

# Nationality Law, 1959

## Article 1

Original Kuwaiti nationals are those persons who were settled in Kuwait prior to 1920 and who maintained their normal residence there until the date of the publication of this Law. Ancestral residence shall be deemed complementary to the period of residence of descendants.

A person is deemed to have maintained his normal residence in Kuwait even if he resides in a foreign country if he has the intention of returning to Kuwait.

## Article 2

Any person born in, or outside, Kuwait whose father is a Kuwaiti national shall be a Kuwaiti national himself.

## Article 3

Kuwaiti nationality is acquired by any person born in Kuwait whose parents are unknown. A foundling is deemed to have been born in Kuwait unless the contrary is proved.

Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to any person [upon his attaining his majority who was] born in, or outside, Kuwait to a Kuwaiti mother whose father is unknown or whose kinship to his father has not been legally established. The Minister of the Interior may afford to such children, being minors, the same treatment as that afforded to Kuwaiti nationals until they reach their majority.

## Article 4

Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to any person of full age satisfying the following conditions:

1. that he has lawfully resided in Kuwait for at least 20 consecutive years or for at least 15 consecutive years if he is an Arab belonging to an Arab country. The requirement of consecutive residence shall not be affected if the applicant leaves Kuwait on official business. If he leaves for a reason other than that of official business, but retains the intention of returning, the period spent abroad shall be deducted from the total period of his residence in Kuwait;
2. that he has lawful means of earning his living, is of good character and has not been convicted of an honour-related crime or of an honesty-related crime;

3. that he has knowledge of the Arabic language;
4. that he possesses qualifications or renders services needed in Kuwait;
5. that he be an original Muslim by birth, or that he has converted to Islam according to the prescribed rules and procedures and that a period of at least 5 years has passed since he embraced Islam before the grant of naturalization. Nationality thus acquired is ipso facto lost and the Decree of naturalization rendered void ab initio if the naturalized person expressly renounces Islam or if he behaves in such a manner as clearly indicates his intention to abandon Islam. In any such case, the nationality of any dependant of the apostate who had acquired it upon the naturalization of the apostate is also rendered void.

A Committee of Kuwaiti nationals, appointed by the Minister of the Interior, shall select from those who apply for naturalization, the applicants whom it recommends for naturalization in accordance with the provisions of this Article.

The number of persons who may be naturalized in any one year in accordance with the provisions of this Article shall be decided by an Act.

#### **Article 5**

Notwithstanding the provisions of the immediately preceding Article, the following may be granted Kuwaiti nationality by Decree, upon the recommendation of the Minister of the Interior:

1. any person who has rendered valuable services to Kuwait;
2. any person [upon his attaining his majority who was] born to a Kuwaiti mother and who has maintained his residence [in Kuwait] until reaching the age of majority and whose foreign father has irrevocably divorced his mother or has died. The Minister of the Interior may afford to such children, being minors, the same treatment as that afforded to Kuwaiti nationals in all respects until they reach the age of majority;
3. an Arab belonging to an Arab country provided that he had resided in Kuwait since before 1945 and has maintained his residence there until the promulgation of the Decree providing for his naturalization;
4. a non-Arab provided that he had resided in Kuwait since before 1930 and has maintained his residence there until the promulgation of the Decree providing for his naturalization. Ancestral residence shall be deemed complementary to the period of residence of descendants for the purposes of the application of the third

and fourth paragraphs of this Article, provided that the descendant was born in and is residing in Kuwait. Proof of residence shall be effected according to the procedure prescribed by Article 21 of this Law.

The number of persons who may be naturalized in any one year in accordance with the provisions of paragraphs 3 and 4 of this Article shall be decided by an Act.

The grant of Kuwaiti nationality in virtue of the provisions of this Article shall be further subject to the conditions laid down in paragraphs 2, 3 and 5 of the Article immediately preceding.

#### **Article 6**

A person who has acquired Kuwaiti nationality by virtue of the provisions of any of Articles 3, 4, 5, 7 or 8 of this Law shall not have the right to vote in any Parliamentary election within 30 years following the date of his naturalization. The provisions of this Article shall apply to any who have already acquired Kuwaiti nationality by virtue of naturalization prior to the enactment of this amendment. The 30 year period shall be deemed to start to run in the case of such persons from 6 July 1966.

A person to whom this Article applies shall not have the right to stand as a candidate for or to be appointed to membership of any Parliamentary body.

