

DRAFTING NOTE

NATIONALITY ACT

1. Status and purpose of this note

This drafting note is explanatory and is not part of the proposed Assembly Act. It identifies the legislative need, the relationship with earlier Eritrean law, the principal matters retained, the modernization choices made and the place of the draft within the emerging constitutional statute book. The instrument remains a consultation draft and should be finalized only after legal, institutional, fiscal and public review.

2. Legislative need and prior law

The draft replaces the post-independence nationality proclamation and related registration practices with a constitutional, child-sensitive and reviewable nationality system.

3. What the draft retains

It retains nationality by descent and other lawful acquisition routes, renunciation, loss only on defined grounds and official proof of status.

4. What the draft updates and modernizes

It protects against arbitrary deprivation and statelessness, equal transmission by women and men, child identity and best interests, transparent naturalization, diaspora documentation, electronic civil records, reasons, hearings and judicial review.

5. Constitutional, code and treaty fit

The draft is framed under the Constitution of Eritrea 1997 and must be read with the Civil Code, Penal Code, Civil Procedure Code and Criminal Procedure Code of Eritrea 2015 where those Codes govern. It is also coordinated with the other institutional, financial, commercial, land, labour, administrative and sectoral drafts in this collection. References to international or regional standards guide compatibility and implementation; they do not bypass the Treaty-Making Act or convert an unincorporated instrument into domestic law.

6. Scope and organization

The principal divisions address preliminary provisions; nationality by birth; proof and confirmation of nationality by birth; acquisition by registration; naturalization; common rules for acquisition; renunciation, loss and restoration; administration and records; review, appeals and judicial safeguards; relationship with other rights and documents; transitional and final provisions.

7. Transition, implementation and consultation

The draft preserves lawful accrued rights, completed transactions, pending proceedings and institutional continuity where appropriate, while preventing temporary savings from preserving unconstitutional coercion or indefinite executive discretion. Before enactment or issuance, authentic predecessor instruments and amendments should be verified, cross-references and fiscal capacity confirmed, implementing regulations and digital systems prepared, and affected institutions, professions, communities and the public given a practical opportunity to comment.

CONSULTATION DRAFT — NOT ENACTED LAW

ACT NO. ____ OF 2026

NATIONALITY ACT

(ASSEMBLY ACT)

AN ACT TO REGULATE ERITREAN NATIONALITY BY BIRTH, REGISTRATION AND NATURALIZATION; TO RECOGNIZE AND DOCUMENT THE EQUAL NATIONALITY RIGHTS OF CHILDREN OF ERITREAN MOTHERS AND FATHERS; TO PREVENT STATELESSNESS AND ARBITRARY DEPRIVATION OF NATIONALITY; TO ESTABLISH FAIR PROCEDURES, RECORDS, REVIEW AND APPEAL; AND TO PROVIDE FOR RELATED MATTERS.

PREAMBLE

WHEREAS Article 3(1) of the Constitution of Eritrea provides that any person born of an Eritrean father or mother is Eritrean by birth, Article 3(2) permits a foreign citizen to acquire Eritrean citizenship pursuant to law, and Article 3(3) requires the details of citizenship to be regulated by law;

WHEREAS Articles 5 and 14 of the Constitution require equal application of the law without discrimination, and nationality must not depend on whether descent is traced through the mother or the father;

WHEREAS nationality is the legal foundation of political membership, family unity, identity, documentation, return and participation, and must be administered transparently rather than as a political favor;

WHEREAS the rights of children, the prevention of statelessness and Eritrea's applicable regional and international obligations require effective safeguards, evidence rules and remedies;

NOW, THEREFORE, the National Assembly of Eritrea, acting under Articles 3 and 32 of the Constitution, enacts as follows:

CHAPTER I
PRELIMINARY PROVISIONS

Article 1 — Short title

This Act may be cited as the “Nationality Act 2026.”

