

ANNEX OF LAWS

Updated and verified as of March 2022

List of legal sources referenced with discriminatory nationality provisions noted

Most provisions originally provided by the 2015/16 pro-bono research of Latham & Watkins LLP in English, and hyperlinks provided where available.

THE BAHAMAS

- The Constitution of the Commonwealth of the Bahamas 1973 - <https://www.bahamas.gov.bs/wps/wcm/connect/d40cb8f8-2e95-4f05-a8de-105e88bdb7ac/Chap+2+Citizenship.pdf?MOD=AJPERES>
- See also the Constitutional Review Commission analysis which recommended that the Constitution be updated to achieve “the amendment of the citizenship provisions to achieve gender-neutrality and full equality between men and women with respect to the acquisition or transmission of their nationality.” Though Bills were passed by both the House of Assembly and the Senate in 2016 which would have eliminated the discrimination in Constitutional nationality provisions, these Bills were defeated by a public referendum in 2016. - https://www.bahamas.gov.bs/wps/wcm/connect/7c2fe440-cb66-4327-9bf3-432131510cc4/Constitution+Commission+Report+2013_8JULY2013.pdf?MOD=AJPERES
- Bahamas Nationality Act - http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/1973/1973-0018/BahamasNationalityAct_1.pdf

Married mother cannot pass to child born outside country on an equal basis with married father (except under certain conditions and unless child renounces other citizenship)

Article 9 of the Constitution of the Commonwealth of The Bahamas

“(1) ... a person born legitimately outside The Bahamas ... whose mother is a citizen of The Bahamas shall be entitled, upon making application on his attaining the age of eighteen years and before he attains the age of twenty-one years, in such manner as may be prescribed, to be registered as a citizen of The Bahamas:

Provided that if he is a citizen of some country other than The Bahamas he shall not be entitled to be registered as a citizen of The Bahamas ... unless he renounces his citizenship of that other country, takes the oath of allegiance and makes and registers such declaration of his intentions concerning residence as may be prescribed....”

Married woman cannot pass to foreign spouse on an equal basis with married man

Article 10 of the Constitution of the Commonwealth of The Bahamas

“Any woman who, after 9th July 1973, marries a person who is or becomes a citizen of The Bahamas shall be entitled...upon taking the oath of allegiance or such declaration as may be prescribed, to be registered as a citizen of The Bahamas: Provided that the right to be registered as a citizen of The Bahamas under this Article shall be subject to such exceptions or qualifications as may be prescribed in the interests of national security or public policy.”

Father cannot pass to child outside of marriage to biological mother at all (if child is born abroad)

Article 14(1) of the Constitution of the Commonwealth of The Bahamas

“Any reference...to the father of a person shall, in relation to any person born out of wedlock..., be construed as a reference to the mother of that person.”

Father cannot pass to child born outside of marriage to biological mother, on an equal basis with mother (if child is born in country)

Article 14(1) of the Constitution of the Commonwealth of The Bahamas

“Any reference...to the father of a person shall, in relation to any person born out of wedlock..., be construed as a reference to the mother of that person”.

Note: In May 2020, the Supreme Court of the Bahamas positively interpreted Article 14 of the Constitution and issued a decision upholding the right of unmarried Bahamian men to transfer nationality to their children. The Court held that children born out of wedlock to Bahamian men and foreign women could be citizens at birth and do not have to wait until 18 to apply for citizenship. However, this decision has been appealed by the Bahamian government to the Privy Council, and thus the status of the law still remains unsettled.

Women cannot pass nationality to adopted children on an equal basis with men (in case of joint adoption)

Section 4 of the Bahamas Nationality Act

“Where, under a law in force in The Bahamas relating to the adoption of children, an adoption order is made by a competent court in respect of a minor who is not a citizen of The Bahamas, then if the adopter, or in the case of a joint adoption, the male adopter, is a citizen of The Bahamas, the minor shall become a citizen of The Bahamas from the date of the order.”

BAHRAIN

- Bahraini Citizenship Act 1963 (in Arabic) – <https://www.legalaffairs.gov.bh/HTM/Ko863.htm>;
Amendments can be viewed here: <https://www.legalaffairs.gov.bh/Legislation/Amendments/Ko863>.
- English translation on file

Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father unknown or has repudiated/not acknowledged the child)

Article 4 of the Bahraini Citizenship Act as amended pursuant to 1989 Amendment

A person shall be deemed a Bahraini national in the following cases:

- a. If he is born in Bahrain or abroad and his father, at the time of birth, was a Bahraini national;*
- b. If he is born in Bahrain or abroad and his mother, at the time of birth, was a Bahraini national, provided that his father was either unknown or fatherhood was not substantiated.*

Original text in Arabic:

يعتبر الشخص بحرينياً:
أ - إذا ولد في البحرين أو خارجها وكان أبوه بحرينياً عند تلك الولادة.
ب - إذا ولد في البحرين أو خارجها وكانت أمه بحرينية عند ولادته، على أن يكون مجهول الأب أو لم تثبت نسبته لأبيه قانوناً.

Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (unless father unknown or has repudiated/not acknowledged the child)

Same provision as above

Married mother cannot pass to child born in country on an equal basis with married father (unless father unknown or has repudiated/not acknowledged the child)

Same provision as above

Married mother cannot pass to child born outside country on an equal basis with married father (unless father unknown or has repudiated/not acknowledged the child)

Same provision as above

Married woman cannot pass to foreign spouse on an equal basis with married man

Paragraph (1) of Article 7 of the Citizenship Act as amended pursuant to Decree number (10) issued in 1981
*After this law takes effect, a foreign woman who gets married to a Bahraini national shall not become a Bahraini national unless she notifies the Minister of Interior that she wishes to acquire the Bahraini nationality and provided that the marriage relationship continues for a minimum period of 5 years after the date of such notification.
The Minister may grant an exemption from all or part of the minimum period requirement or, for reasons of national security or public order, prohibit a foreign woman from obtaining a Bahraini nationality through marriage to a Bahraini national...*

Original text in Arabic:

"المرأة الأجنبية التي تتزوج من بحريني بعد تاريخ العمل بهذا القانون لا تصبح بحرينية إلا إذا أعلمت وزير الداخلية برغبتها في كسب هذه الجنسية واستمرت العلاقة الزوجية قائمة لمدة خمس سنوات من تاريخ إعلان رغبتها. ويجوز لوزير الداخلية الإعفاء من كل هذه المدة أو

بعضها كما يجوز له خلال هذه المدة ولأسباب تتعلق بالأمن القومي والنظام العام حرمان المرأة الأجنبية من كسب الجنسية البحرينية بطريق التبعية لزوجها.

If a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality

Article 9 of the Citizenship Act as amended pursuant to the 2014 Amendment

(1) A Bahraini citizen may lose his nationality in the following cases:

(A) If he voluntarily acquired a foreign nationality without prior permission from the Minister of Interior.

Every Bahraini who acquired a foreign nationality in this way before the provisions of the previous paragraph came into effect shall adjust his status within a period not exceeding six months from this date, either by relinquishing the foreign nationality he acquired or by submitting an application to the Minister of Interior for permission to retain that nationality.

Anyone who is issued a decree based on the proposal of the Minister of Interior and after the approval of the Council of Ministers not to approve his retention of foreign nationality shall be deemed to have lost the Bahraini nationality, in the event that he did not relinquish this nationality.

A Bahraini's violation of the provisions of this clause shall not affect his Bahraini nationality if the other nationality belongs to one of the member states of the Cooperation Council for the Arab States of the Gulf, without prejudice to the provisions of Article (11) bis (2) of this law.

(B) If he relinquishes his Bahraini citizenship and a decree is issued based on the proposal of the Minister of Interior approving this.

(2) If a person has lost his nationality by virtue of this article, his under aged children will also lose nationality.

Original text in Arabic:

يفقد البحريني جنسيته في أي من الحالتين الآتيتين:

(أ) إذا تجنس مختاراً بجنسية أجنبية دون إذن سابق من وزير الداخلية.

وعلى كل بحريني اكتسب جنسية أجنبية على هذا النحو قبل العمل بحكم الفقرة السابقة توفيق أوضاعه خلال مدة لا تزيد على ستة أشهر من هذا التاريخ إما بالتنازل عن الجنسية الأجنبية التي اكتسبها أو بالتقدم بطلب لوزير الداخلية للإذن له بالاحتفاظ بتلك الجنسية.

ويعتبر فاقداً للجنسية البحرينية كل من يصدر مرسوم بشأنه بناءً على عرض وزير الداخلية وبعد موافقة مجلس الوزراء بعدم الموافقة على احتفاظه بالجنسية الأجنبية وذلك في حالة عدم تنازله عن هذه الجنسية.

ولا يترتب على مخالفة البحريني لأحكام هذا البند أي مساس بجنسيته البحرينية إذا كانت الجنسية الأخرى تنتمي لإحدى الدول الأعضاء بمجلس التعاون لدول الخليج العربية، وذلك دون إخلال بأحكام المادة (11) مكرراً (2) من هذا القانون.

(ب) إذا تنازل عن جنسيته البحرينية وصدر مرسوم بناءً على عرض وزير الداخلية بالموافقة على ذلك.

Foreign woman who takes spouse's nationality automatically loses it upon termination of marriage (upon divorce not death and only if she has retained her nationality of origin or acquired another one)

Paragraph 2 of Article 7 of the Citizenship Act

If a woman has acquired the Bahraini nationality...[through the marriage of a Bahraini national in accordance with the provisions of the Citizenship Act], she will not lose her Bahraini nationality upon the termination of the marriage unless

she retained her original nationality or acquired another nationality. Nevertheless, she might retain her Bahraini nationality by declaration of his Majesty the Governor.

Original text in Arabic:

إذا اكتسبت امرأة أجنبية الجنسية البحرينية بموجب الفقرة السابقة أو بموجب الفقرة (4) من المادة 6 من هذا القانون ، فإنها لا تفقدها عند انتهاء الزوجية إلا إذا استردت جنسيتها الأصلية أو كسبت جنسية أخرى ، ويمكن أن ترد لها جنسيتها البحرينية بأمر عظمة الحاكم إذا طلبت ذلك.

BANGLADESH

- Citizenship Act 1951 as amended by The Citizenship (Amendment) Act, 2009 (Act No XVII of 2009) (with effect from 31 December, 2008) - <http://bdlaws.minlaw.gov.bd/act-242.html>
- Naturalization Act, 1926 - 26 February 1926 - <http://bdlaws.minlaw.gov.bd/act-139.html>
- The Bangladesh Citizenship (Temporary Provisions) Order 1972 - <http://bdlaws.minlaw.gov.bd/act-details-423.html>
- The Bangladesh Citizenship (Temporary Provisions) Rules, 1978 - <https://www.refworld.org/docid/3ae6b5688.html>
- Also consulted - Guardians and Wards Act, 1980; The Births and Deaths Registration Act, 2004

Married woman cannot pass to foreign spouse on an equal basis with married man (residency requirement for foreign wives is reduced to 2 years as opposed to 5 but no waiver for foreign husbands); also applies to naturalised women

Section 10 (The Citizenship Act, 1951)

Married women

10. (1) Any woman who by reason of her marriage to a British subject before the first day of January, 1949, has acquired the status of a British subject shall, if her husband becomes a citizen of Bangladesh, be a citizen of Bangladesh.

(2) Subject to the provisions of sub-section (1) and sub-section (4) a woman who has been married to a citizen of Bangladesh or to a person who but for his death would have been a citizen of Bangladesh under sections 3, 4 or 5 shall be entitled, on making application therefore to the Government in the prescribed manner, and, if she is an alien, on obtaining a certificate of domicile and taking the oath of allegiance in the form set out in the Schedule to this Act, to be registered as a citizen of Bangladesh whether or not she has completed twenty one years of her age and is of full capacity.

Article 4 (The Bangladesh Citizenship (Temporary Provisions) Order, 1972)

4. The Government may, upon an application made to it in this behalf in the manner prescribed, grant citizenship to any person."

Rule 4 (The Bangladesh Citizenship (Temporary Provisions) Rules, 1978)

4. Application for citizenship under Article 4.

(1) Any person seeking citizenship of Bangladesh under Article 4 shall apply in Form B, in duplicate, and in the same manner as provided in clause (a) and (b) of sub-rule (1) of rule 3:

Provided that an application under this rule may not be entertained unless the applicant has by an affidavit renounced his status as a citizen of another country and has abandoned his domicile of origin:

Provided further that an application shall be considered for grant of citizenship-

(a) If the applicant is a foreign woman and married to a Bangladeshi and has resided in Bangladesh ordinarily for a period of 2 years; or

(b) If the applicant does not fall within clause (a) has resided in Bangladesh, ordinarily for a period of 5 years.

...

Section 7 (The Naturalization Act, 1926)

7. Effect of grant of certificate and taking of oath.

(2) When the person to whom a certificate of naturalization has been granted has taken and subscribed the oath prescribed by section 6, any wife thereafter married by, and any child thereafter born to, such person shall, if she or he is not a citizen of Bangladesh and if such person aforesaid at the date of the marriage or birth, as the case may be, retains any rights, privileges or capacities of a citizen of Bangladesh under this Act, be entitled, subject, in the case of a wife, to her

making to the Government a declaration as provided in sub-section (1) and, if necessary, upon obtaining the certificate of domicile and making and subscribing the oath as further provided in that sub-section, to the same rights, privileges and capacities, and be subject to the same obligations, duties and liabilities, to which such person aforesaid was at the date entitled and subject.

BARBADOS

- The Constitution of Barbados (LRO 2002) - The Barbados Independence Order 1966 - <http://104.238.85.55/en/showdoc/cs/2002>
- Barbados Citizenship Act, Cap 186 (last amended 1982) – <http://104.238.85.55/en/showdoc/cs/186>

Married mother cannot pass to child born outside country on an equal basis with married father

Section 2(2) of The Constitution of Barbados (L.R.O. 2002)

“Every person who, having been born outside Barbados, is on 29th November, 1966 a citizen of the United Kingdom and Colonies shall, if his father becomes or would but for his death have become a citizen of Barbados in accordance with the provisions of subsections (1), become a citizen of Barbados on 30th November, 1966.”

Section 5(1) of The Constitution of Barbados (L.R.O. 2002)

“A person born outside Barbados after 29th November, 1966 shall become a citizen of Barbados at the date of his birth if at that date his father is a citizen of Barbados otherwise than by virtue of this section or section 2(2) (see above).”

Section 5(2) of The Constitution of Barbados (L.R.O. 2002)

“Subject to subsection (1) and without derogating from, or in any way affecting, that subsection, a person born outside Barbados after 29th November 1966 shall become a citizen of Barbados at the date of his birth if at the date of the birth at least one of his parents is a citizen of Barbados who was born in Barbados.”

Section 10(2) of The Constitution of Barbados (L.R.O. 2002)

“Any reference in this Chapter to the father of a person shall, in relation to any person born out of wedlock other than a person legitimated before 30th November 1966, be construed as a reference to the mother of that person.”

Married woman cannot pass to foreign spouse on an equal basis with married man

Section 6(1) of The Constitution of Barbados (L.R.O. 2002)

“Any woman who, after 29th November 1966, marries a person who is or becomes a citizen of Barbados shall be entitled, upon making application in such manner as may be prescribed and, if she is a British protected person or an alien, upon taking the oath of allegiance, to be registered as a citizen of Barbados.”

Father cannot pass to child outside of marriage to biological mother at all (if child is born abroad)

Section 5(1) of The Constitution of Barbados (L.R.O. 2002)

“A person born outside Barbados after 29th November, 1966 shall become a citizen of Barbados at the date of his birth if at that date his father is a citizen of Barbados otherwise than by virtue of this section or section 2(2) (see above).”

Section 5(2) of The Constitution of Barbados (L.R.O. 2002)

“Subject to subsection (1) and without derogating from, or in any way affecting, that subsection, a person born outside Barbados after 29th November 1966 shall become a citizen of Barbados at the date of his birth if at the date of the birth at least one of his parents is a citizen of Barbados who was born in Barbados.”

Section 10(2) of The Constitution of Barbados (L.R.O. 2002)

“Any reference in this Chapter to the father of a person shall, in relation to any person born out of wedlock other than a person legitimated before 30th November 1966, be construed as a reference to the mother of that person.”

Women cannot pass nationality to adopted children on an equal basis with men (in the case of joint adoption)

Section 5(3) The Barbados Citizenship Act, Cap. 186 (last amended 1982)

“where under any enactment in force in Barbados relating to the adoption of children an adoption order is made in respect of a minor not a citizen of Barbados, then if the adopter or in the case of a joint adoption the male adopter is a citizen of Barbados, the minor shall become a citizen of Barbados as from the date of the order.”

The Barbados Citizenship Act, Cap. 186 (last amended 1982) *“minor” means a person who has not attained the age of eighteen years.”*

BENIN

- Loi n° 65-17 du 23/06/65 portant Code de la nationalité dahoméenne/ *Law No. 65-17 of 23/06/65 containing the Code of Dahomean Nationality*, 23 June 1965,
 - Original French version - <http://www.refworld.org/docid/3ae6b581c.html>
 - English version (unofficial translation) - <http://www.refworld.org/docid/3ae6b5b14.html>

Note: All references to Dahomean and Dahomey relate to the country's previous name during the colonial period. The country was renamed Benin on 30 November 1975 after the Code was already in operation.

Married woman cannot pass to foreign spouse on an equal basis with married man (husband can apply for naturalisation under normal procedures with reduced or waived conditions)

Article 18

Subject to the provisions of Articles 19, 20, 22 and 23, a foreign woman marrying a Dahomean national acquires Dahomean nationality at the moment of celebration of the marriage.

Original French Version:

Perd la faculté de répudier la nationalité dahoméenne le Dahoméen mineur qui contracte un engagement dans l'armée nationale.

Article 35

Naturalisation may be conferred on foreigners fulfilling the following requirements:

- 1) *having attained the full age of twenty-one years in accordance with Article 5.*
- 2) *justifying habitual residence in Dahomey for three years up to presentation of the application, subject to restrictions provided for in Article 36 of this law.*
- 3) *being of good characters and morals and not having been sentenced to a term of more than one year of imprisonment for an offence against ordinary law, not expunged by rehabilitation or amnesty.*
- 4) *being of sound body and mind.*
- 5) *justifying of their assimilation in the Dahomean community, notably by a sufficient knowledge of a Dahomean language or the official language, according to their condition.*

Original French Version:

La naturalisation peut être accordée aux étrangers remplissant les condition suivantes:

- 1° *Avoir atteint l'âge de la majorité fixé à l'article 5 ci-dessus.*
- 2° *Sous réserve des exceptions prévues à l'article 36 ci-après, justifier d'une résidence habituelle au Dahomey pendant les trois années qui précèdent le dépôt de la demande.*
- 3° *Etre de bonne vie et moeurs et n'avoir encouru aucune condamnation supérieure à une année d'emprisonnement pour infraction de droit commun, non effacée par la réhabilitation ou l'amnistie.*
- 4° *Etre reconnu sain de corps et d'esprit.*
- 5° *Justifier de son assimilation à la communauté dahoméenne, notamment par une connaissance suffisante, selon sa condition d'une langue dahoméenne ou de la langue officielle.*

Article 36

Notwithstanding the provisions of the foregoing Section, no probationary period shall be required of:

- 1) *a foreigner born in Dahomey or married with a Dahomean woman.*

2) the wife and child having come of age of a foreigner acquiring Dahomean nationality.

Original French Version:

N'est pas soumis à la condition de stage prévue à l'article précédent:

1° *L'étranger né au Dahomey ou marié à une Dahoméenne.*

2° *La femme et l'enfant majeur de l'étranger qui acquiert la nationalité dahoméenne.*

3° *L'étranger majeur adopté par une personne de nationalité dahoméenne.*

4° *L'étranger qui a rendu des services signalés au Dahomey ou dont la naturalisation présente un intérêt certain pour le Dahomey.*

Woman automatically loses her nationality upon change of nationality of her husband (but only if she has another nationality)

Article 49

A Dahomean national acting as a national of a foreign country may be declared, by decree, to have lost Dahomean nationality if he possesses the nationality of such foreign country. In that case, he is freed from allegiance to Dahomey from the date of the decree. The loss of nationality may be extended to his wife and minor children if they themselves possess a foreign nationality, provided that it shall not be extended to the minor children when not extended to the wife.

Original French version:

Le Dahoméen qui se comporte en fait comme le national d'un pays étranger peut, s'il a la nationalité de ce pays, être déclaré, par décret, avoir perdu la qualité de Dahoméen.

Il est libéré, dans ce cas de son allégeance à l'égard du Dahomey à la date de ce décret.

La mesure prise à son égard peut être étendue à sa femme et à ses enfants mineurs, s'ils ont eux-mêmes une nationalité étrangère. Elle ne pourra, toutefois, être étendue aux enfants mineurs si elle ne l'est également à la femme.

BRUNEI

- Brunei Nationality 4 of 1961 (1984 Edition, Chapter 15 Amended by S 43/00; 2002 Edition, Chapter 15, amended by S 55/02; Revised edition 2011) - <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/97408/115570/F-2002352985/BRN97408.pdf>

Unmarried mother cannot pass to child born in country on an equal basis with unmarried father

S. 3: A subject of His Majesty the Sultan and Yang Di-Pertuan shall have the status of a national of Brunei Darussalam.

S. 4(1): On or after the appointed day the following persons, and no others, shall be subjects of His Majesty the Sultan and Yang Di-Pertuan by operation of law—

(a) any person born in Brunei Darussalam before, on or after the appointed day who is commonly accepted as belonging to one of the following indigenous groups of the Malay race, namely, ... if the birth of such person was registered at a Brunei Darussalam Consulate or in Brunei Darussalam within 6 months of its occurrence, or such longer period as His Majesty the Sultan and Yang Di-Pertuan may in any particular case allow;

(b) any person born in Brunei Darussalam before, on or after the appointed day whose father and mother were both born in Brunei Darussalam and are members of any of the groups of people specified in the First Schedule... if the birth of such person was registered at a Brunei Darussalam Consulate or in Brunei Darussalam within 6 months of its occurrence, or such longer period as His Majesty the Sultan and Yang Di-Pertuan may in any particular case allow;

(d) any person born in Brunei Darussalam on or after the appointed day whose father was, at the time of the birth of such person, a subject of His Majesty the Sultan and Yang Di-Pertuan... if the birth of such person was registered at a Brunei Darussalam Consulate or in Brunei Darussalam within 6 months of its occurrence, or such longer period as His Majesty the Sultan and Yang Di-Pertuan may in any particular case allow;

...

S. 6(1): His Majesty the Sultan and Yang Di-Pertuan may cause the minor child of any subject of His Majesty the Sultan and Yang Di-Pertuan to be registered as a subject of His Majesty the Sultan and Yang Di-Pertuan upon application made in the prescribed manner by a parent or guardian of the child.

S. 6(2): His Majesty the Sultan and Yang Di-Pertuan may, in such special circumstances as he thinks fit, cause any minor to be registered as a subject of His Majesty the Sultan and Yang Di-Pertuan.

Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father

S. 3: A subject of His Majesty the Sultan and Yang Di-Pertuan shall have the status of a national of Brunei Darussalam.

S. 4(1): On or after the appointed day the following persons, and no others, shall be subjects of His Majesty the Sultan and Yang Di-Pertuan by operation of law—

...

(c) any person born outside Brunei Darussalam before, on or after the appointed day—

(i) whose father was, at the time of birth of such person, a person born in Brunei Darussalam before, on or after the appointed day and was a person commonly accepted as belonging to one of the following indigenous groups of the Malay race, namely, Belait, Bisayah, Brunei, Dusun, Kedayan, Murut or Tutong; or

(ii) whose father and mother were both born in Brunei Darussalam and were members of any of the groups specified in the First Schedule;

(d) ... any person born outside Brunei Darussalam before, on or after the appointed day, whose father was, at the time of birth of such person, a subject of His Majesty the Sultan and Yang Di-Pertuan and was employed outside Brunei Darussalam in the service of the Government, by any company registered in Brunei Darussalam or in such special circumstances as His Majesty the Sultan and Yang Di-Pertuan thinks fit, if the birth of such person was registered at a Brunei Darussalam Consulate or in Brunei Darussalam within 6 months of its occurrence, or such longer period as His Majesty the Sultan and Yang Di-Pertuan may in any particular case allow; and

(e) any person born outside Brunei Darussalam on or after the appointed day whose father was at the time of birth of such person a subject of His Majesty the Sultan and Yang Di-Pertuan by registration under section 5 or 6 or by naturalisation under section 8, if the birth was registered at a Brunei Darussalam Consulate or in Brunei Darussalam within 6 months of its occurrence, or such longer period as His Majesty the Sultan and Yang Di-Pertuan may in any particular case allow.

S. 6(1): His Majesty the Sultan and Yang Di-Pertuan may cause the minor child of any subject of His Majesty the Sultan and Yang Di-Pertuan to be registered as a subject of His Majesty the Sultan and Yang Di-Pertuan upon application made in the prescribed manner by a parent or guardian of the child.

S. 6(2): His Majesty the Sultan and Yang Di-Pertuan may, in such special circumstances as he thinks fit, cause any minor to be registered as a subject of His Majesty the Sultan and Yang Di-Pertuan.

Married mother cannot pass to child born in country on an equal basis with married father

Same provisions as first category above

Married mother cannot pass to child born outside country on an equal basis with married father

Same provisions as second category above

Married woman cannot pass to foreign spouse on an equal basis with married man

S. 3: A subject of His Majesty the Sultan and Yang Di-Pertuan shall have the status of a national of Brunei Darussalam.

S. 5(6): Subject as hereinafter provided a woman who –

(a) is not a subject of His Majesty the Sultan and Yang Di-Pertuan; and

(b) is or has been married to a subject of His Majesty the Sultan and Yang Di-Pertuan,

shall, on making application therefor to His Majesty the Sultan and Yang Di-Pertuan in the prescribed manner, be eligible to be registered as a subject of His Majesty the Sultan and Yang Di-Pertuan, whether or not she is of full capacity:

Provided that no woman shall be eligible to be registered under this subsection –

(A) unless she –

(i) satisfies His Majesty the Sultan and Yang Di-Pertuan that she is of good character; and

(ii) has taken the oath in the form set out in the Second Schedule; or

(B) if at the time of her application she has ceased to be married to a subject of His Majesty the Sultan and Yang Di-Pertuan and has married a man who is not a subject of His Majesty the Sultan and Yang Di-Pertuan.

