

Eritrean Nationality Proclamation (No. 21/1992)

1. Short Title

This Proclamation may be cited as "The Eritrean Nationality Proclamation No. 21/1992".

2. Nationality by Birth

1 Any person born to a father or a mother of Eritrean origin in Eritrea or abroad is an Eritrean national by birth.

2 A person who has "Eritrean origin" is any person who was resident in Eritrea in 1933.

3 A person born in Eritrea of unknown parents shall be considered an Eritrean national by birth until proven otherwise.

4 Any person who is an Eritrean by origin or by birth shall, upon application, be given a certificate of nationality by the Department of Internal Affairs.

5 Any person who is Eritrean by birth, resides abroad and possesses foreign nationality shall apply to the Department of Internal Affairs if he wishes to officially renounce his foreign nationality and acquire Eritrean nationality or wishes, after providing adequate justification, to have his Eritrean nationality accepted while maintaining his foreign nationality.

3. Nationality by Naturalization (1934-1951)

1 Eritrean nationality is hereby granted to any person who is not of Eritrean origin and who entered, and resided in, Eritrea between the beginning of 1934 and the end of 1951, provided that he has not committed anti-people acts during the liberation struggle of the Eritrean people. He shall, upon application, be given a certificate of nationality by the Department of Internal Affairs, provided that he has not rejected Eritrean nationality. The provisions of article 2(5) of this Proclamation shall apply when such a person possesses the nationality of another country.

2 Any person born to a person mentioned in sub-article 1 of this article is Eritrean by birth. The Department of Internal Affairs shall, upon his application, issue him a certificate of nationality.

3 The Department of Internal Affairs shall revoke the nationality of any person mentioned in sub-article 1 of this article where it determines that he had acquired Eritrean nationality or the certificate of Eritrean nationality by fraud, deceit or concealment of decisive facts.

4. Nationality by Naturalization (1952 and after)

1 Any person who is not of Eritrean origin and has entered, and resided in, Eritrea in 1952 or after shall apply for Eritrean nationality to the Secretary of Internal Affairs.

2 The Secretary of Internal Affairs shall grant Nationality by Naturalization to the person mentioned in sub-article 1 of this article provided that the person:

a has entered Eritrea legally and has been domiciled in Eritrea for a period of ten (10) years before 1974 or has been domiciled in Eritrea for a period of twenty (20) years while making periodic visits abroad;

b possesses high integrity and has not been convicted of any crime;

c understands and speaks one of the languages of Eritrea;

d is free of any of the mental or physical handicaps mentioned in article 339-340 of the Transitory Civil Code of Eritrea, will not become a burden to Eritrean society and can provide for his own and his family's needs;

e has renounced the nationality of another country, pursuant to the legislation of that country;

f has decided to be permanently domiciled in Eritrea upon the granting of his Eritrean nationality;

g has not committed anti-people acts during the liberation struggle of the Eritrean people.

3 A person shall be granted Eritrean Nationality by Naturalization and given a certificate of nationality pursuant to sub-article 2 of this article only after he signs the oath of allegiance attached to, and is part of, this Proclamation before the Secretary of Internal Affairs or any other official designated by him. Eritrean nationality granted pursuant to article 4 of this Proclamation shall be proclaimed in the Gazette of Eritrean Laws.

4 A person given a certificate of Eritrean nationality pursuant to sub-article 2 of this article shall acquire the status of a Naturalized Eritrean national as of the date of receipt of the certificate.

5 The Secretary of Internal Affairs may cause the name of any offspring on whose behalf an application has been made by a person responsible for him under the law and who has been granted Eritrean Nationality by Naturalization to be included in the certificate of nationality of the applying person. The minor offspring shall acquire the status of a naturalized national as of the date of the inclusion of his name.

6 Any person born to a naturalized Eritrean national pursuant to article 4 of this Proclamation after the person has been granted the status of a Naturalized National becomes an Eritrean by birth.

5. Nationality by Adoption

The Secretary of Internal Affairs shall grant Eritrean Nationality by Naturalization and issue a certificate of nationality to a person adopted legally by, and upon the application of, an Eritrean national by birth or by Naturalization or by the adopted person himself.