Article 2 — Purposes

1. to give full effect to Article 3 of the Constitution;
2. to recognize nationality by descent equally through an Eritrean mother or father;
3. to provide fair pathways to nationality by registration and naturalization;
4. to prevent statelessness, arbitrary deprivation and discriminatory administration;

5. to provide reliable certificates, records, reasons, review and judicial remedies; and
6. to maintain the connection of diaspora Eritreans and their descendants to Eritrea.

Article 3 — Application

1. This Act applies to determination, acquisition, proof, renunciation, loss, restoration and administration of Eritrean nationality.
2. A person who was Eritrean by birth before commencement remains Eritrean by birth.
3. No provision shall be interpreted to diminish nationality guaranteed directly by Article 3(1) of the Constitution.
4. Immigration status, residence, tax compliance, national service, political opinion or possession of a document does not determine whether a person is Eritrean by birth.

Article 4 — Interpretation

In this Act, unless the context requires otherwise—

1. “Authority” means the Nationality and Civil Status Authority established under Article 41;
2. “child” means a person under eighteen years of age;
3. “citizen” and “national” mean an Eritrean national;
4. “descent” means the legal parent-child relationship recognized under the Civil Code of Eritrea 2015;
5. “diaspora Eritrean” means an Eritrean residing outside Eritrea and does not constitute a separate class of nationality;
6. “foundling” means a child found in Eritrea whose parents and nationality cannot be established;
7. “nationality by birth” means nationality arising directly under Article 3(1) of the Constitution and Chapter II;
8. “naturalization” means acquisition of nationality under Chapter V;
9. “parent” includes a mother or father whose parentage is established by birth, acknowledgment, adoption or judicial determination as applicable under this Act and the Civil Code;
10. “registration” means acquisition or confirmation of nationality through the simplified procedures in Chapter IV;
11. “stateless person” means a person who is not considered a national by any state under the operation of its law; and
12. “Tribunal” means the Nationality Review Tribunal established under Article 52.

Article 5 — Guiding principles

1. Nationality administration shall respect legality, dignity, equality, family unity, the best interests of the child, procedural fairness and effective review.
2. A person shall not be discriminated against on grounds including race, ethnic origin, language, sex, gender, religion, disability, political opinion, birth, marital status, residence, diaspora status or economic condition.

3. No adverse inference shall arise merely because a person fled Eritrea, sought asylum, acquired another nationality, criticized a government or could not obtain Eritrean documents.
4. A child shall not suffer loss or denial of nationality because of a parent's conduct, status, debt or failure to perform a public obligation.

Article 6 — Nationality and citizenship terminology

1. "Nationality" and "citizenship" have the same legal meaning in Eritrean law unless a specific enactment expressly distinguishes them.
2. Use of either term in an older enactment shall be interpreted consistently with this Act and Article 3 of the Constitution.
3. A different administrative label shall not create an inferior category of Eritrean nationality.

CHAPTER II NATIONALITY BY BIRTH

Article 7 — Child of Eritrean parent

1. A person born to an Eritrean mother or father is Eritrean by birth.
2. The place of birth, residence, marital status of the parents or nationality of the other parent does not affect paragraph 1.
3. Nationality arises at birth and does not depend on registration, a certificate, a passport, national service or an administrative decision.
4. A later determination of parentage confirms nationality from birth.

Article 8 — Parent who died before birth

1. A child is Eritrean by birth if an Eritrean parent died before the child's birth.
2. The parent's nationality is determined as it existed at death.
3. Assisted reproduction or posthumous conception shall be treated according to legally established parentage under the Civil Code and shall not defeat the child's constitutional right.

Article 9 — Child born in Eritrea who would otherwise be stateless

1. A child born in Eritrea who would otherwise be stateless is Eritrean by birth.
2. The safeguard applies where the child's parents are unknown, stateless, unable to transmit nationality or where no other nationality is established within a reasonable time.
3. The Authority shall decide the safeguard promptly and shall not require proof impossible for the child or family to obtain.
4. Discovery of another nationality later does not automatically cancel Eritrean nationality.

