

Immigration and Refugee Board of Canada

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Responses to Information Requests

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.

27 April 2007

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Senegal: Citizenship laws, including methods by which a person may obtain citizenship; whether dual citizenship is recognized and, if so, how it is acquired; process for renouncing citizenship and related documents; grounds for withdrawing an individual's citizenship
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

In a 28 November 2006 telephone interview, the head of consular affairs for the Embassy of the Republic of Senegal in Ottawa stated that an amended version of Law No. 61-70 of 7 March 1961 determining Senegalese nationality was currently in force (Senegal 28 Nov. 2006). In a 27 April 2007 telephone interview, the first counsellor of the Embassy of the Republic of Senegal in Ottawa further indicated that no amendments to this law have been made since 1990 (ibid. 27 April 2007).

An complete but unofficial French version of Law No. 61-70 of 7 March 1961 determining Senegalese nationality, including the various amendments made until 1990, is currently available on the Web site of the Office of the United Nations High Commissioner for Refugees (UNHCR); Articles 22 to 27 are not included in this response.

[Translation]

TITLE I: Senegalese nationality by birth

Article 1

Any individual born in Senegal of an ascendant in the first degree who was born in Senegal is Senegalese.

A person whose ordinary residence is in the territory of the Republic of Senegal and who has always been Senegalese by apparent status shall be deemed to have met these two conditions.

Apparent status, in the meaning of the preceding paragraph, consists, for the person who claims it:

1°) in continually and publicly behaving like a Senegalese;

2°) in being continually and publicly treated as such by the Senegalese population and authorities.

Individuals to whom a foreign nationality is automatically attributed by the law of the country of which their parents are nationals shall be excluded from the benefit of the provisions in this article (Law no. 79-01 of 4 January 1979).

Article 2

The provisions of the preceding article shall not apply to children born in Senegal of diplomatic or consular agents of foreign nationality.

The Government may oppose by decree the application of these same provisions to a person who had a foreign nationality at birth and who kept it. The opposition must take place no later than one year from the date when the certificate of Senegalese nationality was delivered to the person concerned; this person shall then be deemed to have never had this nationality (Law no. 70-31 of 13 October 1970).

Article 3

A newborn child who is found in Senegal and whose parents are unknown is Senegalese.

The child however shall cease to be Senegalese if, while a minor, the child's filiation with an alien is established and if the child has the alien's nationality pursuant to the legislation of the alien's country.

Article 4

At all times, for determining what constitutes Senegalese territory, the modifications resulting from acts of the Senegalese government and from international treaties shall be taken into account.

Article 5

A person is Senegalese if that person is

1°) a legitimate child of a Senegalese father;

2°) a legitimate child of a Senegalese mother and a father with no nationality or of unknown nationality;

3°) an illegitimate child of a Senegalese who was the first parent with whom filiation was established; or

4°) an illegitimate child of a Senegalese who was the second parent with whom filiation was established, if the other parent is without nationality or of unknown nationality.

Article 6 (Law no. 79-01 of 4 February 1979)

Filiation shall have no effect on nationality unless it is established under the conditions determined in Book III of the Family Code.

"The age of majority for the purposes of this law shall be the one established in article 276, paragraph 1 of the said Code."

TITLE II : Acquisition of Senegalese nationality

Section I: By marriage

Article 7 (Law no. 89-42 of 26 December 1989)

A foreign woman who marries a Senegalese man acquires Senegalese nationality at the time of the celebration or the recognition of the marriage, subject to the Government's opposition thereto by decree within a period of one year starting from the date established in paragraph 3 of this article.

In the case of opposition by the Government, the woman concerned shall be deemed to have never had Senegalese nationality.

The period within which opposition is allowed shall start on the day when the woman concerned requests from the Ministry of Justice the document attesting that she has not used her option to decline Senegalese nationality.

