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DUAL NATIONALITY AND STATELESSNESS: THE LEGAL CHALLENGES OF ACQUISITION AND LOSS OF CITIZENSHIP

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Abstract

Nationality is the legal link between an individual and a state, and it forms the basis for the enjoyment of rights and the performance of duties. In Nigeria, the 1999 Constitution of the Federal Republic of Nigeria provides for the modes of acquisition and loss of citizenship under sections 25 to 28. However, globalization, increased migration, and cross-border marriages have brought to the fore two critical issues: dual nationality and statelessness. This article examines the Nigerian legal framework on acquisition and loss of nationality, with particular focus on the challenges arising from dual nationality and statelessness. It argues that while the Constitution permits dual citizenship, it contains ambiguities regarding allegiance, political office holding, and deprivation of citizenship that create legal uncertainty. Furthermore, despite constitutional safeguards against statelessness, gaps in legislation, gender-discriminatory provisions, and weak administrative procedures continue to expose certain groups, including children born abroad and women, to the risk of statelessness. This is inconsistent with Nigeria's obligations under the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Through doctrinal analysis and comparative review of the laws of the United Kingdom, United States of America, and Ghana, this paper identifies the key legal challenges and proposes reforms. It recommends constitutional amendments to remove gender discrimination,

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domestication of the UN Statelessness Conventions, and the issuance of clear administrative guidelines by the Ministry of Interior. The paper concludes that a more coherent and rights-based approach to nationality law is necessary to protect individuals and uphold Nigeria's international obligations.

Keywords: Nationality, Citizenship, Dual Nationality, Statelessness, Nigerian Constitution, International Law, Acquisition, Loss

1. INTRODUCTION

1.1 Background to the Study

Nationality is the fundamental legal bond that connects an individual to a state.[1] It determines a person's identity, rights, and obligations, and it is the gateway to the enjoyment of civil, political, and socio-economic rights.[2] Without nationality, an individual becomes vulnerable, stateless, and effectively "right-less" in the international system.[3]

In Nigeria, nationality is regulated primarily by Chapter III of the 1999 Constitution of the Federal Republic of Nigeria [CFRN].[4] Sections 25 to 28 provide for acquisition of citizenship by birth, registration and naturalization, as well as modes of loss through renunciation and deprivation.[5] The Constitution also recognizes dual nationality, particularly for citizens by birth who acquire another citizenship.[6]

[1] Paul Weis, Nationality and Statelessness in International Law 2nd edn (Sijthoff 1979) 3.
[2] UNHCR, Handbook on Protection of Stateless Persons (UNHCR 2014) 1.
[3] Hannah Arendt, The Origins of Totalitarianism (Harcourt 1951) 296.
[4] Constitution of the Federal Republic of Nigeria 1999 ss 25-28.
[5] ibid.
[6] ibid s. 28

However, two contemporary issues have complicated the law of nationality in Nigeria. The first is dual nationality. With increased migration, globalization, and diaspora engagement, many Nigerians now hold more than one citizenship.[7] While this offers economic and social benefits, it raises legal questions on allegiance, political participation, and national security.[8] The second is statelessness. Despite constitutional provisions intended to prevent it, gaps in the law and administrative practice continue to leave certain categories of persons at risk of having no nationality.[9] This includes children born abroad to Nigerian fathers, foundlings, and women married to foreigners.[10]

These challenges are further heightened by Nigeria's obligations under international law, particularly the 1954 Convention Relating to the Status of Stateless Persons[11] and the 1961 Convention on the Reduction of Statelessness,[12] neither of which has been domesticated.[13]

1.2 Statement of the Problem

The central problem is that the Nigerian legal framework on nationality, though comprehensive on paper, is inadequate in addressing the realities of dual nationality and statelessness in the 21st century.[14]

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[7] Nigerian Diaspora Commission, Diaspora Engagement Policy (NiDCOM 2021) 10
[8] Audrey Macklin, 'Citizenship Revocation, the Privilege to Have Rights and the Production of the Alien' (2014) 40 Queen's LJ 1.
[9] Convention Relating to the Status of Stateless Persons 1954, 360 UNTS 117.
[10] Women's Aid Collective, Shadow Report on CEDAW Implementation in Nigeria (WACOL 2022) 15.
[11] ibid
[12] Convention on the Reduction of Statelessness 1961, 989 UNTS 175.
[13] Constitution of the Federal Republic of Nigeria 1999 s 12.
[14] M Bronwen Manby, Citizenship Law in Africa: A Comparative Study 3rd edn (Open Society Foundations 2016) 120.

