

This document is posted here for historical purposes, as it is the law which governed the citizenship of all Somalis who were citizens of the former union of the Somali Republic from 1962 to 1991.

As stated in Article 17, this Law repealed the Somaliland Citizenship Ordinance No. 15 of 25 June 1960 which dealt with the citizenship of the independent State of Somaliland. As from May 1991, Somaliland Citizenship has been governed by the re-assertion of Somaliland sovereignty declaration, the 1993 Charter and the Constitutions (interim -1997- and final - 2001) and by the 2002 Somaliland Citizenship Law available in this webpage.

The copies of this 1962 Law which have so far been available in the internet had incomplete and missing articles (articles 13 to 16) and errors in article 10(a), but in the light of the availability of a copy of the Law as originally published in the Official Bulletin on 22 December 1962, we have reproduced below the full text of the law which also includes the corrigendum (correction) made to Article 13(4) of the Law. The differences in comparison to the previously (and widely) available text of the Law are shown below in italics.

As far we are aware, Somalia did not pass any new citizenship law since 1991, but all the provisions of this 1962 Law and the 1963 Regulations in respect of loss of Somali citizenship on acquisition of a foreign citizenship were amended in Somalia by Article 10(4) of the 2004 Somalian Transitional Federal Charter which stated that “Every Citizen of the Somali Republic shall be entitled to retain their citizenship notwithstanding the acquisition of the citizenship of any other country”. This has since been repeated in Article 8(3) of the 2012 Somalian Provisional Constitution - “a person who is a Somali citizen cannot be deprived of Somali citizenship, even if they become a citizen of another country”. The texts of the 1962 Law (and the 1963 Regulations) should therefore be read with this amendment.

Neither the Transitional Charter nor the Provisional Constitution apply to Somaliland, and dual nationality was introduced in Somaliland in 2002 under Article 2(1) of the Somaliland Citizenship Law which states that “ a Somaliland citizen by birth may acquire the citizenship of another country (dual nationality) without losing his Somaliland citizenship”.

*Editor, www.somalilandlaw.com
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Text of the Somali Citizenship Law 1962 as published in the Official Bulletin (Bolletino Ufficiale), Year III, Supplement No. 4 of Issue No. 12, at page 9, which also includes the Corrigendum on Article 13(4) of the Law published on 19 February 1963 (in the same Bulletin which also published the Regulations for the Implementation of the Law).

**Law No. 28 of 22 December 1962
Somali Citizenship**

THE PRESIDENT OF THE REPUBLIC

Taking note of the approval of the National Assembly

HEREBY PROMULGATES

The following law:

Article 1. Acquisition of Citizenship

Somali citizenship may be acquired by operation of law or by grant

Article 2. Acquisition of Citizenship by Operation of Law

Any person:

- a) whose father is a Somali citizen;
- b) who is a Somali residing in the territory of the Somali Republic or abroad and declares to be willing to renounce any status as citizen or subject of a foreign country

shall be a Somali Citizen by operation of law.

Article 3. Definition of "Somali"

For the purpose of this law, any person who by origin, language or tradition belongs to the Somali Nation shall be considered a "Somali".

Article 4. Acquisition of Citizenship by Grant

Somali citizenship may be granted to any person who is of age and makes application therefor, provided that:

- a) he has established his residence in the territory of the Somali Republic for a period of at least seven years;
- b) he is of good civil and moral conduct;
- c) he declares to be willing to renounce any status as citizen or subject of a foreign country

Article 5. Reduction of Period

The period referred to in sub-paragraph a) of the preceding article shall be reduced to two years, where the person concerned is the child of a Somali mother even if she is not a citizen.

Article 6. Renunciation of Foreign Citizenship

1. Any person who, in accordance with articles 2 and 4 of this law, declares that he is willing to renounce any status as citizen or subject of a foreign country, shall make such declaration before the President of the District Court of the district where he resides or, if he resides abroad, before a Consulate of the Somali Republic.
2. A certificate that the declaration has been made shall be issued in two copies, one of which shall be delivered to the person concerned.
3. In the case provided for in paragraph b) of article 2, if the person concerned is a minor, the declaration may be made by his legal representative.

Article 7. Granting of Citizenship

1. The granting of citizenship provided for in article 4 of this law shall be made by decree of the President of the Minister of interior, having heard the Council of Ministers.
2. The granting of citizenship shall be subject to the prior advice of a special Commission consisting of a President and eight members appointed for a period of two years by decree of the President of the Republic on the proposal of the Prime Minister, having heard the Council of Ministers.
3. The President and the Members of the Commission shall be chosen from among qualified Somali Citizens representing the various sections of the national community.

Article 8. Oath

1. The decree granting Somali citizenship referred to in the preceding article shall not come into force unless the person concerned takes an oath of allegiance that he will be loyal to the Republic and comply with the Constitution and other laws.
2. The oath shall be administered before the President of the District Court competent for the area.

Article 9. Granting of Honorary Citizenship

1. Honorary Somali citizenship may be granted to any person who has rendered exceptional services to the Somali Republic. The granting of honorary citizenship shall be made by decree of the President of the Republic on the proposal of the Prime Minister, having heard the Council of Ministers. The granting of honorary citizenship shall not be subject to the procedures and conditions established in the preceding articles.
2. The granting of honorary citizenship shall not include the enjoyment of political rights or the obligation to render military service. It shall not extend to the members of the family of the person to whom honorary citizenship has been granted.

