NAME; ADAMU FAHEEDAT

COLLEGE; SMS

DEPARTMENT; ITS

MARTRIC NO; 19/SMS11/OO1

COURSE; POL102

1. How can a Lebanese retain or lose his or her newly acquired Nigerian citizenship

By naturalization: 27. (1) Subject to the provisions of section 28 of this Constitution, any How he or she can gain;

Since 1979, there have been significant changes in the law relating to citizenship in Nigeria. These changes came with the enactment in that year of the Constitution of the Federal Republic of Nigeria 1979. The citizenship provisions of the 1979 Constitution have been slightly modified and re-enacted in the 1989 Constitution which will come into effect on October 1, 1992. In this article, we shall examine the current Nigerian law on citizenship as ordained by the 1979 Constitution as well as the changes introduced by the 1989 Constitution. This will be done against the background of the historical development of citizenship laws in the country prior to, and since independence on October 1, 1960.

 (1) The following are ways to gain citizenship in Nigeria

* By Birth
* By Registration
* By Naturalisation
* Through honour
* By conquest

By birth-namely- (a) every person born in Nigeria after the date of independence (October 1, 1960), either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria;

Provided that a person shall not become a citizen of Nigeria by virtue of this section if neither of his parents nor any of his grandparents was born in Nigeria.

(b) Every person born outside Nigeria either of whose parents is a citizen of Nigeria.

(2) In this section, "the date of independence" means the 1st day of October 1960.

By registration: 26. (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; two people to testify to that which one should a Religious minister...
* (b) He has shown a clear intention of his desire to be domiciled in Nigeria; and
* (c) He has taken the [Oath of Allegiance](https://en.m.wikipedia.org/wiki/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 every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria.

Person who is qualified in accordance with the provisions of this section may apply to the President for the same of a certificate of naturalisation.

* (2) No person shall be qualified to apply for the grant of a certificate or naturalisation, unless he satisfies the President that -
* \* (a) He is a person of full age and capacity;
* \* (b) He is a person of good character;
* \* (c) He has shown a clear intention of his desire to be domiciled in Nigeria;
* \* (d) He is, in the opinion of the Governor of the State where he is or he proposes to be resident, acceptable to the local community in which he is to live permanently, and has been assimilated into the way of life of Nigerians in that part of the Federation;
* \* (e) He is a person who has made or is capable of making useful contribution to the advancement; progress and well-being of Nigeria;
* \* (f) He has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution; and
* \* (g) He has, immediately preceding the date of his application, either-

(i) Resided in Nigeria for a continuous period of fifteen years; or

(ii) Resided in Nigeria continuously for a period of twelve months, and during the period of twenty years immediately preceding that period of twelve months has resided in Nigeria for periods amounting in the aggregate to not less than fifteen years.

28. (1) Subject to the other provisions of this section, a person shall forfeit forthwith his Nigerian citizenship if, not being a citizen of Nigeria by birth, he acquires or retains the citizenship or nationality of a country, other than Nigeria, of which he is not a citizen by birth.

29. (1) any citizen of Nigeria of full age who wishes to renounce his Nigerian citizenship shall make a declaration in the prescribed manner for the renunciation.

(2) The President shall cause the declaration made under subsection (1) of this section to be registered and upon such registration, the person who made the declaration shall cease to be a citizen of Nigeria.

(3) The President may withhold the registration of any declaration made under subsection (1) of this section if-

(a) The declaration is made during any war in which Nigeria is physically involved; or

(b) In his opinion, it is otherwise contrary to public policy.

(4) For the purposes of subsection (1) of this section.

(a) "Full age" means the age of eighteen years and above;

(b) Any woman who is married shall be deemed to be of full age.

30. (1) The President may deprive a person, other than a person who is a citizen of Nigeria by birth or by registration, of his citizenship, if he is satisfied that such a person has, within a period of seven years after becoming naturalized, been sentenced to imprisonment for a term of not less than three years.