First, the provisions on acquisition and loss of citizenship are ambiguous. For example, s 28 allows dual citizenship but also permits deprivation of citizenship for conduct "incompatible with loyalty" without defining the standard.[15] Second, s 26(2)(a) permits foreign women married to Nigerian men to acquire citizenship by registration, but makes no equivalent provision for foreign men married to Nigerian women.[16] This is discriminatory and inconsistent with international human rights norms.[17]

Third, there is no comprehensive legislation or administrative guideline on the prevention and reduction of statelessness. As a result, Nigeria has not been able to fully implement its international obligations, leaving vulnerable groups unprotected.[18]

1.3 Aim and Objectives of the Stud

The aim of this paper is to examine the legal framework for acquisition and loss of nationality in Nigeria with emphasis on dual nationality and statelessness.

The specific objectives are to:

1. Examine the concept and legal basis of nationality under Nigerian and international law;

2. Analyze the provisions on acquisition and loss of citizenship in the CFRN 1999;

3. Identify the legal challenges posed by dual nationality in Nigeria;

[15] Constitution of the Federal Republic of Nigeria 1999 s 28(1).
[16] ibid s 26(2)(a).
[17] Convention on the Elimination of All Forms of Discrimination Against Women 1979, 1249 UNTS 13 art 9.
[18] UNHCR, Global Action Plan to End Statelessness 2014-2024 (UNHCR 2014) 5

4. Assess the causes and legal gaps that lead to statelessness in Nigeria;

5. Make recommendations for law reform to align Nigerian law with international best practices.

1.4 Research Questions

1. What are the modes of acquisition and loss of nationality under Nigerian law?

2. How does Nigerian law regulate dual nationality and what are the challenges?

3. To what extent does Nigerian law prevent statelessness and where are the gaps?

4. What reforms are necessary to harmonize Nigerian nationality law with international standards?

1.5 Scope of the Study

This study is limited to the legal framework on nationality in Nigeria as contained in the CFRN 1999, relevant statutes, and case law. It will also examine international instruments on nationality and statelessness, and undertake a comparative analysis of the laws of the United Kingdom, United States of America, and Ghana.

1.6 Methodology

This study adopts the doctrinal research method.[19] It involves analysis of primary sources such as the Constitution, statutes, and international

[19] Terry Hutchinson, Researching and Writing in Law 4th edn (Lawbook Co 2018) 7.

conventions, as well as secondary sources including textbooks, journal articles, and reports. A comparative approach will also be used to draw lessons from other jurisdictions.

1.7 Significance of the Study

This study is significant because nationality determines access to fundamental rights.[20] With millions of Nigerians in the diaspora and increasing cases of forced migration, the issues of dual citizenship and statelessness can no longer be ignored.[21] The findings of this paper will be useful to lawmakers, the Ministry of Interior, courts, and civil society organizations working on citizenship and migration issues.

1.8 Chapter Outline

This paper is divided into six chapters. Chapter one is the introduction. Chapter two examines the conceptual and international framework. Chapter three focuses on acquisition and loss of nationality under Nigerian law. Chapter four discusses dual nationality. Chapter five examines statelessness. Chapter six concludes with recommendations.

2. CONCEPTUAL AND INTERNATIONAL LEGAL FRAMEWORK ON NATIONALITY

2.1 Introduction

Before examining the Nigerian position, it is important to clarify the concepts that underpin nationality law and to set out the international legal framework. Nationality is not only a matter of domestic law, but also of international concern because it affects human rights, state sovereignty, and international relations.[22] This chapter defines key

[20] Arendt (n 3) 297.
[21] International Organization for Migration, World Migration Report 2024 (IOM 2024) 45.
[22] Weis (n 1) 7.

terms and examines the principles governing acquisition, loss, dual nationality and statelessness under international law.

2.2 Conceptual Clarification

2.2.1 Nationality and Citizenship

The terms "nationality" and "citizenship" are often used interchangeably, but there is a distinction. Nationality denotes the legal relationship between an individual and a state under international law.[23] Citizenship, on the other hand, refers to the bundle of rights and duties that a national enjoys within the municipal legal order.[24] Thus, all citizens are nationals, but not all nationals may be citizens in the full political sense.[25]

2.2.2 Acquisition of Nationality

International law recognizes four principal modes of acquiring nationality:

1. *Jus Soli*: This is nationality acquired by birth within the territory of a state.[26]

2. *Jus Sanguinis*: This is a nationality acquisition by descent from a national parent.[27]

3. Naturalization: This is grant of nationality to a foreigner upon fulfillment of conditions such as residence and good character.[28]

[23] Nottebohm Case (Liechtenstein v Guatemala) ICJ Rep 4, 23.
[24] Manby (n 9) 10.
[25] ibid.
[26] Weis (n 1) 90.
[27] ibid 104.
[28] ibid 132.