Article 10 — Foundling

1. A foundling discovered in Eritrea is presumed born in Eritrea to an Eritrean parent and is Eritrean by birth.
2. The presumption may be displaced only by clear evidence establishing the child's identity, parentage and another effective nationality.
3. A decision affecting the child shall give primary consideration to best interests, identity, family unity and avoidance of statelessness.

Article 11 — Birth aboard Eritrean vessel or aircraft

1. A child born aboard an Eritrean-registered vessel or aircraft is treated as born in Eritrea for the statelessness safeguard in Article 9.
2. Paragraph 1 does not limit nationality acquired by descent.
3. Registration or location of the vessel or aircraft shall not be used to deny a more favorable nationality rule.

Article 12 — Adopted child

1. A child adopted by an Eritrean national may acquire nationality by registration under Article 20.
2. Adoption shall not cause automatic loss of an existing nationality.
3. An adoption recognized under the Civil Code or applicable private international law shall receive equal treatment.
4. The child's views shall be heard according to age and maturity.

Article 13 — Surrogacy and assisted reproduction

1. Nationality by birth follows legal parentage determined under the Civil Code and applicable law.
2. A child shall not be left stateless because of disagreement concerning surrogacy, assisted reproduction or recognition of parentage.
3. Pending final determination, the Authority shall issue temporary documentation necessary for identity, travel, health and family unity.

CHAPTER III PROOF AND CONFIRMATION OF NATIONALITY BY BIRTH

Article 14 — Nationality certificate

1. An Eritrean by birth is entitled upon application to a certificate confirming nationality.
2. The certificate records an existing constitutional status and does not confer it.
3. The Authority shall issue the certificate within sixty days after receiving sufficient evidence or shall provide written reasons and review information.
4. A certificate has continuing validity unless corrected or set aside through lawful procedure.

Article 15 — Evidence

1. Nationality by birth may be proved by any reliable evidence, including—
 - a. civil-status, birth, baptismal, school, medical, employment, military, residence or community records;
 - b. a parent's nationality certificate, passport, identity record or other official record;
 - c. testimony, declarations, family records, photographs, correspondence or digital records;
 - d. judicial or administrative findings of parentage or identity; and
 - e. DNA evidence voluntarily provided under Article 17.
2. No single document is indispensable where nationality is established by the evidence as a whole.

Article 16 — Standard and burden of proof

1. An applicant establishes nationality by birth on the balance of probabilities.
2. The Authority shall assist in obtaining public records and shall consider displacement, conflict, repression, lack of civil registration and inability to obtain documents.
3. Once credible evidence of an Eritrean parent is produced, the Authority bears the burden of identifying a lawful and evidenced ground for refusal.
4. Doubt concerning a child shall be resolved consistently with best interests and prevention of statelessness.

Article 17 — DNA testing

1. DNA testing shall not be required where other reliable evidence sufficiently establishes parentage.
2. Testing may be offered as a voluntary method where material doubt remains and less intrusive evidence is unavailable.
3. The State shall bear the cost where an indigent applicant reasonably requires testing.
4. Genetic data shall be used only for the stated determination, protected from unrelated access and destroyed or returned according to data-protection law.

Article 18 — Correction of record

1. A person may request correction of a clerical, identity, parentage or status error in a nationality record.
2. The Authority shall notify materially affected persons and provide an opportunity to respond.
3. A correction shall preserve the prior record and reasons through an auditable history.
4. A dispute involving substantive parentage or civil status may be referred to a competent court.

Article 19 — No document-based denationalization

1. Expiry, cancellation, loss or non-possession of a passport or identity card does not terminate nationality.
2. Failure to register a birth or obtain a certificate does not terminate nationality.
3. An official shall not mark a person as non-national solely because a database lacks a record.
4. A disputed record shall be investigated under this Act before denial of a right dependent on nationality.

