
**DEMOCRATIC REPUBLIC OF TIMOR-LESTE
NATIONAL PARLIAMENT**

**LAW No. 9/2002
of 5 November 2002**

LAW ON CITIZENSHIP

The Constitution of the Republic outlines, right under its Section 3, general principles governing citizenship. Based on these principles, the ordinary lawmaker shall now determine what the conditions are for granting, losing and reacquiring East Timorese citizenship.

Pursuant to item 4 of Section 3, and paragraph c), item 2 of Section 95 of the Constitution, the National Parliament enacts the following that shall have the force of law:

Chapter I

**Section 1
Purpose**

This law establishes conditions for granting, losing and reacquiring East Timorese citizenship.

**Section 2
Basic Principles**

1. No citizen may be arbitrarily deprived of his or her citizenship or denied the right to change his or her citizenship.
2. For the purpose of the present law:
 - a) Citizenship is determined by law and constitutes a legal bond between an individual and the State;
 - b) Foreigner is an individual who has no legal bond of citizenship with the Democratic Republic of Timor-Leste;
 - c) Stateless person is an individual who is not able to demonstrate a legal bond of citizenship with any State.

**Section 3
Modalities**

East Timorese citizenship may be:

- a) Original or

- b) Acquired.

Section 4 **Application in time**

Granting, acquiring, losing and reacquiring East Timorese citizenship shall be governed by applicable law at the time the acts and facts originating them occur.

Section 5 **Effect of granting citizenship**

Granting East Timorese citizenship shall take effect from birth and does not impinge upon the validity of legal relationship previously established on the basis of another citizenship.

Section 6 **Effect of losing citizenship**

Losing citizenship shall take effect from the date of acts or facts causing the loss.

Section 7 **Competencies of the Minister of Justice**

It is incumbent upon the Minister of Justice to consider and decide on all issues related to granting, acquisition, loss or reacquisition of citizenship, where these competencies do not belong to the National Parliament.

Chapter II **Original citizenship**

Section 8 **Original citizenship**

1. An original citizen of Timor-Leste is one who was born in the national territory:
 - a) A child of a father or mother born in Timor-Leste;
 - b) A child of incognito parents, stateless parents or parents of unknown citizenship;
 - c) A child of a foreign father or mother who, being over seventeen years old, declares to become an East Timorese national of his or her own accord.
2. A child born overseas of an East Timorese father or mother is also an original citizen of Timor-Leste.

Chapter III **Acquired citizenship**

Section 9
Acquisition on parentage grounds

East Timorese citizenship may be granted to an under-aged or disabled child of a father or mother with acquired East Timorese citizenship provided that the parents so request and the child may choose for another citizenship when he or she reaches adult status.

Section 10
Acquisition by adoption

1. A child fully adopted by an East Timorese citizen shall acquire East Timorese citizenship.
2. For the purposes of this law, full adoption is understood as adoption overriding in full previous links to the natural family, except for the purposes of raising an obstacle to marriage.

Section 11
Acquisition by marriage

1. A foreigner who marries an East Timorese citizen may acquire East Timorese citizenship provided that he or she so requests and cumulatively meets the following conditions on the date of request:
 - a) To be married for more than five (5) years;
 - b) To be a resident of the national territory for at least two (2) years;
 - c) To be able to speak one of the official languages.
2. A foreigner who loses his or her previous citizenship because of getting married to an East Timorese citizen shall be granted East Timorese citizenship.
3. A declaration of nullity or annulment of marriage does not impinge upon citizenship acquired by the spouse who got married in good faith.

Section 12
Acquisition by naturalisation

1. The Minister of Justice may grant East Timorese citizenship to a foreigner who so requests and cumulatively meets the following conditions on the date of request:
 - a) To be an adult in light of the law of Timor-Leste and the State of origin;
 - b) To be a usual and regular resident of Timor-Leste for at least ten (10) years prior to 7 December 1975 or after 20 May 2002;
 - c) To be able to speak one of the official languages;
 - d) To meet moral and civic standards for integration into the East Timorese society;
 - e) To be able to manage oneself and provide for his or her subsistence;

- f) To know the history and culture of Timor-Leste.
2. A foreign citizen who has settled in Timor-Leste as a result of transmigration policy or foreign military occupation shall not be considered as a usual or regular resident.

Section 13
Naturalisation by high and relevant services

The National Parliament may grant East Timorese citizenship to a person who has rendered high and relevant services to the Nation.

Chapter IV
Loss and reacquisition of citizenship

Section 14
Loss of citizenship

1. A person shall lose his or her East Timorese citizenship if he or she:
- a) voluntarily acquires a foreign citizenship and declares his or her will to renounce the East Timorese citizenship;
 - b) is born overseas of East Timorese parents, and as a result he or she also has another citizenship, if when he or she reaches adult status he or she declares his or her will to renounce the East Timorese citizenship.
2. A person shall also lose his or her East Timorese citizenship by naturalisation if this person:
- a) serves in the army of a foreign State, unless the service is specifically authorised by an agreement entered into with the State concerned;
 - b) without permission from the Government, exercises functions of sovereignty in favour of a foreign State;
 - c) is definitely convicted for a criminal offence against the external security of the East Timorese State;
 - d) acquires citizenship through forged documents, using fraudulent means or otherwise deceiving competent authorities.

Section 15
Reacquisition of citizenship

1. Where East Timorese citizenship has been lost as a result of a declaration of will by parents when the interested party was under-aged, the affected person may optionally reacquire citizenship after he or she has reached adult status;

2. Citizens referred to under the item above must produce evidence that they have established residence in the national territory for at least one (1) year.
3. Where East Timorese citizenship has been lost on the grounds provided for under item 1 of Section 14, citizenship may be reacquired by deliberation of the Ministry of Justice provided that the individual has established residence in the national territory for at least five (5) years.