BURUNDI

- Loi n° 1/013 du 18 juillet 2000 portant réforme du code de la nationalité (Law 1/013 of 18 July 2000 on the reform of the nationality code) - <http://www.refworld.org/docid/452d01c94.html>
- Constitution de la République du Burundi promulguée le 07 juin 2018 (Constitution of the Republic of Burundi promulgated on 7 June 2018)
 - o Original French version - <https://www.presidence.gov.bi/2018/07/03/6271/>
 - o In English - https://www.constituteproject.org/constitution/Burundi_2018.pdf?lang=en

Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father unknown or has repudiated/not acknowledged the child/ except under certain conditions)

Article 2, Nationality Code

A person is Burundian by birth if he or she is:

- (a) the legitimate child, even if born abroad, of a father who is on the day of the birth, or, in the case of the death of the father before the birth of the child, who was on the day of his death, Burundian;*
- (b) the illegitimate child of a mother of any filiation that is the object of a voluntary procedure of recognition, legitimization or judicial recognition establishing filiation with a Burundian father;*
- (c) an illegitimate child whose paternal filiation is not known and that is the object of a voluntary procedure of judicial recognition establishing his or her filiation with a Burundian mother;*
- (d) a child that has been repudiated by his or her father but whose mother is a Burundian national on the date of the repudiation.*

Original French Version:

Est burundais de naissance :

- a) L'enfant légitime né, même en pays étranger, d'un père ayant la qualité de Burundais au jour de la naissance ou, si le père est décédé avant la naissance de l'enfant, au jour du décès ;*
- b) l'enfant naturel, quelle que soit sa filiation maternelle, qui fait l'objet d'une reconnaissance volontaire, d'une légitimation ou d'une reconnaissance judiciaire établissant sa filiation avec un père burundais ;*
- c) L'enfant naturel dont la filiation paternelle n'est pas établie et qui fait l'objet d'une reconnaissance volontaire ou judiciaire établissant sa filiation avec une mère burundaise ;*
- d) L'enfant désavoué par son père, pour autant qu'au moment du désaveu sa mère possède la nationalité burundaise.*

Note: *There is an equal nationality rights provision in the Constitution of Burundi, but the provisions of the Nationality Code are yet to be amended to ensure compliance with the Constitution.*

Article 12, Constitution

The children born of Burundian men or women have the same rights in regard to the law of nationality.

Original French version:

Les enfants nés des hommes ou des femmes burundais ont les mêmes droits au regard de la loi sur la nationalité.

Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (unless father unknown or has repudiated/not acknowledged the child)/ except under certain conditions)

Same provision as above

Married mother cannot pass to child born in country on an equal basis with married father (unless father unknown or has repudiated/not acknowledged the child; express application can be made)

Article 5, Nationality Code

A person may acquire Burundian nationality by option if he or she is:

(a) the child born of parents of whom at least one, pursuant to articles 2 and 3, is Burundian at the time of the option;...

Original French version

Peut acquérir la nationalité burundaise par option :

a) L'enfant né de parents dont au moins un, par application des articles 2 et 3, est burundais au moment de l'option ;....

Article 13, Nationality Code

The declaration of option is made before the Public Prosecutor, who informs, for investigation, the Municipal Administrator of the applicant's place of residence. The declaration is made by the person exercising parental authority if the person concerned is a minor and by the person concerned if he or she is of full age.

Original French version:

La déclaration d'option est faite devant le Procureur de la République. Celui-ci en informe, pour enquête, l'Administrateur Communal du lieu de Résidence du requérant.

La déclaration est souscrite par la personne qui exerce l'autorité parentale si l'enfant est mineur, et par l'intéressé lui-même s'il est majeur.

Article 14, Nationality Code

The Public Prosecutor immediately posts the declaration on the doors of his or her office to allow anyone who may know of any potential objections to make them known to the Public Prosecutor.

Original French version:

Le Procureur de la République procède sans délai à l'affichage de la déclaration sur les portes de son office afin de permettre à toute personne qui aurait connaissance d'éventuelles objections de les lui faire connaître.

Article 15, Nationality Code

Once the investigation, which must not last longer than ten months from the date of the posting, is closed, the Municipal Administrator forwards the results of the investigation to the Public Prosecutor.

Original French version:

Après clôture de l'enquête dont la durée ne peut excéder dix mois à dater du jour de l'affichage, l'Administrateur communal transmet au Procureur de la République les résultats de l'enquête.

Article 16, Nationality Code

Approval of the option is pronounced by order of the Minister of Justice and notified to the person concerned, the Public Prosecutor and the Municipal Administrator. The approval order is recorded in register of instruments declaring or modifying nationality. It is also published as an excerpt in the Official Bulletin of Burundi by the declarant, and the option does not take effect until this publication.

Original French version:

L'agrément de l'option est prononcé par ordonnance du Ministre de la Justice et notifié à l'intéressé, au Procureur de la République ainsi qu'à l'Administrateur Communal.

L'ordonnance d'agrément est portée au registre-répertoire des actes modificatifs ou déclaratifs de nationalité.

Elle est en outre publiée par extrait au Bulletin Officiel du Burundi par les soins du déclarant, et l'option ne sort ses effets qu'à dater de cette publication.

Article 17, Nationality Code

The nationality option incurs payment of a fee, the amount of which is set by a joint order from the Minister of Justice and the Minister of Finance. Said fee and publication costs are assumed by the declarant.

Original French version:

L'option de nationalité donne lieu à la perfection d'un droit dont le montant est fixé par ordonnance conjointe du Ministre de la Justice et du Ministre des Finances.

Ledit droit ainsi que les frais de publication sont à charge du déclarant.

See also provisions of Article 12 of the Constitution noted above.

Married mother cannot pass to child born outside country unless father unknown or has repudiated/not acknowledged the child/ except under certain conditions)

Same provisions as above

Married woman cannot pass to foreign spouse on an equal basis with married man (husband can apply for naturalisation under normal procedures with reduced or waived conditions).

Article 10, Nationality Code

A foreign woman acquires, by marriage, the nationality of her Burundian spouse by simple declaration.

Original French version:

La femme étrangère acquiert par mariage la nationalité de son conjoint burundais par simple déclaration.

Article 11, Nationality Code

The declaration is made at any time during or after the celebration of the marriage. It is received or registered by the officer of civil status.

Original French version:

La déclaration est souscrite à tout moment pendant ou après la célébration du mariage.

Elle est reçue et enregistrée par l'Officier de l'Etat Civil.

Article 12, Nationality Code

This declaration takes effect as of right from the time it is registered.

Original French version:

Cette déclaration prend effet de plein droit à partir de son enregistrement.

Article 6, Nationality Code

Burundian nationality can also be acquired by naturalisation. Naturalisation is granted by the President of the Republic by decree.

Original French version:

La nationalité burundaise peut également s'acquérir par la naturalisation. La naturalisation est accordée par le Président de la République par voie de décret.

Article 7, Nationality Code

The admissibility of the application for naturalisation is subject to following conditions:

- (a) at the time of the application, the person concerned must be at least twenty- one years of age, or, if the child's application is made at the same time as that of the father or mother, twenty years old at most;*
- (b) The applicant must be of good behaviour, life and character, and must not have been sentenced for any crime;*
- (c) The applicant must prove his or her attachment to the Burundian nation and assimilation with Burundian citizens;*
- (d) The person concerned must have resided permanently in Burundi for at least ten years. This period is reduced to five years for foreigners married to Burundian women and foreigners who have done exceptional favours for Burundi.*

Original French version:

La recevabilité de la requête en naturalisation est soumise aux conditions suivantes :

- a) Au moment de la demande, l'intéressé doit être âgé de vingt et un ans au moins, ou s'il s'agit d'un enfant dont la demande est introduite en même temps que celle de son père ou de sa mère, de vingt ans plus ;*
- b) Le requérant doit être de bonnes conduites, vie et mœurs, et exempt de toute condamnation résultant d'un crime ou d'un délit ;*
- c) Le requérant doit justifier de son attachement à la nation burundaise et de son assimilation aux citoyens burundais ;*
- d) L'intéressé doit avoir résidé en permanence au Burundi pendant une durée d'au moins dix ans. Ce délai est réduit à cinq ans en faveur des étrangers mariés à des burundaises ainsi qu'à des étrangers qui ont rendu des services exceptionnels au Burundi.*

CAMEROON

- Loi n° 1968-LF-3 du 11 juin 1968, Portant code de la nationalité camerounaise
 - In French - <http://www.refworld.org/docid/3ae6b4d734.html>
 - In English (official translation) - <http://www.refworld.org/docid/3ae6b4db1c.html>

Married woman cannot pass to foreign spouse on an equal basis with married man (husband can apply for naturalisation under normal procedures with reduced or waived conditions)

Section 17.

Subject to the following provisions, a foreign woman marrying a Cameroonian may, by express request, acquire Cameroon nationality at the moment of celebration of the marriage.

Original French Version:

Sous réserve des dispositions des articles suivants, la femme étrangère qui épouse un camerounais, peut, sur sa demande expresse, acquérir la nationalité camerounaise au moment de la célébration du mariage.

Section 18.

- (1) *A woman whose national law permits her to retain her nationality of origin may declare, at the time of celebration of the marriage and in the form prescribed by Sections 36 and following of this law, that she declines Cameroon nationality.*
- (2) *She may exercise this right without authorization even if a minor.*

Original French Version:

- 1) *La femme, dans le cas où sa loi nationale lui permet de conserver sa nationalité d'origine, a la faculté de déclarer au moment de la célébration du mariage, et dans les formes prévues par les articles 36 et suivants du présent code, qu'elle décline la nationalité camerounaise.*
- 2) *Elle peut, même si elle est mineure, exercer cette faculté sans autorisation.*

Section 19.

Within six months after the celebration of marriage while this law is in force or within six months from the date of the promulgation of this law in the case of any marriage celebrated earlier, the Government may by Decree prevent such an acquisition of Cameroon nationality.

Original French Version:

Au cours du délai de six mois qui suit leur célébration pour les mariages contractés sous l'empire de la présente loi, ou qui suite la promulgation de la présente loi, s'il s'agit de mariages contractés antérieurement, le Gouvernement peut s'opposer par décret à l'acquisition de la nationalité camerounaise.

Section 24.

Cameroon nationality may be conferred by decree on a foreigner requesting it.

Original French Version:

La nationalité camerounaise est accordée à la demande de l'étranger par décret.

Section 25.

Cameroon nationality may not be conferred on a person:

- a) Who has not attained the full age of twenty one years;*
- b) Who cannot show habitual residence in Cameroon for five consecutive years up to presentation of his application;*
- c) Whose main interests are not based in Cameroon at the time of the signature of the naturalization decree;*
- d) Who is not of good character and morals, or has suffered conviction of an offence against ordinary law, not expunged by rehabilitation or amnesty;*
- e) Who has not been found to be of sound body and mind.*

Original French Version:

Nul ne peut être naturalisé camerounais:

- a) S'il n'a atteint l'âge de vingt et un ans révolus;*
- b) S'il ne peut justifier d'une résidence habituelle au Cameroun pendant les cinq années consécutives qui ont précédé le dépôt de sa demande;*
- c) S'il n'a au Cameroun le centre de ses principaux intérêts, au moment de la signature du décret de naturalisation;*
- d) S'il n'est de bonnes vie et moeurs, ou s'il a fait l'objet d'une condamnation pour crimes ou délits de droit commun non effacés par la réhabilitation ou l'amnistie;*
- e) S'il n'a été reconnu sain de corps et d'esprit.* Original French Version)

Section 26.

Notwithstanding the provisions of the foregoing section, no probationary period shall be required of a foreigner;

- a) Born in Cameroon or married to a Cameroon wife;....*

Original French Version:

Nonobstant les dispositions de l'article précédent, aucune condition de stage n'est exigée de l'étranger;

- a) S'il est né au Cameroun ou marié à une Camerounaise;*
- b) S'il a rendu des services exceptionnels au Cameroun ou si sa naturalisation présente pour le Cameroun un intérêt exceptionnel.*

CENTRAL AFRICAN REPUBLIC

- Loi n° 1961.212 du 20 avril 1961 portant code de la nationalité centrafricaine/ Law No. 1961.212, April 20, 1961 stating the Central African Code of Nationality
 - Link to original French language version - <http://citizenshiprightsafrika.org/wp-content/uploads/2016/08/CAR-Code-de-la-nationalit%C3%A9-centrafricaine-1961.pdf>
 - Link to English translation – http://citizenshiprightsafrika.org/wp-content/uploads/1966/08/CAR-Loi-63-406-Code-de-la-Nationalite-1961_ENG.pdf

Married woman cannot pass to foreign spouse on an equal basis with married man

Article 13

Subject to the provisions of Articles 14, 15 and 18 (see note below), a foreign woman who marries a Central African acquires Central African nationality at the time the marriage is celebrated before a Civil Affairs official."

Original French language version:

"Sous réserves des dispositions des articles 14, 15 et 38 (see note below) la femme étrangère, qui épouse un centrafricain, acquiert la nationalité centrafricaine au moment de la célébration du mariage, devant l'officier de l'état-civil."

Note: The legislation (Article 13) refers to Article 38 (in French) and 18 (in the unofficial English), but assume that the French version is accurate since the English version is an unofficial translation.

Article 14

A woman, in a case where her national law allows her to retain her nationality, has the right to declare at the time the marriage is celebrated, the status of being Central African.

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

Original French language version:

"La femme, dans le cas où sa loi nationale lui permet de conserver sa nationalité, a la faculté de déclarer au moment de la célébration du mariage qualité centrafricaine.

Elle peut, même si elle est mineure, exercer cette faculté sans aucune autorisation."

Article 15

During the six-month period that follows the celebration of the marriage, the Government may oppose the acquisition of Central African nationality, by decree issued on the basis of a report by the Interior Minister.

To this end, the Civil Affairs official sends an excerpt from the marriage certificate within eight days of the celebration, to the Interior Minister for registration.

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

However, when the validity of acts entered into before the opposition decree was subordinated to the acquisition by the wife of Central African nationality; this validity cannot be challenged on the grounds that the woman was unable to acquire this status.

Original French language version:

“Au cours du délai de six mois, qui suit la célébration du mariage, le Gouvernement peut s'opposer, par décret pris sur rapport du Ministre de l'intérieur, à l'acquisition de la nationalité centrafricaine.

A cet effet, un extrait de l'acte de mariage est adressé par l'officier de l'état civil dans les huit jours de la célébration, au Ministre de l'Intérieur, pour enregistrement.

En cas d'opposition du Gouvernement, l'intéressée est réputée n'avoir jamais acquis la nationalité centrafricaine.

Toutefois, lorsque la validité des actes passés antérieurement au décret d'opposition était subordonnée à l'acquisition par la femme de la nationalité centrafricaine, cette validité ne peut être contestée pour le motif que la femme n'a pu acquérir cette qualité.”

Article 17

A woman does not acquire Central African nationality if her marriage to a Central African is declared null and void by a decision issued by a Central African court or rendered enforceable in the Central African Republic, even if the marriage was contracted in good faith.

However, when the validity of acts entered into before the court decision finding that the marriage was null and void was subordinated to the acquisition by the wife of Central African nationality, this validity cannot be challenged on the grounds that the woman was unable to acquire this status.

Original French language version:

“La femme n'acquiert pas la nationalité centrafricaine si son mariage avec un centrafricain est déclaré nul par une décision émanant d'une juridiction centrafricaine ou rendue exécutoire en République Centrafricaine, même si le mariage a été contracté de bonne foi.

Toutefois, lorsque la validité des actes passés antérieurement à la décision judiciaire constatant la nullité du mariage était subordonnée à l'acquisition par la femme de la nationalité centrafricaine, cette validité ne peut être contestée pour les motifs que la femme n'a pu acquérir cette qualité.”

Article 29

May be naturalized without a qualifying period:

.....

3 The wife and adult child of a foreigner who acquires Central African nationality;

Original French language version:

“Peut être naturalisé sans condition de stage:

3 La femme et l'enfant majeur de l'étranger qui acquiert la nationalité centrafricaine;”

COMOROS

- Loi n° 79-12 du 12 décembre 1979 portant code de la nationalité comorienne/ Law No. 79-2 of December 12, 1979 setting forth the Comorian Code of Nationality
 - Link to French version -
<http://www.comores-droit.com/wp-content/dossier/code/nationalite.pdf>
 - Link to English translation (Unofficial) -
<https://www.refworld.org/cgi-bin/tehis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=4c5822062>

Married woman cannot pass to foreign spouse on an equal basis with married man (husband can apply for naturalisation under normal procedures with reduced or waived conditions)

Article 15 of the Nationality Law

Save in certain circumstances (e.g. if the marriage is opposed by the Comorian Government or if the woman chooses to keep her original nationality or is the subject of deportation or asylum), a foreign woman who marries a Comorian shall automatically acquire Comorian nationality at the time of the celebration of the marriage before the Civil Affairs Official having jurisdiction in the area.

Original French language version:

“Sous réserve des dispositions des articles 16, 17, 43, la femme étrangère qui épouse un comorien acquiert la nationalité comorienne, au moment de la célébration du mariage, devant l'officier de l'état civil.”

Article 17 of the Nationality Law

Within the six months following the solemnisation of the marriage, the Comorian Government can oppose the acquisition of Comorian nationality by the foreign woman, by an order jointly made by the ministers responsible for Justice, the Interior, Health and Social Affairs.

For this purpose, a copy of the marriage certificate is sent by the civil status officer to the minister responsible for Justice for registration within eight days following the solemnisation. In the case of opposition by the Government, the foreign woman is deemed never to have had Comorian nationality. However, if certain acts executed prior to the order of opposition was conditional on the woman having Comorian nationality, the validity of such acts may not be challenged on the grounds that the woman was unable to acquire Comorian nationality.

Original French language version:

“Au cours du délai de six mois qui suit la célébration du mariage, le Gouvernement peut s'opposer, par décret pris sur rapport commun des ministres chargés de la Justice, de l'Intérieur, de la Santé et des Affaires sociales, à l'acquisition de la nationalité comorienne. A cet effet, un extrait de l'acte de mariage est adressé par l'officier de l'état civil, dans les huit jours de la célébration, au ministre chargé de la Justice pour enregistrement. En cas d'opposition du Gouvernement, l'intéressé est réputé n'avoir jamais acquis la nationalité comorienne. Toutefois, lorsque la validité des actes passés antérieurement au décret d'opposition était subordonnée à l'acquisition par la femme de la nationalité comorienne, cette validité ne peut être contestée pour le motif que la femme n'a pu acquérir cette qualité.”

Article 18 of the Nationality Law

If the marriage takes place abroad, the six month time period as mentioned above shall run from the date of the official registration of the marriage in the civil status records of Comorian diplomats or consular officers.

Original French language version:

“Lorsque le mariage a été célébré à l'étranger, le délai prévu à l'article precedent court du jour de la transcription de l'acte sur les registres de l'état civil des agents diplomatiques ou consulaires comoriens.”

Article 31 of the Nationality Law

Original French language version:

*“Peut être naturalisé, sans condition de stage : ...
3° - la femme de l'étranger qui acquiert la nationalité comorienne;...”*

Article 30 of the Nationality Law

This residence requirement of ten years is reduced to five years for a foreigner born in Comoros or married to a Comorian.

Original French language version:

“Le stage visé à l'article 29 est réduit de cinq ans : (i) pour l'étranger né aux Comores ou marié à une Comorienne ; ...”

CONGO (REPUBLIC OF)

- Loi n° 35-61 du 20 juin 1961 portant code de la nationalité congolaise - <http://www.refworld.org/docid/3ae6b4db4.html>
- Loi 2-93 du 30 septembre 1993 modifiant l'article 30 de la loi No 35-61 du 20 juin 1961 portant code de la nationalité - <http://www.cesbc.org/congo/Lois/Loi%202-93.pdf>
- Loi n° 32 - 2011 du 3 octobre 2011 modifiant certaines dispositions de la loi n° 35-61 du 20 juin 1961 portant code de la nationalité congolaise - <http://www.ilo.org/dyn/natlex/docs/SERIAL/88179/100738/F1238752969/COG-88179.pdf>

Married woman cannot pass to foreign spouse on an equal basis with married man

Article 18

La femme étrangère qui épouse un Congolais acquiert la nationalité congolaise après cinq ans de résidence commune au Congo depuis l'inscription du mariage sur les registres de l'état civil.

English translation (unofficial):

A foreign woman who marries a Congolese man shall acquire Congolese nationality after five years of common residence in the Congo following the registration of the marriage in the civil registry.

Article 19

Jusqu'à l'expiration du délai ci-dessus la femme étrangère a la faculté de déclarer, dans les conditions prévues aux articles 57 et suivants, qu'elle décline la qualité de Congolais.

English translation (unofficial):

Until the expiry of the above period, a foreign woman may declare, under the conditions provided for in Articles 57 et seq., that she declines the status of Congolese nationality.

Article 30 (Loi 2-93 du 30 septembre 1993 modifiant l'article 30 de la loi No 35-61 du 20 juin 1961 portant code de la nationalité)

Peut être nationalisé sans condition de stage :

1° L'enfant mineur dont l'un des parents acquiert la nationalité congolaise et qui ne bénéficie pas de l'effet collectif attaché à cette acquisition ;

2° La femme et l'enfant majeur de l'étranger qui acquiert la nationalité congolaise ;

3° L'enfant dont l'un des parents a perdu la qualité de congolais pour une cause indépendante de sa volonté, à l'exclusion d'une déchéance;

4° Tout étranger ayant rendu des services exceptionnels au Congo ou celui dont la naturalisation présente pour le Congo un intérêt particulier susceptible d'avoir une influence bénéfique sur son développement économique, social, culturel et scientifique.

English translation (unofficial):

The following persons can acquire Congolese nationality without a probationary period:

1° A minor child of whom one of the parents acquires Congolese nationality and who does not benefit from the collective effect attached to this acquisition;

2° A wife and adult child of a foreigner who acquires Congolese nationality;

3° A child of whom one of the parents has lost his/her Congolese nationality for a reason beyond his/her control, excluding forfeiture;

4° Any foreigner who has rendered exceptional services to the Congo or one whose naturalization is of particular interest to the Congo and likely to have a beneficial influence on its economic, social, cultural and scientific development.

EGYPT

- Law No 26 For The Year 1975 Concerning Egyptian Nationality As Amended By Law N° 154/2004
 - In English -
<http://www.refworld.org/docid/3ae6b4e218.html>
 - In Arabic -
[http://site.eastlaws.com/GeneralSearch/Home/ArticlesDetails?MasterID=3149#:~:text=%D8%A7%D9%84%D9%85%D8%A7%D8%AF%D8%A9%20\(2\)%20%3A%20%D9%8A%D9%83%D9%88%D9%86%20%D9%85%D8%B5%D8%B1%D9%8A%D8%A7%D9%8B,%D9%81%D9%8A%D9%87%D8%A7%20%D9%85%D8%A7%20%D9%84%D9%85%20%D9%8A%D8%AB%D8%A8%D8%AA%20%D8%A7%D9%84%D8%B9%D9%83%D8%B3](http://site.eastlaws.com/GeneralSearch/Home/ArticlesDetails?MasterID=3149#:~:text=%D8%A7%D9%84%D9%85%D8%A7%D8%AF%D8%A9%20(2)%20%3A%20%D9%8A%D9%83%D9%88%D9%86%20%D9%85%D8%B5%D8%B1%D9%8A%D8%A7%D9%8B,%D9%81%D9%8A%D9%87%D8%A7%20%D9%85%D8%A7%20%D9%84%D9%85%20%D9%8A%D8%AB%D8%A8%D8%AA%20%D8%A7%D9%84%D8%B9%D9%83%D8%B3)

Note: Though the Law No. 26/1975 concerning Egyptian Nationality was also amended in 2018, the amendments did not make changes to the gender discriminatory provisions noted below.

Married woman cannot pass to foreign spouse on an equal basis with married man

Article 7

A foreign woman who gets married to an Egyptian shall not acquire his nationality through marriage, unless she notifies her wish to acquire his nationality to the Minister of Interior provided the marriage shall not be terminated before the lapse of two years from the date she announces her wish, for another reason than the husband's decease. The Minister of Interior may issue a substantiated decree depriving the wife from acquiring the Egyptian nationality, before the lapse of the two years.

Original text in Arabic:

لا تكتسب الأجنبية التي تتزوج من مصري جنسيته بالزواج إلا إذا أعلنت وزير الداخلية برغبتها في ذلك ولم تنته الزوجة قبل انقضاء سنتين من تاريخ الإعلان لغير وفاة الزوج ، ويجوز لوزير الداخلية بقرار مسبب قبل فوات مدة السنتين حرمان الزوجة من اكتساب الجنسية المصرية

Article 14

A wife who was of Egyptian nationality, then forfeits it, and a wife who is of Egyptian origin, shall acquire the Egyptian nationality once her husband acquire it, or once she gets married to an Egyptian, if she declares her wish to have the Egyptian nationality restored to her, to the Minister of Interior.

Original text in Arabic:

الزوجة التي كانت مصرية الجنسية ثم فقدت هذه الجنسية وكذلك التي من أصل مصري تكتسب الجنسية المصرية بمجرد منحها لزوجها أو بمجرد زواجها من مصري متى أعلنت وزير الداخلية برغبتها في ذلك.

Woman who has lost her nationality of origin through marriage cannot regain it on the termination of marriage (unless was residing or came back to reside in Egypt and declares her wish to recover her nationality and to the Minister of the Interior)

Article 10

An Egyptian may not acquire a foreign nationality except after obtaining a permission therefor, to be issued by decree of the Minister of Interior. Otherwise, he shall continue to be regarded in all cases as Egyptian from all points of view, unless the Council of Ministers decide to strip him of the nationality according to the provisions of article 16 of the present law.

An Egyptian who acquires a foreign nationality shall forfeit the Egyptian nationality, if he has been permitted to obtain the foreign nationality.

However, a permission to acquire a foreign nationality, may also comprise the permission for him, his wife and minor children, to retain the Egyptian nationality. If within a period not exceeding one year from the date he acquires the foreign nationality, he declares his wish to benefit thereby, they shall retain their Egyptian nationality, despite their acquiring the foreign nationality.

Original text in Arabic:

لا يجوز لمصري أن يتجنس بجنسية أجنبية إلا بعد الحصول على إذن بذلك يصدر بقرار من وزير الداخلية وإلا ظل معتبراً مصرياً من جميع الوجوه وفي جميع الأحوال ما لم يقرر مجلس الوزراء إسقاط الجنسية عنه طبقاً لحكم المادة 16 من هذا القانون. ويترتب على تجنس المصري بجنسية أجنبية، متى أذن له في ذلك، زوال الجنسية المصرية عنه. ومع ذلك يجوز أن يتضمن الإذن بالتجنس إجازة احتفاظ المأذون له وزوجته وأولاده القصر بالجنسية المصرية، فإذا أعلن رغبته في الإفادة من ذلك خلال مدة لا تزيد على سنة من تاريخ اكتسابه الجنسية الأجنبية، ظلوا محتفظين بجنسيتهم المصرية رغم اكتسابهم الجنسية الأجنبية.