#### **Article 7**

The [foreign] wife of a foreigner who has acquired Kuwaiti nationality shall not ipso facto be considered to be a Kuwaiti national unless she declares her wish so to be considered within one year following the date of her husband's naturalization. The children, being minors, of a foreigner who has acquired Kuwaiti nationality, shall, ipso facto, themselves be considered to be Kuwaiti nationals. They shall have the right to decide whether to retain their nationality of origin within a year of their attaining the age of majority.

#### **Article 8**

Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to a foreign woman who marries a Kuwaiti national provided that she declares her wish to acquire Kuwaiti nationality and that the marriage shall have lasted for at least 15 years from the date of her declaration. All or part of the above requirement as to time may be waived upon the recommendation of the Minister of the Interior. In the event of such woman's marriage being terminated by divorce or the death of her husband, and if a child had been or is

boa to her by her husband, Kuwaiti nationality may be granted to her by Decree upon the recommendation of the Minister of the Interior, provided that she maintains her lawful and normal residence in Kuwait until the end of such 15 year period.

#### **Article 9**

A foreign woman who has acquired Kuwaiti nationality by virtue of either of the two articles immediately preceding shall not lose it upon the termination of the marriage unless she thereupon re-acquires her nationality of origin or acquires another nationality.

#### **Article 10**

A Kuwaiti woman who marries a foreigner shall not lose tier Kuwaiti nationality unless she acquires the nationality of her husband at her own request.

#### **Article 11**

A Kuwaiti national shall lose his Kuwaiti nationality if he becomes voluntarily naturalized according to the law of another State. His wife, being a Kuwaiti national, shall not lose her Kuwaiti nationality by virtue of her husband's naturalization unless she voluntarily acquires the nationality of her husband. His children, being minors, shall also lose their Kuwaiti nationality if they themselves acquire ipso facto the nationality of the State according to the law of which their father has become naturalized if that law so provides. Such children shall reacquire Kuwaiti nationality upon their informing the Minister of the Interior within two years following their attaining the age of majority of their wish to do so.

A Kuwaiti national who has lost his Kuwaiti nationality by virtue of the provisions of this Article may reacquire his Kuwaiti nationality by Resolution of the Council of Ministers upon the recommendation of the Minister of the Interior, provided that he has lawfully resided in Kuwait for not less than one year and provided further that he applies for such reacquisition and has renounced his foreign nationality. He shall resume his Kuwaiti nationality upon the acceptance of his application by the Council of Ministers.

#### **Article 11bis**

A foreigner who may acquire Kuwaiti nationality by virtue of the provisions of any of Articles 4,5,7 or 8 of this Law shall renounce any other nationality he may have within three months following the date of his naturalization according to the law of Kuwait and shall provide evidence of his having done so to the Minister of the

Interior. In the event of his failure to do so, his naturalization shall ipso facto be revoked and deemed void ab initio. Kuwaiti nationality shall be revoked by Decree upon the recommendation of the Minister of the Interior. Kuwaiti nationality which may have been acquired by any dependant of any such person shall also be revoked.

## **Article 12**

A Kuwaiti woman who has lost her Kuwaiti nationality by virtue of the provisions of either of the two Articles immediately preceding may reacquire her Kuwaiti nationality by Resolution of the Council of Ministers upon the recommendation of the Minister of the Interior, provided that she has renounced her foreign nationality and that she has maintained her normal residence in Kuwait or has returned to reside in Kuwait. She shall resume her Kuwaiti nationality from the date of the Resolution of the Council of Ministers.

## **Article 13**

The nationality of a Kuwaiti national naturalized by virtue of any of Articles 3, 4, 5, 7 or 8 may be revoked by Decree upon the recommendation of the Minister of the Interior in the following cases:

1. where naturalization has been acquired by virtue of fraud or on the basis of a false declaration. Kuwaiti nationality which has been acquired by any dependant of any such person may also be revoked;
2. where, within 15 years of the grant of naturalization, a person is convicted of any honour related crime or honesty-related crime. In such case, the nationality of the convicted person alone may be revoked;
3. where, within 10 years of the grant of naturalization, a person is dismissed from public office on disciplinary grounds for reasons relating to honour or honesty;
4. where the competent authorities have evidence that a naturalized person has disseminated opinions which may tend seriously to undermine the economic or social structure of the State or that he is a member of a political association of a foreign State. Kuwaiti nationality which has been acquired by any dependant of any such person may also be revoked.

