided for in Articles 21 and 22.

Art. 53. The Comorian who loses Comorian nationality is released from his allegiance with regards to the Comoros:

1. - in the case provided for in Article 51, on the date of the acquisition of foreign citizenship;
2. - in the case provided for in Article 52, on the date of the decree authorizing him to lose the status of the Comorian.

Art. 54. The Comorian woman who marries a foreigner retains Comorian nationality, unless she expressly states, before the celebration of the marriage, under the conditions and in the form provided for in Articles 60 and following, that she renounces this nationality.

The declaration may be made without authorization, even if the woman is a minor.

This declaration is valid only when the wife acquires or can acquire the nationality of the husband, by application of the national law of the latter.

The woman, in this case, is released from her allegiance with regards to the Comoros on the date of the celebration of the marriage.

Art. 55. The Comorian who behaves in effect as the national of a foreign country according to his own will, may, if he/she also has the nationality of that country, be declared by decree, after an opinion from the Supreme Court ruling with the sections together, to have lost Comorian nationality.

He/she is released, in this case, from his/her allegiance with regards to the Comoros on the date of this decree.

The action taken against him or her may be extended to its spouse and to his/her minor children if they themselves have a foreign nationality. It can not be extended to the minor children unless it is also to the spouse.

The provisions of this Article shall not apply to former rulers, i.e. the former members of the executive and legislative branches.

Art. 56. Loses Comorian nationality, the Comorian who fills a job in the public service of a foreign State or in a foreign army, and keeps it notwithstanding an injunction to terminate it, which has been issued to him or her by the Comorian government.

Six months after the serving of this injunction, the person concerned will be officially declared by decree to have lost Comorian nationality if he/she has not, during this period, terminated his or her employment, unless it is established that it was absolutely impossible for him or her to do so. In the latter case, the six month period only runs from the day when the cause of the impossibility disappeared.

The person concerned is released from his allegiance with regards to the Comoros on the date of the decree.

CHAPTER II: THE LOSS OF COMORIAN NATIONALITY

Art. 57. The individual who has acquired the status of Comorian may, by decree, be stripped of Comorian nationality:

1. - if he or she is convicted of an act qualified as a crime or offence against the internal or external security of the State;

2. - if he or she is convicted of an act qualified as a crime or offense against State institutions;

3. - if he or she commits, for the benefit of a foreign state, acts incompatible with the his or status of a Comorian national and prejudicial to the interests of the Comoros;

4. - if he or she has been convicted in the Comoros or abroad of an act qualified as a crime by Comorian law and that has led to a sentence of at least five years of imprisonment.

Art. 58. The forfeiture is only incurred if the acts charged against the person concerned that are referred to in Article 57, occurred within a period of ten years from the date of the acquisition of Comorian nationality.

It can only be pronounced within a two year period from the commission of such acts.

Art. 59. The forfeiture may be extended to the spouse and to the minor children of the person concerned, on condition that they are of foreign origin and have retained a foreign nationality.

It can not however be extended to the minor children unless it is also to the spouse.

**PART IV:
THE CONDITIONS OF THE FORM OF THE ACTS RELATING TO THE
ACQUISITION OR LOSS OF COMORIAN NATIONALITY**

**CHAPTER I:
DECLARATIONS OF NATIONALITY, THEIR REGISTRATION DECREES OPPOSING
ACQUISITION OF COMORIAN NATIONALITY**

- Art. 60.** Any application made:
1. - to acquire Comorian nationality;
 2. - to decline the acquisition of Comorian nationality;
 3. - to renounce Comorian nationality, in the cases provided by law, is submitted to the Justice of the Peace for the jurisdiction in which the declarant has his or her residence.
- Art. 61.** When the applicant is located abroad, the application is submitted to the Comorian diplomatic and consular agents.
- Art. 62.** Any declaration of nationality submitted in accordance with the preceding articles shall, must, under penalty of annulment, be registered by the Ministry of Justice.
- Art. 63.** If the person concerned does not meet the conditions required by law, the Minister of Justice must refuse to register the declaration. The declarant shall be notified of this decision and the reasons motivating the decision shall be provided.
- Art. 64.** When the Government is opposed, in accordance with Article 26, to the acquisition of Comorian nationality, it is so ruled by decree pursuant to a report from the Minister of Justice.
- The declarant, duly notified, has the right to produce documents and memoranda.
The decree must be issued six months at most after the declaration.
- Art. 65.** If upon expiration of the six month period after the date on which the declaration was submitted, there has not been issued either a decision for refusal of registration, or a decree stating the opposition of the Government, the Ministry of Justice must issue to the declarant, upon his/her request, a copy of his/her declaration with reference to the registration carried out.
- Art. 66.** The validity of a registered declaration can always be challenged by the Public Prosecutor and by any person who has an interest in taking action. In the latter case, the Public Prosecutor is automatically involved.