Article 11

The obtainment of a foreign nationality by an Egyptian after getting the permission to obtain it, thus forfeiting his Egyptian nationality, shall not result in his wife forfeiting the Egyptian Nationality, unless she declares her wish to acquire the nationality of her husband then obtains it by virtue of the Law governing that nationality. However, she may continue to retain the Egyptian nationality according to the last clause of the previous article....

Original text in Arabic:

لا يترتب على زوال الجنسية المصرية عن المصري لتجنسه بجنسية بعد الإذن له، زوالها عن زوجته إلا إذا قررت رغبته في دخول جنسية زوجها واكتسبها طبقاً لقانونها، ومع ذلك يجوز لها الاحتفاظ بالجنسية المصرية طبقاً للفقرة الأخيرة من المادة السابقة.

Article 12

An Egyptian woman, who gets married to an alien shall continue to retain her Egyptian nationality, unless she wishes to acquire the nationality of her husband and has declared that wish upon marriage, or during the existence of her marriage, in case she is entitled to acquire her husband's nationality by force of the Law governing it. However, she shall continue to retain the Egyptian nationality, if she declares her wish to retain it, within one year from the date she enters the nationality of her husband.

If the contract of marriage is considered invalid under the provisions of the Egyptian Law, but valid under the provisions of the Law of the husband's country, she remains Egyptian in all respects and in all cases. However, she may be considered, by means of a decree of the Minister of Interior, as forfeiting the Egyptian nationality, if she has acquired the nationality of her husband.

Original text in Arabic:

المصرية التي تتزوج من أجنبي تظل محتفظة بجنسيتها المصرية إلا إذا رغبت في اكتساب جنسية زوجها، وأثبتت رغبته هذه عند الزواج أو أثناء قيام الزوجية وكان قانون جنسية زوجها يدخلها في هذه الجنسية، ومع ذلك تظل محتفظة بجنسيتها المصرية إذا أعلنت رغبته في ذلك خلال سنة من تاريخ دخولها في جنسية زوجها. وإذا كان عقد زواجها باطلاً طبقاً لأحكام القانون المصري وصحيحاً طبقاً لأحكام قانون الزوج ظلت من جميع الوجوه وفي جميع الأحوال مصرية، ومع ذلك يجوز بقرار من وزير الداخلية اعتبارها فاقدة للجنسية المصرية، إذا كانت اكتسبت جنسية زوجها.

Article 13

An Egyptian woman who forfeits her nationality under the provisions of the first clause of article (11), and the first clause of article (12), may recover her Egyptian nationality, if she applies for it, and the Minister of Interior approves. She shall also recover the Egyptian nationality if marriage is terminated and she has been a resident of Egypt, or if she has returned to reside in it, and declared her wish to recover the Egyptian nationality.

Original text in Arabic:

يجوز للمصرية التي فقدت جنسيتها طبقاً للفقرة الأولى من المادة 11 وللفقرة الأولى من المادة 12 أن تسترد الجنسية المصرية إذا طلبت ذلك ووافق وزير الداخلية. كما تسترد الجنسية المصرية عند انتهاء الزوجية إذا كانت مقيمة في مصر أو عادت للإقامة فيها وقررت رغبته في ذلك.

If a father's nationality changes, his children may cease to be citizens (minor children will forfeit nationality if, as a result of their father's change in nationality, they acquire the new nationality as a result of applicable law but they can decide to choose the Egyptian nationality during the second year of reaching majority)

Article 11

The obtainment of a foreign nationality by an Egyptian after getting the permission to obtain it, thus forfeiting his Egyptian nationality, shall not result in his wife forfeiting the Egyptian Nationality, unless she declares her wish to acquire the nationality of her husband then obtains it by virtue of the Law governing that nationality. However, she may continue to retain the Egyptian nationality according to the last clause of the previous article.

Minor children shall forfeit the Egyptian nationality, if they - because of the change of their father's nationality - acquire the new nationality by virtue of the Law governing it. However, they are authorized, during the year following the date they attain full age, to decide to elect the Egyptian nationality.

Original text in Arabic:

لا يترتب على زوال الجنسية المصرية عن المصري لتجنسه بجنسية بعد الإذن له، زوالها عن زوجته إلا إذا قررت رغبته في دخول جنسية زوجها واكتسبها طبقاً لقانونها، ومع ذلك يجوز لها الاحتفاظ بالجنسية المصرية طبقاً للفقرة الأخيرة من المادة السابقة. أما الأولاد القصر فتزول عنهم الجنسية المصرية إذا كانوا بحكم تغيير جنسية أبيهم يدخلون في جنسيته الجديدة طبقاً لقانونها، على أنه يسوغ لهم خلال السنة التالية لبلوغهم سن الرشد أن يقرروا اختيار الجنسية المصرية.

ESWATINI

(formerly Swaziland)

- The Constitution of the Kingdom of Swaziland Act, 2005 – http://www.equalitynow.org/law/constitution_of_the_kingdom_of_swaziland_act_2005
- Swaziland Citizenship Act, 1992 - <http://citizenshiprightsafrika.org/wp-content/uploads/2016/06/Swaziland-Citizenship-Act-1992.pdf>

Note: The government of Eswatini in their report to the CEDAW Committee has stated that: “‘Matters related to the acquisition, change, loss and deprivation of citizenship are regulated by the 2005 National Constitution and the Citizenship Act of 1992. These pieces of legislation are essentially consistent with one another in all material respects, including in their approach to women’s rights to enjoy and exercise their citizenship rights”.¹

Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father has repudiated/ not acknowledged the child)

Section 43(1) of the Constitution [Section 7(1) of the Citizenship Act is essentially the same as this provision]

“A person born in Swaziland after the commencement of this Constitution is a citizen of Swaziland by birth if at the time of birth the father of that person was a citizen of Swaziland in terms of this Constitution.”

Section 43(4) of the Constitution [Section 7(4) of the Citizenship Act is essentially the same as this provision]

“Where a child born outside of marriage is not adopted by its father or claimed by that father in accordance with Swazi law and custom and the mother of that child is a citizen of Swaziland, the child shall be a citizen of Swaziland by birth.”

Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (unless father has repudiated/ not acknowledged the child)

Section 43(4) of the Constitution

“Where a child born outside of marriage is not adopted by its father or claimed by that father in accordance with Swazi law and custom and the mother of that child is a citizen of Swaziland, the child shall be a citizen of Swaziland by birth.”

Married mother cannot pass to child born in country on an equal basis with married father

Section 43(1) of the Constitution [Section 7(1) of the Citizenship Act is essentially the same as this provision]

“A person born in Swaziland after the commencement of this Constitution is a citizen of Swaziland by birth if at the time of birth the father of that person was a citizen of Swaziland in terms of this Constitution.”

Married mother cannot pass to child born outside country on an equal basis with married father

Section 43 (2) of the Constitution [Section 7(2) of the Citizenship Act is essentially the same as this provision]

A person born outside Swaziland after the commencement of this Constitution is a citizen of Swaziland if at the time of birth the father of that person was a citizen of Swaziland in terms of this Constitution . . .

Married woman cannot pass to foreign spouse on an equal basis with married man

Section 44. of the Constitution [Section 8 of the Citizenship Act is essentially the same as this provision]

(1) A woman who is not a citizen of Swaziland at the date of her marriage to a person who is a citizen (otherwise than by registration) shall become a citizen by lodging a declaration in the prescribed manner with the Minister responsible for

¹ CEDAW/C/SWZ/1-2, para 9.1

citizenship or with any Diplomatic Mission or Consular Office of Swaziland or at any other prescribed office, either before or at any time during the marriage, accepting Swaziland citizenship.

(2) A woman who lodges a declaration in terms of subsection (1) shall be a citizen from the date of her marriage, where the declaration is lodged before the marriage, or where the declaration is lodged after marriage, from date of lodgement . . .

GUATEMALA

- Constitución Política de 1985 reformada por Acuerdo Legislativo No. 18-93 del 17 de Noviembre de 1993
 - Original Spanish version -
[https://www2.congreso.gob.pe/sicr/cendocbib/con4_uibd.nsf/E36A11EC8CBB4D0105257E6C0070698F/\\$FILE/5_pdfsam_ConstitucionPolitica dela Republica de Guatemala.pdf](https://www2.congreso.gob.pe/sicr/cendocbib/con4_uibd.nsf/E36A11EC8CBB4D0105257E6C0070698F/$FILE/5_pdfsam_ConstitucionPolitica dela Republica de Guatemala.pdf)
 - English Translation -
https://www.constituteproject.org/constitution/Guatemala_1993.pdf?lang=en
- Decreto número 1613 - 29 Octubre 1966 Ley de Nacionalidad y sus reformas -
<http://www.refworld.org/docid/3e5110302.html>

Married woman cannot pass to foreign spouse on an equal basis with married man

Nationality Law

Article 43.- *A foreign woman who marries a Guatemalan may opt for Guatemalan citizenship when formalizing the marriage, if this is done in Guatemala; however, other formalities must be completed with the Ministry of Foreign Relations in order for the naturalization to be recognized.*

Original Spanish version:

La extranjera que se case con guatemalteco podrá hacer la opción por la nacionalidad guatemalteca en las diligencias matrimoniales, cuando éstas tienen lugar en Guatemala pero las demás formalidades deberán ser cumplidas en el Ministerio de Relaciones Exteriores, a efecto de que se reconozca la naturalización.

Article 44. - *The acquisition or recovery of citizenship after marriage allows the foreign spouse to obtain declaratory naturalization.*

Original Spanish version:

La adquisición o la recuperación de la nacionalidad posteriores al matrimonio, permiten la naturalización declaratoria del otro cónyuge.

Article 10. — *Guatemalan citizens and their foreign wives who reside abroad may — with the exceptions stated in the following article — use a special Guatemalan representative to substantiate their case files with the Ministry of Foreign Relations or the corresponding diplomatic or consular representative, who/which will receive the application, hear the evidence, note the option chosen (if applicable), take any sworn statement or waiver that may be constitutionally applicable, and forward the completed case file to the Ministry for a decision.*

Original Spanish version:

Artículo 10. Los guatemaltecos naturales y la mujer extranjera casada con guatemalteco que residan en el extranjero, podrán sustanciar sus expedientes por medio de mandatario guatemalteco especial ante el Ministerio de Relaciones Exteriores, salvo lo dispuesto en el 2 artículo siguiente, o ante el representante diplomático o consular de carrera que corresponda, quienes se limitarán a recibir la solicitud, las pruebas, la opción si fuere el caso, el juramento y las renunciaciones que procedieren conforme a la Constitución, y remitirán el expediente ya sustanciado al expresado Ministerio para su resolución.

Women married to foreigners may lose their nationality if they adopt nationality of spouse (which is presumed if woman uses passport corresponding to spouse's nationality)

Article 45. *The Guatemalan woman married to a foreigner retains her nationality, unless she adopts that of her husband. She also keeps it if she acquires his nationality by the sole effect of foreign legislation. The adoption will be presumed if the woman uses a passport corresponding to the nationality of her husband, either jointly or separately. This presumption does not admit evidence to the contrary, but it will cease if the passport is used exclusively to travel to the country of the former.*

Original Spanish version:

Artículo 45. *La guatemalteca casada con extranjero conserva su nacionalidad, salvo que adopte la de su esposo. También la conserva si adquiere la nacionalidad de éste por el sólo efecto de la legislación extranjera. La adopción se presumirá si la mujer usare pasaporte correspondiente a la nacionalidad de su esposo, ya sea conjunta o separadamente. Esta presunción no admite prueba en contrario, pero cesará si el pasaporte fuere usado exclusivamente para viajar al país de aquél.*

Article 3. *No Guatemalan of origin can be deprived of their nationality, once acquired it is inalienable, even if they have opted for naturalization in a foreign country. The cases in which the waiver is mandatory for said naturalization are excepted.*

Guatemalans of origin, naturalized abroad, who have lost their Guatemalan nationality by mandatory renunciation, may once again establish a domicile in Guatemala and recover their Guatemalan nationality in accordance with this law. Those who have compulsorily renounced the nationality of origin are excepted. They ratify their resignation before the Ministry of Foreign Affairs, in order to conserve exclusively the foreign nationality to enjoy the economic privileges that their country of adoption provides them, in which case they must register as foreigners in the corresponding registries. (article modified by Decree number 86-1996)

Original Spanish Version:

Artículo 3º. - *A ningún guatemalteco de origen puede privársele de su nacionalidad, una vez adquirida es irrenunciable, aún cuando se hubiere optado por la naturalización en país extranjero. Se exceptúan los casos en que la renuncia sea obligatoria para dicha naturalización.*

Los guatemaltecos de origen, naturalizados en el extranjero, que hubieran perdido la nacionalidad guatemalteca por renuncia obligatoria podrán constituir domicilio nuevamente en Guatemala y recuperar la nacionalidad guatemalteca de conformidad con esta ley. Se exceptúan aquellos que habiendo renunciado obligatoriamente a la nacionalidad de origen. Ratifiquen ante el Ministerio de Relaciones Exteriores su renuncia, con el fin de conservar exclusivamente la nacionalidad extranjera para gozar de los privilegios económicos que su país de adopción les proporciona, en cuyo caso deberán inscribirse como extranjeros en los registros correspondientes. (artículo modificado por Decreto número 86-1996)

Article 4. *The naturalization in another country of Guatemalans domiciled in Guatemala is not recognized, except for the naturalization of women by marriage and provided that it is not the exclusive effect of foreign legislation.*

Original Spanish version:

Artículo 4º. - *No se reconoce la naturalización en otro país de guatemaltecos domiciliados en Guatemala, salvo la naturalización de la mujer por matrimonio y siempre que no sea por efecto exclusivo de la legislación extranjera.*

IRAN

- The Civil Code of the Islamic Republic of Iran, 23 May 1928
 - o Farsi - <https://rc.majlis.ir/fa/law/show/97937>
 - o English - <https://irandataportal.syr.edu/nationality-law>
- The Law on Determining the Nationality of Children Born from a Marriage of Iranian Women and Non-Iranian Men (as amended in 2019) - <https://www.refworld.org/publisher,NATLEGBOD,,61372fba4,0.html>

Unmarried mother cannot pass to child born in country on an equal basis with unmarried father

Article 976(2)

The following persons are considered to be Iranian subjects: Those whose fathers are Iranians, regardless of whether they have been born in Iran or outside of Iran.

Article 976(4)

The following persons are considered to be Iranian subjects: Persons born in Iran of foreign parents, one of whom was also born in Iran.

Article 976(5)

The following persons are considered to be Iranian subjects:

Persons born in Iran of a father of foreign nationality and have resided at least one more year in Iran immediately after reaching the full age of 18; otherwise, their naturalization as Iranian subjects will be subject to the stipulations for Iranian naturalization laid down by the law.

Article 977

(a) If persons mentioned in Clause 4 of Article 976 wish to accept the nationality of their fathers, they must submit a written request to the Ministry of Foreign Affairs to which they should annex a certificate issued by the national Government of their fathers to the effect that the said Government would recognize them as their own nationals.

(b) If persons mentioned in Clause 5 of Article 976 after reaching the full age of 18 years wish to remain of the nationality of their fathers, they must, within a period of one year, submit a written request to the Ministry of Foreign Affairs to which they should annex a certificate from their father's national Government indicating that the said Government would recognize them as its own nationals

Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father

Article 976(2)

The following persons are considered to be Iranian subjects: Those whose fathers are Iranians, regardless of whether they have been born in Iran or outside of Iran"

Married mother cannot pass to child born in country on an equal basis with married father

Article 976(2)

The following persons are considered to be Iranian subjects: Those whose fathers are Iranians, regardless of whether they have been born in Iran or outside of Iran.

Article 976(4)

The following persons are considered to be Iranian subjects: Persons born in Iran of foreign parents, one of whom was also born in Iran.

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(a) If persons mentioned in Clause 4 of Article 976 wish to accept the nationality of their fathers, they must submit a written request to the Ministry of Foreign Affairs to which they should annex a certificate issued by the national Government of their fathers to the effect that the said Government would recognize them as their own nationals.

(b) If persons mentioned in Clause 5 of Article 976 after reaching the full age of 18 years wish to remain of the nationality of their fathers, they must, within a period of one year, submit a written request to the Ministry of Foreign Affairs to which they should annex a certificate from their father's national Government indicating that the said Government would recognize them as its own nationals"

Amendment of 2019 to the Law on Determining the Nationality of Children Born from a Marriage of Iranian Women and Non-Iranian Men

Children born from a sharia marriage of Iranian women and non-Iranian men, which has been born before or will be born after the adoption of this law, before they reach the full age of 18 - based on the solar calendar - at the request of their Iranian mother shall be granted Iranian nationality if had no security violations background (determined by the Ministry of Intelligence and the Intelligence Organization of the IRGC). The aforementioned children, upon reaching the full age of 18 based on the solar calendar, in the absence of their Iranian mother's request, may apply for Iranian nationality and if they had no security violations background (determined by the Ministry of Intelligence and the Intelligence Organization of the IRGC) they shall be granted Iranian nationality. The results of the security checks must be provided within three months and the Disciplinary Force [Police] is obligated to act for the issuance of a residence permit for the non-Iranian father if had no security violations background (determined by the Ministry of Intelligence and the Intelligence Organization of the IRGC).

Married mother cannot pass to child born outside country on an equal basis with married father

Article 976(2)

The following persons are considered to be Iranian subjects: Those whose fathers are Iranians, regardless of whether they have been born in Iran or outside of Iran

Amendment of 2019 to the Law on Determining the Nationality of Children Born from a Marriage of Iranian Women and Non-Iranian Men

Same provision as above.

Married woman cannot pass to foreign spouse on an equal basis with married man (Men who are married to Iranian women, and have a child with the Iranian national may apply for governmental approval to become a national)

Article 976(6)

The following persons are considered to be Iranian subjects: Every woman of foreign nationality who marries an Iranian husband.

Article 980

Those opting for Iranian nationality who have rendered services or notable assistance to public interests in Iran, or who have Iranian wives by whom they have children, or who have attained high intellectual distinctions or who have specialized in affairs of public interest may be accepted as nationals of the Islamic Republic of Iran without the observance of the requirement of residence, subject to the sanction of the Council of Ministers and provided that the Government considers their naturalization to Iranian nationality to be advisable. (Amended in accordance to the Law on Amendment of Several Articles of the Civil Law, 1991)

Woman automatically loses nationality upon marrying spouse of another nationality (only if the laws of the spouse's nation automatically impose their nationality on her)

Article 987

“An Iranian woman marrying a foreign national will retain her Iranian nationality unless according to the law of the country of the husband the latter's nationality is imposed by marriage upon the wife. But in any case, after the death of the husband or after divorce or separation, she will re - acquire her original nationality together with all rights and privileges appertaining to it by the mere submission of an application to the Ministry of Foreign Affairs, to which should be annexed a certificate of the death of her husband or the document establishing the separation”

IRAQ

- Iraqi Nationality Act (N° 26/2006), published in the Iraqi Gazette N° 4019, issued on 7 March 2006
 - In Arabic - http://www.iraqinationality.gov.iq/images/qanoon_aljinsiya.pdf
 - In English - <http://www.refworld.org/pdfid/4b1e364c2.pdf>
- 2017 First Amendment of the Iraqi Nationality Law No. 26 of 2006 (In Arabic only) - <https://aliraqnet.net/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A%D8%A9-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82%D9%8A%D8%A9-%D8%B1%D9%82%D9%85-26-%D9%84%D8%B3%D9%86%D8%A9-2006-%D8%A7%D9%84%D8%AA/>
- Constitution of the Republic of Iraq, 15 October 2005 - <https://www.refworld.org/docid/454f50804.html>

Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (unless father stateless or unknown/ except under certain conditions)

Note: There is a possible contradiction in the law.

Article 4, Iraq Nationality Act:

The Minister may consider Iraqi any person born outside Iraq to an Iraqi mother and an unknown or stateless father, if he chooses the Iraqi nationality, within one year from coming of age (reaching the age of maturity), unless he fails to do so, due to difficult circumstances, provided that he is residing within Iraq at the time of application for the Iraqi nationality.

Original text in Arabic:

للوزير أن يعد من ولد خارج العراق من أم عراقية وأب غير عراقي أو لا جنسية له عراقي الجنسية إذا اختارها خلال سنة من تأريخ بلوغه سن الرشد إلا إذا حالت الظروف الصعبة دون ذلك بشرط أن يكون مقيماً في العراق وقت تقديمه طلب الحصول على الجنسية العراقية.

Compare with Article 3:

Article 3, Iraq Nationality Act:

A person shall be considered Iraqi if:

- a. he/ she is born to an Iraqi father or an Iraqi mother;
- b. he/ she is born in Iraq to unknown parents. A foundling found in Iraq shall, in the absence of proof to the contrary, be considered to have been born therein.

Original text in Arabic:

يعتبر عراقياً:
أ- من ولد لأب عراقي أو لأم عراقية
ب- من ولد في العراق من أبوين مجهولين ويعتبر اللقيط الذي يعثر عليه في العراق مولوداً فيه ما لم يقيم الدليل على خلاف ذلك.

Article 4 of the Nationality Act also contradicts the Constitution.

Article 18(2) of the Constitution:

Anyone who is born to an Iraqi father or to an Iraqi mother shall be considered an Iraqi. This shall be regulated by law.

Original text in Arabic:

يعد عراقياً كل من ولد لأب عراقي أو لأم عراقية، وينظم ذلك بقانون.

Married mother cannot pass to child born outside country (unless father stateless or unknown/ except under certain conditions)

Same provisions as above

Married woman cannot pass to foreign spouse on an equal basis with married man (husband can apply for naturalisation under normal procedures with reduced or waived conditions).

Article 11

*I- A non-Iraqi woman married to an Iraqi **shall have the right** to acquire Iraqi nationality subject to the following conditions:*

- A. *That she has submitted an application to the Minister;*
- B. *That she has been married and resident within Iraq for two years; and*
- C. *That she has been engaged in wedlock up to the date of application. Exempted from this condition shall be any divorced or widowed woman, who has a child from her divorcee or deceased husband.*

II- The Council of Ministers, upon recommendation from the Minister, grants a non-Iraqi woman married to an Iraqi, the Iraqi nationality, upon her request and in accordance with the requirements of the public interest, provided that she has resided in Iraq for a period of not less than one year.

Original text in Arabic:

المرأة غير العراقية المتزوجة من عراقي أن تكتسب الجنسية العراقية وفقاً للشروط الآتية :

أ- تقديم طلب إلى الوزير .

ب- مضي مدة لا تقل عن (2) سنتين على زواجها وإقامتها في العراق.

ج- استمرار قيام الرابطة الزوجية حتى تأريخ تقديم الطلب ويستثنى من ذلك المطلقة أو المتوفى عنها زوجها وكان لها من مطلقها أو زوجها المتوفى ولد .

ثانياً— لمجلس الوزراء باقتراح الوزير منح المرأة غير العراقية المتزوجة من العراقي الجنسية العراقية بناءً على طلبها وفقاً لمقتضيات المصلحة العامة على أن تكون مقيمة في العراق مدة لا تقل عن سنة واحدة .

Article 7

*I-The Minister may approve naturalization of a non-Iraqi married to an Iraqi woman **subject to the conditions set forth in Article 6 hereof**, provided the period of residence stipulated in Paragraph c of item I of Article 6 hereof shall be no less than two years and on condition of continued wedlock.*

Original text in Arabic:

للووزير أن يقبل تجنس غير العراقي المتزوج من امرأة عراقية الجنسية إذا توافرت فيه الشروط المنصوص عليها في البند (أولاً) من المادة (6) من القانون على ألا تقل مدة الإقامة المنصوص عليها في الفقرة (ج) منه عن (2) سنتين مع بقاء الرابطة الزوجية .

Article 6:

I: The Minister may accept the naturalization of a non-Iraqi when the following conditions are met:

- a. To be of the age of majority.
 - b. He legally entered and resided in the Republic of Iraq when applying for naturalization, with the exception of those born and residing in Iraq.
 - c. Legally resided in the Republic of Iraq for a period of no less than (10) ten consecutive years prior to submitting the application, with the exception of forcibly displaced persons, provided that the period of residence is not less than (1) one year.
 - d. To be of good conduct and reputation and not have been convicted of a felony or misdemeanour or dishonour.
 - e. To have a good – legal – a source of income/living.
 - f. To be free from communicable diseases.
- II: The Council of Ministers, based on the Minister's proposal, may accept the naturalization of a non-Iraqi if he performs a valuable service to the country, and the public interest requires that, provided that he resides in the Republic of Iraq for a period of not less than one year.
- III: It is not permissible to grant Iraqi citizenship to Palestinians in order to guarantee their right to return to their homeland, with the exception of Palestinian women married to an Iraqi in accordance with the principle of maintaining the unity of the family.
- IV: Iraqi citizenship is not granted for the purposes of the population settlement policy, which disturbs the demographic structure in Iraq.
- V: All decisions granting Iraqi citizenship issued by the previous regime to achieve its objectives are subject to review.

Original text in Arabic:

- أولاً: للوزير أن يقبل تجنس غير العراقي عند توافر الشروط الآتية:
- أ- أن يكون بالغاً سن الرشد.
 - ب- دخل العراق بصورة مشروعة ومقيماً فيه عند تقديم طلب التجنس ويستثنى من ذلك المولودون في العراق والمقيمون فيه والحاصلون على دفتر الأحوال المدنية ولم يحصلوا على شهادة الجنسية.
 - ج- أقام في العراق بصورة مشروعة مدة لا تقل عن عشر سنوات متتالية سابقة على تقديم الطلب.
 - د- أن يكون حسن السلوك والسمعة ولم يحكم عليه بجناية أو جنحة مخلة بالشرف.
 - هـ- أن يكون له وسيلة جلية للتعيش.
 - و- أن يكون سالماً من الأمراض الإنتقالية.
- ثانياً: لمجلس الوزراء بناء على اقتراح الوزير قبول تجنس غير العراقي إذا كان يؤدي خدمة نافعة للبلد وتقتضي المصلحة العامة ذلك شرط إقامته في جمهورية العراق مدة لا تقل عن سنة .
- ثالثاً: لا يجوز منح الجنسية العراقية للفلسطينيين ضماناً لحق عودتهم إلى وطنهم.
- رابعاً: لا تمنح الجنسية العراقية لأغراض سياسة التوطين السكاني المخل بالتركيبة السكانية في العراق.
- خامساً: يعاد النظر في جميع قرارات منح الجنسية العراقية التي اصدرها النظام السابق لتحقيق أغراضه.

