

# Immigration and Refugee Board of Canada

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> Responses to Information Requests

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## Responses to Information Requests

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Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

20 June 2017

### **SOM105830.E**

Somalia: Information on circumstances under which the Somali government would cancel a passport; whether a passport holder can request a cancellation themselves; whether passport cancellation indicates revocation of citizenship (2013-June 2017)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### **1. Authority to Cancel Passports**

According to the website of the Somali Immigration and Naturalization Directorate (IND), the IND is "the sole agency responsible for the issuance and protection of the Somali Passports" (Somalia n.d.). In correspondence with the Research Directorate, a lawyer from Mogadishu Law Office [1] similarly stated that the IND is the agency responsible for the issuance and cancellation of passports (Lawyer 19 June 2017).

According to the same source,

Embassies of Somalia also have the ability to accept new or renewal passport applications, however, processing of either application is performed in Somalia. The decision to cancel an existing passport would not be considered directly by Embassy personnel, that decision would be made directly within the government in Somalia. (Lawyer 19 June 2017)

In correspondence with the Research Directorate, a legal advisor at the IND in Mogadishu stated, without providing further details, that "all Somali embassies and consulates follow the same set of rules regarding the issuance and cancellation of passports as the IND in Mogadishu" (Somalia 18 June 2017).

#### **2. Circumstances under which Somali Government Cancels Passports Court Order**

##### **2.1 The IND legal advisor provided the following information regarding the cancellation of passports:**

In Somalia, only the courts have the authority to cancel passports and the [IND] is the institution that executes the court order with regards to passport cancellation.

Some of the reasons a passport might be cancelled include the following:

- a. If an individual has a pending case in court which is liable for punishment.
- b. If the courts prove that an individual is guilty of treason.
- c. If there is a proven case in the courts that an individual will commit a terrorist act in Somalia or outside of Somalia. (Somalia 18 June 2017)

Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 2.2. Administrative Reasons

According to the lawyer, citizens can request that their passport be cancelled, "however, approval will be granted by the [IND]" (Lawyer 19 June 2017). The IND legal advisor stated that the IND would cancel a passport if the passport holder reported it damaged, lost or stolen, after which a new passport would be issued (Somalia 18 June 2017). The same source further stated that a person may request that their passport be cancelled if their name is misspelled "or there is any other error in their passport" (Somalia 18 June 2017).

The legal advisor explained that as of 2012, the IND began issuing new versions of passports and that "anyone who had old versions had the right to exchange [them] for new versions. All old versions were cancelled and taken away by the IND" (Somalia 18 June 2016). The lawyer stated that passports issued before December 2013 are considered invalid and therefore cancelled, and added that "in the case of a pre-2013 passport, the individual merely applies for a new passport either within Mogadishu ... or at an Embassy abroad" (Lawyer 19 June 2016).

The IND website provides samples of covers of cancelled and new passports, images of which are attached to this Response (Attachment 1). The IND legal advisor confirmed that the samples of old passports on the IND website refer to documents that were cancelled as of 2012 (Somalia 18 June 2017). For information on the introduction of new versions of passports in Somalia, see Response to Information Request SOM105248 of 17 March 2016.

## 3. Cancellation of Passport and Loss of Citizenship

The IND legal advisor stated that "the cancellation of a passport does not mean revocation of citizenship" (Somalia 18 June 2017). Similarly, according to the lawyer, "cancellation of a passport, particularly of one issued prior to December 2013, does not mean a revocation of citizenship" (Lawyer 19 June 2017). However, the IND legal advisor further specified that if a person renounced or was deprived of their citizenship, then their passport would be "cancelled automatically" (Somalia 18 June 2017). The lawyer stated that a passport could be cancelled if a person was deprived of their citizenship based on Art. 11 of the Somali Citizenship Law ("Unworthiness"), but that he was not aware of any case when the article was applied (Lawyer 19 June 2017). Article 11 of the *Law No. 28 of 22 December 1962 - Somali Citizenship* states the following:

1. Any person who has acquired Somali citizenship by grant may be deprived of his Somali citizenship b [sic] reason of unworthiness:
  - a. where the decree granting citizenship has been obtained with fraud, false representation or the concealment of any material fact;
  - b. where the person concerned has been sentenced to imprisonment for a term not less than five years for a crime against the personality of the Somali State.
2. The decree depriving a person of his Somali citizenship shall be issued in the same manner prescribed for the decree granting citizenship.
3. Deprivation of citizenship acquired by grant shall not extend to the wife and minor children of the person concerned. (Somalia 1962)

## 4. Other Information

According to the IND legal advisor, the IND does not return cancelled passports to their holders and the reason for the cancellation is not marked in the passport (Somalia 18 June 2017). The lawyer similarly stated that cancelled passports, including old and new versions of passports cancelled during the renewal process at Somali embassies, would not "normally" be returned to their holders (Lawyer 19 June 2017).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

### Note

[1] The Mogadishu Law Office is a Mogadishu-based law firm which specializes in commercial disputes, foreign trade and investment, and civil and criminal litigation, among other fields of practice (Mogadishu Law Office n.d.).

## References

Lawyer, Mogadishu Law Office, Mogadishu. 19 June 2017. Correspondence with the Research Directorate.

Mogadishu Law Office. N.d. "[Practice Areas](#)." [Accessed 20 June 2017]

Somalia. 18 June 2017. Immigration and Naturalization Directorate. Correspondence from a Legal Advisor to the Research Directorate.

Somalia. 1962. [Law No. 28 of 22 December 1962 - Somali Citizenship](#). [Accessed 20 June 2017]

Somalia. N.d. Immigration and Naturalization Directorate. "[Somali Passports](#)." [Accessed 16 June 2017]

## Additional Sources Consulted

**Oral sources:** Altai Consulting; Law office in Minneapolis, MN; Legal Action Worldwide in Kenya; Legal Aid Clinic Center, Puntland State University; ResearchCare Africa; Somalia – Consulates General in Dubai and Jeddah, Embassies in Abu Dhabi, Ankara, Berlin, London, Nairobi, Paris, Pretoria, Washington DC.

**Internet sites, including:** African Legal Information Institute; African News Agency; Citizenship Rights in Africa Initiative; ecoinet; European Migration Network; European Union – Public Register of Authentic Travel and Identity Documents Online; Garowe Online; HID Global; Hiiraan Online; International Centre for Migration Policy Development; IRIN News; Keesing's Document Checker; Radio Mogadishu; Regional Mixed Migration Secretariat; Somalia – Embassy in Brussels, Ministry of Justice, Somali National News Agency; UN – Refworld, Reliefweb; US – Department of State.

## Attachment

Somalia. N.d. [Immigration and Naturalization Directorate](#). "[Somali Passports](#)." [Accessed 15 June 2017]

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