CHAPTER IV ACQUISITION BY REGISTRATION

Article 20 — Adopted child registration

1. A child adopted by an Eritrean national is entitled to nationality by registration where the adoption is valid and registration serves the child's best interests.
2. The application may be made by the child, adoptive parent, guardian or child-protection authority.
3. Registration takes effect on the date of adoption unless the decision states an earlier constitutionally required date.
4. A child aged sixteen or older shall consent unless unable to do so.

Article 21 — Spouse of Eritrean national

1. A spouse of an Eritrean national may acquire nationality by registration after three years of a genuine marriage or comparable lawful family union and a substantial connection to Eritrea.
2. Residence outside Eritrea does not bar registration where the family maintains a genuine connection.
3. The applicant shall satisfy identity, security and serious-criminality requirements proportionate to the purpose of nationality law.
4. Marriage does not automatically confer or remove nationality, and termination of marriage after registration does not terminate nationality.

Article 22 — Person of Eritrean origin

1. A person with an Eritrean parent, grandparent or substantial ancestral connection who is not already Eritrean by birth may apply for registration.
2. The Authority shall consider family history, community connection, residence, language, cultural ties and reasons why nationality by birth cannot be established.
3. Lack of wealth, formal education, residence in Eritrea or political conformity is not a ground for refusal.
4. Registration under this Article may be subject to a civic declaration under Article 36.

Article 23 — Former national

1. A former Eritrean national who validly lost or renounced nationality may reacquire it by registration.
2. Reacquisition shall be refused only for a compelling ground stated in this Act and supported by individualized evidence.
3. Residence abroad, acquisition of another nationality, prior asylum or failure to perform national service does not by itself bar reacquisition.
4. The Authority shall facilitate restoration where loss resulted from discrimination, childhood action, displacement or defective procedure.

Article 24 — Child of registered or naturalized parent

1. A minor child included in a parent's successful registration or naturalization application may acquire nationality by registration.
2. The decision shall consider the child independently and give primary weight to best interests, family unity and prevention of statelessness.
3. A child aged sixteen or older shall consent unless unable to do so.
4. A parent's later loss of nationality does not automatically affect the child.

Article 25 — Stateless person habitually resident in Eritrea

1. A stateless person habitually resident in Eritrea for five years may acquire nationality by registration.
2. The period is reduced to three years for a child, a person born in Eritrea, a spouse or parent of an Eritrean, or a person unable to return safely to another country.
3. Requirements shall be interpreted to facilitate a durable solution and shall not demand documents a stateless person cannot reasonably obtain.
4. Serious security or criminal concerns require individualized reasons and do not permit indefinite statelessness without periodic review.

CHAPTER V NATURALIZATION

Article 26 — Eligibility

1. A foreign national may apply for naturalization after five years of lawful habitual residence in Eritrea.
2. The applicant shall demonstrate—
 - a. established identity to the extent reasonably possible;
 - b. good character assessed under Article 28;
 - c. basic knowledge under Article 29;
 - d. an intention to maintain a genuine connection with Eritrea; and
 - e. the civic declaration required by Article 36.
3. The Authority may reduce the residence period for exceptional service, refugee status, long residence before majority, close Eritrean family ties or another substantial connection.

Article 27 — Continuity of residence

1. Temporary absence for employment, study, health, family, travel or public service does not interrupt habitual residence.
2. Absence exceeding twelve consecutive months may interrupt residence unless the applicant maintained substantial ties and intended to return.
3. Time spent awaiting a lawful asylum, residence or nationality decision counts where the applicant was permitted or unable lawfully to leave.
4. Unlawful administrative delay shall not be used to defeat eligibility.

Article 28 — Good character

1. Good character concerns serious and recent conduct relevant to loyalty to constitutional order, public safety, honesty and respect for the rights of others.
2. A minor offence, poverty-related offence, expunged conviction, political opinion, peaceful dissent, asylum claim or lawful criticism is not by itself a ground for refusal.
3. The Authority shall consider rehabilitation, age, coercion, passage of time, proportionality and family consequences.
4. A refusal based on security information shall disclose sufficient substance to permit a meaningful response, subject to lawful protective procedure.