Woman who has lost her nationality of origin through marriage cannot regain it on the termination of marriage, unless she is in Iraq at the time of application (not explicitly resident)

Article 13

If an Iraqi woman renounces her Iraqi nationality in accordance with item (III) of Article 10 hereof, she shall have the right to restore her Iraqi nationality subject to the following conditions:

- I- *if her non-Iraqi husband is granted Iraqi nationality, or if she remarries a man enjoying Iraqi nationality; in which case, she shall regain her Iraqi nationality effective the date of application to this effect.*
- II- *if her husband passes away, divorces her or terminates their marriage contract, in which case she shall regain her Iraqi nationality effective the date of application to this effect, provided she has been resident in Iraq at the time of application to this effect.*

Original text in Arabic:

إذا تخلت المرأة العراقية عن جنسيتها العراقية وفقاً لأحكام البند (ثالثاً) من المادة (١٠) من هذا القانون، حق لها ان تسترد جنسيتها العراقية بالشروط الآتية:

أولاً: إذا مُنح زوجها غير العراقي الجنسية العراقية، او اذا تزوجت هي من شخص يتمتع بالجنسية العراقية وترجع اليها الجنسية من تاريخ تقديمها طلباً بذلك.

ثانياً: اذا توفى عنها زوجها او طلقها او فسخ عقد الزواج، ترجع اليها الجنسية من تاريخ تقديمها طلباً بذلك. على ان تكون موجودة في العراق عند تقديمها الطلب.

If a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality

Article 14

I- If a non-Iraqi acquires Iraqi nationality, his minor children shall be Iraqis, provided that they are residing with him in Iraq. II- If an Iraqi loses Iraqi nationality, his minor children shall consequently lose that nationality. Notwithstanding, they may restore Iraqi nationality upon their request if they return to and reside in Iraq. They shall be considered Iraqis for one year effective the date of return. Excluded from the benefit of this provision shall be the children of Iraqis denaturalized by virtue of the provisions of Law No. (1) of 1950 and Law No. (12) of 1952.

Original Arabic text

أولاً: اذا اكتسب غير العراقي الجنسية العراقية يصبح اولاده غير البالغين سن الرشد عراقيين بشرط ان يكونوا مقيمين معه في العراق. ثانياً: اذا فقد عراقي الجنسية العراقية، يفقدها تبعاً لذلك اولاده غير البالغين سن الرشد، ويجوز لهم ان يستردوا الجنسية العراقية بناء على طلبهم، اذا عادوا الى العراق واقاموا فيه سنة واحدة. ويعتبرون عراقيين من تاريخ عودتهم. ولا يستفيد من حكم هذا البند اولاد العراقيين الذين زالت عنهم الجنسية العراقية بموجب احكام القانون رقم (١) لسنة (١٩٥٠) والقانون رقم (١٢) لسنة (١٩٥١).

Note: The wording above suggests that this provision only applies to a man, although the interpretation provisions state that "An Iraqi" means a person enjoying Iraqi nationality, i.e. a man or a woman.

JORDAN

- Law N° 6 of 1954 on Nationality (last amended 1987) –
 - o In English - <http://www.refworld.org/docid/3ae6b4ea13.html>
 - o In Arabic - https://www.cspd.gov.jo/EBV4.o/Root_Storage/Root_Storage/AR/EB_Info_Page/2_%D9%82%D8%A7%D9%86%D9%88%D9%86_%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A%D8%A9.pdf

Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father unknown, without nationality or fatherhood not substantiated)

Article 3

The following shall be deemed to be Jordanian nationals:

...

(3) Any person whose father holds Jordanian nationality;

(4) Any person born in the Hashemite Kingdom of Jordan of a mother holding Jordanian nationality and of a father of unknown nationality or of a Stateless father or whose filiation is not established.

Original text in Arabic:

يعتبر أردني الجنسية:

.....

3. من ولد لأب متمتع بالجنسية الأردنية.

4. من ولد في المملكة الأردنية الهاشمية من أم تحمل الجنسية الأردنية وأب مجهول الجنسية أو لا جنسية له أو لم يثبت نسبته إلى أبيه قانونياً.

Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father

Article 9

The children of a Jordanian man shall be Jordanian wherever they are born.

Original text in Arabic:

أولاد الأردني أردنيون أينما ولدوا.

Married mother cannot pass to child born in country on an equal basis with married father (unless father unknown, without nationality or fatherhood not substantiated)

Article 3

The following shall be deemed to be Jordanian nationals:

...

(3) Any person whose father holds Jordanian nationality;

(4) Any person born in the Hashemite Kingdom of Jordan of a mother holding Jordanian nationality and of a father of unknown nationality or of a Stateless father or whose filiation is not established.

Original text in Arabic:

يعتبر أردني الجنسية:

.....

3. من ولد لأب متمتع بالجنسية الأردنية.

4. من ولد في المملكة الأردنية الهاشمية من أم تحمل الجنسية الأردنية وأب مجهول الجنسية أو لا جنسية له أو لم يثبت نسبته إلى أبيه قانونياً.

Married mother cannot pass to child born outside country on an equal basis with married father

Article 9

The children of a Jordanian man shall be Jordanian wherever they are born.

Original text in Arabic:

أولاد الأردني أردنيون أينما ولدوا.

Married woman cannot pass to foreign spouse on an equal basis with married man

Article 8

(1) Subject to the approval of the Minister of Internal Affairs, a foreign woman who marries a Jordanian national may acquire Jordanian nationality if she so wishes by making a written statement to that effect:

(a) Three years after her marriage if she is an Arab;

(b) Five years after her marriage if she is not an Arab

Original text in Arabic:

1. الأجنبية التي تتزوج أردني الحصول على الجنسية الأردنية بموافقة وزير الداخلية إذا أعلنت عن رغبتها خطياً وذلك وفقاً لما يلي:

أ. إذا انقضت على زواجها مدة ثلاث سنوات وكانت تحمل جنسية عربية.

ب. إذا انقضت على زواجها مدة خمس سنوات وكانت تحمل جنسية دولة غير عربية.

2. للمرأة الأردنية التي تزوجت من غير أردني وحصلت على جنسية زوجها الاحتفاظ بجنسيتها الأردنية إلا إذا تخلت عنها وفقاً لأحكام

هذا القانون ويحق لها العودة إلى جنسيتها الأردنية بطلب تقدمه لهذا الغرض إذا انقضت الزوجية لأي سبب من الأسباب.

3. للمرأة الأردنية التي تجنس زوجها أو يتجنس بجنسية دولة أخرى بسبب ظروف خاصة أن تبقى محتفظة بجنسيتها الأردنية.

KIRIBATI

- The Constitution of Kiribati – The Kiribati Independence Order 1979 - <https://www.parliament.gov.ki/constitution>
- Laws of Kiribati, Revised Edition 1998, Chapter 18, Citizenship - <http://www.refworld.org/pdfid/3eb6886c4.pdf>

Married mother cannot pass to child born in country on an equal basis with married father (except under certain conditions)

Section 25 of Kiribati Constitution

Persons born after the day prior to Independence Day

25. (1) Every person born in Kiribati after the day prior to Independence Day shall become a citizen of Kiribati at the date of his birth unless on that date, not being a person of I-Kiribati descent or a person whose father is a citizen of Kiribati, he becomes a citizen of some other country:

Provided that a person shall not become a citizen of Kiribati by virtue of this subsection if at the time of his birth-

(a) his father possesses such immunity from suit and legal process as is accorded to any envoy of a foreign sovereign power accredited to Kiribati and neither of his parents is a citizen of Kiribati

Married mother cannot pass to child born outside country on an equal basis with married father

Section 25 of Kiribati Constitution:

Persons born after the day prior to Independence Day

25. (2) Every person born outside Kiribati after the day prior to Independence Day shall become a citizen of Kiribati at the date of his birth if at that date his father is, or would but for his death have been, a citizen of Kiribati.

Married woman cannot pass to foreign spouse on an equal basis with married man

Section 26 of Kiribati Constitution

Marriage to citizens of Kiribati

26. Any woman who after the day prior to Independence Day marries a person who is or becomes a citizen of Kiribati shall be entitled, upon making application in such manner as may be prescribed, to be registered as a citizen of Kiribati.

Father cannot pass to child outside of marriage to biological mother (if the child is born abroad)

Section 25 of Kiribati Constitution

Persons born after the day prior to Independence Day

25. (2) Every person born outside Kiribati after the day prior to Independence Day shall become a citizen of Kiribati at the date of his birth if at that date his father is, or would but for his death have been, a citizen of Kiribati.

Section 29 of Kiribati Constitution

(1) For the purpose of this Chapter...

(c) any reference to the father of a person shall, in relation to a person born out of wedlock, be construed as a reference to the mother of that person;

Women cannot pass nationality to adopted children on an equal basis with men (in the case of joint adoption)

Section 6, Laws of Kiribati, Chapter 18, Citizenship

Citizenship by adoption

6. A child adopted under the provisions of any law relating to the adoption of children on or after the commencement of this Act, who is not a citizen on the date of the adoption, becomes a citizen on that date if the adopter, or in the case of a joint adoption the male adopter, is a citizen on that date.

Foreign Woman cannot apply for naturalization (including of her spouse and child) in the same way as a man

Section 7, Laws of Kiribati, Chapter 18, Citizenship

Citizenship by Naturalization

(1) A person of full age and full capacity may apply in the prescribed manner to the Commission to be naturalised as a citizen.

...

(3) Subject to subsection (4), where, in his application, a male applicant request that-

(a) his wife (not being a citizen); or

(b) any child of his named in the application; or

(c) both his wife and any such child,

shall become a citizen or citizens by naturalisation, any person to whom the application so relates shall become such a citizen when, pursuant to the application, the applicant becomes a citizen by naturalisation.

(4) A wife shall not become a citizen pursuant to subsection (3) unless there is included in the application concerned a statement by her that she wishes to become a citizen.

KUWAIT

- Nationality Law, 1959 including all changes/amendments from: Decree Law N° 40/1987, Decree N° 1/1982, Statute N° 1/1982, Decree Law N° 100/1980, and Statute N° 30/1970 - <http://www.refworld.org/docid/3ae6b4ef1c.html>
- In Arabic - <http://www.f-law.net/law/threads/12974-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A%D8%A9-%D8%A7%D9%84%D9%83%D9%88%D9%8A%D8%AA%D9%8A%D8%A9>

Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (not by right, but possible by decree issued by the Minister of the Interior if father unknown or not legally established)

Article 2

Any person born in Kuwait whose father is a Kuwaiti national shall be a Kuwaiti national.

Original text in Arabic:

يكون كويتيً كل من ولد في الكويت او في الخارج , لأب كويتي .

Article 3

Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to any person [upon his attaining his majority who was] born in, or outside, Kuwait to a Kuwaiti mother whose father is unknown or whose kinship to his father has not been legally established. The Minister of the Interior may afford to such children, being minors, the same treatment as that afforded to Kuwaiti nationals until they reach their majority.

Original text in Arabic:

يكون كويتيً

- 1- من ولد في الكويت او في الخارج من ام كويتية , وكان مجهول الاب او لم يثبت نسبته لابيّه قانوناً .
- 2- من ولد في الكويت لابوين مجهولين, و يعتبر اللقيط مولوداً فيها ما لم يثبت العكس .

Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (not by right, but possible by decree issued by the Minister of the Interior if father unknown or not legally established)

Same provisions as above

Married mother cannot pass to child born in country on an equal basis with married father (unless mother irrevocably divorced/foreign father deceased and child resident in Kuwait until reaches majority)

Article 5

Notwithstanding the provisions of the immediately preceding Article, the following may be granted Kuwaiti nationality by Decree, upon the recommendation of the Minister of the Interior:

[...]

2. *any person [upon his attaining his majority who was] born to a Kuwaiti mother and who has maintained his residence [in Kuwait] until reaching the age of majority and whose foreign father has irrevocably divorced his mother or has died. The Minister of the Interior may afford to such children, being minors, the same treatment as that afforded to Kuwaiti*

nationals in all respects until they reach the age of majority.

Original text in Arabic:

استثناء من احكام المادة السابقة , يجوز منح الجنسية الكويتية بمرسوم – بناء على عرض وزير الداخلية – لمن يأتي :

.....

ثانياً – المولود من ام كويتية , المحافظ على الإقامة فيها حتى بلوغه سن الرشد اذا كان ابوه الاجنبي اسيراً او قد طلق امه طلاقاً بائناً او توفى عنها .

و يجوز بقرار من وزير الداخلية معاملة القصر ممن تتوافر فيهم هذه الشروط معاملة الكويتيين لحين بلوغهم سن الرشد .

Married mother cannot pass to child born outside country on an equal basis with married father

Article 2

Any person born in Kuwait whose father is a Kuwaiti national shall be a Kuwaiti national.

Original text in Arabic:

يكون كويتياً كل من ولد في الكويت او في الخارج , لأب كويتي .

Article 3

Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to any person [upon his attaining his majority who was] born in, or outside, Kuwait to a Kuwaiti mother whose father is unknown or whose kinship to his father has not been legally established. The Minister of the Interior may afford to such children, being minors, the same treatment as that afforded to Kuwaiti nationals until they reach their majority.

Original text in Arabic:

يكون كويتياً

1- من ولد في الكويت او في الخارج من ام كويتية , وكان مجهول الاب او لم يثبت نسبته لابيها قانوناً .

2- من ولد في الكويت لابوين مجهولين، و يعتبر اللقيط مولوداً فيها ما لم يثبت العكس .

Married woman cannot pass to foreign spouse on an equal basis with married man

Article 8

Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to a foreign woman who marries a Kuwaiti national provided that she declares her wish to acquire Kuwaiti nationality and that the marriage shall have lasted for at least 15 years from the date of her declaration. All or part of the above requirement as to time may be waived upon the recommendation of the Minister of the Interior.

Original text in Arabic:

لا يترتب على زواج المرأة الاجنبية من الكويتي ان تصبح كويتية الا اذا اعلنت وزير الداخلية برغبتها في كسب هذه الجنسية و استمرت الزوجية قائمة مدة خمس سنوات من تاريخ اعلان رغبتها . و يجوز لوزير الداخلية قبل منحها شهادة الجنسية ان يقرر حرمانها من كسب الجنسية الكويتية بطريق التبعية لزوجها . كما يجوز له الاعفاء من كل هذه المدة او بعضها .

فاذا كانت انتهاء الزوجية قبل انقضاء المدة المشار اليها في الفقرة السابقة بسبب الوفاة او الطلاق و كان للمرأة الاجنبية ابن او ابناء من زوجها و حافظت على اقامتها بالكويت حتى انقضاء هذه المدة فيجوز منحها الجنسية الكويتية بمرسوم بناء على عرض وزير الداخلية .

If a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality

Article 11

His children, being minors, shall also lose their Kuwaiti nationality if they themselves acquire ipso facto the nationality of the State according to the law of which their father has become naturalized if that law so provides. Such children shall reacquire Kuwaiti nationality upon their informing the Minister of the Interior within two years following their attaining the age of majority of their wish to do so.

Original text in Arabic:

يفقد الكويتي الجنسية اذا تجنس مختاراً بجنسية اجنبية و لا تفقد زوجته الكويتية جنسيتها الا اذا دخلت في جنسيته، و يفقد اولاده القصر جنسيتهم الكويتية اذا كانوا يدخلون في جنسية أبيهم الجديدة بموجب القانون الخاص بهذه الجنسية و لهم ان يعلنوا وزير الداخلية باختيار جنسيتهم الكويتية خلال السنتين التاليتين لبلوغهم سن الرشد .
و يجوز بقرار من مجلس الوزراء بناء على عرض وزير الداخلية اعادة الجنسية الكويتية لمن فقدتها طبقاً للفقرة السابقة اذا اقام في الكويت اقامة مشروعة لمدة سنة على الاقل وطلب العودة الى الجنسية الكويتية و تولى عن الجنسية الاجنبية، و في هذه الحالة يعتبر مسترداً للجنسية الكويتية من تاريخ موافقة مجلس الوزراء .

LEBANON

- Decree No. 15 on Lebanese Nationality (19 January 1925), as amended by Regulation No. 160 dated 16 July 1934; Regulation No. 122 L.R. dated 19 June 1939; Law of 11 January 1960
 - In English - <http://www.refworld.org/docid/44a24c6c4.html>
 - In Arabic - <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5e60d39d>
- 4

Note: According to Lebanon's State Party Report to CEDAW, a number of bills and draft laws have been put before Parliament between 2018-2020. One proposed amendment is for Lebanon to withdraw its reservation to article 9 (2) of the Convention; another proposed amendment would result in the nationality of the mother being passed on automatically to her underage children whereas her adult children would be given a "green card" that would entitle them to apply for citizenship once they satisfied certain conditions; finally, a third proposed amendment would allow Lebanese mothers to pass on their citizenship to their children and would enable a broader range of individuals who were not born to either a Lebanese mother or father to acquire or reclaim Lebanese citizenship. None of these 12 proposed bills comprehensively address the sex discrimination in the nationality law nor have they been adopted.

Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father unknown, without nationality or fatherhood not substantiated)

Article 1

The following are considered Lebanese:

Every person born of a Lebanese father.

Every person born in the Greater Lebanon territory and did not acquire a foreign nationality, upon birth, or by affiliation.

Every person born in the Greater Lebanon territory of unknown parents or parents of unknown nationality.

Original text in Arabic:

يعد لبنانياً:

1- كل شخص مولود من أب لبناني.

2- كل شخص مولود في أراضي لبنان الكبير ولم يثبت أنه اكتسب بالبنوة عند الوالدة تابعة اجنبية.

3- كل شخص يولد في أراضي لبنان الكبير من والدين مجهولين أو والدين مجهولي التبعية.

Article 2

The illegitimate child whose nationality has not been established during his minority shall have the Lebanese nationality if one of his parents in respect of whom affiliation is first established and if the proof of affiliation regarding both the father and the mother results from a single contract or judgment, the child shall acquire the nationality of the father should the latter be Lebanese.

Original text in Arabic:

إن الولد غير الشرعي الذي تثبت بنوته وهو قاصر يتخذ التبعية اللبنانية إذا كان أحد والديه الذي ثبتت البنوة أولاً بالنظر إليه، لبنانياً. وإذا كان برهان ثبوت البنوة بالنظر إلى الأب والأم ناتجاً عن عقد واحد أو حكم واحد اتخذ الابن تابعة الأب إذا كان هذا الأب لبنانياً.

Article 11

Children and married women having acquired a foreign nationality, in accordance with article 36 of the Lausanne Treaty,

may obtain, after investigation, the Lebanese nationality by decision of the Head of State provided they reside in the Lebanese territory and submit a declaration to this effect within the year following maturity or dissolution of marriage.

Original text in Arabic:

إن الأولاد والنساء المتزوجات الذين يكونون قد اكتسبوا التابعية الأجنبية بمقتضى المادة 36 من معاهدة الصلح المعقودة في لوزان يجوز لهم أن يتخذوا التابعية اللبنانية بموجب قرار من رئيس الدولة بعد التحقيق وبشرط أن يكونوا مقيمين في اراضي لبنان وذلك بتقديمهم تصريحاً بهذا الشأن في السنة التي تلي بلوغ الرشد او انحلال الزواج.

Unmarried mother cannot pass to child born outside country equal basis with unmarried father (unless father unknown or has repudiated/not acknowledged the child)

Same provisions as above

Married mother cannot pass to child born in country on an equal basis with married father (unless father of unknown nationality or / unless by permission of Head of State after acquiring foreign nationality and reapplying for Lebanese nationality within one year of dissolution of marriage/maturity of child and living in Lebanon)

Same provisions as above

Married mother cannot pass to child born outside country (unless by permission of Head of State after acquiring foreign nationality and reapplying for Lebanese nationality within one year of dissolution of marriage/maturity of child and living in Lebanon)

Same provisions as above

Married woman cannot pass to foreign spouse on an equal basis with married man

Article 5

The foreign woman married to a Lebanese shall, upon her request, become Lebanese after one year from the date of registration of the marriage in the Civil Status Office.

Original text in Arabic:

إن المرأة الأجنبية التي تقترب بلبناني تصبح لبنانية بعد مرور سنة على تاريخ تسجيل الزواج في قلم النفوس بناء على طلبها.

- The Alien and Nationality Law as amended in May 1974 - <http://www.pul.org.lr/doc/Liberia%20Alien%20Law.pdf>
- The Constitution of the Republic of Liberia, 1986 - <http://judiciary.gov.lr/constitution-of-liberia-2/>

Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (except under certain conditions)

§ 20.1(b)

The following shall be citizens of Liberia at birth:[...]

(b) A person born outside of Liberia whose father (i) was born a citizen of Liberia; (ii) was a citizen of Liberia at the time of the birth of such child and (iii) had resided in Liberia prior to the birth of such child.

§ 21.31. Children born outside Liberia of alien parents or of citizen mother and alien father.

1. Derivation of citizenship through naturalization of father. A child born outside Liberia of alien parents, or of a citizen mother and a father who was not born a citizen of Liberia, becomes a citizen of Liberia through naturalization of the father if (a) such naturalization takes place while such child is under the age of 21 years; and (b) such child is residing in Liberia following lawful admission for permanent residence at the time of the naturalization of the father, or thereafter begins to reside permanently in Liberia while under the age of 21 years.

Note: Sections 20.1(b) and 21.31 of the Alien and Nationality Law contradict the provisions of Liberian Constitution, which provides for the equal right of men and women to pass on nationality to their children.

Article 28, Constitution of Liberia

Any person, at least one of whose parents was a citizen of Liberia at the time of the Person's birth, shall be a citizen of Liberia; provided that any such person shall upon reaching maturity renounce any other citizenship acquired by virtue of one parent being a citizen of another country. No citizen of the Republic shall be deprived of citizenship or nationality except as provided by law; and no person shall be denied the right to change citizenship or nationality.

Married mother cannot pass to child born outside country on an equal basis with married father (except under certain conditions) Same provisions as above

Note: A draft amendment to the Alien and Nationality Law was passed by Liberia's House of Representatives in November 2021 and is currently pending before the Senate. The Bill proposes to amend sections 20.1(b) and 21.31 to allow Liberian women to pass on nationality to children born outside the country on an equal basis with Liberian men.

LIBYA

- Law N° (24) for 2010/1378 On The Libyan Nationality
 - In English - <http://citizenshiprightsafrika.org/wp-content/uploads/2010/01/Libya-Nationality-Law-No-24-2010-EN.pdf>
 - In Arabic - https://security-legislation.ly/sites/default/files/lois/30-Law%20No.%20%2824%29%20of%202010_AR.pdf

Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father stateless or unknown/ except under certain conditions)

Section 3

The following persons shall be considered Libyan:

- a. Any person born in Libya to a Libyan father, if the nationality of his father had been acquired by virtue of his birth therein or by naturalization.*
- b. Any person born outside Libya to a Libyan father, in which case the son's birth must have been registered within a year with the People's Bureau or the Brethren's Bureau abroad or with any party approved by the Secretary of the General People's Committee for Public Security, and if the person to whom this provision applies had acquired a foreign nationality by virtue of birth on foreign soil, he shall not lose his Libyan nationality, but may choose the foreign nationality that he had acquired, upon adulthood.*
- c. Any person born in Libya to a Libyan mother and a father whose nationality was unknown, or who was without a nationality, or if his parents were unknown. Criteria pertaining to the execution of this article shall be specified by regulations.*

Original text in Arabic:

يعد ليبيا:

- أ. كل من ولد في ليبيا لأب ليبي، إذا كانت جنسية والده مكتسبة بحكم مولده فيها أو تجنسه.
- ب. من ولد خارج ليبيا لأب ليبي، وفي هذه الحالة يجب أن تكون والدة الإبن قد سجلت خلال سنة من تاريخ حصولها لدى المكتب الشعبي أو مكتب الاخوة بالخارج أو أي جهة يوافق عليها أمين اللجنة الشعبية العامة للأمن العام، وإذا اكتسب الشخص الذي ينطبق عليه حكم هذه الفقرة جنسية أجنبية بحكم والدته بالخارج فإنه لا يفقد الجنسية الليبية، إلا أن له الحق في اختيار الجنسية الأجنبية التي اكتسبتها وذلك بعد بلوغ سن الرشد.
- ت. كل من ولد في ليبيا لأم ليبية وأب مجهول الجنسية أو لا جنسية له، أو كان مجهول الأبوين.
- ث. وتحدد اللائحة التنفيذية الضوابط المتعلقة بتنفيذ هذه المادة.

Section 11

Children of female Libyan nationals married to non-Libyans may be granted Libyan nationality and the regulations shall specify the criteria required for the purpose of executing this article.

Original text in Arabic:

يجوز منح أولاد المواطنات الليبيات المتزوجات من غير الليبيين الجنسية الليبية، وتحدد اللائحة التنفيذية الضوابط اللازمة لتنفيذ هذه المادة.

Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (except under certain conditions)

Same provisions as above

Married mother cannot pass to child born in country on an equal basis with married father (unless father stateless or unknown/ except under certain conditions)

Same provisions as above

Married mother cannot pass to child born outside country (except under certain conditions)

Same provisions as above

Married woman cannot pass to foreign spouse on an equal basis with married man

Section 9

Libyan nationality may be granted to those desiring to obtain it, by resolution of the General People's Committee, based upon a proposal by the secretary of the General People's Committee for Public Security, if the applicant complies with the following conditions:

- 1. He is a fully competent adult.*
- 2. His entry to the Great Jamahiriya was lawful, and by means of a valid travel document issued by the official authorities of the country of his nationality.*
- 3. He has been lawfully residing in Libya for a consecutive period of no less than ten years from the date of entry thereto, and that he has a legitimate, steady source of income.*
- 4. He is of sound conduct and behavior, never been convicted of a crime or misdemeanor breaching honor or security, inasmuch as he had not been exonerated.*
- 5. He is free of infectious or communicable diseases.*
- 6. He was not older than fifty years of age at the time of making the application. Further conditions may be added as the public interest may require as specified by the regulations to this law. In any case, Palestinians may not be granted nationality, except for Palestinian women married to Libyans.*

Original text in Arabic:

يجوز منح الجنسية الليبية للراغبين في الحصول عليها وذلك بقرار من اللجنة الشعبية العامة بناء على عرض من أمين اللجنة الشعبية العامة للأمن العام إذا توافرت فيه الشروط الآتية:

1. أن يكون بالغاً سن الرشد وكامل الأهلية.
 2. أن يكون دخوله للجماهيرية العظمى بصورة قانونية، بموجب مستند سفر ساري المفعول صادر عن السلطات الرسمية بالدولة التي يحمل جنسيتها.
 3. أن يكون مقيماً في ليبيا إقامة شرعية متصلة مدة لا تقل عن عشر سنوات من تاريخ دخوله إليها، وأن يكون له مصدر دخل مشروع وثابت.
 4. أن يكون حسن السيرة والسلوك ولم يسبق أن أدين في جناية أو في جنحة أو في جنحة مخلة بالشرف أو بالأمن ما لم يكن قد رد إليه اعتباره.
 5. أن يكون خالياً من الأمراض المعدية أو السارية.
 6. ألا يتجاوز عمره خمسين سنة عند تاريخ تقديم الطلب. ويجوز إضافة شروط أخرى تقتضيها المصلحة العامة، وذلك كله وفقاً لما تحدده اللائحة التنفيذية لهذا القانون.
- وفي جميع الأحوال لا يجوز منح الجنسية للفلسطينيين عدا الفلسطينيين المتزوجات من ليبيين.