(2) The President shall deprive a person, other than a person who is citizen of Nigeria by birth, of his citizenship, if he is satisfied from the records of proceedings of a court of law or other tribunal or after due inquiry in accordance with regulations made by him, that -

(a) The person has shown himself by act or speech to be disloyal towards the [Federal Republic of Nigeria](https://en.m.wikipedia.org/wiki/Federal_Republic_of_Nigeria); or

(b) The person has, during any war in which Nigeria was engaged, unlawfully traded with the enemy or been engaged in or associated with any business that was in the opinion of the president carried on in such a manner as to assist the enemy of Nigeria in that war, or unlawfully communicated with such enemy to the detriment of or with intent to cause damage to the interest of Nigeria.

31. For the purposes of this Chapter, a parent or grandparent of a person shall be deemed to be a citizen of Nigeria if at the time of the birth of that person such parent or grandparent would have possessed that status by birth if he had been alive on the date of independence; and in this section, "the date of independence" has the meaning assigned to it in section 25 (2) of this Constitution.

32. (1) The president may make regulations, not inconsistent with this Chapter, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Chapter, and for granting special immigrant status with full residential rights to non-Nigerian spouses of citizens of Nigeria who do not wish to acquire Nigerian citizenship.

(2) Any regulations made by the president pursuant to the provisions of this section shall be laid before the National Assembly NIGERIA

1. CITIZENSHIP: Citizenship is based upon the Constitution of the Federal Republic of Nigeria, dated 1989. (UKC-Commonwealth Nation) Those born before or on the date of independence, October 1, 1960, whose parents or grandparents were born in Nigeria and who were legally residing in Nigeria at the time, are considered citizens of Nigeria. BY BIRTH: Birth within the territory of Nigeria does not automatically confer citizenship. BY DESCENT: Child, at least one of whose parents is a citizen of Nigeria, regardless of the child's country of birth. REGISTRATION: The following persons are eligible to become citizens through registration: A foreign woman who marries a citizen of Nigeria. Person who is of adult age (17), born outside Nigeria, any of whose grandparents is or was a citizen of Nigeria. A foreign child adopted by Nigerian parents. BY NATURALIZATION: Nigerian citizenship may be acquired upon fulfilment of the following conditions: Person is of full age (17), has resided in Nigeria for at least 15 years, is of good character, plans to remain in Nigeria, is familiar with Nigerian language and customs, has a viable means of support, and has renounced previous citizenship.

HONORARY CITIZENSHIP; this is when citizenship of a country is granted to a distinguished or eminent foreigner without the usual requirement as a mark of honor.

CITIZENSHIP BY CONQUEST; Through conquest after secessionist struggles, citizenship of certain individuals may be changed by acquiring new status.

How he or she can lose it;

 There are generally two categories of grounds for loss of citizenship.[[1]](https://en.wikipedia.org/wiki/Loss_of_citizenship#cite_note-1)[[2]](https://en.wikipedia.org/wiki/Loss_of_citizenship#cite_note-EUDOp2-2) "Involuntary loss" may occur due to either automatic lapse of citizenship from the citizen for failure to take some action to retain citizenship, or active withdrawal of citizenship by the country. In contrast, "voluntary loss", often called "relinquishment" or "renunciation", is initiated by the citizen.[[2]](https://en.wikipedia.org/wiki/Loss_of_citizenship#cite_note-EUDOp2-2) It is not always easy to make a clean distinction between the two categories: loss of citizenship due to an initial cause undertaken voluntarily (for example, voluntarily serving in a foreign military or voluntarily naturalising as a citizen of a foreign country) could be seen either as "voluntary loss" or "involuntary loss".[[2]](https://en.wikipedia.org/wiki/Loss_of_citizenship#cite_note-EUDOp2-2)

The [European Union Democracy Observatory](https://en.wikipedia.org/wiki/European_Union_Democracy_Observatory), in a study of the nationality laws of thirty-three European countries, found nine broadly-defined cases in which a citizen of a country may lose his or her citizenship: [[3]](https://en.wikipedia.org/wiki/Loss_of_citizenship#cite_note-3)

