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## P A R T III

### *Nationality And Naturalization*

#### Chapter 20. NATIONALITY AT BIRTH

##### § 20.1. Citizens of Liberia at birth.

The following shall be citizens of Liberia at birth:

- (a) A person who is a Negro, or of Negro descent, born in Liberia and subject to the jurisdiction thereof;
- (b) A person born outside 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.

A child who is a Liberia citizen by virtue of the provisions of subparagraph (b) of this section shall lose his citizenship unless he has resided in Liberia before attaining his majority or unless when he attains his majority and before attaining the age of 23 he goes before a Liberian consul and takes the oath of allegiance to the Republic of Liberia required of a petitioner for naturalization.<sup>54</sup>

#### Chapter 21. NATIONALITY THROUGH NATURALIZATION

##### Subchapter A. Obtaining Naturalization.

<sup>54</sup> *Prior Legislation*: 1957-58 Supp. 3:111; L. 1955-56, ch. XXX, § 2; 1956 Code 3:110, 111, 112. Cons. Reg. §§ 63-64, 71.

§ 21.59. Enactment of special statute for revocation of naturalization.

### Subchapter A. OBTAINING NATURALIZATION.

#### § 21.1. Eligibility for naturalization.

1. *Race.* No person shall be naturalized unless he is a Negro or of Negro descent.
2. *Residence.* No person except as otherwise provided in this chapter shall be naturalized unless such person (a) immediately preceding the date of filing his petition for naturalization has maintained a continuous and lawful residence in Liberia, for at least two years; and (b) has resided continuously within Liberia from the date of the petition up to the admission to citizenship. Absence from Liberia of more than six months during the period for which continuous residence is required for admission to citizenship, either immediately preceding the date of filing the petition for naturalization or during the period between the date of filing the petition and the date of final hearing, shall break the continuity of such residence, unless the petitioner shall establish to the satisfaction of the court that he did not in fact abandon his residence in Liberia during such period.

3. *Lawful admission.* Except as otherwise provided in this chapter, no person shall be naturalized unless he has been lawfully admitted to Liberia in accordance with all applicable provisions of this title.

4. *Character and belief in Constitution.* No person shall be naturalized unless, during the period of residence required under paragraph 2 of this section, he has been, and still is, of good moral character and

attached to the principles of the Constitution of Liberia.<sup>55</sup>

#### § 21.2. Declaration of intention.

Any alien eligible for naturalization who desires to become a citizen of Liberia shall, as a prerequisite, appear in person before the clerk of the Circuit Court in the county in which such alien resides and sign a declaration of his intention to become a citizen of the Republic of Liberia and to renounce his former nationality when the oath of allegiance is administered. The declarant shall give his name, place and date of birth, present and former nationalities, if any, occupation, marital status, present address, last foreign residence, and all information pertaining to his entrance to Liberia. A person who has filed a declaration of intention may, in the discretion of the President be given three months free lodging at the expense of the Government.<sup>56</sup>

#### § 21.3. Petition for naturalization.

1. *Filing; contents.* An applicant for naturalization, within not less than two nor more than three years after he has made his declaration of intention, shall make and file with the clerk of the Circuit Court of the county in which he resides a petition signed in his own handwriting and duly verified, in which he shall give information similar to that in the declaration of intention and state that he does not believe in anarchy. The petition shall also aver that he intends to reside permanently within the Republic of Liberia, and shall state whether he has heretofore been refused naturalization and if so, on

<sup>55</sup> *Prior legislation:* 1956 Code 3:81; L. 1947-48, ch. XIII; L. 1938, ch. XIII, § 3, 6; L. 1907-1908, 24, § 1.