Section 10

Individuals of the following groups are exempted from the terms stated in sub-articles 2-6 of article 9 of this law:

- 1. Persons with special expertise and high qualifications required by Libya.*
- 2. A foreign woman married to a Libyan national, provided that the marital relationship endured no less than two years prior to filing the application.*
- 3. Widows and divorced women of Libyan nationals.*
- 4. Children who have reached adulthood and have not been listed in their father's certificate of nationality.*
- 5. A person who offered significant or exceptional services to the Great Jamahiriya.*

Original text in Arabic:

يستثنى أفراد الفئات الآتية من الشروط المنصوص عليها في البندين (2-6) من المادة (9) من هذا القانون :

1. ذوو الخبرات الخاصة والمؤهلات العالية التي تحتاجها ليبيا.
2. الأجنبية المتزوجة من مواطن ليبي شريطة استمرار العلاقة الزوجية لمدة لا تقل عن سنتين قبل تقديم الطلب.
3. أراامل ومطلقات المواطنين الليبيين.
4. الأولاد الذين بلغوا سن الرشد ولم يتم إدراجهم بشهادة جنسية والدهم.
5. من قدم خدمات جليلة أو متميزة للجماهيرية العظمى.

MADAGASCAR

- Ordonnance n° 1960-064 portant code de la nationalité malgache (J.O. n°111 du 23.07.60 p.1305), modifiée par la loi n° 61-052 du 13 décembre 1961 (J.O. n° 201 du 23.12.61, p.2260), la loi n° 62-005 du 6 juin 1962 (J.O. n° 228 du 16.06.62, p. 1075), l'ordonnance n° 73-049 du 27 août 1973 (J.O. n° 934 E.S. du 27.08.73, p. 2713) et par la loi n° 95-021 du 18 septembre 1995 (J.O. n° 2341 du 01.01.96, p. 3 et 13)/ Order no 1960-064 on the Malagasy nationality code (published in Official Journal (OJ) n°111 of 23 July 1960, p.1305), as modified by Law no 61-052 of 13 December 1961 (published in OJ no 201 of 23 December 1961, p.2260), Law no 62-005 of 6 June 1962 (published in OJ no 228 of 16 June 1962, p. 1075), Order no 73-049 of 27 August 1973 (published in OJ no 934 E.S. of 27 August 1973, p. 2713), and by and by Law no 2003-027 repealing Law no 95-021 of 18 September 1995 (OJ no 2341 of 1 January 1996, pp. 3 and 13) having modified the Order no 1960-064 on the Malagasy nationality code.
 - https://www.ecoi.net/file_upload/2016_1331722181_4f5473682.pdf
 - <http://www.refworld.org/country,...MDG.456d621e2.3ae6b4ed8,o.html>
- Loi n°2016-038 modifiant et complétant certaines dispositions de l'Ordonnance n° 60-064 du 22 juillet 1960 portant Code de la nationalité malagasy/ Law No. 2016-038 amending and supplementing certain provisions of Ordinance No. 60-064 of July 22, 1960 on the Malagasy Nationality Code - <http://citizenshiprightsafrika.org/wp-content/uploads/2016/12/Madagascar-Loi-n2016-038.pdf>

Women cannot pass nationality to adopted children on an equal basis with men

Art. 21 - *L'enfant qui a fait l'objet d'une légitimation adoptive acquiert la nationalité malgache si son père adoptif est malgache*

English translation (unofficial):

A child who has been legitimized by adoption shall acquire Malagasy nationality if the adoptive father is Malagasy

Married woman cannot pass to foreign spouse on an equal basis with married man

Art. 22 - *La femme étrangère qui épouse un Malgache n'acquiert la nationalité de Malgache que sur sa demande expresse ou si, en conformité des dispositions de sa loi nationale, elle perd nécessairement sa nationalité.*

La femme apatride qui épouse un Malgache acquiert la nationalité malgache.

English translation (unofficial):

A foreign woman who marries a Malagasy man shall acquire Malagasy nationality only at her express request or if, in accordance with the provisions of her national law, she automatically loses her nationality.

A stateless woman who marries a Malagasy shall acquire Malagasy nationality.

Art. 29 - *Pourront toutefois être naturalisés sans condition de stage...*

2° *La femme de l'étranger qui acquiert la nationalité malgache.*

English translation (unofficial):

The following may, however, acquire the nationality without a probationary period:

2° *The wife of a foreigner who acquires Malagasy nationality.*

Art. 24 - Le Gouvernement peut, pendant un délai de deux ans, à compter de la célébration du mariage, s'opposer par décret à l'acquisition de la nationalité malgache, soit pour indignité, soit pour grave incapacité physique ou mentale (Loi no 61.052 du 13.12.61) Lorsque le mariage a été célébré à l'étranger, ce délai court du jour de la transcription de l'acte sur les registres de l'état civil des agents diplomatiques ou consulaires malgaches ou, dans le cas prévu à l'article 47, alinéa 3 du Code civil¹, du jour du dépôt de l'acte au Ministère des Affaires Etrangères.

English translation (unofficial):

The Government may, during a period of two years, starting from the wedding, oppose by decree the acquisition of Malagasy nationality, either for unworthiness or for serious physical or mental incapacity (Law no. 61.052 of 13.12. 61). When the wedding has taken place abroad, this period runs from the day of transcription of the record in the civil status registers of Malagasy diplomatic or consular agents or, in the case provided for in Article 47, paragraph 3 of the Civil Code¹, from the day of deposit of the record at the Ministry of Foreign Affairs.

Woman automatically loses nationality of origin upon marrying spouse of another nationality (only if the laws of the spouses' nationality on a automatically impose their nationality on her and if they live abroad)

Art. 47 - La femme malgache qui épouse un étranger conserve la nationalité malgache à moins qu'elle ne déclare expressément vouloir acquérir, en conformité de la loi nationale de son mari, la nationalité de ce dernier. Elle perd la qualité de Malgache si les époux fixent leur premier domicile hors de Madagascar après la célébration de leur mariage et si la femme acquiert nécessairement la nationalité du mari, en vertu de la loi nationale de ce dernier. La déclaration est faite dans les formes et dans le délai prévu à l'article 23. La femme est, dans ce cas, libérée de son allégeance à l'égard de Madagascar à la date de la célébration du mariage.

English translation (unofficial):

A Malagasy woman who marries a foreigner shall retain her Malagasy nationality unless she expressly declares that she wishes to acquire, in accordance with the national law of her husband, the nationality of the latter. She shall lose her Malagasy status if the spouses establish their principal domicile outside Madagascar after the wedding and if the wife automatically acquires the nationality of the husband, by virtue of the latter's national law. The declaration shall be made in the manner and within the time limit provided for in Article 23. In this case, the woman shall be released from her allegiance to Madagascar on the date of the wedding.

If a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality (if they have another nationality and if his wife's nationality changes also)

Art. 48 –

Le Malgache qui se comporte en fait comme le national d'un pays étranger peut, s'il a la nationalité de ce pays, être déclaré, par décret, avoir perdu la qualité de Malgache. Il est libéré, dans ce cas, de son allégeance à l'égard de Madagascar à la date de ce décret. La mesure prise à son égard peut être étendue à sa femme et à ses enfants mineurs s'ils ont eux-mêmes une nationalité étrangère. Elle ne pourra, toutefois, être étendue aux enfants mineurs si elle ne l'est également à la femme.

English translation (unofficial):

A Malagasy man who behaves in effect as a national of a foreign country may, if he has the nationality of that country, be declared, by decree, to have lost the status of Malagasy. In this case, he shall be released from his allegiance to Madagascar on the date of the decree. The decision taken against him may be extended to his wife and minor children if they themselves have foreign nationality. It may not, however, be extended to minor children unless it is also extended to the wife.

MALAWI

- An Act to repeal and replace the Malawi Citizenship Act, 1964 with amendments made up to 1972 - <http://www.refworld.org/docid/3ae6b5b110.html>
- Malawi Citizenship Amendment Act, 2019 - <http://citizenshiprightsafrika.org/wp-content/uploads/2019/02/Malawi-Citizenship-Amendment-Act-2019.pdf>

Married woman cannot pass to foreign spouse on an equal basis with married man

Part IV Citizenship by registration and naturalisation, Section 16 Registration of wives of Malawi citizens

(1) Subject to subsection (2), any woman, being a person of full capacity, who has been married to a citizen of Malawi or to a person who would but for his death have become a citizen of Malawi on 6th July, 1966, may be registered as a citizen of Malawi, notwithstanding that she is an alien, on making application therefor to the Minister in the manner prescribed by section 28, if she satisfies the Minister that she fulfils all the requirements specified in section 13 (1) (a), (b), (c) and (d).

(2) A woman shall not be registered as a citizen of Malawi under this section unless at the time of application she makes a declaration in writing—

(a) of her willingness to take an oath of allegiance in the form specified in the Second Schedule; and

(b) of her willingness to renounce any other nationality or citizenship she may possess and/or citizenship she may possess; and

(c) in the case of a woman who is widowed, divorced or separated from her husband, of her intention to continue to reside permanently in Malawi.

MALAYSIA

- The Constitution of Malaysia (incorporating all amendments up to 1 January 2006)
<https://lom.agc.gov.my/federal-constitution.php>

Married mother cannot pass to child born outside country on an equal basis with married father (except under certain conditions)

Article 14(1)(b) of the Constitution provides that:

Subject to the provisions of this Part, the following persons are citizens by operation of law, that is to say:

(b) every person born on or after Malaysia Day, and having any of the qualifications specified in Part II of the Second Schedule.

Clauses 1(b), (c) and (d) of Part II of the Second Schedule of the Constitution provide that:

Subject to the provision of Part III of this Constitution, the following persons born on or after Malaysia Day are citizens by operation of law, that is to say:

(b) every person born outside the Federation whose father is at the time of the birth a citizen and either was born in the Federation or is at the time of the birth in the service of the Federation or of a State; and

(c) every person born outside the Federation whose father is at the time of the birth a citizen and whose birth is, within one year of its occurrence or within such longer period as the Federal Government may in any particular case allow, registered at a consulate of the Federation or, if it occurs in Brunei or in a territory prescribed for this purpose by order of the Yang di-Pertuan Agong, registered with the Federal Government; and

(d) every person born in Singapore of whose parents one at least is at the time of the birth a citizen and who is not born a citizen otherwise than by virtue of this paragraph.

Article 15(2) of the Constitution provides that:

Subject to Article 18, the Federal Government may cause any person under the age of twenty-one years of whose parents one at least is (or was at death) a citizen to be registered as a citizen upon application made to the Federal Government by his parent or guardian.

Note: In September 2021, the Kuala Lumpur High Court, in a case filed by six Malaysian mothers and Family Frontiers, held that Article 14(1)(b) of the Federal Constitution together with the Second Schedule, Part II, Section 1(b) must be read in harmony with Article 8(2) of the Federal Constitution, which prohibits discrimination on the basis of gender. Accordingly, the term “father” in these provisions must be read to include mothers, giving Malaysian women an equal right to pass on their nationality to children born outside the country by ‘operation of law’. The Court of Appeal heard the government’s appeal against the High Court decision and is expected to pronounce its decision on 22 June 2022.

Married woman cannot pass to foreign spouse on an equal basis with married man

Article 15(1) of the Constitution provides that:

Subject to Article 18, any married woman whose husband is a citizen is entitled, upon making application to the Federal Government, to be registered as a citizen if the marriage was subsisting and the husband a citizen at the beginning of October 1962, or if she satisfies the Federal Government -

(a) that she has resided in the Federation throughout the two years preceding the date of the application and intends to do so permanently; and

(b) that she is of good character.

Father cannot pass to child outside of marriage to biological mother without additional requirements

Article 14(1)(b) of the Constitution provides that:

Subject to the provisions of this Part, the following persons are citizens by operation of law, that is to say:

(b) every person born on or after Malaysia Day, and having any of the qualifications specified in Part II of the Second Schedule.

Clauses 1(a), (b), (c) and (d) of Part II of the Second Schedule of the Constitution together provide that:

Subject to the provision of Part III of this Constitution, the following persons born on or after Malaysia Day are citizens by operation of law, that is to say:

(a) every person born within the Federation of whose parents one at least is at the time of the birth either a citizen or permanently resident in the Federation; and

(b) every person born outside the Federation whose father is at the time of the birth a citizen and either was born in the Federation or is at the time of the birth in the service of the Federation or of a State; and

(c) every person born outside the Federation whose father is at the time of the birth a citizen and whose birth is, within one year of its occurrence or within such longer period as the Federal Government may in any particular case allow, registered at a consulate of the Federation or, if it occurs in Brunei or in a territory prescribed for this purpose by order of the Yang di-Pertuan Agong, registered with the Federal Government; and

(d) every person born in Singapore of whose parents one at least is at the time of the birth a citizen and who is not born a citizen otherwise than by virtue of this paragraph.

Clause 17 of Part III of the Second Schedule of the Constitution provides that:

For the purposes of Part III of this Constitution references to a person's father or to his parent, or to one of his parents, are in relation to a person who is illegitimate to be construed as references to his mother and accordingly section 19 of this Schedule shall not apply to such a person.

MAURITANIA

- Loi n° 1961-112, Loi portant code de la nationalité mauritanienne, Loi n° 1962-157 and Loi n° 1976-207
 - <https://www.refworld.org/docid/3ae6b5304.html>
 - Amendments post 1961 are available here - <http://citizenshiprightsafrika.org/loi-n-1961-112-du-13-juin-1961-portant-code-de-la-nationalite-mauritanienne/>
- Loi n°2010 – 023 du 11 février 2010 abrogeant et remplaçant certaines dispositions de la loi 61 –112 du 12 juin 1961 portant code de la Nationalité Mauritanienne - http://citizenshiprightsafrika.org/wp-content/uploads/2016/05/Mauritania_2010.pdf

Note: Though the Mauritanian Nationality Code was amended in 2021 to permit dual nationality, the gender discriminatory provisions of the Code remained unchanged.

Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (except under certain conditions)

Article 8

Est mauritanien:

- (1) *L'enfant né d'un père mauritanien*
- (2) *L'enfant né d'une mère mauritanienne et d'un père sans nationalité, ou de nationalité inconnue*

English translation (unofficial):

A Mauritanian national is:

- (1) *A child born to a Mauritanian father*
- (2) *A child born to a Mauritanian mother and a father without nationality or of unknown nationality*

Article 13

Peut opter pour la nationalité mauritanienne, dans l'année précédant sa majorité: L'enfant né à l'étranger d'une mère mauritanienne et d'un père de la nationalité étrangère.

English translation (unofficial):

May opt for Mauritanian nationality in the year preceding his majority: a child born abroad to a Mauritanian mother and a foreign father.

Article 14:

Dans un délai d'un an qui suit, soit la déclaration, soit la décision judiciaire qui admet la validité de la déclaration, le Gouvernement peut, par décret, s'opposer à l'acquisition de la nationalité mauritanienne, soit pour indignité, défaut ou insuffisance d'assimilation, soit pour grave incapacité physique ou mentale.

English translation (unofficial):

Within a period of one year following either the declaration or the judicial decision accepting the validity of the declaration, the Government may, by decree, oppose the acquisition of Mauritanian nationality, either on the grounds of unworthiness, lack of or insufficient assimilation, or serious physical or mental disability.

Married mother cannot pass to child born outside country on an equal basis with married father (except under certain conditions)

Same provisions as above

Married woman cannot pass to foreign spouse on an equal basis with married man (husband can apply for naturalisation under normal procedures with reduced or waived conditions)

Art. 16:

La femme étrangère qui épouse un mauritanien peut, sur sa demande expresse et après une période de cinq ans à compter de la célébration du mariage, acquiert la Nationalité Mauritanienne si elle justifie d'une période de résidence de cinq ans sans interruption en Mauritanie.

English translation (unofficial):

A foreign woman who marries a Mauritanian man may, at her express request and after a period of five years from the wedding, acquire Mauritanian nationality if she can prove a period of residence of five years without interruption in Mauritania.

Art. 18:

Nul ne peut être naturalisé s'il n'a depuis dix ans au moins sa résidence habituelle en Mauritanie au moment de la présentation de la demande. Toutefois, ce délai peut être réduit à cinq ans pour ceux qui sont nés en Mauritanie, ou mariés conformément à la Chariaa à un mauritanien ou à une mauritanienne, ou qui ont rendu à la Mauritanie des services exceptionnels.

English translation (unofficial):

No one may be naturalized unless he or she has been habitually resident in Mauritania for at least ten years at the time of submitting the application. However, this period may be reduced to five years for those who were born in Mauritania, or married in accordance with Sharia to a Mauritanian man or woman, or who have rendered exceptional services to Mauritania.

If a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality (i.e. if a naturalised man loses his nationality, his children and naturalised wife may cease to be citizens (subject to certain conditions))

Art. 34.- La déchéance peut être étendue à la femme et aux enfants mineurs de l'intéressé à condition qu'ils soient d'origine étrangère et qu'ils aient conservé une nationalité étrangère. Elle ne pourra, toutefois, être étendue aux enfants mineurs, si elle ne l'est également à la femme.

English translation (unofficial):

Forfeiture may be extended to the wife and minor children of the person concerned, provided that they are of foreign origin and have retained a foreign nationality. It cannot, however, be extended to the minor children if it is not also extended to the wife.

MAURITIUS

- Mauritius Citizenship Act – RL 3/585 – 14 December 1968 - <http://www.refworld.org/pdfid/4c592doe2.pdf>

Women cannot pass nationality to adopted children on an equal basis with men (in the case of joint adoption)

Section 3 Citizenship on adoption

Where under any enactment in Mauritius relating to the adoption of children, an adoption order is made in respect of a minor who is not a citizen of Mauritius, and the adopter, or in the case of a joint adoption the male adopter, is a citizen of Mauritius, the minor shall become a citizen of as from the date of the order.

MOROCCO

- Code de la Nationalite Marocaine (version consolidée en date du 26 octobre 2011) - <http://www.refworld.org/pdfid/501fc9822.pdf>

Married woman cannot pass to foreign spouse on an equal basis with married man

Article 10

La femme étrangère qui a épousé un Marocain peut, après une residence habituelle et régulière au Maroc du ménage depuis cinq ans au moins, souscrire, pendant la relation conjugale, une déclaration adressée au ministre de la justice, en vue d'acquérir la nationalité marocaine.[...]

English Translation (unofficial):

A foreign woman who has married a Moroccan man may, after the household has been habitually and regularly resident in Morocco for at least five years, make a declaration to the Minister of Justice during the marital relationship with a view to acquiring Moroccan nationality.

Article 11

Sous réserve des exceptions prévues à l'article 12, l'étranger qui formule la demande d'acquisition de la nationalité marocaine par la naturalisation doit justifier qu'il remplit les conditions fixées ci-après :

1° - avoir une résidence habituelle et régulière au Maroc pendant les cinq années précédant le dépôt de sa demande, et résider au Maroc jusqu'à ce qu'il soit statué sur cette demande;

2° - être majeur au moment du dépôt de la demande;

3° - être sain de corps et d'esprit;

4° - être de bonne conduite et de bonnes moeurs et ne pas avoir fait l'objet de condamnation pour :

- crime;

- délit infamant;

- actes constituant une infraction de terrorisme;

- actes contraires aux lois de la résidence légale au Maroc;

- ou actes entraînant la déchéance de la capacité commerciale. non effacés dans tous les cas par la réhabilitation;

5° - justifier d'une connaissance suffisante de la langue arabe;

6° - justifier de moyens d'existence suffisants.

Est créée une commission chargée de statuer sur les demandes de naturalisation, dont la composition et les modalités de fonctionnement sont fixées par l'administration.

English Translation (unofficial):

Subject to the exceptions provided for in Article 12, a foreigner who applies to acquire Moroccan nationality by naturalization must prove that he/she meets the following conditions:

1° - have a habitual and regular residence in Morocco during the five years preceding the submission of the application, and to reside in Morocco until a decision is taken on the application;

2° - be over the age of majority at the time of filing the application;

3° - be of sound mind and body;

4° - be of good conduct and good morals and not have been convicted for:

- crime;

- felony;
- acts constituting an offense of terrorism;
- acts contrary to the laws of legal residence in Morocco;
- or acts leading to loss of commercial capacity, in all cases not expunged by rehabilitation;
- 5° - prove an adequate knowledge of the Arabic language;
- 6° - prove sufficient means of existence.

A commission shall be set up to decide on naturalization applications, the composition and operating procedures of which shall be determined by the administration.

Article 12:

Peut être naturalisé, nonobstant la condition prévue au paragraphe 3 de l'article 11, l'étranger dont l'infirmité ou la maladie a été contractée au service ou dans l'intérêt du Maroc. Peut être naturalisé nonobstant les conditions prévues aux paragraphes 1, 3, 5 et 6 de l'article 11, l'étranger qui a rendu des services exceptionnels au Maroc ou dont la naturalisation présente un intérêt exceptionnel pour le Maroc.

English Translation (unofficial):

A foreigner whose infirmity or illness was contracted in the service or in the interest of Morocco may be naturalized, notwithstanding the condition set out in paragraph 3 of article 11. A foreigner who has rendered exceptional services to Morocco or whose naturalization is of exceptional interest to Morocco may be naturalized, notwithstanding the conditions stipulated in paragraphs 1, 3, 5 and 6 of article 11.

NEPAL

- Constitution of Nepal 2015 - <https://www.lawcommission.gov.np/en/wp-content/uploads/2021/01/Constitution-of-Nepal.pdf>
- Nepal Citizenship Act 2063 (2006) - <http://www.refworld.org/docid/4bbca97e2.html>

Unmarried woman cannot pass to child born in country on an equal basis with unmarried father (except under certain conditions, i.e. unless father unknown)

Constitution of Nepal 2015

11. *To be deemed citizen of Nepal:*

(5) A person, born in Nepal to a Nepali citizen mother, who has domicile in Nepal and whose father is not identified, shall be granted citizenship of Nepal by descent.

Provided that in case his/her father is proved to be a foreign citizen the citizenship of such a person shall be converted into naturalized citizenship as provided for by the federal law.

(7) Notwithstanding anything contained elsewhere in this Article, in case of a person born to a Nepali woman citizen married to a foreign citizen, who has permanent domicile in Nepal and has not acquired citizenship of a foreign country, he/she may acquire naturalized citizenship of Nepal as provided for by the federal law.

Provided that at the time of acquisition of citizenship, both his/her mother and father are citizens of Nepal such person born in Nepal may acquire citizenship of Nepal by descent.

But Note this section which seems to give equal rights to mothers and fathers to transfer their citizenship to a child:

11. *To be deemed citizen of Nepal:*

(2) At the commencement of this Constitution, the following persons who have their permanent domicile in Nepal shall be deemed citizens of Nepal by descent:

...

(b) Any person whose father or mother was a citizen of Nepal at the birth of such person.

Unmarried woman cannot pass to child born outside country (except under certain conditions i.e. unless father unknown)

Same provisions as above

And note this section which also seems to give equal rights to mothers and fathers to transfer their citizenship to a child:

Constitution of Nepal 2015

14. *Non-resident Nepali citizenship may be granted: A person who has acquired citizenship of a foreign country and who resides in a country other than a country member of South Asian Association for Regional Cooperation and who previously himself for herself for his/her father or mother, grandfather or grandmother was a citizen of Nepal by descent or by birth and who later acquired the citizenship of a foreign country may be granted non-resident citizenship of Nepal allowing him/her to enjoy the economic, social and cultural rights as provided for by the federal law.*

Married woman cannot pass to child born in country (except under certain conditions)

Constitution of Nepal 2015

11. To be deemed citizen of Nepal:

(5) A person, born in Nepal to a Nepali citizen mother, who has domicile in Nepal and whose father is not identified, shall be granted citizenship of Nepal by descent.

Provided that in case his/her father is proved to be a foreign citizen the citizenship of such a person shall be converted into naturalized citizenship as provided for by the federal law.

(7) Notwithstanding anything contained elsewhere in this Article, in case of a person born to a Nepali woman citizen married to a foreign citizen, who has permanent domicile in Nepal and has not acquired citizenship of a foreign country, he/she may acquire naturalized citizenship of Nepal as provided for by the federal law.

Provided that at the time of acquisition of citizenship, both his/her mother and father are citizens of Nepal such person born in Nepal may acquire citizenship of Nepal by descent.

But note this section which seems to give equal rights to mothers and fathers to transfer their citizenship to a child:

11. To be deemed citizen of Nepal:

(2) At the commencement of this Constitution, the following persons who have their permanent domicile in Nepal shall be deemed citizens of Nepal by descent:

...

(b) Any person whose father or mother was a citizen of Nepal at the birth of such person.

Married woman cannot pass to child born outside country (except under certain conditions)

Same provisions as above

And note this section which also seems to give equal rights to mothers and fathers to transfer their citizenship to a child:

Constitution of Nepal 2015

14. Non-resident Nepali citizenship may be granted: *A person who has acquired citizenship of a foreign country and who resides in a country other than a country member of South Asian Association for Regional Cooperation and who previously himself or herself for his/her father or mother, grandfather or grandmother was a citizen of Nepal by descent or by birth and who later acquired the citizenship of a foreign country may be granted non-resident citizenship of Nepal allowing him/her to enjoy the economic, social and cultural rights as provided for by the federal law.*

Married woman cannot pass to husband on an equal basis

Constitution of Nepal 2015

11. To be deemed citizen of Nepal:

(6) If a foreign woman married to a Nepali citizen so wishes, she may acquire naturalized citizenship of Nepal as provided for by the federal law.