**CHAPTER II:
DECISIONS REGARDING NATURALIZATION
OR REINTEGRATION**

- Art. 67.** Decrees of naturalization and for reinstatement are published in the Official Journal of the Republic. They take effect on the date of their signature without however affecting the validity of acts entered into by the person concerned or the rights acquired by third parties, prior to the publication of the decree, on the basis of the foreign origin of the recipient.

Art. 68. When the foreigner has knowingly made a false declaration, submitted a document containing an untruthful or wrongful assertion or employed fraudulent means in order to obtain naturalization or reinstatement, the decree issued may be withdrawn by decree on the basis of a report from the Minister of Justice.

The person concerned, duly notified, and has the right to produce documents and memoranda in his /her defense.

The decree of withdrawal must be issued within the two year period from the discovery of the fraud.

However, when the validity of acts entered into prior to the decree of withdrawal was subordinated to the acquisition of Comorian status by the person concerned, this validity can not be challenged on the grounds that the person concerned did not acquire this nationality.

Art. 69. Any person who, in return for compensation, offered a promise or any advantage whatsoever, direct or indirect, even if not agreed to in advance, or has offered, accepted to provide or to lend to a foreigner with pending naturalization or reinstatement, his intercession with the administration or public authorities in order to fraudulently facilitate obtaining Comorian nationality, will be punished with imprisonment of from 6 months to 2 years and a fine, or one of the two penalties only, without prejudice, where appropriate, to the application of higher penalties provided for in other provisions.

The judgment for sentence will pronounce, if there are grounds for such, the confiscation of the things received or their value, to the benefit of the Treasury.

Art. 70. Any agreement whose purpose is, as in the previous article, to facilitate a foreigner obtaining naturalization or reinstatement of Comorian nationality shall be deemed null and void as contrary to public order and the amounts paid pursuant to this agreement shall be confiscated to the benefit of the Treasury.

Any decree issued as a result of an agreement of this nature will be withdrawn within a period of one year from a judgment of conviction pronounced in accordance with the provisions of Article 69.

Art. 71. When the Ministry of Justice declares an application for naturalization or reinstatement inadmissible, his decision shall include the reasons for that decision. It is served on the person concerned.

Art. 72. The rejection of an application for naturalization or reinstatement does not need to be accompanied by reasons for the decisions and is not subject to any appeal. It is served on the person concerned by the Ministry of Justice.

CHAPTER III: DECISIONS RELATING TO THE LOSS OF COMORIAN NATIONALITY

Art. 73. Decrees stating authorization to renounce Comorian nationality are published in the Official Journal of the Republic. They take effect on the date of their signature, without however affecting the validity of the acts entered into by the person concerned, or the rights acquired by third parties prior to the publication of the decree, on the basis of the Comorian nationality of the recipient.

Art. 74. The rejection of an application filed in order to obtain authorization to renounce Comorian national status, does not need to be accompanied by reasons for the decision and is not subject to any appeal. It is served on the person concerned by the Minister of Justice.

Art. 75. In the event that the Government declares, in accordance with Articles 55 and 57, that an individual has lost Comorian nationality, it is so ruled by decree. The duly notified person concerned has the right to produce documents and memoranda in his or her defense.

The decree which, in accordance with Article 55, extends the declaration of the loss of Comorian nationality to the spouse and to the minor children of the person concerned is issued in the same form.

Art. 76. The decrees that declare, as provided for in the previous article, that an individual has lost Comorian nationality are published and produce their effects under the conditions referred to in Article 73.