<sup>56</sup> *Prior legislation:* L. 1965-66, (An act to amend the Alien and Nationality Law to allow persons desiring to become Liberian citizens to retain their citizenship until they have been granted Liberian citizenship); 1957-58 Supp. 3:10; L. 1955 (E.S. Mar.), ch. II, § 1; 1956 Code 3:33; L. 1941-1942, ch. VIII; L. 1938, ch. XIII, § 4, 5, 15.

what grounds. It shall also contain the names of the witnesses whom the applicant expects to summon in his behalf at the hearing. The petition shall be verified by two witnesses who shall not be those to be summoned at the hearing. The witnesses verifying the petition shall be citizens of Liberia who personally know that the applicant has been a resident of Liberia for at least two years and know him to be of good. Moral character.

2. *Age requirement.* No person shall file a petition for naturalization unless he shall have attained the age of twenty-one years.

3. *Waiver of requirement for time interval after filing declaration of intention.* The requirement stated in paragraph 1 of this section that a minimum of two years elapse after the filing of a declaration of intention before the filing of a petition for naturalization, may be waived by the President of Liberia, and an applicant as to whom such waiver has been granted may become a citizen immediately after filing his declaration of intention upon taking the oath of allegiance.<sup>57</sup>

#### § 21.4. Investigation of petitioners.

The Attorney General may designate an immigration officer to conduct a personal investigation of the person petitioning for naturalization in the vicinity in which such person has maintained his actual place of abode and in the vicinity in which such person has been employed or engaged in business during his residence in Liberia. On the basis of such investigation, the Attorney General may submit to the court at the hearing on the petition a recommendation that the petition be granted, or denied, or continued, with the reasons therefor.

<sup>57</sup> *Prior legislation:* L. 1965-66, ch. (An act to amend the Aliens and Nationality Law to allow persons desiring to become Liberian citizens to retain their citizenship until they have been granted citizenship). § 1(3):84; 1956 Code 3:84; L. 1947-48, ch. XIII; L. 1938, ch. XIII, § 6.

#### § 21.5. Final hearing.

1. *Jurisdiction to naturalize.* Exclusive jurisdiction to naturalize persons as citizens of Liberia is conferred upon the circuit courts. In Montserrado County, the First Judicial Circuit shall exercise such Jurisdiction.

2. *Public notice.* Upon the filing of a petition for citizenship, the clerk of the Circuit Court shall give public notice thereof by posting data regarding the applicants together with the date, as near as may be, of the final hearing and the names of the witnesses whom the applicant expects to summon in his behalf.

3. *Conduct of hearing.* Every final hearing upon a petition for naturalization shall be had in open court, and the petitioner and the witnesses shall be examined under oath before the court. At the hearing the residence of the petitioner in Liberia for the required length of time, his good moral character, and attachment to the principles of the Liberian Constitution shall be proved by the oral testimony of at least two credible witnesses, citizens of Liberia, other than those who have verified the petition.

4. *Appearance of Attorney General.* The Attorney General shall have the right to appear before the court in a naturalization proceeding for the purpose of cross-examining the petitioner and the witnesses produced in support of the petition concerning any matter touching or in any way affecting the petitioner's right to admission to citizenship, and shall have the right to call witnesses, including the petitioner, produce evidence, and be heard in opposition to, or in favor of, the granting of any petition in naturalization proceedings.

5. *Subpoena of witness.* The clerk of court shall, if the petitioner requests it at the time of filing the petition for naturalization, issue a subpoena for the witnesses named by such petitioner to appear upon

the day set for final hearing, but in case such witnesses cannot be produced upon the final hearing, other witnesses may be summoned upon notice to the Attorney General, in such manner and at such time as the Attorney General may be regulation prescribe. If it appears after the petition has been filed that any of the verifying witnesses thereto are not competent, and if it further appears that the petitioner has acted in good faith in producing such witnesses, other witnesses may be substituted in accordance with such regulations.

