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COURSE TITLE:

ASSIGNMENT:

N.B: Don't exceed 15pages.

1. How can a Lebanese retain or lose his or her newly acquired Nigerian citizenship
2. Social Contract Theory explains the evolution of states, what other theories explain the same, and their strengths.

### **How a Lebanese can lose or retain their citizenship in Nigeria.**

The word “citizenship” is derived from the word citizen which has the Latin root 'civitas' (city, state, town, etc.). Literally, a citizen is one who dwells in a particular city, town or state.

The Longman Contemporary English Dictionary defines a citizen as "someone who lives in a particular town, country or state and has rights and responsibilities there.... Someone who belongs to a particular country, whether they are living there or not."

A citizen can be said to be a natural or legal member of a political community entitled to rights and privileges provided by the state and in turn assumes obligations he has as required law of the state.

Citizenship as a concept denotes the legal status of being a member of a particular state or country as well as one's individual response to the duties and obligations to that state or country. It involves an individual's link or relationship with the state or country in which the person is entitled to legal, social and political rights and in turn owes duties and obligations to the state, duties such as obedience to the laws, payment of taxes, defense of the state and other social responsibilities. Each country has their different ways of determining citizenship. A person may be granted citizenship on different bases. Usually based on circumstances of birth citizenship is usually automatic, but in order cases an application might be required. In Nigeria, citizenship may be gained through the following ways:

a. Citizenship by birth (jus Soli i.e. Right of Soil)

This is the case where a person automatically becomes the citizen of a state or country because he/she was born there.

b. Citizenship through Parentage (jus Sanguinis i.e. right of blood).

Here a person becomes a citizen of a state if one or both of his parents are citizens of that state. Also, a person born outside a particular country becomes a citizen of that country as long as one or both of his parents are citizens of that country. In some societies like African ethnic societies citizenship through parentage is patrilineal.

There are also presently limitations in many countries to the right of citizenship by descent to a certain number of generations with regard to those born outside the state or country.

Citizenship by parentage just as that by birth cannot be withdrawn since it is

given automatically by nature. It can also not be denied or rejected.

c. Citizenship by Marriage (jure matrimonii i.e. right of marriage).

This form of citizenship is obtained by marrying a citizen of a particular state or country. In the modern world today, form of citizenship is facing challenges in the modern because of sham or contract marriages in immigration destination countries where citizenship is for the purpose of payment and non-citizens marry citizens to assist them obtain citizenship with no intention of living as husband and wife.

In Nigeria, an alien can obtain citizenship by:

- Registration and
- Naturalization

**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 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.

**By naturalization:** This is for citizens who have entered the country lawfully and have been granted political asylum.

according to the constitution in section 28, a person who is qualified

27. (1) Subject to the provisions of section 28 of this Constitution, any 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.

(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.

(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.

(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; 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.

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.

(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 of Nigeria.

A citizenship can lose or retain their citizenship of Nigeria voluntarily or involuntarily. The citizen can contact the embassy for the necessary details and required paperwork. Submission of documents like foreign passports application form which must be signed and certified before a magistrate or commissioner for oath, citizenship certificate, national identity card and national passport. The citizen must be 18 years and above or married if below 18 (applicable to females), be of a sound mind and have no liability to the state financially or criminally.

Citizens can lose their Nigerian citizenship involuntarily if: The Registered or Naturalized citizen voluntarily acquires the citizenship of a foreign country or pledges to the oath of allegiance of a foreign country. The Naturalized citizen, before seven years of residence, is sentenced to three years imprisonment or more and also if the Registered or Naturalized citizen is convicted of acts of disloyalty to the Republic of Nigeria by committing treason or attempting to overthrow the government of the country and assisted another country to war against Nigerian. This is according to the constitution of Nigeria.

Citizenship can retain their Nigerian citizenship by being law abiding citizens, obeying the law of the state and performing their duties and obligations.

Reference: Asa, O.P (2017). *Renunciation of Citizenship*. Medium.com

Iwuagwu, Emmanuel. (2015). *The Concept of Citizenship: Its Application and Denial in the Contemporary Nigerian Society*. 8. 165-177.

Academic Research Centre: How an alien can acquire the citizenship of a nation.

### **Other theories that explains the evolution of states.**

#### **The Historical or Evolutionary theory.**

Amongst all the theories that explain the origin of state, The Historical or Evolutionary theory is considered as the most acceptable. It explains the state is the product of growth, a slow and steady evolution extending over a long period of time and ultimately shaping itself into the complex structure of a modern state. This theory is more scientific.

The state is not the handiwork of God, or the result of superior physical force, or the creation of evolution, or a mere expansion of the family. The state is not a mere artificial mechanical creation but an institution of natural growth or historical evolution as said by professor Garner.

There were a number of factors which helped the evolution of the state. They were kinship, religion, war, migration economic activities and political consciousness. The important factors which contributed to the growth of the state are: Kinship, religion, force, property and defence and political consciousness.

#### **Kinship.**

Kinship is the most important and was based upon blood relationship. It was the first strongest bond of unity. The family made up the first link in the process of the evolution of the state with

the expansion of the family arose new families and the multiplication of families led to the formation of clans and tribes. The only factor that bonded the people together was kinship. The blood bond of sonship changed imperceptibly into the social bond of the wider brotherhood. The authority of the father passes into the power of the chief once more under the aegis of kinship new forms arise which transcend it. Kinship creates society which further creates the state.

### Religion.

Religion provided the bond of unity in early society. It also affected all walks of life. The worship of a common ancestor and common gods created a sense of social solidarity. There was fear in the hearts of men as far as religion was concerned. Even today we see religious practices, affairs and faith in uniting people. In the early days a number of races are united by religion and unity was essential for the creation of state.

### Force.

Force as a factor also played an important part in the evolution of the state. The use of physical force that was responsible for the growth of kingdoms and empires.

### Property and Defence.

Property and defence played a vital role in the evolution of state in the ancient times particularly among the people who were nomads and tribals. The necessity of acquiring property by the members of society and protecting the property acquired with reference to the population also formed the state. This led to making adjustments in the social system and relationship between the members of different groups. The need to protect property ultimately compelled the ancient people to establish the state.

### Political consciousness.

The last is political consciousness arising from the fundamental needs of life for protection and order. When the people settle down on a definite territory in pursuit of their, subsistence and a desire to secure it from encroachment by others. The need for regulating things and persons is felt imminently and this is the essence of political consciousness.



Many factors helped the growth of the state. No single factor alone was responsible for its origin. Sometimes all and sometimes many of them help the process by which uncivilized society was transformed into a state. These factors can be seen as the “**strength**” of this theory. Of all the theories which seek to explain the origin of the states, the evolutionary theory is the most satisfactory. Also, theory pin-points the time at which the state originated as a consequence of many factors working in union at different times.

Reference: BrainKart.com; The Origin of State: The Historical or Evolutionary theory