Article 29 — Language and civic knowledge

1. An applicant shall demonstrate basic communicative ability in any Eritrean language and basic knowledge of the Constitution, civic rights and responsibilities.
2. The requirement shall respect the constitutional equality of Eritrean languages.
3. Reasonable accommodation and exemption shall be provided for age, disability, trauma, limited educational opportunity or another substantial barrier.
4. Preparation materials, classes and testing shall be accessible and reasonably priced.

Article 30 — Livelihood and public assistance

1. Naturalization shall not depend on wealth, property ownership or a particular occupation.
2. The Authority may consider whether information concerning employment or livelihood is truthful but shall not refuse solely because the applicant is poor, unemployed, disabled or receives lawful assistance.
3. An investment does not purchase nationality except under an Assembly Act establishing transparent, equal and audited criteria.

Article 31 — Security and serious crime

1. Naturalization may be refused where clear evidence establishes participation in genocide, crimes against humanity, war crimes, terrorism or a serious threat to constitutional order.
2. A mere allegation, undisclosed list, family association, nationality, ethnicity, religion or political opinion is insufficient.

3. The applicant shall receive notice, a fair opportunity to respond and independent review.
4. Where information cannot be disclosed fully, the Tribunal or court shall use the least restrictive protective procedure consistent with fairness.

Article 32 — Decision on naturalization

1. The Authority shall decide a complete application within twelve months.
2. Approval takes effect upon the civic declaration and entry in the Register.
3. Refusal shall state findings, evidence, law, reasons and appeal rights.
4. Failure to decide within the period permits application to the Tribunal for an order requiring decision.

CHAPTER VI COMMON RULES FOR ACQUISITION

Article 33 — Dual or multiple nationality

1. Eritrean law permits dual or multiple nationality.
2. Acquisition or possession of another nationality does not terminate Eritrean nationality.
3. An Act may impose narrowly tailored incompatibility rules for specified constitutional or sensitive public offices, but shall not use loss of nationality as the sanction.
4. An Eritrean abroad is entitled to diplomatic and consular assistance subject to international law and practical capacity.

Article 34 — No renunciation of prior nationality required

1. Registration or naturalization shall not require renunciation of another nationality unless an Assembly Act expressly provides for a narrowly defined office or circumstance.
2. Where another state requires renunciation, the applicant shall receive reasonable time and assistance.
3. No person shall be required to become stateless as a condition of acquiring Eritrean nationality.

Article 35 — Fees

1. Fees shall be authorized by law, published and limited to reasonable administrative cost.
2. A fee shall be waived or reduced for a child, stateless person, refugee, indigent applicant or person requiring correction of government error.
3. No nationality recognition, certificate or decision shall be conditioned on payment of a diaspora tax, national-service charge, political contribution or unrelated debt.
4. A person shall receive a receipt and may challenge an unlawful charge.

Article 36 — Civic declaration

1. A person acquiring nationality by registration or naturalization shall declare fidelity to the Constitution and respect for the rights and equality of the Eritrean people.

2. The declaration may be made as an oath or affirmation according to conscience.
3. A child under sixteen or a person unable to understand the declaration is exempt.
4. The declaration shall not require allegiance to a political party, government, officeholder or ideology.

Article 37 — Effective date and certificate

1. Acquisition takes effect on the date stated by this Act or the final decision.
2. The Authority shall issue a nationality certificate and update civil-status records promptly.
3. Delay in issuing a certificate does not postpone status once legal conditions are satisfied.
4. The certificate shall be available in secure electronic and printed form.

CHAPTER VII RENUNCIATION, LOSS AND RESTORATION

Article 38 — Renunciation by adult

1. An adult may renounce Eritrean nationality by informed written declaration.
2. Renunciation is effective only if the person possesses or will immediately acquire another nationality.
3. The Authority may defer renunciation for no more than six months where necessary for a pending serious criminal proceeding or an existing final judgment, but shall provide reasons and judicial review.
4. Tax debt, unperformed national service, political disagreement or residence abroad does not justify indefinite refusal.