Chapter V

Opposition to citizenship acquisition or reacquisition

Section 16

Grounds

The following shall be grounds for opposition to acquisition or reacquisition of East Timorese citizenship:

- a) Evident lack of any effective bond with the East Timorese society;
- b) Conviction for a criminal offence carrying a prison sentence of more than eight (8) years according to law;
- c) Conviction for a criminal offence against internal or external security of the State of Timor-Leste;
- d) The exercise of functions of sovereignty in favour of a foreign State without permission from the Government;
- e) Provision of military service in favour of a foreign State outside of specifically authorised cases;

Section 17

Legitimacy

1. Opposition is exercised by the Public Prosecution Service, the decision of which may be appealed against with the Supreme Court of Justice within six months from the statement of will upon which acquisition or reacquisition of citizenship depends.
2. It shall be mandatory for all authorities and optional for citizens to report to the Public Prosecution Service facts referred to under item 1 of this section.
3. Until the Supreme Court of Justice is established, East Timorese judges assigned to the Court of Appeal shall decide upon appeals lodged under the terms of item 1 of this section.

Chapter VI

Registration and proof of citizenship

Section 18
Facts subject to registration

1. All facts determining grant, acquisition, loss and reacquisition of citizenship shall be subject to mandatory registration with the Central Registry in a register specifically opened for that purpose;
2. Exceptions are made to the provision of item 1 of this section for granting citizenship whenever this is made through registration of birth by the civil registry of Timor-Leste, and for acquisition of citizenship by adoption as a result of a mere fact of the law.
3. Registration of acts referred to under item 1 of this section shall be made at the request of the interested party.

Section 19
Declaration of citizenship

1. Declarations of citizenship showing willingness to acquire East Timorese citizenship may be made in the presence of East Timorese diplomatic or consular agents and are unofficially registered on the basis of required documents that shall be referred to the Central Registry for this purpose.
2. Simple consular registration or record does not constitute per se a granting title of East Timorese citizenship.

Section 20
Record of citizenship

Any registration related to grant, acquisition, loss or reacquisition of citizenship shall always be recorded in the book where the interested party's birth is registered.

Section 21
Birth registration of a child born of foreign citizens

1. Birth registration of a child born in Timor-Leste of foreign citizens or of unknown citizenship shall include this fact.
2. For the purposes of item 1 of this section, foreign or unknown citizenship shall, whenever possible, be certified by a document proving that neither parent is an East Timorese national.

Section 22
Establishment of parentage or adoption after birth registration

Where parentage of a foreign person born in Timor-Leste is established or determined after registration of his or her birth, citizenship of natural parents or East Timorese

adoptive parents shall be recorded in the book of birth registration with a reference to the judicial decision establishing citizenship and the respective notification of the fact.

Section 23
Proof of original citizenship

1. Original East Timorese citizenship of individuals born in the East Timorese territory of an East Timorese father or mother shall be proved by registration of birth, provided that there is no other reference to the contrary.
2. East Timorese citizenship of an individual born overseas shall be proved, as cases may be, by registration of a declaration upon which grant of citizenship is dependant or by references contained in the birth registration recorded by the civil registry of Timor-Leste.

Section 24
Proof of acquisition and loss of citizenship

1. Acquisition and loss of citizenship shall be proved by registration thereof or by subsequent annotations in the margin of a birth registration.
2. Item 1 of the previous section shall apply to proof of citizenship acquired by adoption.

Section 25
Opinions of the Director of the Central Registry

It is incumbent upon the Director of the Central Registry to issue opinions on every matter concerning citizenship, especially on those that should be submitted to him or her by consular agents in case of doubt on East Timorese citizenship of a person requesting consular registration or record.

Section 26
Citizenship certificates

1. Irrespective of there being a registration, the Director of the Central Registry may issue East Timorese citizenship certificates at the request of the interested party.
2. The force of proof of the certificate may be cancelled, by any means, whenever there is no registration of the respective holder's citizenship.

Chapter VII
Citizenship dispute

Section 27

Legitimacy

Directly interested parties and the Public Prosecution Service have legitimacy to appeal against any acts related to grant, acquisition, loss and reacquisition of East Timorese citizenship.

Section 28 Competent Court

1. It shall be incumbent upon the civil section of the Supreme Court of Justice to consider appeals referred to under Section 27.
2. Until the establishment of the Supreme Court of Justice is completed, it shall be incumbent upon the Panel of East Timorese Judges at the Court of Appeal to decide upon appeals lodged pursuant to Section 27.

Section 29 Conflict between East Timorese and foreign citizenship

Any other citizenship granted to an East Timorese national shall not be recognised nor shall it be effective in the internal legal framework.

Section 30 Conflict between foreign citizenships

Where foreign citizenships come into conflict, citizenship of the State on whose territory the person holding multi-citizenship has his or her usual residence or, in the absence of such residence, citizenship of the State with which he or she has closer links shall prevail.

Chapter VIII Final Provisions

Section 31 Regulatory arrangements

The Government shall regulate this law within 180 days from the date of its publication.

Section 32 Settlement of doubts

Doubts emerging from interpretation and enforcement of this law shall be settled by the Government.

Section 33 Entry into force

This law shall enter into force 30 days after the date of its publication.

Approved on 2 October 2002

The Speaker of the National Parliament
(Francisco Guterres 'Lú-Olo')

Promulgated on 30 October 2002
To be published.

The President of the Republic
José Alexandre Gusmão 'Kay Rala Xanana Gusmão'