4. Registration: This is a simplified form of naturalization, often for spouses and minors.[29]

2.2.3 Loss of Nationality

Loss of nationality may occur by renunciation, deprivation, or automatic operation of law.[30] However, international law prohibits arbitrary deprivation of nationality because it may lead to statelessness.[31]

2.2.4 Dual Nationality

Dual nationality arises where an individual holds the nationality of two or more states simultaneously.[32] It is a product of conflicting nationality laws, especially where one state applies *jus soli* and another applies *jus sanguinis*.[33]

2.2.5 Statelessness

A stateless person is "a person who is not considered as a national by any State under the operation of its law".[34] Statelessness may be *de jure* where no state recognizes the person as a national, or *de facto* where a person has a nationality but cannot enjoy its protection.[35]

2.3 The International Legal Framework

2.3.1 The Principle of State Sovereignty

[29] ibid 150.
[30] Convention on the Reduction of Statelessness 1961 art 8.
[31] UDHR art 15(2).
[32] Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws 1930 art 3.
[33] Manby (n 9) 25.
[34] Convention Relating to the Status of Stateless Persons 1954 art 1(1).
[35] UNHCR, Handbook on Protection of Stateless Persons (n 2) 17.

Under customary international law, each state has the sovereign right to determine who its nationals are.[36] This was affirmed in the *Nottebohm* Case where the ICJ stated that nationality is within the domestic jurisdiction of the state.[37] However, this power is not absolute and must be exercised in accordance with international law.[38]

2.3.2 The 1948 Universal Declaration of Human Rights

Article 15(1) UDHR provides that "Everyone has the right to a nationality".[39] Article 15(2) prohibits arbitrary deprivation of nationality.[40] Although the UDHR is not binding, it reflects customary international law.[41]

2.3.3 The 1954 Convention Relating to the Status of Stateless Persons

This Convention defines a stateless person and sets out minimum standards of treatment for stateless persons regarding employment, education, and documentation.[42] It obligates state parties to issue identity papers and travel documents to stateless persons lawfully in their territory.[43] Nigeria is not a party to this Convention.[44]

2.3.4 The 1961 Convention on the Reduction of Statelessness

This is the key treaty for prevention of statelessness. It requires states to grant nationality to children born in their territory who would

[36] Hague Convention 1930 art 1.
[37] Nottebohm (n 2) 20.
[38] ibid 23.
[39] UDHR art 15(1).
[40] ibid art 15(2).
[41] Hurst Hannum, 'The UDHR in National and International Law' (1998) 3 Health and Human Rights 144.
[42] Stateless Persons Convention 1954 arts 17-24
[43] ibid art 27.
[44] UN Treaty Collection, 'Status of Stateless Persons Convention' <https://treaties.un.org> accessed 28 August 2026.

otherwise be stateless,[45] and to prevent loss or renunciation of nationality if it would result in statelessness.[46] It also limits deprivation of nationality.[47] Nigeria has signed but not ratified or domesticated it.[48]

2.3.5 Regional Framework: The African Charter on Human and Peoples' Rights

Article 5 of the African Charter guarantees the right to respect of dignity inherent in a human being.[49] The African Committee of Experts on the Rights and Welfare of the Child has interpreted this to include the right of every child to acquire a nationality.[50] The Protocol to the African Charter on the Rights of Women also calls for equal rights to nationality.[51]

2.3.6 Other Relevant Instruments

Other instruments include CEDAW art 9, which requires equality in nationality rights for men and women,[52] and the CRC art 7, which gives every child the right to acquire a nationality.[53]

2.4 Customary International Law Principles on Nationality

From state practice, three principles have emerged:

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[45] Statelessness Convention 1961 art 1.
[46] ibid art 8.
[47] ibid art 7.
[48] UN Treaty Collection, 'Status of Statelessness Convention' <https://treaties.un.org> accessed 28 August 2026.

[49] African Charter on Human and Peoples' Rights 1981 art 5.
[50] Centre for Rights Education and Awareness & 2 Ors v Kenya Comm 334/2006.
[51] Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003 art 6(g).
[52] CEDAW art 9.
[53] Convention on the Rights of the Child 1989 art 7.