1. Voluntary acquisition of another citizenship
2. Residing abroad on a permanent basis
3. Fraud in the naturalisation process, including [sham marriages](https://en.wikipedia.org/wiki/Sham_marriage), or failure to give up the other citizenship in countries which require that as a condition of naturalisation
4. Serving in a foreign military or foreign government
5. Upon adoption by a foreign citizen, or other change in the child's legal relation to the parents such as annulment of maternity/paternity
6. For a minor, upon the loss of citizenship by the parents
7. Failure to fulfil conditions, for example in Japan, where Japanese children born with an additional citizenship lose Japanese citizenship if they fail to give up the other citizenship before the age of 22
8. Voluntary renunciation

Involuntary loss of citizenship does not necessarily mean automatic and immediate loss. Even if a country's laws state that under certain circumstances citizenship is automatically removed, until officials of the government or embassy are informed, that country's government will probably still retain that person's name in its citizenship records.[[](https://en.wikipedia.org/wiki/Loss_of_citizenship#cite_note-4)

1. Social contract theory explains the evolution of states, what other theories explain the same, and their strengths?

FORCE THEORY

Another early theory of the origin of the state is the theory of force.

The exponents of this theory hold that wars and aggressions by some powerful tribe were the principal factors in the creation of the state.They rely on the oft-quoted saying “war begot the King” as the historical explanation of the origin of the state.The force or might prevailed over the right in the primitive society. A man physically stronger established his authority over the less strong persons. The strongest person in a tribe is, therefore, made the chief or leader of that tribe.

 After establishing the state by subjugating the other people in that place the chief used his authority in maintaining law and order and defending the state from the aggression from outside. Thus force was responsible not only for the origin of the state but for development of the state also. History supports the force theory as the origin of the state.

**According to Edward Jenks:**

“Historically speaking, there is not the slightest difficulty in proving that all political communities of the modern type owe their existence to successful warfare.”

As the state increased in population and size there was a concomitant improvement in the art of warfare. The small states fought among themselves and the successful ones made big states.

 The kingdoms of Norway, Sweden and Denmark arc historical examples of the creation of states by the use of force. In the same process, Spain emerged as a new state in the sixth century A.D. In the ninth century A.D. the Normans conquered and established the state of Russia.

 The same people established the kingdom of England by defeating the local people there in the eleventh century A.D. Stephen Butler Leachock sums up the founding of states by the use of force in these words:

 “The beginnings of the state are to be sought in the capture and enslavement of man-by-man, in the conquest and subjugation acquired by superior physical force. The progressive growth from tribe to kingdom and from kingdom to empire is but a continuation from the same process.”

HISTORY OF THE FORCE THEORY

This theory is based on the well-accepted maxim of survival of the fittest. There is always a natural struggle for existence by fighting all adversaries among the animal world. This analogy may be stretched to cover the human beings.

Secondly, by emphasizing the spiritual aspect of the church the clergymen condemned the authority of the state as one of brute force. This indirectly lends credence to the theory of force as the original factor in the creation of the state.

Thirdly, the socialists also, by condemning the coercive power of the state as one bent upon curbing and exploiting the workers, admit of force as the basis of the state.

Lastly, the theory of force is supported by the German philosophers like Friedrich Hegel, Immanuel Kant, John Bernhardi and Triestchki. They maintain that war and force are the deciding factors in the creation of the state. Today in the words of Triestchki – “State is power; it is a sin for a state to be weak. That state is the public power of offence and defence. The grandeur of history lies in the perpetual conflict of nations and the appeal to arms will be valid until the end of history.”

According to Bernhardi-“Might is the supreme right, and the dispute as to what is right is decided by the arbitrement of war. War gives a biologically just decision since its decision rest on the very nature of things.”

MATRIACHIAL AND PATRIACHIAL THEORY

Matriarchy: The chief exponents of the matriarchal theory are Morgan, Meclennan and Edward Jenks. According to them, there was never any patriarchal family in the primitive society and that the patriarchal family came into existence only when the institution of permanent marriage was in vogue, But among the primitive society, instead of permanent marriage there was a sort of sex anarchy. Under that condition, the mother rather than the father was the head of the family. The kinship was established through the mother.