Article 39 — Renunciation affecting child

1. A parent's renunciation does not renounce a child's nationality.
2. A child may renounce only where another nationality is secured and a competent authority determines that renunciation serves the child's best interests.
3. A child aged sixteen or older shall give free and informed consent.
4. The child may restore Eritrean nationality by registration before or after majority.

Article 40 — No arbitrary deprivation

1. An Eritrean by birth shall not be deprived of nationality.
2. A naturalized or registered national shall not be deprived except by a final court order under Article 55 for material fraud in acquisition.
3. Nationality shall not be removed for treason, crime, political opinion, absence, acquisition of another nationality, non-payment, evasion of national service or conduct of a family member.
4. No deprivation may render a person stateless.

CHAPTER VIII ADMINISTRATION AND RECORDS

Article 41 — Nationality and Civil Status Authority

1. A Nationality and Civil Status Authority is established to administer this Act and the civil-status laws.
2. The President shall assign administrative support for the Authority to an appropriate ministry under Article 42(13) of the Constitution without altering the Authority's statutory functions.
3. The Authority shall act professionally, impartially and separately from policing, intelligence, taxation and political organizations.
4. The head shall be appointed under the Civil Service Administration Act on merit and shall publish operational responsibilities.
5. The Authority is subject to the Constitution, this Act, audit, data-protection law, administrative review and the courts.

Article 42 — Functions

1. The Authority shall—
 - a. determine and document nationality under this Act;
 - b. maintain the Nationality Register and coordinate civil-status records;
 - c. provide accessible domestic, consular and electronic services;
 - d. prevent and resolve statelessness;
 - e. train officers and publish guidance, forms, fees and processing times;
 - f. collect lawful statistics without discriminatory profiling; and
 - g. report annually to the National Assembly.
2. The Authority shall not exercise immigration detention, criminal investigation or tax-collection powers.

Article 43 — Nationality Register

1. The Authority shall maintain a secure and accurate Nationality Register.
2. The Register shall record the legal basis, effective date, evidence, certificate and any lawful correction, renunciation or court order.
3. A person has the right to inspect and obtain the person's record and to request correction.
4. Access by another body requires lawful purpose, necessity, authorization and an auditable record.

Article 44 — Data protection

1. Nationality data shall be collected only as necessary for a lawful function.
2. Sensitive, biometric and genetic data require enhanced safeguards and limited retention.
3. Data shall not be disclosed to persecute a person, penalize lawful dissent or endanger a refugee or family member.
4. A person shall be notified of a material data breach where notification can reduce harm.

Article 45 — Consular applications

1. An application may be filed at an Eritrean diplomatic or consular mission or through a secure electronic service.
2. A mission shall transmit the application promptly and shall not impose an unauthorized political, tax or national-service condition.
3. Absence of an Eritrean mission shall not defeat the right to apply; the Authority shall provide remote or designated alternative procedures.
4. A consular refusal or delay is reviewable under this Act.

Article 46 — Accessibility and assistance

1. Services shall be available in Eritrean languages reasonably required by applicants and in accessible formats.
2. A child, person with disability, trauma survivor or person with limited literacy may use a representative and receive reasonable assistance.
3. An applicant shall not be compelled to use a paid intermediary.
4. The Authority shall provide non-electronic alternatives where digital access is not reasonably available.

Article 47 — Processing standards

1. The Authority shall acknowledge an application, identify missing material and provide a tracking reference.
2. An officer shall not demand a document or condition not authorized by published law.
3. Applications shall be processed in filing order subject to transparent priority for children, statelessness, urgent travel, family unity, health or protection.
4. Delay, transfer and request for further evidence shall be explained in writing.

Article 48 — Interviews

1. An interview shall be conducted only where reasonably necessary and shall be recorded by reliable note or audio with consent as provided by law.
2. The applicant may use an interpreter and representative.
3. Questions shall be relevant, respectful and appropriate to age, culture, disability and trauma.
4. No person shall be questioned to test political loyalty or compelled to disclose protected belief or association.