6. *Change of name of Petitioner.* It shall be lawful at the time and as part of the naturalization of any person, for the court, in its discretion, upon the prayer of the petitioner included in the petition for naturalization of such person, to issue a decree changing the name of such person, and the certificate of naturalization shall be issued in accordance therewith.<sup>58</sup>

#### § 21.6. Oath of allegiance.

A person who has petitioned for naturalization shall, in order to be admitted to citizenship, take in open court an oath, to be administered by the judge, that (a) he will support and defend the Constitution and laws of the Republic of Liberia against all enemies, foreign and domestic; (b) that he renounces and abjures absolutely and entirely all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever and particularly to the one of which he was previously a citizen or subject; (c) that he will observe full faith and allegiance to the Republic of Liberia; and (d) that he will bear arms

<sup>58</sup> *Prior legislation:* L. 1965-66, ch. (An act to amend the Aliens and Nationality Law to allow persons desiring to become Liberian citizens to retain their citizen ship until they have been granted Liberian citizenship) (3:88); 1936 Code 3:86, 87; L. 1938, XIII, § 8, 10.

on behalf of Liberia when required by law.<sup>59</sup>

#### § 21.7. Certificate of naturalization.

A person admitted to citizenship by a court in conformity with the provisions of this chapter shall be entitled upon such admission to receive from the clerk of such court a certificate of naturalization, which shall contain substantially the following information: Number of petition for naturalization; number of certificate of naturalization, date of naturalization; name, signature, place of residence, autographed photograph, and personal description of the naturalized person, including age, sex, marital status, and country of former nationality; title, venue, and location of the court issuing the order of naturalization; statement that the court, having found that the petitioner intends to reside permanently in Liberia, and has complied in all respects with all of the applicable provisions of the naturalization laws of Liberia, and was entitled to be admitted as a citizen of Liberia thereupon ordered that the petitioner be admitted as a citizen of Liberia; attestation of the clerk of the court issuing the order of naturalization, and seal of the court.<sup>60</sup>

#### § 21.8. Duties of clerk of Circuit Court with respect to naturalization proceedings.

1. *Duplicates of declaration of intention and petitions for naturalization.* It shall be the duty of the clerk of a Circuit Court to forward to the Secretary of State and the Attorney General a duplicate of each declaration of intention and each petition for naturalization promptly after the filing thereof, and to forward to the Secretary of State and

<sup>59</sup> *Prior legislation:* L. 1965-66, ch. (An act to amend the Aliens and Nationality Law to allow persons desiring to become Liberian citizens to retain their citizenship until they have been granted Liberian citizenship) 3:58; 1956 Code 3:33; L. 1938, ch. XIII, § 7.

<sup>60</sup> *Prior legislation:* 1956 Code 3:89; L. 1938, ch. XIII, § 15.

the Attorney General certified copies of all other orders issued out of such court affecting or relating to the naturalization of persons.

2. *Records of declarations of intention and petition for naturalization.* It shall be the duty of the clerk of a Circuit Court to cause to be filed in such manner as to be readily accessible and made a part of the records of such court all declarations of intention and petitions for naturalization.

3. *Certificates of naturalization.* It shall be the duty of the clerk of a Circuit Court to forward to the Secretary of State and the Attorney General within 30 days after the close of the month in which such certificate was issued a duplicate thereof, and to make and keep on file in the clerk's office, a record of each certificate so issued, wherein shall be entered a memorandum of all the essential facts set forth in such certificates.

4. *Denial of naturalization.* It shall be the duty of the clerk of a Circuit Court to report to the Attorney General within 30 days after the close of the month in which the final hearing and decision of the court was had, the name and number of the petition of each and every person who has been denied naturalization such month together with the cause of denial. A record of such denials shall be kept on file at the court.

5. *Blank certificates of naturalization.* The Attorney General shall furnish blank certificates of naturalization to clerks of the Circuit Court, but shall not forward such blanks until such time as they will be needed, and only in such number as will be needed for aliens who are to be naturalized at a particular session of Court. No certificate of naturalization received by any clerk of court which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned

to the General immediately.<sup>61</sup>

#### § 21.9. Fees and Stamp Tax.

The applicant in each proceeding for naturalization shall pay into the Bureau of Revenue the following fees and a copy of the receipt therefor shall be presented to the clerk of the court together with a valid revenue stamp of three dollars which shall be placed upon each declaration of intention.

