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ASSIGNMENT TITLE: how can a Lebanese retain or loose his or her newly acquired Nigerian citizenship

theory explains evolution of states. What other theories explain the sameand their strengths. social contract

Citizenship is the status of a person as recognized under the constitution of a country or a sovereign state as being a legal member of such country or state. It gives the person holding the citizenship access to all the benefits and rights stated the in the constitution of such country.

The main topic of the day is ways a Lebanese can lose or retain Nigerian citizenship but first we must know how to acquire this Nigerian citizenship.

1. Citizenship by Birth: This is for those who were born in Nigeria. Although being born in Nigeria does not automatically confer Nigerian citizenship.
* For those born in Nigeria before the date of independence, either of their parent or grandparents must belong/belonged to an indigenous Nigerian community. What is meant by indigenous community is that such person’s parent/grandparent belonged to a native tribe like Hausa, Yoruba, Igbo, Ibibio, Efik and so on.
* For those born after the date of Nigerian Independence, either of their parents or grandparents are/were citizens of Nigeria.
* For those born outside Nigeria, either of his parents is a citizen of Nigeria

Nigerian Citizenship by Registration**:** For a person who is not a citizen of Nigeria by birth, such person can become a citizen of Nigeria by registration. According to the provision of S. 26 (1) such person must satisfy the President that:

* He is of good character
* Has demonstrated a clear intention of his desire to be domiciled in Nigeria
* He has subscribed to the oath of allegiance as provided for in the seventh schedule to the Constitution.

According to the provision of S. 26 (2) only two categories of people can apply for citizenship by registration:

* Any woman who is or has been married to a Nigerian citizen.
* Any person of full age and capacity born outside Nigeria and has any of his grandparents as a Nigerian citizen.

Citizenship by Descent: This means at least one of the parents of the person is a Nigerian even if the person was born outside of Nigeria Citizenship by Registration. This type of citizenship can be obtained by any of the following persons: A foreign woman married to a Nigerian man. Anyone who is of age (17) born outside of the country whose either one or both grandparents is or was a citizen of Nigeria. A foreign child adopted by Nigerian parents.

Citizenship by Naturalization: Anyone who is of full age and has lived in Nigeria for at least fifteen years and has intentions to continue residing in Nigeria. Such person must be familiar with the customs and language of Nigeria and must be able to support himself/herself. A person who isn’t qualified to be a citizen of Nigeria by birth or by registration can still apply to be naturalised as a Nigerian citizen. To do this, such person can apply to the president for a certificate of Naturalisation. However, according to the provisions of S. 27 (2) (a) – (g) such person must satisfy the president that:

1. He is of full age and capacity
2. He is of good character
3. He has demonstrated a clear intention to be domiciled in Nigeria.
4. He is, in the opinion of the governor in the state where he intends to reside, acceptable to the local community and has assimilated into the way of life of such community.
5. He is a person who has made or is capable of contributing to the progress, wellbeing and development of Nigeria.
6. He has subscribed to the oath of allegiance as contained in the seventh schedule of the constitution.
7. He has lived in Nigeria for a period not less than 15 years immediately preceding the date of his application to be naturalised or he has resided in Nigeria continuously for a period of 12 months preceding the application and has in the past 20 years preceding the 12 months resided for an aggregate period that is not less than 15 years.

It should be noted that according to the provision of S. 307 of the 1999 Constitution, a citizen by naturalisation or registration cannot hold an elective or appointive post till a period of ten years have elapsed after acquiring his citizenship.

There are three general ways of acquiring citizenship in Nigeria: By Birth, By Registration, and By Naturalization. The provisions for obtaining Nigerian citizenship are stated in Chapter 3 of the Constitution of the Federal Republic of Nigeria 1999 known as the Nigerian Citizenship Act. By birth Section 25

(1) The following persons are citizens of Nigeria 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 Section 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 Section 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 naturalization.

(2) No person shall be qualified to apply for the grant of a certificate or naturalization, 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. Now you know the basic things about the citizenship in our country and found out about how to obtain Nigerian citizenship. The Nigerian Nationality Law allows a person of Nigerian descent to hold dual nationality and to hold public office in the country.