 Edward Jenks who made a thorough study of the tribes of Australia came to the conclusion that the Australian tribes were organized in some sort of tribes known as totem groups. Their affinity was not on the basis of blood relationship but through some symbols like tree or animal. One totem group men were to marry all the women of another totem group. This would lead to polyandry and polygamy also. This matriarchal system continued until the advent of the pastoral age when the permanent marriage was introduce. We find the existence of the Queen ruling over in Malabar and the princesses ruling over the Maratha countries. These are examples of the matriarchal systems of life.

STRENGTH OF MATRIARCHY

 The whole history of the human race has been a story of conflict, warfare, genocide, slavery, injustice and poverty, and we do not find much difference today in out TV news. We have had many great thinkers trying to solve these problems, through either religion or politics, but what is noticeable with all these solutions, is that they have all failed Religion like Christianity, Islam and Buddhism all have not succeed in stopping conflict and war, In many cases seem to make the situation worse, as religious conflict and sects has created many wars.

PATRIARCHY: The principal exponent of this theory is Sir Henry Maine.

According to him, the city is a conglomeration of several families which developed under the control and authority of the eldest male member of the family.The head or father of the patriarchal family wielded great power and influence upon the other members of the family. His writ was carried out in the household. This patriarchal family was the most ancient organised social institution in the primitive society.

 Through, the process of marriage the families began to expand and they gave birth to gen which stands for a household. Several gens made one clan. A group of clans constituted a tribe. A confederation of various tribes based on blood relations for the purpose of defending themselves against the aggressors formed one commonwealth which is called the state.

Sir Henry Maine’s analysis of the growth of the state is- **“The elementary group is the family connected by the common subjection to the highest male ascendant. The aggregation of families forms the gens or the houses. The aggregation of houses makes the tribe. The aggregation of the tribes constitutes the commonwealth.”**

Edward Jenks who is the other advocate of the patriarchal theory is of the view that the foundation of the state was caused by three factors, namely male kinship, permanent marriages and paternal authority. Thus, the salient feature of the patriarchal theory is that the families grew through the descendants of the father, not the mother.

The male child carried on the population though marriages with one or several women, because both monogamy and polygamy were the order of the day. The eldest male child had a prominent role in the house.

Another important supporter of this theory was Aristotle. According to him**- “Just as men and women unite to form families, so many families unite to form villages and the union of many villages forms the state which is a self-supporting unit”.**

As for documentary evidence in support of this theory, there were twelve tribes who formed the Jewish nation as we gather from the Bible. In Rome, we are told that the patriarch of three families that made one unit exercised unlimited authority over the other members.

THEORY OF DIVINE ORIGIN

 This theory is the oldest theory of all, it can also be regarded as the “divine right of kings”. Bousset advocated this theory to support the despotism of Louis XIV, James I in his book “The law of free monarchie” asserted this theory, claiming that kings derived their authority directly from God the exponents of this theory believe that the state did not come into being by any effort of man. It is created by God. The King who rules over the state is an agent of God on earth. The King derives his authority from God and for all his actions he is responsible to God alone. Obedience to the King is ordained to God and violation of it will be a sin. The King is above law and no subject has any right to question his authority or his action. The King is responsible of God alone.

HISTORY OF THE THEORY OF DIVINE ORIGIN

The conception of the divine creation of the state may be traced back to remote antiquity. It was universal belief with the ancient people that the King is the representative of God on earth and the state is a bliss of God. Thus the King had both political and religious entity. In the religious books also the state is said to be created by God. In some religions this conception is explicit, but in others it is implicit.

The divine origin of the state is gleaned first the Old Testament of the Bible. There we find St. Paul saying- **“Let every soul be subject unto the higher powers; for there is no power but of God; the powers that be, are ordained by God. Whosoever resist the power, resisted the ordinance of God and they that resist shall receive to themselves damnation.”**

In 1680 Sir Robert Filmer wrote a book entitled The Law of the Free Monarchies, where it is stated the Adam was the First King on earth and the Kings subsequent to him are the descendants of Adam. In the Manusmriti it is said that when the world was thick in anarchy, the people prayed to God to remedy the condition. God was pleased to appoint Manu to rule over the earth.