Filing of declaration of intention	\$ 20.00
Filing of petition for citizenship	20.00
Issuing of certificate of naturalization	10.00

The clerk may make a further charge of fees as follows, which may retain as personal remuneration

Filing of declaration of intention	\$ 5.00
Filing of petition for citizenship	5.00
Issuing a certificate of naturalization	5.00

#### § 21.10. Procurement of citizenship or naturalization unlawfully.

Whoever knowingly procures or attempts to procure, contrary to law, the naturalization of himself or another person, or documentary or other evidence of naturalization or citizenship for himself or another person shall be subject to a fine of not more than \$5,000 or imprisonment for not more than three years or both.<sup>62</sup>

<sup>61</sup> *Prior legislation:* 1956 Code 3:83, 91; L. 1938, ch. XIII, § 8, 12, 14.

<sup>62</sup> *Prior legislation:* 1956 Code 3:92; L. 1938, ch. XIII, § 13.

citizenship.<sup>64</sup>

**§ 21.32. Liberian woman who lost citizenship by marriage to alien.**

Any woman formerly a citizen of Liberia who under prior law lost Liberian citizenship by marriage to an alien and who acquired no other nationality by affirmative act other than by such marriage, is hereby declared a Liberian citizen. Such citizenship is effective *nunc pro tunc* as of the date of loss of citizenship except as to the title of real property which was forfeited as the result of such loss of citizenship.

**Subchapter C. REVOCATION OF NATURALIZATION.**

**§ 21.50. Grounds for revocation.**

It shall be the duty of the Attorney General, upon affidavit showing good cause therefor, to institute proceedings for the purpose of revoking and setting aside the order admitting a person to citizenship and cancelling the certificate of naturalization on any of the following grounds:

- (a) That the order admitting such person to citizenship and the certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation;
- (b) That at the time the person acquired citizenship, he was not eligible to such citizenship by some existing law of Liberia;

<sup>64</sup> *Prior legislation:* 1957-58 Supp. 3:113; L. 1955-56 ch. XXX, § 2; 1956 Code 3:113; Cons. Serv. Reg. § 69.

**Subchapter B. NATURALIZATION OR RESTORATION TO CITIZENSHIP OF SPECIAL CATEGORIES OF ALIENS.**

**§ 21.30. Woman who marries citizen.**

A woman of Negro descent who marries a citizen of the Republic shall not become by virtue of such act of marriage a citizen of Liberia. Such woman may be naturalized if she is qualified in conformity with all of the provisions of section 21.1 of this title and complies with all the procedural requirements for naturalization set forth in this chapter.<sup>63</sup>

**§ 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.

2. *Certificate of citizenship.* A person who claims to have derived Liberia citizenship through the naturalization of a father may apply to the Circuit Court for a certificate of citizenship. Upon proof to the satisfaction of the Circuit Court that the applicant is a citizen and that the applicant's alleged citizenship was derived as claimed, such person shall be furnished by the Circuit Court with a certificate of

<sup>63</sup> *Prior legislation:* 1957-58 Supp. 3:114; L. 1955-56, ch. XXX, § 1, 1955 (E.S. June) ch. III; 1956 Code 3:114; Cons. Serv. Reg. § 67.

the revocation and setting aside of the order admitting him to citizenship and the cancellation of the certificate of naturalization as having been obtained by concealment of a material fact or by willful misrepresentation. An official or employee of the Government of Liberia who may be engaged on government duties abroad shall not be subject to loss of citizenship on the ground stated in this section.<sup>66</sup>

**§ 21.52. Reports on naturalized citizens residing in foreign country.**

It shall be the duty of a diplomatic or consular officer of Liberia assigned to foreign countries to furnish the Attorney General from time to time through the Secretary of State with statements of the names of those persons within their respective jurisdiction who have been naturalized in Liberia and who have taken permanent residence in the foreign country to which such diplomatic or consular officer is assigned, and such statements, duly certified, shall be admissible in evidence in proceedings to revoke and set aside the order admitting to citizenship and to cancel the certificate of naturalization.

