

AN ACT AMENDATORY OF CERTAIN
PROVISIONS OF PART III, CHAPTERS 20,
21 AND 22 OF THE ALIEN AND
NATIONALITY LAW TO MAKE SUCH
PROVISIONS COMPLIANT WITH THE
CONSTITUTION AND TO RESTORE
CITIZENSHIP TO LIBERIANS WHO HAVE
LOST THEIR CITIZENSHIPS PURSUANT
TO ANY SUCH PROVISIONS

(THE LIBERIAN SEAL)

REPUBLIC OF LIBERIA

PREAMBLE

Whereas, Article 27(a) and Article 28 of the Constitution intends to preserve the citizenship of Liberians, one of whose parent was a Liberian at the time of his/her birth and to provide that no citizen of Liberia shall be deprived of Liberian citizenship; and

Whereas, certain provisions of Part III, Chapters 20, 21 and 22 of the Alien and Nationality Law are contrary to the general spirit and intent of Article 27(a) and Article 28 of the Constitution; and

Whereas, certain specific provisions of Part III, Chapter 20 of the Alien and Nationality Law also discriminate between persons born of Liberian fathers and foreign mothers, on the one hand, and Liberian mothers and foreign fathers on the other hand, contrary to the Equal Protection Clause of the Constitution – Article 11(c) thereof; and

Whereas, certain specific provisions of Part III, Chapter 21, Subchapters B and C of the Alien and Nationality Law are contrary to generally accepted principles of nationality recognized throughout the world and therefore require amendment; and

Whereas, certain specific provisions of Part III, Chapter 22 of the Alien and Nationality Law, which provide for the loss of Liberian citizenship, are contrary to the general spirit and intent of the Constitution; and

Whereas, the right of a person, whose Liberian citizenship devolved on him/her by virtue of the fact that one or both parents were Liberians at the time of his/her birth, ought to be inalienable,

Now therefore,

It is enacted by the Senate and the House of Representatives of the Republic of Liberia in Legislature assembled.

PART I – PRELIMINARY PROVISIONS

Section 1. Short Title

The short title of this Act shall be "Once A Liberian By Birth Always A Liberian Act".

Section 2. Purpose of Act

The purpose of this Act is to: (i) make inalienable the citizenship right of a Liberian whose citizenship was devolved on him/her because he/she was born on Liberian soil or because one of his/her parents was a citizen at the time of his/her birth; (ii) eliminate discrimination between Liberian citizens, one of whose parents was a foreigner at the time of his/her birth; and (iii) to make provisions of the Alien and Nationality Law regarding nationality compatible with generally accepted and practiced principles the world over.

Section 3. Applicability

This Act shall amend and/or make null and void *nunc pro tunc*, as the case may be, Section 20.1, Section 21.30, Section 21.31, Section 21.50, Section 21.52, Section 21.55, Section 22.1, Section 22.2, and Section 22.4 of the Alien and Nationality Law.

PART III. Amendment or Nullification of Certain Provisions of the Alien and Nationality Law

Section 1. Amendment of Section 20.1 of the Alien and Nationality Law – Citizens of Liberia at Birth. The first paragraph of Section 20.1 of the Alien and Nationality Law shall hereafter be read, as follows:

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 of Liberia whose father or mother (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.

Section 2. Nullification of the final paragraph of Section 20.1 of the Alien and Nationality Law – Citizenship Status of Child Born of Liberian Parents Outside of Liberia. The final paragraph of Section 20.1 of the Alien and Nationality Law, which reads:

“A child who is a Liberian 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 does before a Liberian consul and takes the oath of allegiance to the Republic of Liberia required of a petitioner for naturalization.”

is hereby nullified and made void *ab initio*.

Section 3. Amendment of Section 21.30 of the Alien and Nationality Law – Alien Person Who Marries a Liberian Citizen. A man or woman of Negro descent who marries a Liberian citizen shall become a citizen of Liberia by virtue of such marriage. Such man or woman need only appear before a Liberian consul in his/her country of residence or before a circuit court judge in Liberia and take an oath of allegiance to Liberia.

Section 4. Amendment of Section 21.31 of the Alien and Nationality Law – Children Born Outside Liberia of Alien Parents or of Citizen Mother and Alien Father or of Citizen Father and Alien Mother. A child born outside of Liberia of alien parents becomes a citizen of Liberia through naturalization of the father or mother if (a) such naturalization takes place while such child is under the age of 21 years; and (b) if such child appears before a Liberian consul in his/her country of residence upon attaining the age of 21, but not later than the age of 25, and takes an oath of allegiance to Liberia, or appears before a circuit court judge in Liberia and take such oath of allegiance to Liberia. A certificate of citizenship shall be issued by a circuit court in Liberia to such person after the taking of the oath of allegiance.