**CHAPTER IV:
DECREES OF FORFEITURE**

Art. 77. When the Ministry of Justice decides to pursue the forfeiture of Comorian nationality against an individual whose status falls under the provisions of Article 57, it shall serve the intended measure on the person of the person concerned or at his domicile; in the absence of a known address, the intended measure is published in the Official Journal of the Republic of the Comoros.

The person concerned has the right, within a one month period from the date of publication of the measure in the Official Journal or from a period of one month from the service to the person of the measure, to send to the Ministry of Justice documents and memoranda in their defense.

Art. 78. The forfeiture of Comorian nationality is pronounced by a decree issued pursuant to the report from the Ministry of Justice.

The decree which, under the conditions provided for in Article 59, extends the forfeiture to the spouse and to the minor children of the person stripped is issued in the same form.

Art. 79. Decrees of forfeiture are published and produce their effects under the conditions referred to in Article 73.

**TITLE V:
DISPUTES OVER NATIONALITY**

**CHAPTER I:
THE JURISDICTION OF THE COURTS**

Art. 80. The Court of the First Instance has sole jurisdiction to hear disputes over nationality.

Art. 81. Opposition to the bestowal of Comorian nationality and the opposition to foreign nationals eligible for naturalization acquiring it are issues of the public interest; they must be raised automatically by the judge.

They constitute, for any jurisdiction other than the Court of First Instance, a question that requires the judge to stay a ruling until the question has been settled according to the procedures governed by Articles 89 and following of this Code.

Art. 82. If the exception to Comorian nationality or foreign origin is brought before a criminal court other than the Assize Court, the party invoking the exception, or the Public Prosecutor in the case where the person concerned holds a Certificate of Comorian Nationality issued in accordance with Articles 100 and following, must disclaim the jurisdiction of this court within thirty days before the civil court that has jurisdiction.

The criminal court stays any ruling until the question of nationality has been settled or until the expiration of the deadline provided hereinabove in the event that it was not submitted to the civil court.

Art. 83. The action instituted as the principal issue is brought before the court at the birthplace of the one whose nationality is in question, or, if he was not born in the Comoros, before the Court of Moroni.

There is no exception to this rule of jurisdiction, which must be raised automatically by the judge.

**CHAPTER II:
PROCEEDINGS BEFORE THE
COURTS**

Art. 84. The Court of the First Instance is charged with the case by normal means.

Art. 85. Any individual can bring before the court an action whose main and direct purpose is to have a judge determine whether or not he or she has Comorian nationality. The Public Prosecutor is solely qualified to defend the action, without prejudice to the right of intercession by interested third parties.

Art. 86. The Public Prosecutor has sole standing to initiate against any individual an action whose main and direct purpose is to establish whether or not the applicant has Comorian nationality without prejudice to the right that belongs to any person concerned to intercede in the action or to challenge, in accordance with Article 66, the validity of a registered declaration.

Art. 87. The Public Prosecutor is bound to act if he/she is so required by the public administration or a third party who has raised the exception to nationality before a court that has stayed a ruling in accordance with Article 81. The third party petitioner must be brought into the issue, and unless he/she receives legal aid, must furnish a security deposit for payment of the court costs for the proceedings and the damages and interest to which he or she could be condemned.

Art. 88. When the State is the principal party before the Court of First Instance where a question of nationality is raised incidentally, it can not be represented except by the Public Prosecutor as concerns the dispute over nationality.

Art. 89. In all proceedings that have as their object, either principally or incidentally, a challenge to nationality in accordance with the provisions contained in this Chapter, a copy of the writ of summons is filed with the Department of Justice.

Any petition to which the proof of this filing is not attached is declared inadmissible.

No decision on the merits can occur before the expiration of a period of thirty days from the date of such filing, with the exception that this time period is reduced to ten days when the dispute over nationality has been the subject of a prejudicial question before a court ruling on electoral matters.

The provisions of this Article shall apply to the exercise of means of recourse.

Art. 90. All final decisions rendered in matters of nationality under the conditions referred to in previous articles have, with respect to all, the authority of *res judicata*.

Art. 91. The decisions of criminal courts never have the authority of *res judicata* on questions of nationality when the civil court was not called upon to rule in accordance with the provisions of Article 82.