This theory prevailed in the old age when religion and politics were combined in the person of the King. In ancient India the Kings ruled over the people according to the injunction of the Dharma, which stood for both religion and politics. Laws fay deep in the profusion of the Sastras

In the medieval period the Christians held the Pope in semi-God status. In the Muslim world the Caliph was the Priest-King. The Dalai Lama was the head of the Theocratic state of Tibet. He was considered there as the incarnation of the Buddhist god Avalokitesvara.

Both the church and the state in their mutual rivalry used the theory of the divine origin in the medieval age. The church asserted the supremacy of the church over the state. On the other hand, the state because of its divine nature emphasized on its supremacy over the church.

The Stuart King James I claimed that he derived his authority directly from God. According to him, the King is wise and intelligent, but his subjects are wicked.

Even if the King is bad, the people have no right to rebel against him. Even in the nineteenth century the Kings of Austria, Prussia and Russia formed the Holy Alliance under the notion that they were appointed by God to rule over their people. Anyway, the European Kings took shelter under the divine origin theory in order to justify their dictatorships.

Be that as it may, during a large part of human history the state was viewed as direct divine creation and theocratic in nature. The theory was in currency so long as religion was considered to be the chief motive force of all human activities.

In the twentieth century this, theory came under criticism being an incorrect explanation of the origin of the state. With the growth of scientific outlook this theory faded into oblivion. Today’s trend is that the state is a historical growth. We shall now discuss the causes of the decline of the theory.

References

1. [*"Nigeria: Is Dual Citizenship Disqualification for Public Office?"*](http://allafrica.com/stories/200801220406.html) *All Africa. Retrieved 2012-03-18.*
2. [**^**](https://en.m.wikipedia.org/wiki/Nigerian_nationality_law#cite_ref-refworld_2-0) *United Nations High Commissioner for Refugees.* [*"Refworld | Nigeria: Copy of the Nigerian citizenship law, and information on whether a child born in Nigeria to a Rwandan mother and a Nigerian father automatically becomes a Nigerian citizen"*](http://www.refworld.org/docid/3ae6ab834.html)*. refworld.org. Retrieved 2014-02-09.*
3. [**^**](https://en.m.wikipedia.org/wiki/Nigerian_nationality_law#cite_ref-3) [*"Nigeria: Dual Citizenship And Elective Position in Country"*](http://allafrica.com/stories/201106141114.html)*. All Africa. Retrieved 2012-03-18.*
4. [**^**](https://en.m.wikipedia.org/wiki/Nigerian_nationality_law#cite_ref-4) [*"Nigeria: Dual Citizenship And Elective Position in Country"*](http://allafrica.com/stories/201007070532.html)*. All Africa. Retrieved 2012-03-18.*
5. [**^**](https://en.m.wikipedia.org/wiki/Nigerian_nationality_law#cite_ref-5) [*"Dual Citizenship: Nigeria Points the Way to a Solution for Ghana"*](http://www.ghanaweb.com/GhanaHomePage/features/artikel.php?ID=151929)*. Ghana Web. Retrieved 2012-03-18*
6. [*Citizenship Laws of the World*](https://web.archive.org/web/20030406210657/http%3A/www.opm.gov/extra/investigate/IS-01.pdf) *(PDF). Washington, D.C.: Office of Personnel Management, Investigations Service. March 2001. Archived from* [*the original*](http://www.opm.gov/EXTRA/INVESTIGATE/is-01.PDF) *(PDF) on 2003-04-06. Retrieved 2013-12-14.*
7. *De Groot, Gerard René; Vink, Maarten; Honohan, Iseult (2013).* [*"Loss of Citizenship"*](https://web.archive.org/web/20171024020321/http%3A/eudo-citizenship.eu/docs/policy_brief_loss.pdf) *(PDF). EUDO Citizenship Policy Brief (3). Archived from* [*the original*](http://eudo-citizenship.eu/docs/policy_brief_loss.pdf) *(PDF) on 2017-10-24. Retrieved 2018-06-12.*
8. *De Groot, René (2013).* [*"Survey on Rules on Loss of Nationality in International Treaties and Case Law"*](https://www.ceps.eu/publications/survey-rules-loss-nationality-international-treaties-and-case-law)*. CEPS Paper in Liberty and Security in Europe (57*

*.*