Article 7 b (Law no. 89-42 of 26 December 1989)

The marriage shall not produce the above effect unless the certificate is registered in the marriage registry by the civil status officer who celebrated or recognized it. If the marriage is celebrated abroad in the local manner, it shall not produce the above effect unless the document recognizing it is transcribed in the civil status registry by the diplomatic or consular agent under whose jurisdiction the celebration took place.

However, if personal law allows her to keep her nationality, the woman shall have the option, prior to the celebration or the recognition of the marriage, of declining Senegalese nationality.

If the marriage is celebrated or recognized in Senegal, this option must be exercised before the president of the Departmental Court under whose jurisdiction the marriage is to be celebrated or recognized.

If the marriage is celebrated or recognized abroad, this option must be exercised before the Senegalese diplomatic or consular agents of the country.

The above-mentioned authorities shall immediately notify the Ministry of Justice.

SECTION II: Acquisition of Senegalese nationality through filiation

Article 8 (Law no. 89-42 of 26 December 1989)

1°) A legitimate child born of a Senegalese mother and a father of foreign nationality; or

2°) an illegitimate child of a Senegalese who was the second parent with whom filiation was established, if the other parent is of foreign nationality,

may opt for Senegalese nationality from the age of 18 years until reaching the age of 25 years.

The option provided in this article must be exercised by declaration before the President of the Departmental Court in the jurisdiction in which the declarant resides.

If the declarant is abroad, the declaration must be made before Senegalese consular agents.

At the request of the President of the Departmental Court or of the consular agents, this declaration shall be registered with the Ministry of Justice.

Article 9

A natural legitimate child acquires Senegalese nationality while a minor if the child's father is Senegalese.

A child who has been adopted by plenary adoption acquires Senegalese nationality if the adopting parent or, in the case of a joint adoption, the adopting father, is Senegalese (Law no. 79-01 of 4 January 1979).

Article 10

1°) A legitimate minor child whose father or widowed mother acquires Senegalese nationality; or

2°) an illegitimate minor child, if the child's first parent with whom filiation was established, or, where applicable, the surviving parent, acquires Senegalese nationality (Law no. 79-01 of 4 January 1979),

shall become Senegalese as of right, on the same basis as the child's parents, provided that the filiation is established pursuant to chapter I of Book III of the Family Code.

These provisions shall not apply to a married minor child.

SECTION III: Acquisition of Senegalese nationality by government decision

Article 11

Senegalese nationality is granted by decree upon application by the party concerned after an investigation.

If the decree is not issued within one year following the application, the application shall be considered to have been rejected.

A formal or implied rejection of the application for naturalization is not subject to appeal.

Article 12 (Law no. 79-01 of 4 January 1979)

No one can be naturalized who does not ordinarily reside in Senegal at the time of filing the application and who has not previously lived there for at least ten years.

The residency requirement shall be reduced to five years for those who are married to a Senegalese woman, who have served for five years in a Senegalese public institution or administration, who have rendered important services to Senegal or whose naturalization is of exceptional value to Senegal.

Ordinary residence is understood as permanent settlement on the territory of the Republic without the intention of later settlement in another State.

For the purposes of the previous paragraph, a stay outside of Senegal by a foreigner exercising a private or public professional activity on behalf of the Senegalese state or of an organization whose activity is beneficial to the Senegalese economy or culture is equivalent to residence in Senegal.

The criteria used for determining the important services or the exceptional value mentioned in paragraph 2 above include the contribution of distinguished artistic, scientific, literary and athletic talents, the introduction of useful industries or inventions, the creation of industrial or commercial establishments or agricultural businesses and, generally speaking, any activity apt to contribute to the country's economic and social development and create jobs. (Law of 26 December 1989).

Article 13

No one can be naturalized who is not of good character or who has been convicted of a non-political offence and given a custodial sentence

not erased by a pardon.

Sentences rendered abroad may be excluded from consideration, in which case the naturalization decree shall require the approval of the Supreme Court.

No person can be naturalized:

1°) who is not deemed to be of sound mind;

2°) who is deemed to be, as a result of his or her state of physical health, a burden or a danger to the community.