6. Nationality by Marriage

1 Any person of non-Eritrean origin who is legally married to an Eritrean national by birth or to a person granted Eritrean Nationality by Naturalization shall be granted Eritrean Nationality by Naturalization when such a person applies to the Secretary of Internal Affairs, provided that the person:

- a has lived in Eritrea with the spouse for at least three (3) years;
- b has renounced his foreign nationality and is prepared to acquire Eritrean nationality;
- c signs an oath of allegiance pursuant to article 4(3).

2 A person who had been granted Eritrean nationality by reason of marriage shall be deprived of his nationality by the Secretary of Internal Affairs where such a person chooses to re-acquire his original nationality upon the death of the spouse or by divorce or when the marriage is declared null and void by a court of law.

7. Time and Application Relative to the Exercise of Eritrean Nationality Rights

A person granted Eritrean Nationality by Naturalization pursuant to articles 4 to 6 of this Proclamation may, as of the date of the issuance to him of a certificate of Eritrean nationality, exercise the rights of an Eritrean national relative to the status of naturalization.

8. Deprivation of Nationality

1 A committee composed of the Secretaries of Justice, Internal Affairs and Public Administration may deprive of his nationality an Eritrean national by birth or an Eritrean granted Nationality by Naturalization pursuant to article 4 hereof, who has attained the age of eighteen and has capacity under the law where such a person:

- a voluntarily acquires a foreign nationality after the publication of this Proclamation; or
- b officially renounces his Eritrean nationality; or
- c signs an oath of allegiance of another country after the publication of this Proclamation; or
- d in violation of an explicit provision of Eritrean law, serves or continues to serve another country; or
- e is condemned for treason by a court of law.

2 A committee composed of the Secretaries of Justice, Internal Affairs and Public Administration may deprive of his Nationality a person who has been granted Eritrean Nationality by Naturalization (articles 4 to 6) where such a person:

- a acquires Eritrean nationality or a certificate of nationality by fraud, deceit or concealment of decisive facts; or
- b is confirmed, that he has, by illegally contacting external powers, committed acts which aided and abetted an enemy;
- c has committed treason outside Eritrea;
- d has been indicted for a crime and sentenced to more than five years imprisonment;

e has committed any one of the acts enumerated in sub article(l) hereof.

3 A person shall be deprived of his nationality pursuant to sub-articles (l) and (2) hereof only after the necessary investigation has been conducted and after such a person has been given an opportunity to defend himself.

9. Penalties

Whosoever:

1 intentionally and knowingly makes false statements, commits fraud or forges documents in matters relating to this Proclamation: or

2 attempts to use, or uses, the certificate of nationality of another person; or

3 permits another person to use his certificate of nationality; or

4 upon deprivation of his Eritrean nationality, refuses to return his certificate of nationality

Shall, upon conviction, be punished with imprisonment not exceeding three years, or a fine not exceeding Birr. 5,000, or with both.

10. Powers to Issue Regulations

The Secretary of Internal Affairs is empowered to issue regulations to facilitate the implementation of the provisions of this Proclamation and, in particular, to issue regulations relative to:

1 forms and registers designated to be used pursuant to this Proclamation;

2 the formalities and registration of the oath of allegiance to be performed pursuant to this Proclamation; and

3 the fees payable in relation to registration, statements to be issued, certificates to be given or the taking of an oath of allegiance, pursuant to this Proclamation.

11. Appeal

1 Any person who disagrees with the decision made by the Secretary of Internal Affairs regarding the application related to nationality or with a decision of the

committee composed of the Secretaries of Justice, Internal Affairs and Public Administration regarding the deprivation of nationality, may appeal to the High Court, within one month, after receipt of a written decision;

2 The decision of the High Court shall be final.

12. Repealed Laws

All hitherto enacted laws governing nationality have been repealed and replaced by this Proclamation.

13. Entry into Force

This Proclamation shall enter into force on the date of its publication in the Gazette of Eritrean Laws.

Oath of Allegiance

Place _____ .Date _____.

I _____ Solemnly pledge full faith in the State of Eritrea and declare that I shall respect the laws of Eritrea and fulfill all my duties as an Eritrean national.

Signature _____.