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Nigeria: The rules and procedures for a non-Nigerian wife of a Nigerian citizen to acquire Nigerian citizenship, in particular how Nigerian authorities interpret articles 26 and 28 of the Constitution and the meaning of "a person of good character"; the rules and procedures for granting special immigrant status with full residential rights to a non-Nigerian spouse of a Nigerian citizen

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Article 26 of the Constitution of the Federal Republic of Nigeria states:

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;
- (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
- (b) every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria. (Nigeria 1999)

Article 28 states:

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.

(2) Any registration of a person as a citizen of Nigeria or the grant of a certificate of naturalisation to a person who is a citizen of a country other than Nigeria at the time of such registration or grant shall, if he is not a citizen by birth of that other country, be conditional upon effective renunciation of the citizenship or nationality of that other country within a period of not more than five months from the date of such registration or grant. (ibid.)

Information about how these Articles are interpreted by authorities was scarce among the sources consulted by the Research Directorate. However, a Nigerian lawyer who specializes in constitutional law and teaches at the University of Ibadan's Faculty

of Law provided information in 7 June 2010 correspondence with the Research Directorate. He worked from 1989 to 1990 as an Assistant Legal Advisor in the Ministry of Internal Affairs, the department responsible for citizenship (Nigerian Lawyer 7 June 2010). The Nigerian Lawyer stated:

[T]he requirement of 'good character' is ascertained by a careful review of the following reports, among others:

- (a) Report of the Nigeria Police Force (The State Command)
- (b) Report of the State Security Service
- (c) Report of the community where the applicant is residing. Social clubs, professional organisations and religious groups the applicant belongs to may also forward letters of recommendation on the applicant's conduct. (ibid.)

With respect to legal regulations for obtaining citizenship, the Nigerian Lawyer wrote:

The Constitution of the Federal Republic of Nigeria 1999 is the primary source of Nigerian law of citizenship and most legal writers do not look beyond its provisions in their treatment of citizenship law. (ibid.)

In addition, Article 32 of Nigeria's Constitution makes reference to regulations pertaining to citizenship, as follows:

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. (Nigeria 1999)

However, the Nigerian Lawyer stated, "[t]o the best of my knowledge the President has not made regulations on the issues referred to in Section 32 of the 1999 Nigerian Constitution" (7 June 2010).

With respect to procedures for obtaining citizenship, however, a Nigerian government document indicates that foreign women who have married Nigerian men must provide the following documentation in order to apply for citizenship:

Formal letter of request from Nigerian husband accepting Immigration Responsibility.

Formal letter of request from the wife.

Photocopies of the first five (5) pages of husband's Nigeria Standard passport.

Photocopy of marriage Certificate

Duly completed form IMM22 in triplicate copies with three (3) recent passport photographs

Applicant's National Passport. (Nigeria n.d.)

The same source indicates that Special Immigrant Status (SIS) applies specifically to foreign men who are married to Nigerian women (ibid.). A document published by the Nigerian-German Business Group (NGBD) - a group that focuses on

trading relationships between Nigeria and Germany (NGBD n.d.a) - corroborates this information (ibid. n.d.b).

In contrast, an article from the *Daily Trust* reports that foreign women married to Nigerian men have applied to the federal government to obtain SIS (28 Nov. 2007). The article quotes a representative of Nigerwives - an association of foreign women married to Nigerians (Nigerwives n.d.) - who states that the government has delayed granting SIS to the association's members (*Daily Trust* 28 Nov. 2007). The Nigerwives representative is further quoted as saying that without SIS, women lack "some privileges" and must pay "a huge sum for visas or resident permits" - even though they have permanently settled in the country (ibid.). A Nigerian government official is quoted as saying that temporary resident permits (TRP), which are renewable every two years, are granted to "foreigners" in lieu of SIS (ibid.). Further or corroborating information could not be found among the sources consulted by the Research Directorate

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.

References

Daily Trust [Abuja, Nigeria]. 28 November 2007. Lawal Ibrahim. "Nigerwives Decry Immigrant Status' Delay." (Factiva)

Nigeria. 1999. Constitution of the Federal Republic of Nigeria. <www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> [Accessed 2 June 2010]

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The Nigerian-German Business Group (NGBG). N.d.a. "The Group." <http://www.ngbg.de/index.php?option=com_content&task=blogcategory&id=14&Itemid=137> [Accessed 10 June 2010]

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Nigerian Lawyer, University of Ibadan, Nigeria. 7 June 2010. Correspondence with the Research Directorate.

Nigerwives. N.d. "About Us." <<http://www.nigerwivesnigeria.com/aboutus.htm>> [Accessed 10 June 2010]

Additional Sources Consulted

Oral sources: representatives from the Embassy of Nigeria in Washington, the International Centre for Nigerian Law, the Nigerian High Commission in Ottawa, the Nigerian Lawyers Association [New York] and York University were unable to provide information within the time constraints of this Response.

Publications, including: *Journal of Pan-African Studies, Struggles for Citizenship in Africa*.

Internet sites, including: African Centre for Advocacy and Human Development (ACAHD), Harvard University, International Institute for Democracy and Electoral Assistance (IDEA), The National Assembly of Nigeria, New York University, the Nigerian High Commission in Ottawa.

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