Ways one can loose Nigerian citizenship

* **Nigerian immigration authorities revoke the person’s naturalized citizenship.** Called “denaturalization,” this will happen only if you obtained your citizenship illegally in the first place, through fraud or concealment of a material fact, or willful misrepresentation. Efforts at denaturalization are rare, though they increased under the Trump administration.
* **The person does something that falls under Nigeria’s “loss of nationality” statute.** An important thing to notice about this statute is that it contains some wiggle room: The person who performs the relevant act must do so “with the intention of relinquishing United States nationality” in order to lose citizenship. Here’s what the statute lists as acts that might result in loss of Nigerian nationality:
	+ **Becoming a naturalized citizen of another country after age 18.** If you are a citizen of another country by birth rather than naturalization, this won’t apply to you. (And in any case, there’s that “intention” element of the statute; the very reason that many people can become dual citizens of the Nigeria and another country.)
	+ **Joining the military of a foreign state.** If you enter or serve in the armed forces of a foreign state and either those armed forces are engaged in hostilities against Nigeria or you serve as an officer (commissioned or non-commissioned), you may be found to have relinquished your Nigerian citizenship.
	+ **Joining the government of a foreign state.** If you accept, serve in, or perform the duties of any office, post, or employment under the government of a foreign state or one of its political subdivisions (after age 18), and you either acquire that state’s nationality or take a required oath, affirmation, or declaration of allegiance to it, you may be found to have relinquished your Nigerian citizenship.
	+ **Performing some act to intentionally give up citizenship.** For example, some people file a formal oath of renunciation. They may perhaps because they wish to live in another country, and that country does not permit dual citizenship. (Renunciation has also been in the news lately as some wealthy people have used it as a way to stop paying taxes they owe in Nigeria)
	+ **Committing treason or other acts against the Nigerian government.** Not surprisingly, trying or conspiring to do things like overthrow, bear arms against, or make war on the Nigeria can result in a finding that you have given up your Nigerian citizenship.

**Other ways Deprivation or loss of Citizenship can happen in Nigeria:**

 The Nigerian President can deprive a naturalised citizen of his Nigerian citizenship if such person bags an imprisonment of three years or more within a period of seven years after he was naturalised.

The President can also deprive a registered or naturalised citizen of Nigeria of his citizenship if he is considered to be disloyal to the Federal Republic of Nigeria. This consideration would be based on his acts or speech or after due enquiry by the President in a manner stated in the regulations. Please note that the act or speech must relate to what he did or said from the records of proceedings of a court of law or tribunal established by law**.**

Also, the President may deprive a citizen by registration or naturalisation of his citizenship if he trades with the enemy of Nigeria during the period of war in which Nigeria is physically involved or conducts business that is against the interest of Nigeria. This applies to both registration and naturalisation.

Note finally that the president has the power to make regulations that are not inconsistent with the provision of the Constitution regarding the citizenship and the status of anybody subject to the rules of citizenship**.** The law requires that whatever regulations made by the president in respect of citizenship shall be laid before the National Assembly.

**Renunciation of Citizenship**

A Nigerian who is of full age can renounce his/her citizenship by applying to the president for such. The President would register the application, upon which the applicant ceases to be a Nigerian citizen. However the President can reject such application if it is made during a war in which Nigeria is physically involved or it is contrary to public policy.

For the purpose of renunciation of Nigerian citizenship, S. 29 (4) of the Constitution provides that anyone who is at or above 18 years or is a married woman is qualified to renounce his/her citizenship.

#### Ways a Lebanese can retain his or her Nigerian citizenship

#### one can retain their citizenship if they do not break any of the rules above or do anything that could cause the loss of their Nigerian citizenship. But one can retain both citizenship if allowed by the different countries is dual citizenship.

Dual citizenship: A person who is a citizen of Nigeria by birth can be a citizen of another country in conjunction with his Nigerian citizenship. However, a person who is a citizen by naturalisation or registration cannot acquire another citizenship except if that other citizenship is one by birth.

It should be noted that Nigerian citizenship by naturalisation or registration would not take effect until the applicant renounces his citizenship of any other country within 12 months after registration or grant of a certificate of naturalisation. However, this would not apply if the citizenship of the other country is one that is gotten by birth. Dual citizen ship can enable a Lebanese man hold both his citizenship and that of Nigeria

**social contract Theory explains evolution of states. What other theories explain the same and their strengths**

The Origin of the State: Political thinkers and philosophers have tried and attempted to trace out and explain the origin of the state in various methods, according to the nature and the social condition prevailed at the time of their thinking. However, there is no valid answer to “what is the origin of the state”? There were many contradictions in the thesis on what the origin of States. Nowhere in the history has it been recorded when the state came into existence. There were various beliefs regarding the origin of the state, some believe that the origin of the state lie in the hands of God whereas others believe that they are based on social contract and some trust on single force, the family or the process of evolution. The research anthropology ethnology and comparative philosophy had tried to focus on the origin of the state but it was not adequate. The theories are

1. The theory of Divine Origin

2. Social Contract Theory

3. Matriarchal and Patriarchal Theory

4. Force Theory

The other theories that explain the evolution of state;

The theory of Divine Origin

 This is the oldest theory among the origin of the state. It stated about the right of

kings. The formal statement of this theory is that the state has been established by and ordinates of God; its rulers divinely appointed; they are accountable to no authority but God, as described in Bible. The combination of earlier rulers where of priest and king or the magic man and king. According to MacIver, the magic man was priest and king. All are combined as one. In the epic Mahabarath, it is recorded God appointed Manu to rule the people as per their request to protect them. James in his work “The Law of Free Monarchies”, kings are justly called God, for they exercise a manner of resemblance of divine power on earth, King are accountable to God only. The people cannot question him for the right or wrong done by him. James has stated the following rights of the king in Law of free Monarchies:

i. Monarchy is divinely oriented.

ii. Hereditary right is indispensable

iii. Kings are accountable for God alone.

iv. Resistance to lawful king is sin.