Article 49 — Fraud and false information

1. Knowingly material false information may justify refusal or court proceedings under Article 55.
2. An innocent mistake, translation error, trauma-related inconsistency or immaterial omission is not fraud.

3. The Authority shall prove materiality, knowledge and causal connection.
4. Correction made voluntarily before decision shall be considered in the applicant's favor.

Article 50 — Annual report

1. The Authority shall publish annual statistics on applications, decisions, processing times, fees, appeals, statelessness and corrections.
2. Statistics shall be disaggregated where useful for equality monitoring without identifying individuals.
3. The report shall disclose systemic barriers, missing historical records, unlawful practices corrected and resources required.
4. The responsible minister shall table the report before the National Assembly.

CHAPTER IX REVIEW, APPEALS AND JUDICIAL SAFEGUARDS

Article 51 — Internal reconsideration

1. An affected person may request reconsideration within sixty days after notice of a decision.
2. A different qualified officer shall reconsider law, facts, procedure and new relevant evidence.
3. Reconsideration shall be decided within sixty days with written reasons.
4. Failure to seek reconsideration does not bar urgent judicial relief or an appeal where fairness requires otherwise.

Article 52 — Nationality Review Tribunal

1. An independent Nationality Review Tribunal is established by this Act.
2. Members shall be legally qualified or possess substantial nationality, civil-status or human-rights expertise.
3. The President shall appoint members from a merit list prepared by the Civil Service Administration Commission, with the approval of the National Assembly.
4. The Tribunal shall not be subject to direction by the President, minister, Authority, police, military, intelligence service or political organization.
5. Its procedure shall be accessible, expeditious and consistent with natural justice.

Article 53 — Appeal to Tribunal

1. A person may appeal a refusal, delay, correction, fee, renunciation decision or other final nationality decision within ninety days.
2. The Tribunal may receive evidence, require records, hold a hearing and substitute the lawful decision.
3. An appeal concerning a child, stateless person, urgent travel or threatened removal shall receive priority.

4. Filing an appeal suspends deprivation, adverse status alteration and removal based solely on the disputed nationality decision.

Article 54 — Appeal to court

1. A party may appeal a Tribunal decision to the competent regional court on law, constitutional issue, serious procedural error or unreasonable factual conclusion.
2. The competent regional court may grant declaration, mandamus, prohibition, injunction, remittal, substitution where lawful, and compensation under applicable law.
3. Proceedings involving children, refugees, statelessness or sensitive personal information may receive protective measures without secret justice.
4. Final review by the Supreme Court remains available according to law.

Article 55 — Court-ordered deprivation for fraud

1. The Authority may apply to the competent regional court within ten years after acquisition for deprivation based on material fraud.
2. The Court shall order deprivation only if—
 - a. the person knowingly made a material false representation or concealed a material fact;
 - b. nationality would not lawfully have been granted without the fraud;
 - c. deprivation is proportionate considering time, family, conduct and State error;
 - d. the person will not become stateless; and
 - e. the best interests of every affected child have primary weight.
3. The State bears the burden of proof by clear and convincing evidence.
4. A final order affects only the person against whom fraud is proved and does not automatically affect a spouse or child.

Article 56 — Legal assistance

1. An applicant may be represented at every material stage.
2. Legal aid shall be available under the Legal Aid Act where the matter concerns statelessness, deprivation, a child, detention, removal or inability to present the case fairly.
3. Community and civil-society organizations may provide lawful assistance and public-interest representation.

CHAPTER X RELATIONSHIP WITH OTHER RIGHTS AND DOCUMENTS

Article 57 — Passport and right to leave and return

1. An Eritrean national is entitled to apply for a passport under immigration and travel-document law.
2. Recognition of nationality shall not be withheld because the person seeks to leave Eritrea or reside abroad.

3. A passport restriction does not extinguish nationality and must satisfy the Constitution, written law, necessity, proportionality, reasons and independent review.
4. A citizen's right to return to Eritrea shall not be denied arbitrarily.