Section 8(1) Nepal Citizenship Act 2063 (2006)

(1) A person attaining the age of 16 years desiring to acquire citizenship of Nepal by descent pursuant to Section 3, shall have to file an application in the prescribed form along with copies of the following documents to the designated authority:

(a) Nepalese Citizenship Certificate of descendants of relatives within three generations from paternal or maternal side. Provided that, this provision shall not be applicable to Nepalese female citizen married to a foreigner.

Section 5(1) Nepal Citizenship Act 2063 (2006)

"A foreign women married to a citizen of Nepal desiring to obtain citizenship of Nepal shall have to submit an application in the prescribed form to the designated officer. On submitting such application she has to produce the marriage relationship document with the citizen of Nepal and also evidence to show the initiation of procedure for renunciation of own's foreign citizenship."

NIGERIA

- The Constitution of the Federal Republic of Nigeria 1999 - http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm#Chapter_3

Married woman cannot pass to foreign spouse on an equal basis with married man

Section 26. (Citizenship by registration)

(1) Subject to the provisions of section 28 of this Constitution, a person to whom the provisions of this section apply may be registered as a citizen of Nigeria, if the President is satisfied that:

- (a) he is a person of good character;*
- (b) he has shown a clear intention of his desire to be domiciled in Nigeria; and*
- (c) he has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution.*

(2) The provisions of this section shall apply to:

- (a) any woman who is or has been married to a citizen of Nigeria; or*
- (b) every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria.*

Note: In March 2022, the Nigerian National Assembly rejected a proposed constitutional amendment which would have introduced equality in passage of citizenship to spouses by both Nigerian men and women; along with a number of other Bills aimed at enhancing the lives of Nigerian women. In response, women's rights activists in Nigeria have called for accountability for lawmakers to uphold gender equality and highlighted the low representation of women in Parliament and other political and governance spaces.

- Royal Decree N° 38/2014 Promulgating the Omani Citizenship Law –
 - In English - <https://www.refworld.org/pdfid/58dcfe444.pdf>
 - In Arabic - <https://www.oman.om/wps/wcm/connect/78a2b982-ce83-457c-9a38-27396e854031/%D9%82%D8%A7%D9%86%D9%88%D9%86+%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A%D8%A9+%D8%A7%D9%84%D8%B9%D9%85%D8%A7%D9%86%D9%8A%D8%A9.pdf?MOD=AJPERES>
- Executive Regulations of the Omani Citizenship Law (Ministerial decision 92/2019) issued on 2 June 2019 - <https://mjla.gov.om/eng/legislation/decisions/details.aspx?Id=1311&type=D>

Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father is stateless or unknown)

Article 11

The following shall be considered Omani in origin:

1. *who is born, in Oman or abroad, to an Omani father.*
2. *who is born, in Oman or abroad, to an Omani mother and his father was an Omani and became of no nationality.*
3. *who is born, in Oman or abroad, from a Foreigner mother and his father was original Omani, and became of no nationality, provided that the marriage of his parents has been approved by the Ministry.*
4. *who is born, in Oman or abroad, from an Omani mother without legitimate proven lineage to a father.*
5. *who is born in Oman to unknown parents.*

Original text in Arabic:

- يعتبر عمانياً بصفة أصلية:
1. من ولد في عمان أو خارجها من أب عماني.
 2. من ولد في عمان أو خارجها من أم عمانية وكان أبوه عمانياً، وأصبح بلا جنسية.
 3. من ولد في عمان أو خارجها من أم أجنبية، وكان أبوه عمانياً بصفة أصلية، وأصبح بلا جنسية، شريطة أن يكون زواج أبويه قد تم بالموافقة المسبقة من الوزارة.
 4. من ولد في عمان أو خارجها من أم عمانية، ولم يثبت نسبه شرعاً لأب.
 5. من ولد في عمان من أبوين مجهولين.

Article 18

It is permissible to request Omani citizenship for a minor child born to an Omani mother and who has a foreign father if the following conditions apply:

- 1) *The mother shall be widowed or divorced, absent or abandoned by her husband for an unknown destination for a period of not less than Ten (10) continuous years, and this absence or desertion must be proved by a court judgment.*
- 2) *If she obtained the preapproval from the ministry for her marriage provided that such preapproval is not required in connection with any husband she may have had before acquiring the Omani nationality.*
- 3) *The mother shall have the custody of children in accordance to a court judgment.*
- 4) *The minor shall have been resided in Oman with for a minimum of Ten (10) continuous years. His residency will*

not be considered continuous if she leaves Oman for more than Sixty (60) days.

- 5) *Shall be of good conduct and background.*
- 6) *Shall not have been convicted by a criminal penalty or in breach of honour or honesty crime, even if rehabilitated.*
- 7) *The minor child shall have an approval from the guardian - if any - in writing containing a no objection of acquiring the Omani nationality.*
- 8) *He shall prove that the law of his country permits him to do so.*

Original text in Arabic:

- يجوز منح الجنسية العمانية للقاصر ولد المرأة العمانية من زوجها الأجنبي إذا توافرت الشروط الآتية:
1. أن تكون الأم أرملة أو مطلقة، أو غاب عنها أو هجرها زوجها لجهة غير معلومة لمدة لا تقل عن (10) عشرة أعوام متواصلة، ويثبت هذا الغياب أو الهجر بحكم قضائي.
 2. أن يكون زواج والديه قد تم بموافقة مسبقة من الوزارة، ولا يسري هذا الشرط على من كان زواجها قبل حصولها على الجنسية العمانية.
 3. أن تكون حضانتها لأمره بموجب حكم قضائي.
 4. أن يكون قد مضى على إقامته في عمان إقامة مشروعة متواصلة لمدة لا تقل عن (10) عشرة أعوام، ولا يحول دون اعتبار إقامته متواصلة غيابه خلال العام الواحد مدة لا تزيد على (60) ستين يوماً.
 5. أن يكون حسن السيرة والسلوك.
 6. ألا يكون قد سبق الحكم عليه نهائياً بعقوبة جنائية أو في جريمة مخلة بالشرف أو الأمانة، ما لم يكن قد رد إليه اعتباره.
 7. موافقة ولي أمر القاصر - إن وجد - كتابة على عدم ممانعته في حصوله على الجنسية العمانية.
 8. أن يقدم ما يثبت أن قانون الدولة التي يحمل القاصر جنسيتها يجيز له التنازل عنها.

Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (unless father is unknown or father has not acknowledged child)

Same provisions as above

Married mother cannot pass to child born in country on an equal basis with married father (except under very restrictive circumstances)

Same provisions as above

Married mother cannot pass to child born outside country (except under very restrictive circumstances)

Same provisions as above

Married woman cannot pass to foreign spouse on an equal basis with married man (Naturalisation requirements are reduced to 15 years marriage from a 20 year residency requirement (only 10 years for foreign spouse of an Omani man) AND the foreign husband must have had a son from his Omani wife)

Article 15

A foreigner can request Omani citizenship if the following conditions apply:

- 1) *Before submitting his request for citizenship, the person shall have resided in Oman for a minimum of Twenty (20) continuous years or if he is married for Fifteen (15) years to an Omani woman with a pre-approval from the ministry for the marriage and should have a son from his wife. His residency will not be considered continuous if he leaves Oman for more than Sixty (60) days.*
- 2) *Shall be familiar with the Arabic language (reading and writing).*
- 3) *Shall be of good conduct and background.*
- 4) *Shall not have been convicted by a criminal penalty or in breach of honour or honesty crime, even if rehabilitated.*
- 5) *Shall be physically fit and free of any contagious diseases in accordance with the regulations.*
- 6) *Shall have a legitimate means of earning a living that is sufficient to meet the needs of their dependents.*

- 7) *Shall acknowledges in writing his intention to waive the nationality of the country he is holding and submit a proof of the law permits it.*
- 8) *Minor children acquire the Omani nationality depending on the father accordingly, if they were born in Oman, or if their residency was regular in Oman.*

Original text in Arabic:

يجوز للأجنبي التقدم بطلب الحصول على الجنسية العمانية إذا توافرت فيه الشروط الآتية:

1. أن يسبق طلبه إقامته في عمان إقامة مشروعة متواصلة لمدة لا تقل عن (20) عشرين عاماً، أو (15) خمسة عشر عاماً إذا كان متزوجاً بعمانية على أن يكون زوجها قد تم بموافقة مسبقة من الوزارة، وله منها ولد، ولا يحول دون اعتبار إقامته متواصلة غيابه خلال العام الواحد مدة لا تزيد على (60) ستين يوماً.
2. أن يكون ملماً باللغة العربية قراءة وكتابة.
3. أن يكون حسن السيرة والسلوك.
4. ألا يكون قد سبق الحكم عليه نهائياً بعقوبة جنائية أو في جريمة مخلة بالشرف أو الأمانة، ولو رد إليه اعتباره.
5. أن يكون لائقاً صحياً وخالياً من الأمراض المعدية، وفقاً لما تحدده اللائحة.
6. أن يكون لديه مصدر مشروع للرزق يدر عليه ما يكفي لسد حاجته وحاجة من يعولهم.
7. أن يقر كتابة برغبته في التنازل عن جنسية الدولة التي يحملها، وأن يقدم ما يثبت أن قانونها يجيز له ذلك. ويكتسب الأولاد القصر الجنسية العمانية تبعاً لأبيهم إذا كانت والدتهم في عمان، أو كانت إقامتهم العادية فيه.

Article 16

It is permissible for a foreign wife of an Omani national to request Omani citizenship if the following conditions apply:

- 1) *If she obtained the preapproval from the ministry of interior for her marriage and this is not applicable on who was her husband before acquiring the Omani nationality.*
- 2) *Shall have a son from his Omani husband.*
- 3) *Shall have been married to the Omani and resided in Oman with him for a minimum of Ten (10) continuous years. Her residency will not be considered continuous if she leaves Oman for more than Sixty (60) days.*
- 4) *Shall be familiar with the Arabic language (speaking).*
- 5) *Shall be of good conduct and background.*
- 6) *Shall not have been convicted by a criminal penalty or in breach of honour or honesty crime, even if rehabilitated.*
- 7) *Shall acknowledges in writing her intention to waive the nationality of the country she is holding and submit a proof of the law permits it.*

Original text in Arabic:

يجوز للأجنبية زوجة العماني التقدم بطلب الحصول على الجنسية العمانية إذا توافرت فيها الشروط الآتية:

1. أن يكون زوجها قد تم بموافقة مسبقة من الوزارة، ولا يسري هذا الشرط على من كان زوجها قد تم قبل حصول زوجها على الجنسية العمانية.
2. أن يكون لها ولد من زوجها العماني.
3. أن يكون قد انقضى على زوجها من العماني وإقامتها معه في عمان إقامة مشروعة متواصلة مدة لا تقل عن (10) عشرة أعوام، ولا يحول دون اعتبار إقامتها متواصلة غيابها خلال العام الواحد مدة لا تزيد على (60) ستين يوماً.
4. أن تكون ملمة باللغة العربية تحدثاً.
5. أن تكون حسنة السيرة والسلوك.
6. ألا يكون قد سبق الحكم عليها نهائياً بعقوبة جنائية أو في جريمة مخلة بالشرف أو الأمانة، ما لم يكن قد رد إليها اعتبارها.
7. أن تقر كتابة برغبتها في التنازل عن جنسية الدولة التي تحملها، وأن تقدم ما يثبت أن قانونها يجيز لها ذلك.

If a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality citizens (at father's request and if father's new country gives children nationality; regaining Omani citizenship for minor children only possible through the father)

Article 6

Surrender by an Omani of the Omani nationality to acquire another nationality may not be approved before making sure that this person's duties and obligations towards the Sultanate have been fulfilled.

Surrender by an Omani father of Omani nationality shall not result in his minor children losing Omani nationality together with their father unless the father requests the same, and provided that the law of his new nationality grants nationality to them.

Original text in Arabic:

لا يجوز الموافقة على تنازل العماني عن جنسيته العمانية لاكتساب جنسية أخرى إلا بعد التأكد من وفائه بواجباته والتزاماته تجاه السلطنة. ولا يترتب على التنازل عن الجنسية العمانية فقد الأولاد القصر الجنسية العمانية تبعاً لأبيهم إلا بناء على طلبه، وكان قانون جنسيته يمنحهم إياها .

Article 12

Subject to the provisions of Article (6) of this law, an original Omani who surrendered his nationality and acquired another nationality may request restitution of the Omani nationality subject to the following conditions:

... 6) minor children shall retrieve Omani nationality following their father, provided that the law of the state they hold nationality of allows such surrender.

Original text in Arabic:

مع مراعاة أحكام المادة (6) من هذا القانون، للعماني بصفة أصلية الذي تنازل عن جنسيته، واكتسب جنسية أخرى، طلب استرداد الجنسية العمانية إذا توافرت فيه الشروط الآتية:

.... ويسترد الأولاد القصر الجنسية العمانية تبعاً لأبيهم، شريطة أن يجيز قانون الدولة التي يحملون جنسيتها التنازل عنها.

PAKISTAN

- Pakistan Citizenship Act, 1951 - <http://www.refworld.org/pdfid/3ae6b4ffa.pdf>
- The Naturalization Act, 1926 - <http://www.refworld.org/pdfid/3ae6b4f68.pdf>

Married woman cannot pass to foreign spouse on an equal basis with married man

Section 10

“10. Married women.— ... (2) a woman who has been married to a citizen of Pakistan or to a person who but for his death would have been a citizen of Pakistan under section 3, 4 or 5 shall be entitled, on making application therefore to the Federal Government in the prescribed manner, add, if she is an alien, on obtaining a certificate of domicile and taking the oath of allegiance in the form set out in the Schedule to this Act, to be registered as a citizen of Pakistan whether or not she has completed twenty-one years of her age and is of full capacity.”

Note: In *Rukhsana Bibi v. Government of Pakistan* [2016 PLD 857], the Lahore High Court found that section 10(2) of the Pakistan Citizenship Act was discriminatory and violated the right to equality under Article 25 of the Pakistani Constitution. The Pakistani government has appealed this decision, and the appeal remained pending before the Supreme Court at the time of writing this report.

Section 7 (The Naturalization Act, 1926 as amended in 1952)

“...the wife of any such person to whom a certificate of naturalization is granted after the commencement of the Indian Naturalization (Amendment) Act, 1935, shall, if not already a citizen of Pakistan, in like manner be so deemed and be so entitled and so subject, if within one year, or such longer period as the Federal Government may in special circumstances allow, from the date of the taking and subscribing of such oath by her husband, She makes to the Federal Government a declaration that she desire to be deemed to be a citizen of Pakistan, and if she is an alien as defined in the Pakistan Citizenship Act, 1951, obtains a certificate of domicile under that Act, and takes and subscribes the oath prescribed by section 6 of this Act.”

If a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality

Section 14 ((Pakistan Citizenship Act, 1951)

“14-(2) Where a male person ceases to be a citizen of Pakistan:

(a) Every such minor child of that person as is residing outside Pakistan shall thereupon cease to be a citizen of Pakistan: Provided that any such child may, within one year of his completing the age of twenty-one years, make a declaration that he wishes to resume the citizenship of Pakistan and shall upon the making of such declaration become a citizen of Pakistan; and

(b) Every such minor child of that person as is residing in Pakistan shall continue to be a citizen of Pakistan.”

PHILIPPINES

- Commonwealth Act No. 473 of 1939 - http://www.lawphil.net/statutes/comacts/ca_473_1939.html
- Republic Act No. 1939 of 2001 - https://lawphil.net/statutes/repacts/ra2001/ra_9139_2001.html

Note: Though both the Commonwealth Act No. 473 and the Republic Act no. 1939 provide for naturalization, the former deals with the judicial process and the latter with the administrative process for naturalization. Both laws fail to provide equal rights to men and women to transmit nationality, with the Commonwealth Act not allowing foreign women spouses to apply for naturalization in the same way as foreign men spouses; while the Republic Act of 1939 does not provide the foreign husband the derivative naturalization that results upon the grant of naturalization to a foreign woman.

Married naturalized woman cannot pass to foreign spouse on an equal basis with married naturalized man (through the administrative process of naturalization which covers aliens born and residing in the Philippines)

Section 11, Republic Act No. 1939 of 2001

Status of Alien Wife and Minor Children. - After the approval of the petition for administrative naturalization in cancellation of applicant's alien certificate of registration, applicant's alien lawful wife and minor children may file a petition for cancellation of their alien certificates of registration with the Committee subject to the payment of the filing fee of Twenty thousand pesos (P20,000.00) and naturalization fee of Forty thousand pesos (P40,000.00) payable as follows: Twenty thousand pesos (P20,000.00) upon the approval of the petition and Twenty thousand pesos (P20,000.00) upon the taking of the oath of allegiance to the Republic of the Philippines.

Section 12, Republic Act No. 1939 of 2001

Status of Alien Husband and Minor Children. - If the applicant is a married woman, the approval of her petition for administrative naturalization will not benefit her alien husband but her minor children may file a petition for cancellation of their alien certificates of registration with the BI subject to the requirements of existing laws.

Married man cannot pass to foreign spouse on an equal basis with married woman (through the judicial process for naturalization)

Section 2, Commonwealth Act No. 473 of 1939

"... any person having the following qualifications may become a citizen of the Philippines by naturalization:

First. He must be not less than twenty-one years of age on the day of the hearing of the petition;

Second. He must have resided in the Philippines for a continuous period of not less than ten years;

Third. He must be of good moral character and believes in the principles underlying the Philippine Constitution, and must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living.

Fourth. He must own real estate in the Philippines worth not less than five thousand pesos, Philippine currency, or must have some known lucrative trade, profession, or lawful occupation;

Fifth. He must be able to speak and write English or Spanish and any one of the principal Philippine languages; and

Sixth. He must have enrolled his minor children of school age, in any of the public schools or private schools recognized by the Office of Private Education¹ of the Philippines, where the Philippine history, government and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him prior to the hearing of his petition for naturalisation as Philippine citizen."

Section 3(3), Commonwealth Act No. 473 of 1939

The ten years of continuous residence required under the second condition of the last preceding section shall be understood as reduced to five years for any petitioner having any of the following qualifications:

(3) Being married to a Filipino woman.

Section 15, Commonwealth Act No. 473 of 1939

Effect of the naturalization on wife and children.

Any woman who is now or may hereafter be married to a citizen of the Philippines, and who might herself be lawfully naturalised shall be deemed a citizen of the Philippines.

QATAR

- Nationality Act Law N° 38/2005
 - In English - <http://www.refworld.org/docid/542975124.html>
 - In Arabic - <https://almeezan.qa/LawPage.aspx?id=2591&language=ar>
- Regarding the Regulation of Marriage to Foreigners Law N° 21/1989 - <http://www.almeezan.qa/LawPage.aspx?id=2555&language=en>
- Regarding Promulgating the Civil Code Law N° 22/2004 - <http://www.almeezan.qa/LawView.aspx?opt&LawID=2559&language=en>

Unmarried mother cannot pass to child born in country on an equal basis with unmarried father

Article 1.4 of Law No 38 of 2005 on the acquisition of Qatari nationality 38/2005 ("**Law No 38**")

Any person born in Qatar or in a foreign country to a Qatari father in accordance with the preceding Articles.

Original text in Arabic:

من ولد في قطر أو في الخارج لأب قطري بموجب البنود السابقة.

Article 2, Law No 38

...In the application of the Qatari nationality rules, in pursuance of the provisions of this Article, priority shall be given to those applicants who have a Qatari mother.

Those born to a naturalised Qatari father in Qatar or outside Qatar shall be deemed to be a naturalised Qatari.

Original text in Arabic:

.... ويراعى في تطبيق قواعد منح الجنسية القطرية طبقاً لهذه المادة إعطاء أولوية لمن كانت أمه قطرية. ويعتبر قطرياً بالتجنس من ولد في قطر أو في الخارج لأب قطري بالتجنس.

Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father

Same provisions as above

Married mother cannot pass to child born in country on an equal basis with married father

Same provisions as above

Married mother cannot pass to child born outside country on an equal basis with married father

Same provisions as above

Married woman cannot pass to foreign spouse on an equal basis with married man (naturalised wife is also not permitted to pass to foreign spouse on same basis)

Article 8, Law No 38

"... upon submission of an official written report to acquire Qatari nationality, a woman may acquire Qatari nationality by virtue of being married to a Qatari citizen with whom she has maintained her marital status for a period of at least five years since the marriage announcement.

In the event that the marriage is terminated by divorce or the death of the husband before the end of this aforementioned time period, and the wife is left with one or more children, she may be, by an Emiri decision, granted Qatari nationality if her residence in Qatar continued until the completion of this period. Based on the requirements of public interest before the elapse of the aforementioned period, the Minister of Interior may issue a decision deferring the wife's immediate acquisition of nationality for a renewable period of one (1) year."

Original text in Arabic:

المرأة التي تتزوج من قطري، وفقاً لأحكام القانون رقم (21) لسنة 1989 بشأن تنظيم الزواج من الأجانب، تصبح قطرية إذا أعلنت وزير الداخلية رغبتها كتابة في كسب الجنسية القطرية، واستمرت العلاقة الزوجية قائمة مدة خمس سنوات من تاريخ الإعلان. وإذا انتهت العلاقة الزوجية بسبب الطلاق أو وفاة الزوج قبل انقضاء المدة المذكورة، وكان للمرأة من زوجها ولد أو أكثر، جاز منحها الجنسية القطرية، إذا استمرت إقامتها في قطر حتى اكتمال هذه المدة، ويصدر بمنحها الجنسية قرار أميري. ويجوز لوزير الداخلية بناءً على مقتضيات المصلحة العامة، وقبل فوات المدة المشار إليها، أن يصدر قراراً بتأجيل دخول الزوجة في الجنسية القطرية لمدة سنة قابلة للتتمديد لمدة أو مدد أخرى مماثلة.

Article 5, Law No 38

"The wife of a naturalised person may be, by an Emiri decision, granted Qatari nationality by virtue of her husband, provided that her stay with him in Qatar extends for a period of at least five years from the date her husband acquired Qatari nationality."

Original text in Arabic:

يجوز بقرار أميري منح الجنسية القطرية لزوجة المتجنس بالتبعية لزوجها بشرط أن تكون إقامتها معه في قطر دامت مدة لا تقل عن خمس سنوات بعد كسبه الجنسية القطرية.

ST LUCIA

- Constitution of St Lucia 1979 (amended) - <http://www.govt.lc/constitution>
- Saint Lucia Citizenship Act, 1979 (available on file) - https://drive.google.com/file/d/1G_bYZ7Ah2C-5VfolWSSrdmULTfiWMTk5/view?usp=sharing

Married woman cannot pass to foreign spouse on an equal basis with married man (possible for wives to pass nationality to non-national husbands, subject to proviso that Minister can refuse on a number of grounds)

Article 102(1)(a) (e) and (f) of the Constitution

The following persons shall be entitled, upon making application, to be registered as citizens—

- (a) any woman who is married to a citizen or who has been married to a person who, at any time during the period during which they were married to each other, was a citizen,*
- (e) any woman who is married to any such person as is mentioned in paragraph (b), (c) or (d) or who was married to a person who, at any time during the period during which they were married to each other, was entitled to be registered as a citizen under any such paragraph,*
- (f) any woman who, before the commencement of this Constitution, has been married to a person—*
 - (i) who becomes a citizen by virtue of section 99; or*
 - (ii) who, having died before such commencement, would but for his death have become a citizen by virtue of that section but whose marriage has been terminated by death or dissolution before such commencement.*

Article 102(2) of the Constitution

The following persons shall, upon making application, be entitled to be registered as citizens—

- (a) any man who is married to a citizen or who has been married to a person who, at any time during the period during which they were married to each other, was a citizen;*
- (b) any person who, being a Commonwealth citizen, is and for 7 years previous to his or her application has been ordinarily resident in Saint Lucia;*
- (c) any man who is married to any such person as is mentioned in subsection (1)(b), (1)(c) or (1)(d) or who was married to a person who, at any time during the period during which they were married too each other, was entitled to apply to be registered as a citizen under any such paragraph;*
- (d) any person under the age of 21 years who is the stepchild or child adopted in a manner recognised by law of a citizen or is the child, stepchild or child so adopted of a person who is or would but for his or her death have been entitled to be registered as a citizen under subsection (1):*

Provided that if it is so provided by Parliament an application for registration as a citizen under this subsection may, in such circumstances as may be prescribed by Parliament in the interests of defence, public safety or public order, be refused by the Minister responsible for the matter in any case in which he or she is satisfied that there are reasonable grounds for refusing the application.;

Section 6, Citizenship Act of Saint Lucia

(1) A person shall be entitled upon making application in the prescribed form to be registered as a citizen if—

- (a) she is a woman who is married to a citizen or has been married to a person who at any time during the period of her marriage was a citizen;*
- (b) being a Commonwealth citizen, he or she has resided in Saint Lucia for a period of 7 years prior to the appointed date;*
- (c) he or she is a person who but for having renounced the citizenship of the United Kingdom and Colonies in order to qualify for the acquisition or retention of the citizenship of another country would have become a citizen on the appointed date;*

(d) he or she is a person who having been a citizen has renounced his or her citizenship in order to qualify for the acquisition or retention of the citizenship of another country;

(e) she is a woman who is married to any such person as is mentioned in paragraph (b), (c) or (d) or who was married to a person who at any time during the period of her marriage was entitled to be registered as a citizen under such paragraph;

(2) A person shall, subject to the provisions of the following subsections, be entitled upon application in the prescribed form to be registered as a citizen if he or she is—

(a) a man who is married to a citizen or who has been married to a person who at any time during the period of the marriage was a citizen;

(b) a person who being a Commonwealth citizen has been for a period of 7 years prior to his or her application ordinarily resident in Saint Lucia;

(c) any man who is married to any such person as is mentioned in subsection (1)(b), (1)(c) or (1)(d) or who was married to a person who, at any time during the period during which they were married to each other, was entitled to apply to be registered as a citizen under any such paragraph;

(d) a person under the age of 21 years who is a step-child or adopted child of a person entitled to be registered as a citizen or who but for his or her death would have been entitled to be registered as a citizen.

...

(6) The Minister may refuse an application under subsection (2) upon reasonable grounds which may include any of the following—

(a) that the applicant is not of good character;

(b) that the applicant does not have an adequate knowledge of the English language;

(c) that the applicant by his or her conduct, action or speech appears to the Minister not to be conducive to the security of or public order in the State;

(d) that the applicant is not resident in the State;

(e) that the applicant has been convicted of a criminal offence punishable by imprisonment for a period of 6 months or more;

(f) that the applicant has been convicted of any offence relating to dangerous drugs.