The provisions of this article shall not be applied to foreigners who contracted their infirmity or illness while in the service of Senegal or its interests.

Naturalization, in this case, can only be granted on a report from the Justice Minister following consultation with the Supreme Court.

Article 14

A foreigner under an expulsion order cannot be naturalized unless the order has been revoked.

A minor cannot apply to be naturalized before reaching the age of 18. The application does not require any authorization.

Article 16 (Law no. 89-42 of 26 December 1989)

An individual who acquires Senegalese nationality shall, starting from the date the nationality is acquired, have all the rights attached to Senegalese nationality, subject to the following limitations:

1°) During a period of ten years from the naturalization decree, the individual shall not:

be vested with any elective office or duty for which Senegalese status is required; or

be appointed to the Senegalese public service or a ministerial office.

For a period of five years from the naturalization decree, the individual shall not practise a profession for which Senegalese nationality or prior ministerial authorization is required (Law no. 84-10 of 4 January 1984).

2°) Notwithstanding, a naturalized person who has rendered or who is apt to render important services to Senegal or whose naturalization is of exceptional value for Senegal within the meaning of article 12, paragraph 5, may be exempted from the above-mentioned limitations by a decree issued on the recommendation of the minister concerned.

In the case of a profession for which Senegalese nationality is required, individuals shall be exempted as of right from the provision preventing them from practising that profession if, at the time of their naturalization, they were nationals of a state that, by virtue of an international convention, granted Senegalese nationals the possibility of exercising that profession without restriction.

Article 16 b (Law no. 84-10 of 4 January 1984)

Senegalese nationality acquired by a decision of the government is incompatible with any other allegiance.

Article 17

The Treasury shall charge a notary fee for each naturalization.

TITLE III: Loss and divestiture of Senegalese nationality

Article 18

A Senegalese of majority age who voluntarily acquires a foreign nationality loses Senegalese nationality.

However, for a period of fifteen years from either incorporation in the active army or, in the case of exemption from active service, registration on the enumeration lists, loss of Senegalese nationality is subject to authorization by the Government.

This authorization is granted by decree. The following do not require this authorization:

1°) those exempt from military service;

2°) recipients of a permanent discharge;

3°) all men, even draft evaders, after the age when they become totally free of military service obligations, pursuant to the law on army recruitment.

Article 19

A Senegalese person with a foreign nationality, even a minor, may apply for authorization to renounce Senegalese nationality. This authorization is granted by decree.

Article 20

A Senegalese woman who marries a foreigner shall lose Senegalese nationality only if she makes an express declaration to that effect before the celebration or the recognition of the marriage (Law no. 79-01 of 4 January 1979).

This declaration shall be valid only if she can obtain her husband's nationality.

In such a case, the procedure provided by article 8 of this law shall be applicable.

Article 21 (Law no. 79-01 of 4 January 1979)

During a period of fifteen years from the acquisition of Senegalese nationality, an individual who

1°) is convicted in Senegal for an act qualified as a crime against the security of the State; or

2°) is convicted in Senegal or abroad for an act qualified by Senegalese law as a crime or non-political offence, sentenced to more than three years imprisonment and does not obtain a pardon that erases the conviction (Law of 14 December 1989) [...]; or

3°) commits acts or behaves in ways that are incompatible with being Senegalese or harmful to the interests of Senegal

may be divested of Senegalese nationality.

The divestiture shall be pronounced by decree and shall not be extended to minor children unless it is also extended to the wife.

Article 21 b (Law no. 89-42 of 26 December 1989)

A Senegalese who behaves like a national of a foreign country and has the nationality of that country may be declared by decree to have lost Senegalese nationality.

In such a case, that person shall be freed from allegiance to Senegal on the date the decree is issued.

[...]