Article 58 — Political and civil rights

1. Every adult Eritrean enjoys political rights according to the Constitution and electoral law without discrimination based on method of acquiring nationality except where the Constitution expressly provides otherwise.
2. Naturalized and registered nationals have equal civil, economic and social rights.
3. A restriction relating to the Presidency or another constitutional office shall be confined to the exact constitutional text and shall not create general second-class nationality.

Article 59 — Public obligations

1. Nationality entails public obligations established by the Constitution and Assembly Acts.
2. A dispute concerning tax, national service, debt or criminal liability shall be resolved under the law governing that obligation and shall not be converted into denial of nationality.
3. An administrative agency shall not use identity documents as coercive leverage for an unrelated obligation without express lawful authority and due process.

Article 60 — Diplomatic protection and consular assistance

1. The State shall provide reasonable diplomatic and consular assistance to Eritrean nationals abroad subject to international law and available resources.
2. Priority shall be given to detention, trafficking, serious illness, children, family separation, loss of documents and risk to life or liberty.
3. Assistance shall not depend on political support, diaspora tax payment or waiver of legal rights.
4. The State shall publish service standards and complaint procedures.

CHAPTER XI TRANSITIONAL AND FINAL PROVISIONS

Article 61 — Recognition of existing nationality

1. A person recognized as Eritrean before commencement remains Eritrean unless a final lawful decision had already established otherwise.
2. A person Eritrean by birth under Article 3(1) of the Constitution is recognized from birth notwithstanding a contrary discriminatory or defective administrative practice.
3. A pending application shall be decided under this Act where its provisions are more favorable or procedurally fair.
4. Existing lawful certificates remain valid and may be replaced without re-proving status absent genuine evidence of fraud.

Article 62 — Historical records and diaspora documentation

1. The Authority shall digitize and preserve historical nationality, civil-status, refugee, school, community and consular records.
2. It shall establish evidence procedures for persons displaced by war, repression, migration or missing archives.
3. Diaspora applicants shall receive equal remote access and shall not be required to travel to Eritrea where identity can be established reliably.
4. A public call shall invite families and institutions to contribute copies while protecting privacy and ownership.

Article 63 — Review of doubtful or discriminatory decisions

1. A person may request review of a prior denial, cancellation or inferior classification inconsistent with Article 3 of the Constitution, constitutional equality or this Act.
2. The Authority shall prioritize decisions based on maternal descent discrimination, ethnicity, religion, political opinion, diaspora status or lack of impossible documents.
3. Correction shall include replacement records and notice to affected public bodies.
4. Compensation for unlawful harm remains governed by the Constitution and applicable law.

Article 64 — Regulations

1. The President may issue regulations concerning forms, certificates, secure records, application procedure, published fees, consular transmission and administrative implementation.
2. Regulations shall not change constitutional nationality by birth, create deprivation grounds, prohibit dual nationality, impose political or unrelated fiscal conditions, or restrict review.
3. Draft regulations shall be published for consultation and reviewed for child rights, equality, statelessness and data protection.
4. The Authority may issue non-binding public guidance clearly distinguished from law.

Article 65 — Repeal and savings

1. The Eritrean Nationality Proclamation of 1992 and its amendments are repealed upon verification and identification by number and title in the official statute-law revision schedule.
2. No uncertain citation shall be inserted into the enacted repeal schedule.
3. A lawful status, certificate, application, proceeding, right or liability existing before repeal is preserved subject to this Act.
4. An inconsistent discriminatory or unconstitutional practice is not preserved.

Article 66 — Commencement

1. This Act enters into force thirty days after publication in the Gazette.

2. The Authority and Tribunal shall become operational within six months after commencement.
3. Until they are operational, the responsible existing office shall process urgent matters under the substantive and procedural standards of this Act.

Made at Asmara, this ____ day of _____ 2026.

THE NATIONAL ASSEMBLY OF ERITREA