CHAPTER III: THE PROOF OF NATIONALITY BEFORE THE COURTS

Art. 92. The burden of proof in matters of nationality is incumbent upon the one who, by means of an action or by way of an exception, claims to have, or not, Comorian nationality.

However, this burden is incumbent on the one who, by the same means, challenges the Comorian status of an individual who is the holder of a Certificate of Comorian Nationality issued in accordance with Articles 106 and following.

Art. 93. The proof of a declaration stating nationality results from the production of a registered copy of this declaration.

Art. 94. In a case where the law gives the right to submit a declaration in order to decline or renounce Comorian status, the proof that such a declaration has not been duly submitted can only result from an affidavit issued by the Ministry of Justice at the request of any petitioner.

Art. 95. Proof of a decree of naturalization or reinstatement results from the production of either a certified copy of this decree or a copy of the Official Journal where the decree was published.

When this document can not be produced, it can be supplemented by an affidavit noting the existence of the decree issued by the Ministry of Justice at the request of any petitioner.

Art. 96. When Comorian nationality is granted or acquired otherwise than by declaration, naturalization, or reinstatement, proof can only be shown by establishing the existence of all the conditions required by law.

Art. 97. When the loss or forfeiture of Comorian nationality results from a decree issued in accordance with the provisions of Articles 52, 55, 56 and 57, proof of this decree is shown under the conditions provided in Article 95.

Art. 98. When Comorian nationality is lost otherwise than by one of the methods provided for in Article 97, the proof of such can only result by establishing the existence of the facts and actions that have the consequence of the loss of Comorian nationality.

Art. 99. Besides in cases of loss or forfeiture of Comorian nationality, proof of foreign origin can be shown by all means.

Nevertheless, proof of the foreign origin of an individual who possesses the status of Comorian can only be established by demonstrating that the person concerned does not meet any of the conditions required by law in order to have the status of Comorian.

CHAPTER IV: CERTIFICATES OF COMORIAN NATIONALITY

Art. 100. The Justice of the Peace is solely qualified to issue a Certificate of Comorian Nationality to any person proving that he has nationality.

Art. 101. The nationality certificate indicates, in reference to Titles I and II of this Code, the legal provision by virtue of which the person concerned has the status of a Comorian national, as well as the documents that permitted this certification to be established. It is witness thereof until proven otherwise.

Art. 102. During the time period allotted to the Government to oppose the acquisition of Comorian nationality, a provisional Certificate of Nationality may be issued by the Justice of the Peace.

Art. 103. When the Justice of the Peace refuses to issue a Certificate of Nationality, the person concerned may submit an appeal to the Ministry of Justice who shall then decide whether there are grounds to proceed with this issuance.

TITLE VI: TRANSITIONAL PROVISIONS

Art. 104. A foreign woman, who married a Comorian prior to the publication of this Law, has a period of one year from the date of this publication to decline the status of Comorian.

Art. 105. A Comorian woman who, having married a foreigner prior to the publication of this Law, has acquired the nationality of the husband by application of the latter's national law, has a period of one year from this publication to renounce Comorian nationality.

Art. 106. Until the Justices of the Peace are installed, the powers vested by this act in a Justice of the Peace, are exercised by the Presiding Judge of the Court of First Instance.

Art. 107. The six-month period during which the Government may oppose the acquisition of Comorian nationality for any reason whatsoever, is suspended until January 1, 1983.

Art. 108. As an exception to the provisions of Article 29, persons who have their usual residence in the Comoros prior to July 6, 1975, may be naturalized without a qualifying period, if they file their request within one year from when this Code goes into effect.

The persons referred to in the preceding paragraph may, by the naturalization decree, be released in whole or in part from the incapacities provided in Article 46.

Art. 109. Persons who have established their domicile in the Comoros prior to July 6, 1975 who do not acquire Comorian nationality, either by right or voluntarily, nonetheless retain, on a personal basis, all the acquired rights that they benefited from prior to that date, with the exception of voting rights and eligibility for political meetings.

The transfer of domicile abroad entails the loss of the benefits of the provisions of the preceding paragraph.

Art. 110. This Law shall be published wherever it is necessary and enforced as a State law.