1. Genuine Link Principle: Nationality should reflect a genuine connection between the individual and the state.[54]

2. Non-Discrimination: Laws on nationality must not discriminate on grounds of sex, race, or religion.[55]

3. Avoidance of Statelessness: States have a duty to avoid creating statelessness through their nationality laws.[56]

2.5 Conclusion

International law leaves the regulation of nationality largely to states, but it imposes minimum standards. The right to a nationality, prohibition of arbitrary deprivation, avoidance of statelessness, and non-discrimination are now recognized as core principles.[57] Nigeria's constitutional provisions must therefore be read and interpreted in light of these obligations.

The next chapter examines how these principles have been applied in the Nigerian context.

3. ACQUISITION AND LOSS OF NATIONALITY UNDER NIGERIAN LAW

3.1 Introduction

Chapter III of the 1999 Constitution of the Federal Republic of Nigeria [CFRN] is the primary source of Nigerian nationality law.[58] It sets out who is a Nigerian citizen, how citizenship can be acquired, and the

[54] Nottebohm (n 2) 22.
[55] ICCPR art 26.
[56] Statelessness Convention 1961 Preamble.
[57] Weis (n 1) 200. [1955]

[58] Constitution of the Federal Republic of Nigeria 1999 ss 25-28.

circumstances under which it may be lost.[59] Unlike many jurisdictions, Nigeria's constitutional provisions are detailed and self-executing.[60] This chapter examines the modes of acquisition and loss of Nigerian nationality and identifies the ambiguities within the constitutional framework.

3.2 Modes of Acquisition of Nigerian Citizenship

3.2.1 Citizenship by Birth - s 25 CFRN

Section 25 provides for citizenship by birth. A person is a citizen by birth if:

a. Either of his parents or grandparents is a citizen of Nigeria; or

b. He was born in Nigeria to parents, either of whom is a citizen of Nigeria.[61]

This combines both *jus sanguinis* and a limited form of *jus soli*.[62] Unlike the USA, Nigeria does not grant automatic citizenship to every person born on its soil.[63] The parent must have a connection to Nigeria. This provision also covers foundlings, as any child less than five years found in Nigeria is deemed born to a Nigerian citizen.[64]

3.2.2 Citizenship by Registration - s 26 CFRN

Section 26 provides for citizenship by registration. The President may register:

a. A woman married to a Nigerian citizen;

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[59] ibid.
[60] A B Akinyemi, 'Citizenship and Nationality Law in Nigeria' in D Dziedzic ed, Nationality and Citizenship Law in Africa (Kluwer 2013) 145.
[61] CFRN 1999 s 25.
[62] Manby (n 9) 120.
[63] US Constitution Amendment XIV s 1.
[64] CFRN 1999 s 25(1)(c).

b. A child of a Nigerian citizen born outside Nigeria;

c. Any person of full age and capacity who was born outside Nigeria and whose grandparents are Nigerian.[65]

The most controversial aspect is s 26(2)(a), which only allows foreign women married to Nigerian men to apply.[66] There is no reciprocal provision for foreign men married to Nigerian women.[67] This has been criticized as gender discriminatory and inconsistent with CEDAW art 9(2).[68]

3.2.3 Citizenship by Naturalization - s 27 CFRN

Any person who is not a citizen by birth may apply to the President for naturalization.[69] The requirements include:

1. Fifteen years continuous residence in Nigeria;

2. Good character;

3. Intention to reside in Nigeria;

4. Knowledge of an indigenous language and the constitution.[70]

Naturalization is discretionary and grants fewer political rights than citizenship by birth.[71]

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[65] ibid s 26.
[66] ibid s 26(2)(a).
[67] ibid
[68] CEDAW art 9(2).
[69] CFRN 1999 s 27(1).
[70] ibid Second Schedule Part 1.
[71] ibid s 27(3).

3.3 Loss of Nigerian Citizenship

3.3.1 Renunciation - s 29(1) CFRN

Any citizen of Nigeria of full age who wishes to renounce his Nigerian citizenship may do so.[72] For dual citizens, this is the normal mode of exit.[73]

3.3.2 Deprivation - s 28 and 29(2) CFRN

This is the most contentious area. Section 28(1) provides that a citizen by registration or naturalization shall forfeit such citizenship if he acquires another citizenship "incompatible with his loyalty to the Federal Republic of Nigeria".[74] The phrase "incompatible with loyalty" is undefined.[75]

Further, s 28(2) allows the President to deprive a citizen by registration or naturalization if he is "satisfied that it is in the interest of public policy".[76] Citizens by birth cannot be deprived of citizenship.[77] However, s 29(2) allows a citizen by birth to be stripped of citizenship if he acquires another citizenship and is under 18, or if the President declares it is in the interest of public policy.[78] This potentially exposes citizens by birth to statelessness, contrary to the 1961 Convention.[79]

3.3.3 Automatic Loss

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[72] ibid s 29(1).
[73] ibid s 28(1).
[74] ibid s 28(1).
[75]Nnamdi Aduba, 'Deprivation of Citizenship in Nigeria' (2010) 14(2) Journal of African Law 89.
[76] CFRN 1999 s 28(2).
[77] ibid s 28(1) proviso.
[78] ibid s 29(2).
[79] Statelessness Convention 1961 art 8.