TITLE VI: Transitional provisions

Article 28

If, while not meeting the conditions provided in article 1 of this law, they definitively establish their residence on the territory of the Republic of Senegal, the following may opt for Senegalese nationality:

1°) members of the Government of Senegal; and

2°) members of the National Assembly, members of the regional assemblies and municipal councillors.

The definitive establishment of residence is recognized by a declaration made before the judge of the place of residence.

This option must be exercised within a period of one month from the coming into force of this law, either by declaration before the judge of the jurisdiction in which the declarant resides or, failing that, before the president of the Court of Dakar.

This declaration shall be communicated by the judge or the president of the Court of Dakar to the Ministry of Justice, which shall register it.

Article 29

1°) Any person who is a native of one of the states of the former groups of territories of French West Africa or French Equatorial Africa, or a native of Togo, Cameroon or Madagascar, and who, on the date of coming into force of this law, had his or her ordinary residence in Senegal (Law of 7 March 1961); and

2°) any person married to a Senegalese woman for 5 years

can opt for Senegalese nationality.

The same option is open to natives of territories bordering Senegal.

"Bordering territories" means:

1°) the states or territories sharing a border with Senegal; and

2°) the states or territories not separated from Senegal by any other state or territory and which are less than 400 miles from Senegal.

Article 30

The options provided in the preceding article must be exercised within three months from the coming into force of this law.

This must be done by declaration before the Departmental Court in the jurisdiction in which the declarant resides.

To be valid, the declaration must be registered at the Ministry of Justice.

The Government can, within one year from the date the option is exercised, and after obtaining any required information, oppose by decree the acquisition of Senegalese nationality.

This decision, which must be notified to the party concerned no later than one month after the one-year deadline provided in the preceding paragraph, is not subject to appeal except in the case of failure to meet deadlines.

Article 31

Individuals who acquire Senegalese nationality either by the automatic effect of this law or by the options provided in it shall be deemed to have had Senegalese nationality from birth.

This provision shall not affect the validity of transactions previously concluded by the party concerned and his or her dependents nor their rights acquired on the grounds of previous laws.

Article 32

For the purposes of articles 5, 6, 9 and 10 of this law, the ascendants in the first degree who were dead at the enactment of this law and who met the conditions provided in article 1 while still alive shall be deemed to have had Senegalese nationality.

Article 33

A foreign woman who has married a Senegalese man and who wishes to keep the nationality that her personal law permits her to keep, has the option of making such a declaration within one year from the coming into force of this law.

This declaration shall be processed in the manner provided in article 8.

Article 34

A Senegalese woman who has married a foreigner whose national law permits the woman to take the nationality of her husband, can, if she wishes, acquire this nationality and renounce her Senegalese nationality in the manner and time provided in the preceding article.

This law shall be enacted as a law of the state.

Dated at Dakar, 7 March 1961 (Senegal 7 Mar. 1961)

The procedures for renouncing Senegalese nationality are described as follows on the Web site of the Senegalese Ministry of Foreign Affairs (ministère des Affaires étrangères):

[translation]

Permission to renounce Senegalese nationality may be granted to any Senegalese citizen who marries a foreigner whose national legislation allows the Senegalese citizen to assume the spouse's nationality but requires the Senegalese citizen to renounce his or her original nationality.

Who may apply for renunciation of Senegalese nationality?

Any Senegalese citizen who marries a foreigner whose national laws allow the Senegalese citizen to assume the spouse's nationality but require the Senegalese citizen to renounce his or her original nationality.

What documents must be presented?

- An application addressed to the Minister of Justice (ministre de la Justice)
- A certificate of nationality from the adopted country
- The spouse's certificate of nationality
- A copy of the certificate of nationality

What is the processing time?

One month.

How much does it cost?

This process is free.

What do I do in the event of loss or theft?

You can apply for a duplicate by presenting a certificate of loss.

Where do I apply?

To the Civil Affairs and Seal Directorate of the Ministry of Justice (direction des Affaires civiles et du Sceau du ministère de la Justice).

See Article 34 of the nationality code (Senegal n.d.).

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

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