**§ 21.53. Procedure.**

1. *Venue.* Proceedings to revoke and set aside an order admitting a person to citizenship and cancelling his certificate of naturalization shall be instituted in the judicial district in which the naturalized citizen resides at the time of bringing suit, and, if he resides in Montserrat County, before Circuit Court of the First Judicial Circuit.
2. *Notice and hearing.* The person against whom the Attorney General institutes such proceedings shall have thirty days' notice after completion of service in which to make answer to the petition by the Government. If such person is outside Liberia, service shall be made

<sup>66</sup> *Prior legislation:* 1956 Code 3:93(c); L. 1938, ch. XIII, § 11.

(c) That at the time the person acquired citizenship, he was not eligible to enter or reside in Liberia;

(d) That the person who acquired citizenship was not of good moral character at the time he was admitted to citizenship and such fact was not then known;

(e) That at the time the person was admitted to citizenship, he was an anarchist or not attached to the principles of the Constitution of Liberia and such fact was not then known;

(f) That the order admitting such person to citizenship was issued through manifest error of law or fact, or that the order was issued before it should be, or that the laws governing naturalization have not been fully complied with; provided that if the error can be remedied by procedural means, the person admitted to citizenship through such error shall be allowed a reasonable opportunity after notice to institute corrective proceedings before the Attorney General acts to revoke citizenship and cancel the certificate of naturalization.<sup>65</sup>

**§ 21.51. Foreign residence as prima facie evidence of misrepresentation.**

If any person who has been naturalized shall go to the country of which he was a citizen or subject at the time he was naturalized and maintain residence there for two years, or go to any other foreign country and maintain residence there for five years, it shall be considered prima facie evidence of a lack of intention on the part of such person to reside permanently in Liberia at the time of filing his petition for naturalization, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize

<sup>65</sup> *Prior legislation:* 1956 Code 3:93; L. 1950-51, ch. IX, § 1; Cons. Serv. Reg. § 70.

by publication in the manner provided by the Civil Procedure Law. A hearing in proceedings to revoke and set aside an order admitting a person to citizenship and cancelling his certificate of naturalization shall be at a special session of the Circuit Court for consideration of such matter.<sup>67</sup>

**§ 21.54. Revocation of citizenship on conviction of crime of unlawful procurement of citizenship.**

When a person is convicted under section 21.10 of this title of knowingly procuring naturalization in violation of law, the court in which such conviction is had shall thereupon revoke, set aside, and declare void the final order admitting such person to citizenship, and shall declare the certificate of naturalization of such person cancelled. Jurisdiction is conferred on the court having jurisdiction of the trial of such offense to make such jurisdiction.

**§ 21.55. Effect of revocation of citizenship of father on his minor child.**

Any person who claim Liberian citizenship through the naturalization of a father in whose case there is a revocation and setting aside of the order admitting such father to citizenship which revocation takes place while the child is under the age of 21, shall be deemed to lose his citizenship and any right or privilege of citizenship which he had acquired under and by virtue of such naturalization of his father.

**§ 21.56. Records of cancellation of certificate of naturalization.**

Whenever a certificate of naturalization is cancelled, as provided in this section, the court in which such judgment or decree is rendered shall send a certified copy of such order to the Attorney General. In

<sup>67</sup> *Prior legislation: 1956 Code 3:95 L. 1950-51, ch. IX, § 3.*

case such certificate was not originally issued by the court making the order, it shall direct the clerk of court in which the order admitting such person to citizenship is revoked and set aside to transmit a copy of such order and judgment to the court out of which such certificate of naturalization shall have been originally issued. It shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same record and to cancel such original certificate of naturalization, if there be any, upon the records and to notify the Attorney General of the entry of such order and of such cancellation. A person holding a certificate of naturalization or citizenship which has been cancelled as provided by this section shall upon notice by the court by which the decree of cancellation was made, or by the Attorney General, surrender the same to the Attorney General.