Section 5. Amendment of Sections 21.51 and Section 21.52 of the Alien and Nationality Law - Foreign Residence of a Naturalized Citizen Shall Not Be Prima

Facie Evidence of Misrepresentation At The Time of Naturalization. The residency of a person who has naturalized as a Liberian in his/her country of origin or in another country shall not be *prima facie* evidence of misrepresentation at the time of naturalization and shall not, in itself, divest such person of Liberian citizenship; and such person shall continue to be considered a domicile of Liberia. A diplomatic or consular officer of Liberia assigned to foreign countries is not required to furnish to the Minister of Justice/Attorney General through the Minister of Foreign Affairs any statement of names of naturalized Liberian citizens within their jurisdictions who may have taken residence in a foreign country.

Section 6. Amendment of Section 21.55 of the Alien and Nationality Law – Effect of Revocation of Citizenship of a Naturalized Father or Naturalized Mother on his/her Direct Offspring. Except where the Liberian citizenship of a person naturalized under Liberian law was acquired through fraud, the revocation of the citizenship of such person shall not affect the citizenship of his/her direct offspring who was born at the time when his/her Liberian citizenship had not been revoked. A person (minor or major), whose Liberian citizenship derived by virtue of the naturalization of his/her father and/or mother at the time of his/her birth, shall continue to be a Liberian citizen notwithstanding the revocation of the citizenship of his/her father and/or mother through whose Liberian citizenship his/her own Liberian citizenship derived.

Section 7. Annulment of Section 22.1, Section 22.2 and 22.4 of the Alien and Nationality Law - Law Regarding Acts Causing Loss of Citizenship and the Loss of Citizenship Solely from Performance of Certain Acts. Section 22.1 and Section 22.2 of the Alien and Nationality Law regarding acts causing loss of Liberian citizenship and the loss of Liberian citizenship from the performance of certain acts are hereby annulled *nunc pro tunc* and the Liberian citizenship of all person heretofore affected by these provisions of law is hereby restored as though those provisions of law did not exist.

Section 8. Inalienability of Liberian Citizenship Right By Persons Whose Liberian Citizenship Derived From Birth Within Liberia or From Parent(s) Who Were Liberians at the Time of His/Her Birth. The citizenship right of a person derived by virtue of birth or by virtue of the Liberian citizenship of one or both parents is inalienable and the Legislature shall make no law which deprives this category of Liberians of their Liberian citizenship.

Section 2. Restoration of the Right to a Liberian Citizen to Acquire the Citizenship of Another Country Without Affecting Another Liberian Citizenship. In order to promote world harmony, unity and reconciliation of the Liberian people and to spur economic development, the right is restored to a Liberian citizen to acquire the citizenship of another country without affecting another Liberian citizenship.

PART IV. LIMITATION OF RIGHTS ON LIBERIANS HOLDING THE CITIZENSHIP OF ANOTHER COUNTRY TO HOLD PUBLIC OFFICE

Section 1. Limitation of a Liberian Holding the Citizenship of Another Country from Certain Executive Offices. A Liberian citizen who holds the citizenship of another country shall not be eligible to be elected President of Liberia, Vice President of Liberia, Speaker and Deputy Speaker of the House of Representatives and President Pro Tempore of the Liberian Senate.

Section 2. Limitation of a Liberian Holding the Citizenship of Another Country from Certain Appointive Offices. A Liberian citizen who holds the citizenship of another country shall not be eligible for appointment to any of the following positions in the Government of Liberia: (i) Minister and Deputy Minister of Foreign Affairs; (ii) Minister and Deputy Minister of State for Presidential Affairs; (iii) Minister and Deputy Minister of Finance and Development Planning; (iv) Minister and Deputy Minister of Justice; head and deputy head of autonomous commissions and agencies, Executive Governor and Deputy Governor of the Central Bank of Liberia and head or deputy head of public corporations or parastatals.

PART V. EFFECTIVENESS OF THESE AMENDMENTS

Section 1. Restoration of Citizenship Rights of Liberians Whose Citizenship Rights May Have Been Affected by the Laws Amended by these Amendments. Any citizenship right affected by the laws amended or annulled by these Amendments shall be deemed to have been restored *nunc pro tunc*.

Section 2. Effective Date of Amendments. Except for the *nunc pro tunc* effect of these Amendments regarding the restoration of citizenship rights affected

by laws amended or annulled by these Amendments, these Amendments shall
otherwise take effect as of its publication in handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING.