

**COI QUERY**

Country of Origin/Topic	South Sudan
Question(s)	1. Acquisition of citizenship in South Sudan: whether a person who has never had a national South Sudanese ID and has never been registered as a national would be eligible for it
Date of completion	9 April 2020
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Contributing EU+ COI units (if applicable)	--

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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 9 April 2020. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE

1. Acquisition of citizenship in South Sudan: whether a person who has never had a national South Sudanese ID and has never been registered as a national would be eligible for it

Legal framework

In South Sudan, citizenship rights are regulated by the Transitional Constitution, the Nationality Act and the Nationality Regulations, all adopted in 2011.¹

After gaining independence from Sudan in 2011, South Sudan moved towards an 'ethnic definition' of nationality² where applicants are expected to provide evidence of their ethnic belonging.³

The law provides for the acquisition of citizenship by birth or through naturalisation⁴ and guarantees the same rights for women and men when it comes to nationality.⁵

South Sudan explicitly allows dual nationality.⁶ In a report released in February 2019, the UN Human Rights Council (UNHRC) noted that 'many' South Sudanese hold dual nationality.⁷

Article 45 of the 2011 Transitional Constitution states that:

- '(1) Every person born to a South Sudanese mother or father shall have an inalienable right to enjoy South Sudanese citizenship and nationality.
- (2) Citizenship is the basis of equal rights and duties for all South Sudanese.
- (3) Every citizen shall enjoy all the rights guaranteed by this Constitution.
- (4) The law shall regulate citizenship and naturalization; no naturalized citizen shall be deprived of his or her acquired citizenship except in accordance with the law.
- (5) A South Sudanese national may acquire the nationality of another country as shall be prescribed by law.
- (6) A non-South Sudanese may acquire the nationality of South Sudan by naturalization as shall be prescribed by law.'⁸

¹ Globalcit, Global Nationality Laws Database, South Sudan, n.d., [url](#); OECD, SIGI - Social Institutions & Gender Index 2019 - South Sudan, December 2018, [url](#), p. 12; South Sudan, Initial report submitted by South Sudan under article 18 of the Convention, due in 2016 [3 February 2020], 7 February 2020, [url](#), para. 94

² ARC Foundation, South Sudan Country Report, 7 January 2013, available at: [url](#), p. 64; Marko, F. D., Negotiations and morality: the ethnicization of citizenship in post-secession South Sudan, in: Journal of Eastern African Studies, 9:4, 669-684, 2015, [url](#); RVI, Making Order Out of Disorder: Customary authority in South Sudan, 2019, [url](#), p. 25

³ Marko, F. D., Negotiations and morality: the ethnicization of citizenship in post-secession South Sudan, in: Journal of Eastern African Studies, 9:4, 669-684, 2015, [url](#)

⁴ ARC Foundation, South Sudan Country Report, 7 January 2013, available at: [url](#), p. 64; USDOS, 2019 Country Reports on Human Rights Practices: South Sudan, 11 March 2020, [url](#), p. 22

⁵ Abdulbari, N., Women and Citizenship in Sudan and South Sudan: A Comparative Analysis, in: Birbeck Law Review, 1 November 2016, [url](#), p. 83-85; OECD, SIGI - Social Institutions & Gender Index 2019 - South Sudan, December 2018, [url](#), p. 12; South Sudan, Initial report submitted by South Sudan under article 18 of the Convention, due in 2016 [3 February 2020], 7 February 2020, [url](#), para. 93

⁶ CIA, World Factbook, South Sudan, Updated 2020, [url](#); South Sudan, The Transitional Constitution of the Republic of South Sudan, 2011, [url](#), art. 45 (5)

⁷ UNHRC, Report of the Commission on Human Rights in South Sudan, 21 February 2019, [url](#), para. 219

⁸ South Sudan, The Transitional Constitution of the Republic of South Sudan, 2011, [url](#)

The law regulating citizenship is the 2011 Nationality Act, which in its article 8 stipulates the following eligibility requirements:

- ‘(1) A person born before or after this Act has entered into force shall be considered a South Sudanese National by birth if such person meets any of the following requirements—
- (a) any Parents, grandparents or great-grandparents of such a person, on the male or female line, were born in South Sudan; or
 - (b) such person belongs to one of the indigenous ethnic communities of South Sudan.
- (2) A person shall be considered a South Sudanese National by birth, if at the time of the coming into force of this Act—
- (a) he or she has been domiciled in South Sudan since 1.1.1956; or
 - (b) if any of his or her parents or grandparents have been domiciled in South Sudan since 1.1.1956.
- (3) A person born after the commencement of this Act, shall be a South Sudanese National by birth if his or her father or mother was a South Sudanese National by birth or naturalization at the time of the birth of such a person.
- (4) A person who is or was first found in South Sudan as a deserted infant of unknown Parents shall, until the contrary is proved, be deemed to be a South Sudanese National by birth.’⁹

Furthermore, article 10 lays down the conditions for acquisition of citizenship by naturalization, which include uninterrupted residence in South Sudan for ten years, intention to reside in the country permanently and no previous conviction of certain offences, among other conditions.¹⁰

According to article 13, a foreign citizen can also acquire nationality by naturalization after marrying a South Sudanese national and residing in the country for at least five years.¹¹

Applying for a nationality certificate in practice

The application procedure to receive a nationality certificate is further specified in the 2011 Nationality Regulations. The applicant must submit a filled in and signed application form, where the signature can be replaced by a thumb or a fingerprint. Furthermore, and if available, an applicant should submit ‘any identity document or passports in his/her possession’. In case that no such document is available, the regulations stipulate that ‘the Issuing Authority retains a written record of this fact’. Similarly, if available, an applicant must submit his/her birth certificate, which can be replaced by an age assessment.¹²

The authority responsible for registration and issuance of nationality documents in South Sudan is the Directorate of Nationality, Passports and Immigration (DNPI).¹³ Sources indicate that the DNPI has worked together with the UN High Commissioner for Refugees (UNHCR).¹⁴ In 2017, the World Bank

⁹ South Sudan, The Nationality Act of 2011, 7 July 2011, [url](#)

¹⁰ South Sudan, The Nationality Act of 2011, 7 July 2011, [url](#)

¹¹ South Sudan, The Nationality Act of 2011, 7 July 2011, [url](#)

¹² South Sudan, Nationality Regulations of 2011 [South Sudan], 29 December 2011, [url](#)

¹³ South Sudan, The Nationality Act of 2011, 7 July 2011, [url](#), art. 6; South Sudan, Initial report submitted by South Sudan under article 18 of the Convention, due in 2016 [3 February 2020], 7 February 2020, [url](#), para. 99

¹⁴ UNHCR, South Sudan Factsheet, June 2018, [url](#), pp. 2, 6-7; Xinhuanet, UN blames conflict, economic hardship on rise of statelessness in South Sudan, 13 June 2018, [url](#)

stated that South Sudan had issued 1 million nationality certificates.¹⁵ In February 2020, it was reported that the nationality documents are being issued in the capital Juba and in 'major cities' in the country.¹⁶

South Sudan started issuing official identity cards and passports in January 2012.¹⁷ A 2017 World Bank report states that national IDs in South Sudan are obligatory for persons who have reached 18 years or who are older. In order to obtain an ID, each applicant must provide their biometrics and one witness must be present during the procedure. The fee was SSP 30 (US\$5) or SSP 45 (US\$11), according to the source, without specifying further information on the difference.¹⁸

The application form for the nationality certificate as published by the embassy of South Sudan in the United States¹⁹ can be accessed at: [url](#)

Difficulties in acquiring South Sudanese citizenship

When it comes to the practical implementation of the law, sources reported that the legal framework does not provide any definition of the 'indigenous ethnic communities of South Sudan'.²⁰ A study published by the Open Society Foundations (OSF) identified various population groups at risk of being negatively affected by the law, including people with one parent from South Sudan and one from Sudan, members of traditional migrant and pastoralist communities, as well as people belonging to cross-border ethnic groups.²¹

Similarly, UNHCR reported in 2018 that certain groups have faced difficulties when applying for citizenship, including 'women without male relatives to represent them; orphaned children; returned refugees, and members of some ethnic groups.'²²

