Translation of the Draft Law that Extends the Reacquisition of Lebanese Citizenship to the Descendants of Lebanese Emigrants¹ Translated by Adib Ferzli, JD

Article I:

Every natural person who meets one of the two eligibility requirements has the right to reclaim his/her Lebanese nationality.

- 1- If the records of the 1921 census at the Ministry of the Interior and Municipalities, and the records of emigration clearly indicate that he/she or any direct paternal ancestral/predecessors or next of kin to the fourth degree were present in Lebanon, as registered by the 1921 census.
- 2- If he/she or the above mentioned ancestral predecessors or next of kin were naturalized as Lebanese citizens according to the law of naturalization promulgated in January 19, 1925, and has neglected to claim or reclaim his/her citizenship.²

Article II:

The applicant or his/her legal representative may request the reacquisition of his/her Lebanese nationality and shall include with the written request the relevant documents that meet one of the two eligibility requirements as stated in Article I.

And it shall include without limitation:

- 1- The old records of the Department of Personal Status as defined above in Article I, section 1, regarding the (subject) applicant, and direct ancestral predecessors or next of kin to the fourth degree.
- 2- The official records and documents produced by the administration or Lebanese Judiciary relevant to the (subject) applicant or predecessors or next of kin to the fourth degree AND the official records and documentation issued by the administration or judiciary of the country where the person/applicant (immigrant) resides.
- 3- The records of the recognized religious/confessional authorities relevant to the person/applicant, or his/her direct ancestors/predecessors or next of kin.
- 4- The actual presence of Lebanese relatives in the town, village or neighborhood where he/she claims he/she belongs, including the degree of kinship.
- 5- The ownership/holding of rights to real property in Lebanon which was devised, bequeathed, or inherited from a Lebanese citizen.

Article III:

The applicant or legal representative shall present to the Ministry of the Interior/the Directorate of Personal Status all documents that meet the eligibility requirements as stated in Article II of this statute. The material may also be presented to the Ministry of Foreign Affairs and Emigrants through its embassies and consulates which shall in turn transfer it to the Ministry of the Interior/the Directorate of Personal Status.

¹ Published by <u>Al Joumhouria</u> newspaper on December 13, 2012. We thank Dr. Adib Ferzli, JD for translating the draft law from Arabic into English for LERC.

² For more details regarding the 'right of option' see the <u>Lausanne Treaty</u> of July 24 1923 which dealt with the boundaries of the post-Ottoman new nation-states and the citizenship acquisition regulations.

The application must be signed by the applicant or his/her legal representative before a Lebanese notary public or a competent public officer, Lebanese or foreign, with full identification of the latter. All supporting documents shall be included as stated in Article II.

Article 1V:

The Directorate of Personal Status of the Ministry of the Interior and Municipalities shall transfer all applications directly received from the Ministry of Foreign Affairs and Emigrants (within a period not to exceed thirty days after it is received) to the Directorate of General Security to conduct all relevant inquiries and investigations regarding the status of the applicant, his/her first and last name. The Directorate of General Security may seek the assistance of local officials (Public Registrar/Mukhtar), town elderly and all relevant material to complete the investigation within a period not to exceed six months from receiving the application.

The Directorate of Personal Status shall present a detailed report outlining the relevant inquiries, and shall send it to the Minister of the Interior and Municipalities, who shall send it in turn to the committee as stated in Article V of this law within a period of three months from the date of receiving the report from the Directorate of General Security.

Article V:

A committee at The Ministry of the Interior and Municipalities shall be formed. The committee is comprised of:

- Chairperson, (a judge whose rank is not less than the tenth degree or an administrative judge of similar or higher rank). The nomination shall be made by the Minister of Justice with the approval of the Higher Judicial Council or the office of the State Consultative Council
- Member, the Director of the Directorate of Personal Status.
- Member, Rapporteur, foreign service officer of a rank not lower than second class, who shall be nominated by the Minister of Foreign Affairs and Emigrants.

The committee shall be formed by a decision of the Minister of the Interior and Municipalities. An alternative member shall be appointed with the same procedures for all members as above stated.

Article VI:

The committee shall review the files as sent by the Minister of the Interior and Municipalities. The committee may seek the assistance of all relevant departments of government.

The committee may decide to accept or reject any given application within two months. The decision must include a rationale. The Committee shall submit its decision to the Minister of the Interior and Municipalities within two months.

The Minister of the Interior and Municipalities shall appoint not more than five administrators from the Department of Personal Status to perform as clerks and administrators of the committee.

The Chairperson, members, and administrators of the committee shall have their remuneration set by a decree from the Council of Ministers or by the recommendation of the Ministers of the Interior, Justice and Finance.

Article VII:

Upon the approval of the committee of the application, and at the recommendation of the Minister of the Interior and Municipalities, a decree restoring the nationality of the applicant will be issued.

Article VIII:

Upon the issuing of the decree and upon official notification, the applicant is called to be sworn in before an ambassador or council general (if in a foreign country), or before the court of competent jurisdiction where his/her records are present, asserting that the decision to reclaim the nationality was made free of any coercion. The applicant shall be granted a grace period of five years from the date of the decree is issued to claim his/her citizenship.

The required oath to be taken by the applicant shall state:

"I swear by the Almighty God that I have decided to reclaim my Lebanese nationality entirely of my own free will."

Article IX:

When necessary the details of implementing this law shall be specified by a decree of the Council of Ministers and upon the recommendations of the Minister of the Interior and Municipalities. Any reviews of such decree shall be subject to the same procedure.

Article X:

This law takes full force and effect upon its publication in the Official Gazette.