## **Article 14**

A Kuwaiti national may be deprived of his Kuwaiti nationality by Decree upon the recommendation of the Head of the Departments of Police and Public Security, in the following cases:

1. where a person has entered the military service of a foreign State and has remained in such service notwithstanding an instruction from the Government of Kuwait that he leave such service;
2. where a person has worked for a foreign State which is at war with Kuwait or with which diplomatic relations have been suspended;
3. where a person is normally resident abroad and he has become a member of an association whose objects include objects which may tend seriously to undermine the social or economic structure of Kuwait or where he has been convicted of an offence involving breach of his allegiance to Kuwait. In such cases, only the person concerned may be deprived of his nationality.

#### **Article 15**

Kuwaiti nationality may, by Decree issued on the submission of the Head of the Departments of Police and Public Security, be restored at any time to a person from whom it was withdrawn or who was deprived of it in accordance with the provisions of the Articles preceding.

#### **Article 16**

The acquisition, withdrawal, deprivation or re-acquisition of Kuwaiti nationality shall be of no retrospective effect, unless express provision to the contrary is made [by the relevant Decree or other instrument].

#### **Article 17**

The age of majority referred to in any provision of this Law shall be in accordance with the general provision at any time in force of Kuwaiti law.

#### **Article 18**

All declarations, notifications of choice and option, application forms and all other forms and procedures referred to in this Law shall, where effected in Kuwait, be addressed to the Head of the Departments of Police and Public Security. Where effected outside Kuwait, they shall be presented to the Consular bodies authorised to attend to them.

## **Article 19**

The Head of the Departments of Police and Public Security shall issue to every Kuwaiti national a certificate of Kuwaiti nationality after investigation has been made to establish his right to such nationality in accordance with the provisions of this Law.

## **Article 20**

In every case, the burden of proof shall rest upon one who claims Kuwaiti nationality.

## **Article 21**

Kuwaiti nationality as provided for by the provisions of this Law may be proved by way of an investigation carried out by Nationality Committees established by Decree upon the recommendation of the Head of the Departments of Police and Public Security. Such Committees may accept documentary evidence as constituting proof of Kuwaiti nationality. The Committees may also admit evidence submitted by witnesses considered to be trustworthy, and be guided by matters of common repute and any other circumstantial evidence as they may consider to be sufficient to substantiate a claim to nationality.

The Committees shall report to a Supreme Committee to be established by Decree upon the recommendation of the Head of the Departments of Police and Public Security. No determination of a Committee shall be valid until it shall have been affirmed by the Supreme Committee.

Membership of all such Committees and rules of procedure to be adopted by them shall be regulated by Decree upon the recommendation of the Head of the Departments of Police and Public Security.

## **Article 21bis A**

A nationality certificate may be withdrawn if it appears to have been obtained by virtue of fraud or on the basis of a false declaration or on the basis of false evidence submitted by a witness. Such withdrawal shall be effected by Resolution of the Council of Ministers upon the recommendation of the Minister of the Interior. Kuwaiti nationality which has been acquired by any dependant of any such person may also be revoked.

## **Article 21bis B**

Any person who has made, whether orally or in writing, incorrect statements to the administrative authorities responsible for verification of Kuwaiti nationality or to the Committees established for that purpose, with the object of seeking to prove his own Kuwaiti nationality or that of another, or with the object of seeking to facilitate the acquisition of Kuwaiti nationality according to the provisions of this Law and who is not proved to have made reasonable effort to determine the truth of his statements, shall be liable to either or both of a term of imprisonment not exceeding three years and to a fine of not more than 200 Kuwaiti Dinars.

If such person has furnished statements knowing them to be false, he shall be liable to a term of imprisonment not exceeding seven years and to an additional fine of up to 500 Kuwaiti Dinars.

#### **Article 22**

For a period of 2 years from the date of entry into force of this Law, no Kuwaiti passports will be issued save to those who have established their Kuwaiti nationality in accordance with the provisions of this Law.

#### **Article 23**

All passports issued before the date of entry into force of this Law and all passports issued during the period of 2 years thereafter as provided by Article 22, to any who does not carry a certificate of Kuwaiti nationality as provided for by Article 19, shall cease to be valid on the expiration of that two-year period.

#### **Article 24**

This Law shall be published in the Official Gazette and shall enter into force as from the date of its publication in the Official Gazette.

All Orders for its due implementation shall be issued by the Head of the Departments of Police and Public Security.