ST VINCENT AND THE GRENADINES

- The Constitution of Saint Vincent and The Grenadines, Statutory Instrument 1979 No. 916, last updated 11 November 2005 - http://www.gov.vc/images/visitors/1979_constitution.pdf
- The Saint Vincent and the Grenadines Citizenship Act 1984 available on file - https://drive.google.com/file/d/1PiLL_zrfpczlsF-ZNUEcJ8qEGR-MK5Ue/view?usp=sharing

Married woman cannot pass to foreign spouse on an equal basis with married man (possible for wives to pass nationality to non-national husbands, subject to proviso that Minister can refuse on reasonable grounds)

Section 93 of the 1979 Constitution.

“93. (1) The following persons shall be entitled, upon making application, to be registered as citizens-

- a. any woman who is married to a citizen or who has been married to a person who, at any time during the period during which they were married to each other, was a citizen;*
- b. any person who, being a Commonwealth citizen, or ordinarily resident in Saint Vincent at the commencement of this Constitution, having been so resident for the period of seven years immediately preceding such commencement;*
- c. any person who, having been a citizen, has renounced his citizenship in order to qualify for the acquisition or retention of the citizenship of another country;*
- d. any person who, but for having renounced his citizenship of the United Kingdom and Colonies in order to qualify for the acquisition or retention of the citizenship of another country, would have become a citizen at the commencement of this Constitution;*
- e. any woman who is married to any such person as is mentioned in paragraph (b), (c) or (d) of this subsection or who was married to a person who, at any time during the period during which they were married to each other, was entitled to be registered as a citizen under any such paragraph;*
- f. any woman who, before the commencement of this Constitution, has been married to a person-*
 - i) who becomes a citizen by virtue of section 90 of this Constitution; or*
 - ii) who having died before such commencement, would but for his death have become a citizen by virtue of that section, but whose marriage has been terminated by death or dissolution before such commencement.”*

Section 93(2) of the 1979 Constitution.

“(2) The following persons shall be entitled, upon making application, to be registered as citizens.

- a. any man who is married to a citizen or who has been married to a person who, at any time during the period during which they were married to each other, was a citizen;*
- b. by any person who, being a Commonwealth citizen, is and for seven years previous to his application has been ordinarily resident in Saint Vincent;*
- c. any man who is married to any such person as is mentioned in paragraph (b), (c) or (d) of subsection (1) of this section or who was married to a person who, at any time during the period during which they were married to each other, was entitled to apply to be registered as a citizen under any such paragraph;*
- d. any person under the age of twenty-one years who is the stepchild or child adopted in a manner recognized by law of a citizen or is the child, stepchild or child so adopted of a person who is or would but for his death have been entitled to be registered as a citizen under subsection (1) of this section:*

Provided that if it is so provided by Parliament an application for registration as a citizen under [t]his subsection may, in such circumstances as may be prescribed by Parliament in the interests of defence, public safety or public order, be refused by the Minister responsible for the matter in any case in which he is satisfied that there are reasonable grounds for refusing the applications.”

Section 7 of the Saint Vincent and the Grenadines Citizenship Act 1984

7. Registration of certain persons under the Constitution

(1) A person claiming to be entitled to be registered as a citizen of Saint Vincent and the Grenadines under the provisions of section 93 of the Constitution may make application to the Minister in the prescribed manner and, in any such case if it appears to the Minister that the applicant is entitled to such registration and that all relevant provisions of the Constitution have been complied with, he shall cause the applicant to be registered as a citizen of Saint Vincent and the Grenadines.

(2) Notwithstanding subsection (1) the Minister shall not cause to be registered any applicant as a citizen on the basis of marriage to a citizen of Saint Vincent and the Grenadines where the Minister has reason to suspect that—

- (a) the marriage was entered into merely for the purpose of acquiring citizenship; and
- (b) there is no intention to live permanently with the other person in a genuine and continuing marital relationship.

(3) The Minister shall, pursuant to subsection (2), investigate or cause to be investigated the circumstances which support his suspicions that the marriage was entered into merely for the purpose of acquiring citizenship.

(4) The Minister shall defer his decision on the application pending an investigation instituted pursuant to subsection (3).

(5) For the purposes of this Act the presentation of a certificate of marriage shall not be conclusive evidence of the validity of the marriage nor the intention to live permanently in a genuine and continuing marital relationship.

SAUDI ARABIA

- Nationality Regulations 1374 H - Resolution N° (4) dated 25/1/1374 as amended
 - In English - http://www.ecoi.net/file_upload/1504_1217587365_saudi-arabian-nationality-regulations.pdf
http://www.moi.gov.sa/wps/wcm/connect/121c03004d4bb7c98e2cdfbed7ca8368/EN_saudi_nationality_system.pdf?MOD=AJPERES
 - In Arabic - <https://www.boe.gov.sa/printsystem.aspx?lang=ar&systemid=223&versionid=25>

Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father unknown or has repudiated/ not acknowledged the child)

Article 7

A person born within or outside the Kingdom to a Saudi father or to a Saudi mother and a father who is unknown or stateless, is considered to be a Saudi citizen.

Original text in Arabic:

يكون سعودياً من ولد داخل المملكة العربية السعودية أو خارجها لأب سعودي أو لأم سعودية وأب مجهول الجنسية أو لا جنسية له.

Article 8 of the Saudi Arabian Citizenship Regulation promulgated by Ministerial Resolution number 4 dated 25/01/1374H. (corresponding to 23 September 1954) :

Persons born in the Kingdom of Saudi Arabia to non-Saudi parents or to a non-Saudi father and a person born outside of the Kingdom of Saudi Arabia to a non-Saudi father and a Saudi mother is considered to be a non-Saudi citizen. However, such child may exercise the option to apply for the Saudi nationality if he/she meets the following requirements:

- a) qualifies for being a permanent resident in the Kingdom of Saudi Arabia upon turning 18;*
- b) has general good morals and behaviour and has not been previously convicted or imprisoned for moral crimes for a period longer than 6 months;*
- c) to be fluent in the Arabic language; and*
- d) to apply within the year of reaching the legal age of 18; applicants who are mentally handicapped naturally take after their fathers' nationalities if their fathers are still alive. In the event of death of the father, then they shall have the option to apply for the Saudi citizenship if they meet the above requirements.*

Original text in Arabic:

- يعتبر أجنبياً من ولد في المملكة العربية السعودية عن أبوين أجنبيين أو من أب أجنبي وأم سعودية ومن ولد في الخارج لأب أجنبي معروف الجنسية وأم سعودية، ومع ذلك يكون لهذا المولود عند بلوغه سن الرشد الحق في اختيار الجنسية العربية السعودية إذا توفرت فيه الشروط الآتية:
- أ. أن تكون له صفة الإقامة الدائمة في المملكة العربية السعودية عند بلوغه سن الرشد.
 - ب. أن يكون حسن السيرة والسلوك ولم يسبق الحكم عليه بحكم جنائي أو بعقوبة السجن لجريمة أخلاقية لمدة تزيد عن ستة شهور.
 - ج. أن يكون ملماً باللغة العربية.
 - د. أن يقدم خلال السنة بعد بلوغه سن الرشد طلباً بمنحه الجنسية العربية السعودية، أما المجنون والمعتوه فكل منهما يتبع أباه في رعايته إذا كان الأب على قيد الحياة وفي حالة وفاته فللمقيم الشرعي على كل منهما أن يختار له الجنسية العربية السعودية بعد استكمال الشروط السابقة.

Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (unless father unknown or has repudiated/ not acknowledged the child)

Same provision as above

Married mother cannot pass to child born in country on an equal basis with married father (except under certain conditions)

Same provision as above

Married mother cannot pass to child born outside country on an equal basis with married father

Same provision as above

Married woman cannot pass to foreign spouse on an equal basis with married man

Article 16: *A foreign woman married to a Saudi national is entitled to the Saudi citizenship.* (Note: The English translation of the Law states that she must renounce her original citizenship, however, the Arabic text of the Law (which prevails) only states that a foreign woman married to a Saudi national is entitled to the citizenship.)

Original text in Arabic:

تكسب المرأة الأجنبية بالزواج جنسية زوجها السعودي.

Article 14:

A wife of a foreigner who has obtained a Saudi citizenship, is entitled to a Saudi citizenship as well, unless she decides within the first year of her husband obtaining it to keep her original citizenship.

Original text in Arabic:

يترتب على اكتساب الأجنبي الجنسية العربية السعودية أن تصبح زوجته عريية سعودية ما لم تقرر خلال سنة من دخول زوجها في الجنسية العربية السعودية أنها ترغب في الاحتفاظ بجنسيتها الأصلية.

SIERRA LEONE

- Citizenship Act, 1973, (<http://www.refworld.org/docid/3ae6b50610.html>) as amended by the Sierra Leone Citizenship (Amendment) Act 2006 (<http://www.sierra-leone.org/Laws/2006-11.pdf>) and the Sierra Leone Citizenship (Amendment) Act 2017 (<https://www.refworld.org/docid/3ae6b50610.html>)

Married woman cannot pass to foreign spouse on an equal basis with married man

Section 7

Every woman who is not a Sierra Leonean and who is or has been married to a Sierra Leone citizen, may, on application being made by her in the manner prescribed, be granted a certificate of naturalisation.

SINGAPORE

- Constitution of the Republic of Singapore
<https://sso.agc.gov.sg/Act/CONS1963>

Married woman cannot pass to foreign spouse on an equal basis with married man

123.—(1) Subject to the provisions of this Constitution, any person resident in Singapore of or over the age of 21 years may, on application being made therefor in the prescribed form, be registered as a citizen of Singapore if he satisfies the Government that he —

- (a) is of good character;
- (b) has resided in Singapore throughout the 12 months immediately preceding the date of his application;
- (c) has during the 12 years immediately preceding the date of his application resided in Singapore for periods amounting in the aggregate to not less than 10 years:
Provided that the Government may exempt any applicant from compliance with this paragraph —
 - (i) where such applicant has during the 6 years immediately preceding the date of his application resided in Singapore for periods amounting in the aggregate to not less than 5 years; or
 - (ii) where in any special case the Government considers fit to confer citizenship upon such applicant;
- (d) intends to reside permanently in Singapore; and
- (e) has an elementary knowledge of one of the following languages, namely, Malay, English, Mandarin and Tamil:

Provided that the Government may exempt an applicant who has attained the age of 45 years or who is deaf or dumb from compliance with this paragraph.

(2) Subject to the provisions of this Constitution, any woman who is married to a citizen of Singapore may, on making application therefor in the prescribed manner, be registered as a citizen of Singapore if she satisfies the Government —

- (a) that she has resided continuously in Singapore for a period of not less than 2 years immediately preceding the date of the application;
- (b) that she intends to reside permanently in Singapore; and
- (c) that she is of good character.

SOMALIA

- Law N° 28 of 22 December 1962 - Somali Citizenship – <http://www.refworld.org/docid/3ae6b50630.html>
- Provisional Constitution of the Federal Republic of Somalia (1 August 2012) - <http://www.wipo.int/edocs/lexdocs/laws/en/so/so0004en.pdf>

Note: Pursuant to Article 8 of the Provisional Constitution, the House of the People of the Federal Parliament of Somalia is required to enact a special law with respect to citizenship. No such law has been enacted and the Provisional Constitution of 2012 is yet to be formally enacted as of the date of this document. Also note poor translation of Law N° 28 of 22 December 1962 - Somali Citizenship

Unmarried mother cannot pass to child born in country on an equal basis with an unmarried father (in June 2012, Somalia drafted a Constitution providing for equality between men and women with an indication the nationality law will be amended accordingly)

Law No. 28

Article 2. Acquisition of Citizenship by Operation of Law

“Any person:

- a) whose father is a Somali citizen;*
- b) ... shall be a Somali Citizen by operation of law.”*

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.

Unmarried mother cannot pass to child born outside country on an equal basis with an unmarried father (in June 2012, Somalia drafted a Constitution providing for equality between men and women with an indication the nationality law will be amended accordingly)

Same provisions as above

Married mother cannot pass to child born in country on an equal basis with a married father (in June 2012, Somalia drafted a Constitution providing for equality between men and women with an indication the nationality law will be amended accordingly)

Same provisions as above

Married mother cannot pass to child born outside country on an equal basis with married father (in June 2012, Somalia drafted a Constitution providing for equality between men and women with an indication the nationality law will be amended accordingly)

Same provisions as above

Married woman cannot pass to foreign spouse on an equal basis with married man (in June 2012, Somalia drafted a Constitution providing for equality between men and women with an indication the nationality law will be amended accordingly)

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.

Foreign woman automatically acquires her husband's nationality at the time of the marriage or on his acquisition of citizenship

Same provision as above

SUDAN

- Sudan Constitutional Declaration 2019 - <https://constitutionnet.org/vl/item/sudan-constitutional-declaration-august-2019>
- Sudanese Nationality Act 1994 as amended in 2005, 2011 and 2018 –
 - In English - <https://www.refworld.org/country/LEGAL.NATLEGBOD..SDN..503492892.o.html>
 - In Arabic - <http://www.refworld.org/cgi-bin/tehis/vtx/rwmain/pendocpdf.pdf?reldoc=y&docid=503492a82>

Note: Article 44 (2) of the Interim Sudanese Constitutional Declaration of 2019 states, “Every person born to a Sudanese mother or father shall have an inalienable right to enjoy Sudanese nationality and citizenship”. Article 7(2) of the Constitutional Declaration also provides that a mandate of the transition period is for the repeal of laws and provisions that discriminate amongst citizens based on gender, although the Nationality Act has not been amended to reflect this.

Unmarried mother cannot pass to child born in country on an equal basis with an unmarried father (Sudanese mothers, unlike fathers, have to go through the process of expressly applying for citizenship for their children)

Section 4 of Sudanese Nationality Act

(1) *In respect of persons born before the coming into force of this Act, a person shall be Sudanese by birth if he satisfies the following conditions:*

- (a) *if he has already acquired Sudanese nationality by birth;*
- (b) (i) *if he was born in Sudan or his father was born in Sudan; (ii) if he is residing in Sudan at the coming into force of this Act and he and his ancestors from the father's side were residing in Sudan since 1/1/1956.*
- (c) *if neither the person nor his father were born in Sudan, he may, if he satisfies the requirements of para. (b)(ii), apply to the Minister to grant him Sudanese Nationality by birth.*

(2) *A person born after the coming into force of this Act shall be Sudanese by birth if his father is Sudanese by birth at the time of his birth.*

(3) *A person born to a mother who is Sudanese by birth shall be entitled to Sudanese Nationality by birth whenever he applies for it.*

(4) *A person born to a parent who is a Sudanese national by naturalization shall be Sudanese by birth if his parents acquired Sudanese nationality by naturalization before his birth.*

Original text in Arabic:

- (1) فيما يتعلق بالأشخاص المولودين قبل سريان هذا القانون، يكون الشخص سودانياً بال ميلاد إذا توافرت فيه الشروط الآتية:
 - أ) إذا كان قد حصل على جنسية سوداني الميلا،
 - ب) (اولاً) أن يكون قد ولد في السودان أو أن يكون والده قد ولد في السودان، (ثانياً) أن يكون عند سريان هذا القانون مقيماً بالسودان، وكان هو أو 3 أصوله من جهة الأب مقيمين به منذ أول يناير سنة 1956 ميلادي.
 - ج) إذا كان الشخص ووالده غير مولودين في السودان، فيجوز لذلك الشخص متى استوفى مقتضيات الفقرة (ب) (ثانياً)، أن يتقدم بطلب للوزير لمنحه الجنسية السودانية بال ميلاد.
- (2) يكون الشخص المولود بعد سريان هذا القانون سودانياً بال ميلاد إذا كان والده سودانياً بال ميلاد وقت ميلاده.
- (3) يكون الشخص المولود من أم سودانية بال ميلاد مستحقاً للجنسية السودانية بال ميلاد متى تقدم بطلب لذلك.
- (4) يكون الشخص الذي يولد لأبوين سودانيين بالتجنس سودانياً بال ميلاد إذا كان الأبوان قد حصلوا على الجنسية السودانية بالتجنس قبل ميلاده.

Note: In July 2017, the Sudanese Supreme Court, relying on the provisions of the Interim Constitution, upheld the right of a child to Sudanese nationality based on his mother's nationality. Though this decision is an important milestone, the provisions of the Nationality Act have to be reformed to bring them in line with the Constitutional Declaration, and ensure equal nationality rights for women.

Unmarried mother cannot pass to child born outside country on an equal basis with an unmarried father (Sudanese mothers, unlike fathers, have to go through the process of expressly applying for citizenship for their children)

Same provisions as above

Married mother cannot pass to child born in country on an equal basis with a married father (Sudanese mothers, unlike fathers, have to go through the process of expressly applying for citizenship for their children)

Same provisions as above

Married mother cannot pass to child born outside country on an equal basis with married father (Sudanese mothers, unlike fathers, have to go through the process of expressly applying for citizenship for their children)

Same provisions as above

Married woman cannot pass to foreign spouse on an equal basis with married man (

Section 8 of Sudanese Nationality Act

The Minister may grant a certificate of Sudanese nationality by naturalization to any foreign woman who applies in the prescribed form and proves to the Minister that:

(a) she is the wife of a Sudanese national according to the provisions of the laws of Sudan;

(b) she has resided in Sudan with her Sudanese husband for two years at least from the date of application, provided that the President of the Republic may, upon the recommendation of the Minister exempt her from the provisions of this paragraph if she has resided in Sudan with her Sudanese husband for two years at least before the date of application.

Original text in Arabic:

يجوز للوزير أن يمنح شهادة الجنسية السودانية بالتجنس لأية امرأة أجنبية تقدم طلباً بالشكل المقرر، وتثبت للوزير أنها:
(أ) زوجة لسوداني وفقاً لأحكام قوانين السودان،

(ب) أقامت بالسودان مع زوجها السوداني لمدة سنتين على الأقل من تاريخ تقديم الطلب، على أنه يجوز لرئيس الجمهورية بناء على توصية الوزير إعفائها من أحكام هذه الفقرة إذا كانت قد أقامت بالسودان مع زوجها السوداني لمدة سنتين على الأقل قبل تاريخ تقديم ذلك الطلب مباشرة.

If a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality (if the minor is or was the national of any other country)

Effect of revocation or withdrawal of nationality to minors

15. If Sudanese nationality is revoked from the responsible father of a minor under the provisions of section 10 the minor shall not lose his Sudanese nationality save if he is or was the national of any country other than Sudan according to the laws of that country.

Original text in Arabic:

إذا أسقطت عن الوالد المسئول عن قاصر، الجنسية السودانية بموجب أحكام المادة 10، فلا يفقد ذلك القاصر جنسيته السودانية إلا إذا كان أو أصبح، تبعاً لذلك، من رعايا أية دولة غير السودان بموجب قوانين تلك الدولة.

SYRIAN ARAB REPUBLIC

- The Nationality Act - Legislative Decree n° 276 of 20 November 1969 as amended by the Legislative decree n° 17 of 13 February 1972
 - In English: <http://www.refworld.org/pdfid/4d81e7b12.pdf>
 - In Arabic: <http://parliament.gov.sy/arabic/index.php?node=201&nid=8182&ref=tree&>

Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father unknown, stateless or has repudiated/ not acknowledged the child)

Article 3

The following shall be considered as Syrian Arabs ipso facto:

A. Anyone born inside or outside the country to a Syrian Arab father.

B. Anyone born in the country to a Syrian Arab mother and whose legal family relationship to his father has not been established.

C. Anyone born in the country to unknown parents or to parents of unknown nationality or without one. A foundling in the country shall be considered born in it, at the place in which he is found unless proved otherwise.

D. Anyone born in the country and was not, at the time of birth, entitled to acquire a foreign nationality by virtue of his parentage...

Original text in Arabic:

يعتبر عربياً سورياً حكماً :

أ - من ولد في القطر أو خارجه من والد عربي سوري .

ب - من ولد في القطر من أم عربية سورية ولم تثبت نسبته إلى أبيه قانوناً.

ج - من ولد في القطر من والدين مجهولين أو مجهولي الجنسية أو لا جنسية لهما ويعتبر اللقيط في القطر مولوداً فيه وفي المكان الذي عثر عليه فيه ما لم تثبت العكس .

د - من ولد في القطر ولم يحق له عند ولادته أن يكتسب بصلة البتوة جنسية أجنبية .

هـ - من ينتمي بأصله للجمهورية العربية السورية ولم يكتسب جنسية أخرى ولم يتقدم لاختيار الجنسية السورية في المهن المحددة بموجب القرارات والقوانين السابقة.

Article 30

Except where otherwise clearly stated, children shall have the nationality of the father.

Original text in Arabic:

فيما عدا الأحوال المنصوص عليها صراحة في هذا المرسوم التشريعي يتبع الأولاد القاصرون جنسية والدهم.

Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father

Same provisions as above

Married mother cannot pass to child born in country on an equal basis with married father

Same provisions as above

Married mother cannot pass to child born outside country on an equal basis with married father

Same provisions as above

Married woman cannot pass to foreign spouse on an equal basis with married man

Article 8

"1. Nationality shall be granted to the wife of a naturalized foreigner under the following conditions:

- a. An application in this regard must be submitted to the Ministry.*
- b. The marriage must remain valid for two years as of the date of the application.*
- c. She should be legally residing in the country during the period mentioned in the preceding paragraph B.*
- d. A decree must be issued by the Minister granting her a nationality."*

The marriage must remain valid for two years as of the date of the application.

She should be legally residing in the country during the period mentioned in the preceding paragraph B.

A decree must be issued by the Minister granting her a nationality."

Original text in Arabic:

1- تمنح الجنسية لزوجة الأجنبي المكتسب للجنسية ضمن الشروط التالية:

أ - أن تقدم طلباً بذلك إلى الوزارة.

ب - أن تستمر الزوجية قائمة مدة سنتين من تاريخ الطلب.

ج - أن تكون مقيمة في القطر بصورة مشروعة خلال المدة المذكورة في الفقرة (ب) السابقة.

د - أن يصدر قرار عن الوزير بإكسابها الجنسية.

Article 9

A foreign woman, married to a person holding the nationality, cannot acquire except under the stipulations of Paragraph 1 of Article 8.

Original text in Arabic:

المرأة الأجنبية التي تتزوج من شخص يتمتع بالجنسية لا تكسبها إلا ضمن الشروط والأحكام المنصوص عليها في الفقرة (1) من المادة (8).

TANZANIA

- The Constitution of the United Republic of Tanzania - <https://www.refworld.org/docid/3ae6b50c4.html>
- The Tanzania Citizenship Act, 1995 - <https://www.refworld.org/docid/3ae6b5734.html>

Married woman cannot pass to foreign spouse on an equal basis as married man

The Tanzania Citizenship Act, 1995, Section 11(1)

“Subject to the provisions of subsection (2) and of section 6, a woman who is married to a citizen of the United Republic shall at any time during the lifetime of the husband be entitled, upon making an application in the prescribed form, to be naturalized as a citizen of the United Republic.”

Note: Draft Article 56(2) of the Draft Constitution of Tanzania (which had not yet been adopted at the time of writing), proposes to remove the gender discrimination present in the existing Citizenship Act and provides that a person who is married to a citizen of the United Republic may apply for the citizenship of the United Republic.

THAILAND

- Nationality Act B.E. 2508 (1965) as amended by Nationality Acts (no.2) B.E. 2535 (1992), (no.3) B.E. 2535 (1992) (no.4) B.E. 2551 (2008) and (no. 5) B.E. 2555 (2012) -

http://web.krisdika.go.th/data//document/ext810/810050_0001.pdf

Married woman cannot pass to foreign spouse on an equal basis with married man (husband can apply for naturalisation under normal procedures with reduced or waived conditions)

Section 9.

An alien woman who marries a person of Thai nationality shall, if she desires to acquire Thai nationality, file an application with the competent official according to the form and in the manner prescribed in the Ministerial Regulations. The granting or refusal of permission for acquisition of Thai nationality shall lie with the discretion of the Minister.

Section 10.

An alien who possess the following qualifications may apply for naturalization as a Thai:

- 1. becoming sui juris in accordance with Thai law and the law under which he has nationality;*
- 2. having good behaviour;*
- 3. having regular occupation;*
- 4. having domicile in the Thai Kingdom for a consecutive period of not less than five years till the day of filing the application for naturalisation;*
- 5. having knowledge of Thai language as prescribed in the Regulations.*

Section 11.

The provisions of Section 10 (4) and (5) shall not apply if the applicant for naturalization as a Thai;

- 1. has rendered distinguished service to Thailand or has done acts to the benefit of official service, which is deemed suitable by the Minister;*
- 2. is a child, wife, or husband of a person who has been naturalised as a Thai or has recovered Thai nationality;*
- 3. is one who used to have Thai Nationality;*
- 4. is a husband of a person with Thai nationality.*

Section 12.

Any person being desirous of applying for naturalisation as a Thai, shall file an application with the competent official according to the form and in the manner prescribed in the Ministerial Regulations.

Should the applicant for naturalisation as a Thai, under paragraph one, have children who are not sui juris in accordance with Thai law, and who have a domicile in Thailand, he may concurrently apply for such naturalization for his children. In this case, such children shall be exempt from possessing the qualifications under Section 10 (1), (3), (4) and (5).

The granting or refusal of permission for naturalisation as a Thai shall lie with the discretion of the Minister. In case the Minister deems appropriate to grant permission, he shall submit the matter to the King for Royal Sanction. After the Royal Sanction, the applicant shall make an affirmation of loyalty to Thailand.

When there is the publication in the Government Gazette under Section 5, the competent official shall issue a certificate of naturalisation as a Thai to the person as evidence.

TOGO

- Ordonnance N° 78-34 portant code de la nationalité togolaise, 7 sept 1978 - <https://www.refworld.org/cgi-bin/tehis/vtx/rwmain?page=printdoc&docid=3ae6b4d02c>
- La Constitution de la IVe République Adoptée par Référendum le 27 septembre 1992 Promulguée le 14 octobre 1992 Révisée par la loi n° 2002-029 du 31 décembre 2002 - <http://togoconsulatemiame.com/index.php?page=faq-s-on-legislation>
- Loi No 2007-017 du 6 juillet 2007 portant code de l'enfant - <https://www.refworld.org/docid/5ce409a34.html>
- Code des personnes et de la famille - <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94360/110723/F53137169/TCO-94360.pdf>

Note: The Togolese nationality law discriminates against Togolese mothers passing their nationality to their children, but the Constitution (Article 32) and Children's Act (Article 17) both provide for equal rights. Given the discrepancy within the laws, we have included Togo as a country which discriminates against mothers regarding their ability to transmit nationality to their children. The Togolese Nationality Code must be harmonized with the Constitution and Children's Act to uphold women's rights to pass nationality to their children.

