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FEDERAL NEGARIT GAZETA

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

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10th Year No. 13
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PROCLAMATION NO. 378/2003. A PROCLAMATION ON ETHIOPIAN NATIONALITY

- WHEREAS, it has become necessary to promulgate a comprehensive new nationality law which is consistent with the provisions of the Constitution;
- NOW, THEREFORE, in accordance with Article 55 (1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:
- PART ONE**
GENERAL
1. Short Title
This Proclamation may be cited as the "Ethiopian Nationality Proclamation No. 378/2003."
 2. Definitions
In this proclamation unless the context requires otherwise:
 - 1/ "foreigner" means a person who is not an Ethiopian national;
 - 2/ "domicile" means the residence of a person as defined under Article 183 of the Civil Code of Ethiopia;

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- 3/ the term "child" includes an adopted child;
- 4/ "minor" means a person who has not attained the age of majority as determined under the Civil Code of Ethiopia;
- 5/ "Authority" means the Security, Immigration and Refugee Affairs Authority.

PART TWO

ACQUISITION OF ETHIOPIAN NATIONALITY

3. Acquisition by Descent

- 1/ Any person shall be an Ethiopian national by descent where both or either of his parent is Ethiopian.
- 2/ An infant who is found abandoned in Ethiopia shall, unless proved to have a foreign nationality, be deemed to have been born to an Ethiopian parent and shall acquire Ethiopian nationality.

4. Acquisition By Law

Any foreigner may acquire Ethiopian nationality by law in accordance with the provisions of Articles 5-12 of this Proclamation.

5. Conditions To Be Fulfilled

A foreigner who applies to acquire Ethiopian nationality By law shall:

- 1/ have attained the age of majority and be legally capable under the Ethiopian law;
- 2/ have established his domicile in Ethiopia and have lived in Ethiopia for a total of at least four years preceding the submission of his application;
- 3/ be able to communicate in any one of the languages of the nations/nationalities of the Country;
- 4/ have sufficient and lawful source of income to maintain himself and his family;
- 5/ be a person of good character;
- 6/ have no record of criminal conviction;
- 7/ be able to show that he has been released from his previous nationality or the possibility of obtaining such a release upon the acquisition of Ethiopian nationality or that he is a stateless person; and
- 8/ be required to take the oath of allegiance stated under Article 12 of this Proclamation.

6. Cases of Marriage

A foreigner who is married to an Ethiopian national may acquire Ethiopian nationality by law if:

- 1/ the marriage is concluded in accordance with the Ethiopian laws or in accordance with the laws of any other country where the marriage is contracted;

- 2/ there is a lapse of at least two years since the conclusion of the marriage;
- 3/ he has lived in Ethiopia for at least one year preceding the submission of his application; and
- 4/ he fulfilled the conditions stated under Sub-Articles (1), (7) and (8) of Article 5 of this Proclamation

7. Cases of Adoption

An child adopted by Ethiopian national may acquire Ethiopian nationality by law if:

- 1/ he has not attained the age of majority;
- 2/ he lives in Ethiopia together with his adopting parent;
- 3/ Where one of his adopting parents is a foreigner, such parent has expressed his consent in writing; and
- 4/ the condition stated under Article 5(7) of this Proclamation has been fulfilled.

8. Special Cases

A foreigner who has made an outstanding contribution in the interest of Ethiopia may be conferred with Ethiopian Nationality by law irrespective of the conditions stated under Sub-Articles (2) and (3) of Article 5 of this Proclamation.

9. Children of a Naturalized Person

1/ A person who has acquired Ethiopian Nationality by law may apply for the his minor child living with him in Ethiopia; provided, however, that where the applicant is the only naturalized parent, the consent of both parents shall be required for naturalization of the child.

2/ A child whose application for naturalization has been submitted in accordance with Sub-Article (1) of this Article shall be conferred with Ethiopian nationality where the applicant is able to show that the child is released from his previous nationality or the possibility of obtaining such release.

10. Submission of Application for Naturalization

- 1/ An application to obtain Ethiopian nationality by law shall be accompanied with relevant documents and shall be submitted to the Authority.
- 2/ An application for the naturalization of a minor child shall be submitted by his parents.

11. Examining and Deciding upon an Application

- 1/ An application to obtain Ethiopian nationality by law shall be examined by the Nationality Affairs Committee established under Article 23 of this Proclamation.
- 2/ The Committee shall submit its recommendation to the Authority, following the examination of the application and documents submitted to it as well as such other additional information furnished on its demand.

- 3/ Where the recommendation of the Committee for naturalization obtains the approval of the Authority, the applicant shall be required to appear before the Committee to take the oath of allegiance stated under Article 12 of this Proclamation and shall be issued with a certificate of naturalization.

12. Oath of Allegiance

Any person to be conferred with Ethiopian nationality by law shall, if he has attained the age of majority, take the following oath of allegiance:

" I - - -, solemnly affirm that I will be a loyal national of the Federal Democratic Republic of Ethiopia and be faithful to its Constitution".

13. National Identity Card

- 1/ Any Ethiopian national, if he has attained the age of majority, shall be issued with a national identity card.
- 2/ Minor children shall be entered in the national identity cards of their parents.
- 3/ National identity cards shall be issued by the Authority or by any office delegated by the Authority.

PART THREE

RIGHTS OF NATIONALITY

14. State Protection

- 1/ The State shall protect the rights and lawful interests of its nationals.
- 2/ The State shall take such measures as may be necessary to ensure the protection of the rights and lawful interests of its nationals residing abroad.

15. Non-Extradition

No Ethiopian national may be extradited to another state.

16. Change of Nationality

Any Ethiopian national shall, subject to the provisions of Article 19 of this Proclamation, have the right to change his nationality.