Sources reported that for members of ethnic groups from Equatoria it was 'more difficult' to obtain the required documents.²³ On the procedure, UNHCR reported that '[a]pplicants are tested on their ability to speak Juba Arabic; required to bring letters of support from traditional authorities, and judged according to their skin colour and facial characteristics.' According to the same source, for example, Ngok Dinka of Abeyi and Falata pastoralists are not seen as South Sudanese by the government.²⁴

¹⁵ World Bank (The), The state of identification systems in Africa, 2017, [url](#), p. 50

¹⁶ South Sudan, Initial report submitted by South Sudan under article 18 of the Convention, due in 2016 [3 February 2020], 7 February 2020, [url](#), para. 100

¹⁷ OSF, The Right to a Nationality and the Secession of South Sudan: A Commentary on the Impact of the New Laws, June 2012, available at: [url](#), p. 32; Sudan Tribune, South Sudan launches passports and national ID cards, 5 January 2012, [url](#)

¹⁸ World Bank (The), The state of identification systems in Africa, 2017, [url](#), p. 50

¹⁹ South Sudan, Embassy of the Republic of South Sudan in Washington D.C., USA., Apply for passport, n.d., [url](#)

²⁰ OSF, The Right to a Nationality and the Secession of South Sudan: A Commentary on the Impact of the New Laws, June 2012, available at: [url](#), p. 28; UNHCR, Statelessness and Citizenship in the East African Community, September 2018, available at: [url](#), p. 58

²¹ OSF, The Right to a Nationality and the Secession of South Sudan: A Commentary on the Impact of the New Laws, June 2012, available at: [url](#), pp. 6-10

²² UNHCR, Statelessness and Citizenship in the East African Community, September 2018, available at: [url](#), p. 58

²³ USDOS, 2019 Country Reports on Human Rights Practices: South Sudan, 11 March 2020, [url](#), p. 22; UNHCR, Statelessness and Citizenship in the East African Community, September 2018, available at: [url](#), p. 58

²⁴ UNHCR, Statelessness and Citizenship in the East African Community, September 2018, available at: [url](#), pp. 59-60



A report by the Rift Valley Institute (RVI), an independent, non-profit organisation working in eastern and central Africa, noted that customary authorities or ‘chiefs’ enjoy a ‘lucrative role’ of issuing documents confirming ethnicity to the applicants.²⁵

UNHCR noted that, outside of the scope of these legal requirements, in practice, the authorities requested a residency certificate and information on blood group. The same source reported on a case where the responsible authority decided based on their own interpretation of ‘morality’ of an applicant, which is not foreseen by the law.²⁶ Another source indicates that information on the applicants’ blood group in the procedure is voluntary.²⁷

UNHCR reported that the lack of civil registration and administrative capacities in the country had caused difficulties in the national certificate procedure.²⁸ Based on UNICEF estimates from 2013, some 35% of births were registered in South Sudan.²⁹ In 2018, South Sudan adopted the Civil Registry Act³⁰ which was meant to make birth registrations ‘systematic’, according to the UNHRC.³¹ In the limited timeframe for drafting this query response, no information on the implementation of the Civil Registry Act could be found in the consulted and used sources.

²⁵ RVI, Making Order Out of Disorder: Customary authority in South Sudan, 2019, [url](#), p. 25

²⁶ UNHCR, A Study of Statelessness in South Sudan, 2017, available at: [url](#), pp. 19-20

²⁷ South Sudan, Embassy of the Republic of South Sudan in Washington D.C., USA., Certificate Application Form, n.d., [url](#)

²⁸ UNHCR, Statelessness and Citizenship in the East African Community, September 2018, available at: [url](#), p. 58

²⁹ OECD, SIGI - Social Institutions & Gender Index 2019 - South Sudan, December 2018, [url](#), p. 12

³⁰ South Sudan, Civil Registry Act 2018, 20 September 2018, [url](#)

³¹ UNHRC, Report of the Commission on Human Rights in South Sudan, 21 February 2019, [url](#), para. 505



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