 This theory has supporters only among the religious people. It has been nullified for being unhistorical, irrational and unscientific. Its merit was a powerful factor in preserving order and strengthening the respect of man, property and government and it reveals itself in the political organization.

Force Theory: The exponents of the force theory were of the view that the origin of state and its development was based on force, that is, force used by the strong over the weak and their consequent control over them. In such a way, wherever the strong group out did the weak the strong became the master and ruled the weak. The strong group became vested with ruling power and the federated were made their subjects. According to the Jenks “Historically, there is not even the slightest difficulty in proving that all political communities of the modern type owe their existence to the successful warfare”. The warring clans and tribes established their authority in a definite territory. Their chief became the ruler on the basis of his physical force. The state is born out of force. Exist in force and die in the absence of force. According to Bluntschli, force is an indispensable element of the organization of the state. In the two world wars, Great Britain defended its territory against the Nazi forces only with the military power. Further, the Russian military power stopped the aggression of the German forces. Merit and Demerit: The force theory is scientific; its application could be seen through the historical incidents. Herbert Spencer’s doctrine of the “Survival of the Fittest” proves and upholds the theory. Through “blood and iron” some greatest states have been established. In practice, this theory is very dangerous. It is endangering the peace and security of the world. The very basis of this theory was direction to the states towards preparation of war, war is known for destruction and killing of mankind and suppressing the moral forces. The theory justifies despotism. It is against the freedom of small nations, international peace and amity. International law rejects this theory. Interstate relations cannot be based on force. Force ceases only to be the basis of the state which does not stand on solid foundation.

Patriarchal Theory:

Family is the foremost constituent of society as it is the oldest of all human institutions and playing important role in the evolution of state. Aristotle says, “The state is the natural expansion of the family”. According to Leacock “First, the house hold, then patriarchal family, then, the tribe or persons of kindred decent and family nation – so emerged the social series created on this basis”. Sir Henry Maine (1822 – 88) the chief supporter of the Patriarchal theory has stated, “the elementary group in the family, connected by common subjection to the highest male ascendant: the aggression of families form gents or house: the aggression of house make the tribe – the aggression of tribes consist the common wealth”. In brief, state is the extension of family, the head of the state is the father; people consist of his children. To strengthen his view, he cited the examples from ‘Old Testament’, the Brotherhoods of Athens, the Patria Protesters of Rome, and the Indian joint family system, further he added, “the eldest male parent – the oldest ascendant was absolutely supreme in his house hold and his domination extended to life and death and was as unqualified master for his children and their houses, so for his wives”. Thus, the Patriarchal theory was established on the principle of three features

i. Male kinship ii. Permanent Marriage iii. Paternal authority

 Criticism and value: Mc Herman, Morgan and Jenks condoned the patriarchal theory on the ground that Matriarchal families are prior to patriarchal families, that is, the process by which the families develop from clans into tribes. (According to Maine’s concept, ‘however the tribe in their earliest and the primary groups and then comes the clan and finally comes the family, finally, family and state are separate’). It is wrong to indicate that one develops with the help of other. The theory emphasized that the primitive society and family are not the origins of the state. However, it has the merit on the ground as the theory emphasized the element kinship in making the origin of the state.

 Matriarchal Theory:

 The fundamental idea of Matriarchal theory is that “maternity is a fact; paternity is a fiction”. According to this theory in the primitive society, there exist Matriarchal groups or hordes. The kinship could be traced only through mother and there was no common male head. Chief exponents of the theory are Mc Herman, Morgan and Jenks. In their publications, “Primitive Society” (1866), “Studies in ancient society” (1877), “A history of politics” (1900) have described the Matriarchal theory43. According to them, Matriarchal system was prior to patriarchal system. There was no male head kinship was found out through mother (and mother to daughter). There was no permanent institution of marriage. The permanent form of marriage was association of polyandry; women had more than one husband. Therefore, in this kind of society the kinship was traced through women and not in men. In this system children belong to the clan of their mother. After the mother’s death, the elder daughter takes over the property. To support their idea, they had chosen the similar system existing in Australia, Malaya, Bangladesh and Malabar. According to them, ‘family leads to the formation of gens and gens to that of tribes, the expansion of tribes to village, expansion of village to state’.