Unmarried mother cannot pass to child born in country on an equal basis with unmarried father (unless father is stateless or unknown)

Article 3, Nationality Law

Est Togolais:

1 - l'enfant né d'un père togolais;

2 - l'enfant né d'une mère togolaise et d'un père n'ayant pas de nationalité ou dont la nationalité est inconnue.

English translation (unofficial):

A Togolese national is:

1 - a child born to a Togolese father;

2 - a child born to a Togolese mother and a father who has no nationality or whose nationality is unknown.

Unmarried mother cannot pass to child born outside country on an equal basis with unmarried father (unless father is stateless or unknown)

Same provision as above

Married mother cannot pass to child born in country on an equal basis with married father (unless father is stateless or unknown)

Same provision as above

Married mother cannot pass to child born outside country (unless father is stateless or unknown)

Same provision as above

Married woman cannot pass to foreign spouse on an equal basis with married man (Husband can apply for naturalisation under normal procedures with reduced or waived conditions)

Nationality Law

Art. 5

“Sous réserve des dispositions de l'article 6 ci-après, la femme étrangère qui épouse un togolais acquiert la nationalité togolaise au moment de la célébration du mariage.”

English translation (unofficial):

Subject to the provisions of Article 6 below, a foreign woman who marries a Togolese man acquires Togolese nationality at the time of the wedding.

Art. 6

“La femme, dans le cas où sa loi nationale lui permet de conserver sa nationalité d'origine, à la faculté de déclarer, antérieurement à la célébration du mariage et dans les formes prévues par les articles 30 et suivants de la présente ordonnance, qu'elle décline la nationalité togolaise. Elle peut, même si elle est mineure, exercer cette faculté sans autorisation.”

English translation (unofficial):

A woman, if her national law allows her to retain her original nationality, may declare, prior to the wedding and in the manner provided for in Articles 30 et seq. of this ordinance, that she declines Togolese nationality. She may, even if she is a minor, exercise this option without authorization.

Art. 12

Nonobstant les dispositions de l'article précédent, aucune condition de stage ne sera exigée de l'étranger:

- s'il est né au Togo ou marié à une togolaise; ...”

English translation (unofficial):

Notwithstanding the provisions of the preceding article, no probationary period shall be required of the foreigner:

- if he was born in Togo or married to a Togolese woman

Woman who takes spouse's nationality automatically loses it upon termination of marriage (i.e. divorce, though note equality under the code of persons and the family)

Art. 23

“Perd la nationalité togolaise:

...

3° - la femme étrangère séparée de son mari togolais par le divorce.”

English translation (unofficial):

The following shall lose Togolese nationality:

[...]

3° - a foreign woman separated from her Togolese husband by divorce.

But see:

Article 149 du Code des personnes et de la famille

“Le divorce n'a aucun effet sur les droits acquis de l'homme ou de la femme en matière de nationalité togolaise. Il n'entraîne pas de son seul fait la perte de la nationalité. Celle-ci ne peut résulter que d'une décision du juge.”

English translation (unofficial):

Divorce has no effect on the acquired rights of a man or woman regarding Togolese nationality. It does not lead to the loss of nationality by itself. This can only result from a decision by a judge.

TUNISIA

- Code of Nationality (as amended by Law No. 10 for the year 2010, dated 1 December 2010)
 - French Version: <http://citizenshiprightsafrika.org/decret-loi-portant-refonte-du-code-de-la-nationalite-tunisienne/>
 - Arabic Version: <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5e00d4f94>
- Décret-loi N° 63-6 du 28 février 1963 (4 chaoual 1382) portant refonte du Code de la Nationalité Tunisienne - (Modifié par la loi n°2010-55 du 1^{er} décembre 2010) <http://citizenshiprightsafrika.org/wp-content/uploads/2016/06/Tunisia-Loi-2010-55-modifying-Code-de-la-nationalite.pdf>

Note: The Code of Nationality was amended in 2010 to change Article 6 which earlier discriminated against Tunisian women with regard to their right to pass nationality to children born outside the country. The law now provides that a “child born to a Tunisian father or a Tunisian mother is Tunisian”. The amending law however set a narrow one-year deadline for foreign born children of a Tunisian mother and foreign father who are over the age of 18 to apply for citizenship. Moreover, Article 7 of the Nationality Law which attributes nationality by descent through the paternal line only remains unchanged.

The Tunisian government in its report to the CEDAW Committee in November 2020 notes that “Tunisian mothers have the right to transmit their nationality to their children on an equal basis with fathers in accordance with Act No. 55 (2010) amending some of the provisions of the Nationality Code.” However, the government also acknowledges that the 2010 amendment “was not enough and did not make the desired impact in practical terms.” It also referred to positive judicial interpretation of the Nationality Code in the following terms: “It should be noted that, in the absence of clear wording, the Tunisian judiciary has read the provisions in a non-discriminatory manner that upholds the principle of equality. For example, the Court of First Instance of Tunis, in its judgement No. 7482 of 2 April 2018, clearly stated that lawmakers have decided, as expressed in the new article 6 of the Nationality Code, that the children of a Tunisian mother acquire Tunisian nationality by descent, regardless of where they are born.” The government also noted that the Ministry of Women Affairs had submitted a Bill to further revise the Nationality Code, including to revise the one-year deadline provided for in the 2010 amendments.

Married woman cannot pass to foreign spouse on an equal basis with married man (except under certain conditions which require governmental approval for the foreign man to obtain citizenship)

Article 13

A foreign woman married to a Tunisian man is Tunisian from the day of the signing of the marital contract, if her country of origin strips her of her original nationality when she marries a foreigner.”

Original French version:

La femme étrangère qui épouse un Tunisien acquiert la nationalité tunisienne au moment de la célébration du mariage, lorsque, en vertu de sa loi nationale, elle perd sa nationalité d'origine par le mariage avec un étranger.

Original text in Arabic:

تصبح التونسية منذ تاريخ عقد زواجها المرأة الأجنبية التي تتزوج بتونسي إذا كان قانونها الوطني يجردها من جنسيتها الأصلية متى تزوجت بأجنبي.

Article 14

A foreign woman who marries a Tunisian, and the foreign woman's country/nationality of origin allows her to have dual citizenship despite being married to a foreigner, can apply a permit for Tunisian citizenship as set out in Article 39 of this Code, and both the husband and wife must be residing in Tunisia for two years at least. The wife will acquire citizenship from the date the permit is registered and so long as the requirements of Articles 15 and 41 are fulfilled."

Original French version:

La femme étrangère, qui épouse un Tunisien et qui, en vertu de sa loi nationale, conserve sa nationalité d'origine par le mariage avec un étranger, peut réclamer la nationalité tunisienne par déclaration dans les conditions prévues à l'article 39 du présent Code, si le ménage réside en Tunisie depuis au moins deux ans.

L'intéressée acquiert la nationalité tunisienne à la date à laquelle la déclaration a été enregistrée, sous réserve des dispositions prévues aux articles 15 et 41 du présent Code.

Original text in Arabic:

يمكن للمرأة الأجنبية المتزوجة بتونسي والتي بموجب قانونها الوطني تحتفظ بجنسيتها الأصلية رغم تزوجها بأجنبي أن تطلب الجنسية التونسية بتصريح يقع طبق الشروط المنصوص عليها بالفصل 39 من هذه المجلة وذلك إذا كان الزوجان مقيمان بتونس منذ عامين على الأقل. وهي تكتسب الجنسية التونسية من تاريخ تسجيل التصريح مع مراعاة الأحكام المنصوص عليها في الفصولين 15 و 41 من هذه المجلة.

Article 21

Those who can be naturalized without the residence requirement stipulated in the previous article:

- 1. the individual who can demonstrate his original nationality was Tunisian nationality;*
- 2. a foreigner married to a Tunisian, if the household resides in Tunisia when filing the application;*
- 3. foreigners who have rendered exceptional services to Tunisia or one whose naturalization is for Tunisia of exceptional interest. In this case, naturalization is granted on reasoned report of the Secretary of State for Justice.*

Original French Version:

Peut être naturalisé sans la condition de résidence fixée à l'article précédent :

- 1. l'individu qui justifie que sa nationalité d'origine était la nationalité tunisienne;*
- 2. l'étranger marié à une Tunisienne, si le ménage réside en Tunisie lors du dépôt de la demande;*
- 3. l'étranger qui a rendu des services exceptionnels à la Tunisie ou celui dont la naturalisation présente pour la Tunisie un intérêt exceptionnel. Dans ce cas, la naturalisation est accordée sur rapport motivé du Secrétaire d'Etat à la Justice*

Original text in Arabic:

يمكن أن يتجنس بالجنسية التونسية بدون شرط الإقامة المنصوص عليها بالفصل المتقدم:

1. الشخص الذي ثبت أن جنسيته الأصلية كانت الجنسية التونسية.
2. والأجنبي المتزوج بتونسية إذا كان الزوجان مقيمين بتونس حين تقديم المطلب.
3. والأجنبي الذي أدى لتونس خدمات جليلة أو الذي يكون في تجنسه بالجنسية التونسية فائدة عظيمة لتونس وفي هذه الصورة يمنح التجنس على ضوء تقرير معلل يحرره كاتب الدولة للعدل.

Woman who takes spouse's nationality on marriage automatically loses it upon termination of marriage
(marriage rendered void, could result in statelessness)

Article 16

A foreign woman who gains her husband's nationality on marriage, as per Article 13 [would make her stateless] - or Article 14 [after 2 years of marriage], may lose her Tunisian nationality where the marriage is deemed void by a Tunisian court or by a foreign court whose judgment is recognized by Tunisia.

Original French version:

Dans les cas prévus aux articles 13 et 14 ci-dessus, l'intéressée est réputée n'avoir pas acquis la nationalité tunisienne si son mariage est déclaré nul par une décision passée en force de chose jugée émanant d'une juridiction tunisienne ou rendue exécutoire en Tunisie.

Original text in Arabic:

في الصورة المنصوص عليها في الفصلين 13 و14 تعتبر المرأة كأنها لم تكتسب الجنسية التونسية إذا صدر الحكم ببطالان زواجها عن محكمة تونسية وكان حكمها غير قابل للتعقيب أو عن محكمة أجنبية أصبح حكمها قابلاً للتنفيذ في تونس.

If a man loses his nationality then wife and children may cease to be citizens

Article 31

If an Order [The loss (due to voluntary acquisition of another nationality)] is issued to revoke a Tunisian man's citizenship, then his wife and children (if under age) may lose their citizenship. However, both the wife and children must hold another nationality, otherwise they get to keep their Tunisian nationality.

Original French version:

La perte de la nationalité tunisienne, par application de l'article précédent, peut être étendue par décret à la femme et aux enfants mineurs non mariés de l'intéressé, s'il ont eux mêmes une autre nationalité. Elle ne pourra, toutefois, être étendue aux enfants mineurs si elle ne l'est également à la femme.

Original text in Arabic:

فقدان الجنسية عملاً بأحكام الفصل المتقدم يمكن أن ينسحب مفعوله على الأبناء المحجورين للصغر غير المتزوجين وعلى الزوجة بشرط أن تكون لهم جنسية أخرى إلا أنه لا يمكن أن يشمل الأولاد المحجورين للصغر إذا لم يشمل الزوجة.

UNITED ARAB EMIRATES

- Federal Law N° 17 for 1972 Concerning Nationality, Passports and Amendments thereof (updated 1975 2012 and 2017)
 - In English -
https://elaws.moj.gov.ae/UAE-MOJ_LC-En/oo_NATIONALITY/UAE-LC-En_1972-11-18_00017_Kait.html?val=EL1
 - In Arabic -
https://elaws.moj.gov.ae/UAE-MOJ_LC-Ar/oo_%D8%AC%D9%86%D8%B3%D9%8A%D8%A9%20%D9%88%D8%A7%D9%82%D8%A7%D9%85%D8%A9/oo_%D8%A7%D8%AF%D8%A7%D8%B1%D8%A9%20%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A%D8%A9%20%D9%88%D8%AC%D9%88%D8%A7%D8%B2%D8%A7%D8%AA%20%D8%A7%D9%84%D8%B3%D9%81%D8%B1/UAE-LC-Ar_1972-11-18_00017_Kait.html?val=AL1
- Decree of November 2011, on file at Equality Now

Unmarried mother cannot pass to child born in country (unless father unknown, without nationality or fatherhood not substantiated)

Federal Law N° (17) for 1972 Concerning Nationality, Passports and Amendments thereof
Article 2

A national who shall be deemed to have acquired nationality by operation of law is:

a- Every Arab individual who was residing in a member Emirate in 1925 or before and who continued to reside therein until the effective date of this law.

Ancestors' residence shall be deemed complementary to descendants' residence.

b- Anyone born in the State or abroad to a father who is a national of the State by operation of law.

c- Anyone born in the State or abroad to a mother who is a national by operation of law, whose filiation to his/her father is not substantiated.

d- Anyone born in the State or abroad to a mother who is a national by operation of law, or to a father with unknown or without citizenship.

e- Anyone born in the State to unknown parents. A foundling shall be deemed to have been born in the State unless proved to be otherwise.

Original text in Arabic:

يعتبر مواطناً بحكم القانون:

أ - العربي المتوطن في إحدى الإمارات الأعضاء عام 1925م. أو قبلها الذي حافظ على إقامته العادية فيها حتى تاريخ نفاذ هذا القانون.

وتعتبر إقامة الأصول مكملّة لإقامة الفروع.

ب - المولود في الدولة أو في الخارج لأب مواطن في الدولة بحكم القانون.

ج - المولود في الدولة أو في الخارج من أم مواطنة بحكم القانون ولم يثبت نسبه لأبيه قانوناً.

د - المولود في الدولة أو في الخارج من أم مواطنة بحكم القانون ولأب مجهول أو لا جنسية له.

هـ - المولود في الدولة لأبوين مجهولين ويعتبر اللقيط مولوداً فيها ما لم يثبت العكس.

Unmarried mother cannot pass to child born outside country (unless father unknown, without nationality or fatherhood not substantiated)

Same provision as above

Married mother cannot pass to child born in country on an equal basis with married father (unless father unknown, without nationality or fatherhood not substantiated; or in other cases after the child is six years or above, subject to a number of conditions)

Article 2

A national who shall be deemed to have acquired nationality by operation of law is:

a- Every Arab individual who was residing in a member Emirate in 1925 or before and who continued to reside therein until the effective date of this law.

Ancestors' residence shall be deemed complementary to descendants' residence.

b- Anyone born in the State or abroad to a father who is a national of the State by operation of law.

c- Anyone born in the State or abroad to a mother who is a national by operation of law, whose filiation to his/her father is not substantiated.

d- Anyone born in the State or abroad to a mother who is a national by operation of law, or to a father with unknown or without citizenship.

e- Anyone born in the State to unknown parents. A foundling shall be deemed to have been born in the State unless proved to be otherwise.

Original text in Arabic:

يعتبر مواطناً بحكم القانون:

أ - العربي المتوطن في إحدى الإمارات الأعضاء عام 1925م. أو قبلها الذي حافظ على إقامته العادية فيها حتى تاريخ نفاذ هذا القانون.

وتعتبر إقامة الأصول مكاملة لإقامة الفروع.

ب - المولود في الدولة أو في الخارج لأب مواطن في الدولة بحكم القانون.

ج - المولود في الدولة أو في الخارج من أم مواطنة بحكم القانون ولم يثبت نسبه لأبيه قانوناً.

د - المولود في الدولة أو في الخارج من أم مواطنة بحكم القانون ولأب مجهول أو لا جنسية له.

هـ - المولود في الدولة لأبوين مجهولين ويعتبر اللقيط مولوداً فيها ما لم يثبت العكس.

Article 10-Bis

1- Nationality may be granted to the sons and daughters of a national who is married to an alien after the lapse of a period of no less than six years from the date of birth; provided that the mother has the nationality at the time of birth until the date of application for nationality, in accordance with the regulations determined in the Implementing Regulation.

2- Nationality may be granted to a daughter of a national woman, from a father of foreign nationality, and who is married to a foreigner, in accordance with the controls set in the Implementing Regulation of the present Decree-Law.

Original text in Arabic:

1- يجوز منح الجنسية لأبناء وبنات المواطنة المتزوجة من أجنبي بعد مرور مدة لا تقل عن ست سنوات من تاريخ الميلاد شريطة أن

تكون الأم متمتعة بالجنسية وقت ميلاده حتى تاريخ طلب الحصول على الجنسية، وفق الضوابط التي تحددها اللائحة التنفيذية.

2- يجوز منح الجنسية لإبنة المواطنة من أب أجنبي الجنسية والمتزوجة من أجنبي وذلك وفقاً للضوابط التي تحددها اللائحة

التنفيذية لهذا المرسوم بقانون.

Married mother cannot pass to child born outside country (unless father unknown, without nationality or fatherhood not substantiated; or in other cases after the child is six years or above, subject to a number of conditions)

Same provisions as above

Married woman cannot pass to foreign spouse on an equal basis with married man (Although under Article 3 an Emirati man can pass to a foreign spouse, “In all instances, the husband shall not affiliate to his wife’s nationality.”)

Article 3 As amended by Federal Law No. 10/1975 dated 15/11/1975:

Marriage of foreign woman to a citizen shall not result to her acquisition of the nationality of her husband unless by declaration made to the Ministry of Interior of her will and should the wedlock continues three years from the date of declaration. It is also conditioned upon renunciation of her original nationality.

If the woman is married to a citizen before the date of implementation of this Law, and if wedlock is still existing or if her husband deceased leaving children from him, and if she is bearing the passport of any Emirate or she is mentioned in the passport of her husband, she shall be entitled to citizenship by affiliation provided that she renounces her original nationality. In all instances, the husband shall not affiliate to his wife’s nationality.

Original text in Arabic:

لا يترتب على زواج المرأة الأجنبية بمواطن في الدولة أن تكتسب جنسية جنسية زوجها إلا إذا أعلنت وزارة الداخلية برغبها في ذلك واستمرت الزوجية قائمة مدة ثلاث سنوات من تاريخ إعلانها لهذه الرغبة ويشترط أن تتنازل عن جنسيتها الأصلية. وإذا كانت المرأة قد تزوجت من مواطن قبل نفاذ هذا القانون، ولا تزال الزوجية قائمة أو توفي عنها زوجها ولها أولاد منه، وكانت تحمل جواز سفر إحدى الإمارات أو ذكرت في جواز سفر زوجها، فإنه يجوز منحها جنسية الدولة بطريق التبعية بشرط تنازلها عن جنسيتها الأصلية، وفي جميع الأحوال لا يتبع الزوج جنسية زوجته.

UNITED STATES OF AMERICA

- The Immigration and Nationality Act 1952 (codified at 8 U.S. Code §§ 1401, 1409) –
<http://www.gpo.gov/fdsys/pkg/USCODE-2011-title8/html/USCODE-2011-title8-chap12-subchapIII-partI-sec1409.htm>
<http://www.gpo.gov/fdsys/pkg/USCODE-2011-title8/html/USCODE-2011-title8-chap12-subchapIII-partI-sec1401.htm>

Father cannot pass to child outside of marriage to biological mother without additional requirements (more than proof of paternity)

8 U.S. Code § 1409 - Children born out of wedlock

(a) The provisions of paragraphs (c), (d), (e), and (g) of section 1401 of this title, and of paragraph (2) of section 1408 of this title, shall apply as of the date of birth to a person born out of wedlock if—

(1) a blood relationship between the person and the father is established by clear and convincing evidence,

(2) the father had the nationality of the United States at the time of the person's birth,

(3) the father (unless deceased) has agreed in writing to provide financial support for the person until the person reaches the age of 18 years, and

(4) while the person is under the age of 18 years—

(A) the person is legitimated under the law of the person's residence or domicile,

(B) the father acknowledges paternity of the person in writing under oath, or

(C) the paternity of the person is established by adjudication of a competent court.

(b) Except as otherwise provided in section 405 of this Act, the provisions of section 1401 (g) of this title shall apply to a child born out of wedlock on or after January 13, 1941, and before December 24, 1952, as of the date of birth, if the paternity of such child is established at any time while such child is under the age of twenty-one years by legitimation.

(c) Notwithstanding the provision of subsection (a) of this section, a person born, after December 23, 1952, outside the United States and out of wedlock shall be held to have acquired at birth the nationality status of his mother, if the mother had the nationality of the United States at the time of such person's birth, and if the mother had previously been physically present in the United States or one of its outlying possessions for a continuous period of one year.

8 U.S. Code § 1401 - Nationals and citizens of United States at birth

The following shall be nationals and citizens of the United States at birth:

...

(g) a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years: Provided, That any periods of honorable service in the Armed Forces of the United States, or periods of employment with the United States Government or with an international organization as that term is defined in section 288 of title 22 by such citizen parent, or any periods during which such citizen parent is physically present abroad as the dependent unmarried son or daughter and a member of the household of a person

(A) honorably serving with the Armed Forces of the United States, or

(B) employed by the United States Government or an international organization as defined in section 288 of title 22, may be included in order to satisfy the physical-presence requirement of this paragraph. This proviso shall be

applicable to persons born on or after December 24, 1952, to the same extent as if it had become effective in its present form on that date; and ...

Note: On 12 June 2017, the US Supreme Court handed down a ruling in Sessions v. Morales-Santana (formerly Lynch v. Morales-Santana) to address the sex discrimination in the Immigration and Nationality Act. Going forward, unmarried American fathers and mothers will have the same residency requirements in order to pass on citizenship to their children born abroad, although the new length of the residency is still to be determined by Congress, i.e. sub-subsection (c) to Section 1409 was eliminated. Previously, fathers had to satisfy a longer residency time period than mothers, which the court found unconstitutional. However, the requirements of sub-section (a) of Section 1409, including the discriminatory requirement for fathers to agree in writing to provide financial support (which were not in question in Sessions v. Morales-Santana) continue to remain in place.

YEMEN

- Law N° (6) of 1990 Concerning Yemeni Nationality
 - In English - <https://www.refworld.org/docid/3ae6b57b10.html>
 - In Arabic - http://www.yemen-nic.info/db/laws_ye/detail.php?ID=11266
- Law Number (25) for the Year 2010 For the Amendment of the Law Number (6) for the Year 1990 Concerning the Yemeni Nationality
 - In English - <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=61ba08ca4>
 - In Arabic - <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=61ba09364>

Married woman cannot pass to foreign spouse on an equal basis with married man

Article 11

The foreign woman who legally marries a Yemeni is enjoined in his nationality whenever the following conditions are met:

- (a) *Submits an application therefore to the Minister.*
- (b) *Elapse of four years at least over the date of the marriage.*
- (c) *That the Minister by a causal decision during the said four years does not object to her enjoining the Yemeni nationality. The husband shall have the right to object in this respect to the Minister within the same period.*

Original text in Arabic:

المرأة الأجنبية التي تتزوج شرعاً من يمني تدخل في جنسيته متى توافرت الشروط الآتية:
(أ) تقديم طلب بذلك إلى الوزير.

(ب) مرور أربع سنوات على الأقل من تاريخ الزواج.

(ج) ألا يعترض الوزير بقرار مسبب خلال مدة الأربع السنوات المذكورة على دخولها في الجنسية اليمنية ويحق للزوج تقديم اعتراضه في هذا الخصوص إلى الوزير خلال المدة ذاتها.

Article 9

The wife of the naturalized shall not acquire Yemeni nationality by way of subjugation to her husband, unless she should apply for that, publishes her application in one of the local newspapers, the marital status continues for a period of four years from the date of such application and the Minister does not object within the said period. ...

Original text in Arabic:

لا تكسب زوجة المتجنس الجنسية اليمنية بطريقة التبعية لزوجها إلا إذا طلبت ذلك ونشر طلبها في إحدى الصحف المحلية واستمرت الزوجية قائمة لمدة أربع سنوات من تاريخ هذا الطلب ولم يعترض الوزير على ذلك خلال المدة المذكورة أما الأولاد القصر للمتجنس المذكور

Woman automatically loses nationality upon marrying spouse of another nationality (Yemeni woman who marries Muslim foreigner keeps nationality if wants to)

Article 10

The Yemeni woman who marries a Muslim foreigner retains the Yemeni nationality, unless she should desire to relinquish her nationality and establishes this desire upon marriage or during the continuity of the marriage and the law of the country of her husband enjoins her in his nationality. If the marriage contract of such woman is legally void she shall continue to retain her Yemeni nationality.

Original text in Arabic:

المرأة اليمنية التي تتزوج من أجنبي مسلم تحتفظ بالجنسية اليمنية إلا إذا رغبت في التخلي عن جنسيتها وأثبتت هذه الرغبة عند الزواج أو أثناء قيام الزوجية وكان قانون بلد زوجها يدخلها في جنسيته.
وإذا كان عقد زواج هذه المرأة باطلاً شرعاً فإنها تظل محتفظة بالجنسية اليمنية.

Naturalised mother cannot pass to children born prior to the naturalisation (on an equal basis with men)

Article 9

... As for the minor children of the said naturalised person they shall acquire Yemeni nationality by way of affiliation to their father if their ordinary domicile with their father in the Yemen is established and they may choose their original nationalities within a year after their attaining the age of adulthood, provided that they refund what the state may have expended upon them for their upbringing and education.

Original text in Arabic:

... أما الأولاد القصر للمتجنس المذكور فيكتسبون الجنسية اليمنية بطريق التبعية لأبيهم إذا كانت إقامتهم العادية مع أبيهم في اليمن ولهم أن يقرروا اختيار جنسيتهم الأصلية خلال السنة التالية لبلوغهم سن الرشد شريطة الإيفاء بما خسرت الدولة عليهم من نفقات في سبيل نشأتهم وتعليمهم.

Woman who takes spouse's nationality automatically loses it upon termination of marriage (if she has not held nationality for 4 years and was not married for at least 8 years under Article 11)

Article 13

The woman who has acquired Yemeni nationality by way of affiliation to her husband in accordance with Article (11) of this law shall not lose this nationality merely due to the termination of the marital relationship, provided that such marital relationship should have continued for at least four years since her acquiring the Yemeni nationality.

Original text in Arabic:

المرأة التي اكتسبت الجنسية اليمنية بطريق التبعية لزوجها استناداً إلى المادة (11) من هذا القانون، لا تفقد هذه الجنسية بمجرد انتهاء الزوجية بشرط أن يكون قد مر على قيام الزوجية المذكورة أربع سنوات على الأقل منذ اكتسابها الجنسية اليمنية.