**§ 21.57. Deportation on cancellation of certificate.**

On entering a decree revoking an order admitting a person to citizenship and cancelling his certificate of naturalization for any ground stated under subparagraphs (a), (c), (d), or (e) of section 21.50 of this title, the court shall also order such alien deported from Liberia.

**§ 21.58. Escheat of real property.**

All real property held in the territory of the Republic by any person whose certificate of naturalization is cancelled, shall be forfeited and such real property shall be escheated to the Government, unless such person shall have a spouse or child who is a Liberian citizen, in which case the real property shall vest in the spouse, or if there is no spouse, in the child.<sup>68</sup>

<sup>68</sup> *Prior legislation: 1956 Code 3:96; L. 1938, ch. XIII, § 11.*



§ 21.59. **Enactment of special statute for revocation of naturalization.**

Where the gravity of the case demands, the Legislature may enact a special statute ordering proceedings to revoke and set aside an order admitting a person to citizenship and to cancel his certificate of naturalization on specified grounds not stated in this sub-chapter.<sup>69</sup>

**Chapter 22. LOSS OF CITIZENSHIP**

§ 22.1. Acts causing loss of citizenship.

§ 22.2. Citizenship lost solely from performance of act.

§ 22.3. Liberian woman marrying alien

§ 22.4. Certificate as to loss of Liberian citizenship.

§ 22.1. **Acts causing loss of citizenship.**

From and after the effective date of this title, a person who is a citizen of Liberia whether by birth or naturalization, shall lose his citizenship by --

(a) Obtaining naturalization in a foreign state upon his own application, upon the application of a duly authorized agent, or through the naturalization of a parent having legal custody of such person; provided that citizenship shall not be lost by any person under this section as the result of the naturalization of a parent or parents while such person under the age of 21 years, unless such person shall fail to enter Liberia to establish a permanent residence prior to his twenty-third birthday; or

<sup>69</sup> *Prior legislation:* 1956 Code 3:94; L. 1950-51, ch. IX, § 2.

(b) Taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state or a political subdivision thereof; or

(c) Exercising a free choice to enter or serve in the armed forces of a foreign state, unless, prior to such entry or service, such entry or service is specifically authorized by the President;

(d) Voting in a political election in a foreign state or voting in an election or plebiscite to determine the sovereignty of a foreign state over foreign territory; or

(e) Making a formal renunciation of Liberian nationality before a diplomatic or consular officer of Liberia in a foreign state in such form may be prescribed by the Secretary of State.<sup>70</sup>

§ 22.2. **Citizenship lost solely from performance of act.**

The loss of citizenship under section 22.1 of this title shall result solely from the performance by a citizen of the acts or fulfillment of the conditions specified in such section, and without the institution by the Government of any proceedings to nullify or cancel such citizenship.

§ 22.3. **Liberian woman marrying alien.**

A Liberian woman who marries an alien retains her Liberian citizenship unless she renounces it by an affirmative act.<sup>71</sup>

<sup>70</sup> *Prior legislation:* 1956 Code 3:116; Cons. Serv. Reg., Sec. 70; Rev. Stat., § 1185; OBB 160, Act relating to expatriation, § 1, (Conn. L. July 3, 1838), 2 Hubb. 1344, 1357.

<sup>71</sup> *Prior Legislation:* L. 1958 - 59, Ch. XXIV; 1956 Code 3:115; Cons. Serv. Reg. § 68.

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§ 22.4. Certificate as to loss of Liberian citizenship.

Whenever a diplomatic or consular officer of Liberia has reason to believe that a person while in a foreign state to which such officer is assigned has lost his Liberian nationality under any provision of Section 22.1 of this title, he shall certify the facts upon which such belief is based to the Secretary of State in writing. If the report of such officer is approved by the Secretary of State, a copy of the certificate shall be forwarded to the Attorney General, for his information, and the diplomatic or consular office in which the report was made shall be directed to forward a copy of the certificate to the person to whom it relates.

§ 3. This Act shall take effect immediately upon publication in handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

Approved May 15, 1973

With Amendments Approved May 9, 1974