Article 10. Renunciation of Citizenship

Any Somali citizen who:

- a) having established his residence abroad, voluntarily acquires *foreign citizenship or the status as subject of a foreign country* ;
- b) having established his residence abroad, and having acquired, for reasons beyond his will, foreign citizenship or the status as subject of a foreign country, declares to renounce Somali citizenship;
- c) being abroad and having accepted employment from a foreign Government or voluntarily serving in the armed forces of a foreign country, continues to retain his post, notwithstanding

the notice from, the Somali Government that, unless he leaves the employment or the service within a definite period of time, he shall lose Somali citizenship;

shall cease to be a Somali citizen.

Article 11. *Deprivation of Citizenship acquired by Grant by Reason of Unworthiness*

1. Any person who has acquired Somali citizenship by grant may be deprived of his Somali citizenship by reason of unworthiness:

a) where the decree granting citizenship has been obtained with fraud, false representation or the concealment of any material fact;

b) where the person concerned has been sentenced to imprisonment for a term not less than five years for a crime against the personality of the Somali State.

2. The decree depriving a person of his Somali citizenship shall be issued in the same manner prescribed for the decree granting citizenship.

3. Deprivation of citizenship acquired by grant shall not extend to the wife and minor children of the person concerned.

Article 12. *Recovery of Citizenship*

1. Any person who fulfils the conditions laid down in article 2 of this law and has lost his Somali citizenship may recover it, on application made therefor, if the subsequently establishes his residence in the territory of the Somali Republic, and declares to be willing to renounce any status as citizen or subject of a foreign country.

2. In any other case, a person who has lost his Somali citizenship may recover it, on application made therefor, if he subsequently establishes his residence in the territory of the Somali Republic for at least three years and proves that he fulfilled the conditions laid down in this law for the acquisition of citizenship.

Article 13. *Married Women*

1. Any woman who is not a citizen and marries a citizen shall acquire Somali citizenship. She shall retain it even after the dissolution of the marriage, except where she (renounces her) Somali citizenship under the terms of article 10.

2. Except as provided in paragraph 2 of article 9, any woman who is not a citizen and is the wife of an alien or stateless person who acquires citizenship, shall acquire Somali citizenship.

3. *Any woman who is a citizen and marries an alien shall lose her Somali citizenship if, by her marriage, she acquires her husband's citizenship.*

4. *Except as provided in paragraph 3 of article 11, any woman who is a citizen and is the wife of a citizen who loses his citizenship shall lose it too, unless the husband has become stateless or the new citizenship acquired by him cannot be extended to her.*¹

5. *Any woman who was a citizen and lost her citizenship because of marriage shall recover it, if the marriage is dissolved, provided that she establishes her residence in the territory of the Somali Republic and renounces any foreign citizenship or status as subject of a foreign country in the manner prescribed in article 6.*

Article 14. Minors

1. *Except as provided in articles 9 and 11, any minor whose father acquires, loses or recovers Somali citizenship, shall follow his father's citizenship. If the father is stateless, the minor shall follow his mother's citizenship.*

2. *He may, however, after his attainment of majority declare to opt for the citizenship he had at the time of his birth. Such declaration shall be made in the manner prescribed in article 6.*

Article 15. Minors in Special Circumstances

1. *Any minor who is a child of unknown parents and was born in the territory of the Somali Republic, shall be considered a Somali citizen, provided that he has not acquired a foreign citizenship or the status as subject of a foreign country.*

2. *Any child of unknown parents found in the territory of the Somali Republic shall be presumed, until the contrary is proved, to have been born in the territory of the Somali Republic.*

Article 16. Minor Age

1. *For the purpose of this law, any person under fifteen years of age shall be considered a 'minor'.*

2. *However, for the purposes of articles 4 and 14, the age of majority shall be determined on the basis of the law of the State the citizenship of which is renounced.*

Article 17. Repeal

The Law 12 February 1960, No. 9, the Ordinance 25 June 1960, No. 15, and any other provision incompatible with this law, are hereby abrogated.

Article 18. Citizenship Previously Acquired

¹ *The previously published paragraph 4 (which was corrected, as above, in a corrigendum published on 19 February 1963) was written as follows:*

'4. Except as provided in paragraph 3 of article 11, any woman who of marriage shall recover it, if the marriage is dissolved, provided that lose it too, unless the husband has become stateless or the new citizenship acquired by him cannot be extended to her.'

Any person who, at the date of the entry into force of this law, had acquired Somali citizenship under the provisions of previous legislation, shall retain his citizenship for all purposes.

Article 19. Regulations

Regulations² for the implementation of this Law shall be issued within six months from the date of the entry into force of this Law.

Article 20. Entry Into Force

This Law shall come into force on the thirtieth day following the date of its publication.

This law shall be included in the Official Compilation of Laws and published in the Official Bulletin.

All persons shall be required to observe it and to cause others to observe it as a law of the Republic.

Aden Abdulla Osman

The Prime Minister
ABDI-RASHID ALI SHERMARKE

The Minister of Interior
MOHAMUD ABDI NUR

² The Regulations for the Implementation of Citizenship Law, DPR (Decree of the President of the Republic) No. 129 of 19 February 1963, consisting of 20 articles and 6 annexes setting out various 'specimen declarations of renunciation of status as citizen or subject of a foreign country' under articles 2, 4, 12, 13 and 14 of the Law came into force on 22 May 1963 (the day after their publication on the Official Bulletin dated 21 May 1963 – Year III, Supplement No. 3, No. 5, at page 13)