17. Non-Deprivation of Nationality

No Ethiopian may be deprived of his nationality by the decision of any government authority unless he loses his Ethiopian nationality under Article 19 or 20 of this Proclamation.

18. Equality of Nationals

All Ethiopian nationals shall have equal rights and obligations of citizenship regardless of the manner in which nationality is obtained.

PART FOUR

LOSS OF ETHIOPIAN NATIONALITY

19. Renunciation of Ethiopian Nationality

- 1/ Any Ethiopian who has acquired or has been guaranteed the acquisition of the nationality of another state shall have the right to renounce his Ethiopian nationality.
- 2/ An Ethiopian who intends to renounce his nationality in accordance with this Article Sub Article (1) shall in advance inform the Authority in the form prescribed by the Authority.
- 3/ The renunciation of the nationality of a minor child pursuant to Sub-Article (1) of this Article shall be effected by the joint decision of his parents or, where one of his parents is a foreigner, by the decision of the Ethiopian parent.
- 4/ An Ethiopian who has declared his intention to renounce his nationality may not be released until:
 - a) he has discharged his outstanding national obligations; or
 - b) where he has been accused of or convicted for a crime, he has been acquitted or served the penalty.
- 5/ The Authority shall, upon ascertaining that the provisions of this Article are complied with, issue the applicant with a certificate stating the effective date of his release.
- 6/ Any Ethiopian who is not issued with a certificate of release in accordance with Sub-Article (5) of this Article shall have the right to appeal to the competent court.

20. Loss of Ethiopian Nationality upon Acquisition of Other Nationality

- 1/ Without prejudice to the provisions of Article 19 (4) of this Proclamation, any Ethiopian who voluntarily acquires another nationality shall be deemed to have voluntarily renounced his Ethiopian nationality.
- 2/ An Ethiopian who acquires another nationality by virtue of being born to a parent having a foreign nationality or by being born abroad shall be deemed to have voluntarily renounced his Ethiopian nationality unless he has declared to the Authority his option to retain it by renouncing his other nationality within one year after attaining the age of majority, or unless there has been an earlier express renunciation of his Ethiopian nationality pursuant to Article 19 (3) of this Proclamation.
- 3/ An Ethiopian who acquires, in the absence of his own initiative, another nationality by the operation of the law in connection with any ground other than those specified under Sub-Article /2/ of this Article shall be deemed to have voluntarily renounced his Ethiopian nationality, if he:

- a) Starts exercising the rights conferred to such acquired nationality or
 - b) fails to declare his option to the Authority to retain his Ethiopian nationality by renouncing his other nationality within a period of one year.
- 4/ A person who retains another nationality in addition to Ethiopian nationality shall be considered solely an Ethiopian national until the loss of his Ethiopian nationality pursuant to Sub-Articles (2) or (3) of this Article.

21. Effects of Loss of Nationality on Spouses and Children

A person's loss of Ethiopian nationality shall have no effect on the nationalities of his spouse and children.

22. Re-Admission to Ethiopian Nationality

- 1/ A person who was an Ethiopian national and who has acquired foreign nationality by law shall be re-admitted to Ethiopian nationality if he:
- a) returns to domicile in Ethiopia;
 - b) renounces his foreign nationality; and
 - c) applies to the Authority for re-admission.
- 2/ The provisions of Sub-Article (1) of this Article shall also apply to a person who has lost his Ethiopian nationality pursuant to Article 20 (2) of this Proclamation.

PART FIVE

MISCELLANEOUS PROVISIONS

23. Nationality Affairs Committee

- 1/ A nationality Affairs Committee comprising the following members shall be formed:
- a) a representative of the Authority chairperson
 - b) a representative of the Ministry of Foreign Affairs member
 - c) a representative of the Ministry of Justice. member
 - d) a representative of the Federal Police Commission. member
 - e) a representative of the Authority member and secretary
- 2/ The Committee shall have the following powers and duties to:
- a) examine applications to obtain Ethiopian Nationality by law;
 - b) examine evidences submitted by a person for the rebuttal of his presumed renunciation of Ethiopian nationality pursuant to Article 20 of this Proclamation;
 - c) ascertain that the requirements stated under Article 22 of this Proclamation are fulfilled when an application for re-admission to Ethiopian nationality has been submitted.

- 3/ The committee shall consider any case in accordance with Sub-Article (2) of the Article when it is referred to it by the Authority. The Committee shall also submit its findings and recommendations to the Authority.
 - 4/ The Committee shall meet as frequently as its duties require.
 - 5/ There shall be a quorum where more than half of the members of the Committee are present at a meeting
 - 6/ Any decision of the Committee shall be adopted by a majority vote; in case of a tie, the chairperson shall have a casting vote.
 - 7/ Without prejudice to the provisions of this Article, the Committee may adopt its own rules of procedure.
- 24. Powers to Issue Regulations and Directives**
- 1/ The Council of ministers may issue regulations necessary for the proper implementation of this Proclamation.
 - 2/ The Authority may issue detailed directives necessary for the proper implementation of this Proclamation.
- 25. Repeal**
- The Ethiopian Nationality Law of 1930 (as amended) is hereby repealed.
- 26. Transitory Provisions**
- Any person who has retained, until the coming into force of this Proclamation, his Ethiopian nationality pursuant to the former Nationality Law shall continue to be an Ethiopian national.
- 27. Effective Date**
- This Proclamation shall enter into force as of the 23rd day of December, 2003.

Done at Addis Ababa, this 23rd day of December, 2003.

GIRMA WOLDEGIORGIS
PRESIDENT OF THE FEDERAL DEMOCRATIC
REPUBLIC OF ETHIOPIA