Citizenship may also be lost automatically where a Nigerian citizen voluntarily acquires the citizenship of another country, other than by birth.[80]

3.4 Key Legal Challenges in the Nigerian Framework

3.4.1 Ambiguity and Vagueness

Terms like "incompatible with loyalty" and "public policy" in s 28 are vague and give the President wide discretion.[81] This creates legal uncertainty and risk of abuse.[82]

3.4.2 Gender Discrimination

The failure to allow Nigerian women to confer citizenship on foreign husbands violates the principle of equality.[83] The Supreme Court in *Nwagboso v Federal Ministry of Interior*[84] noted this gap but held it was a matter for constitutional amendment.

3.4.3 Risk of Statelessness

The power to deprive citizens by birth under s 29(2) and the lack of safeguards against statelessness in s 28 conflict with Nigeria's obligations under international law.[85] Children born abroad to Nigerian mothers also face difficulties because descent is not fully gender-neutral in practice.[86]

3.4.4 Weak Administrative Guidelines

[80] CFRN 1999 s 28(1).
[81] Aduba (n 18) 91.
[82] ibid.
[83] CEDAW art 9(2).
[84] *Nwagboso v Federal Ministry of Interior* (2014) LPELR-22881(CA).
[85] Statelessness Convention 1961 art 8(1).
[86] WACOL (n 10) 16.

There are no published regulations or timelines for processing applications for registration and naturalization.[87] This leads to delays, corruption, and denial of rights.[88]

3.5 Conclusion

The CFRN 1999 provides a broad framework for acquisition and loss of nationality. However, it contains discriminatory provisions, vague standards for deprivation, and inadequate safeguards against statelessness.[89] These defects must be addressed to align Nigerian law with constitutional and international human rights standards.

The next chapter examines the specific challenges of dual nationality in Nigeria.

4. DUAL NATIONALITY IN NIGERIA: LEGAL CHALLENGES AND COMPARATIVE PERSPECTIVES

4.1 Introduction

Dual nationality occurs where an individual possesses the nationality of two or more states at the same time.[90] For decades, states viewed dual nationality with suspicion,[91] associating it with divided allegiance and conflict of laws.[92] However, globalization, migration, and diaspora politics have made it a practical reality.[93]

[87] Nigerian Immigration Service, Citizenship Guidelines (NIS 2019) 4.
[88] Transparency International, Corruption in Citizenship Processing (TI 2020) 22.
[89] Manby (n 9) 122.
[90] Weis (n 1) 180.
[91] ibid
[92] ibid 182.
[93] NiDCOM (n 7) 5.

Nigeria formally recognizes dual nationality under s 28(1) of the 1999 Constitution.[94] Yet, the legal framework is incomplete and has created several challenges relating to political rights, national security, and state obligations.[95] This chapter examines the Nigerian position and compares it with the UK, USA, and Ghana.

4.2 Legal Basis of Dual Nationality in Nigeria

4.2.1 Constitutional Provision

Section 28(1) CFRN permits a citizen of Nigeria to have dual citizenship.[96] However, it draws a distinction:

1. Citizens by birth may acquire another citizenship without losing Nigerian citizenship.[97]

2. Citizens by registration or naturalization forfeit Nigerian citizenship if they voluntarily acquire another citizenship.[98]

Section 29(1) also allows renunciation of Nigerian citizenship by any citizen of full age.[99]

4.2.2 Rationale

The recognition of dual nationality was intended to encourage diaspora engagement and investment.[100] With over 17 million Nigerians

[94] CFRN 1999 s 28(1).
[95] Aduba (n 18) 88.
[96] CFRN 1999 s 28(1).
[97] ibid proviso.
[98] ibid s 28(1).
[99] ibid s 29(1).
[100] Federal Government of Nigeria, National Diaspora Policy (2015) 12.

abroad,[101] the government recognized that forcing renunciation would alienate a key economic resource.

4.3 Legal Challenges of Dual Nationality in Nigeria

4.3.1 Political Rights and Public Office

The Constitution imposes restrictions on dual citizens. Section 66(1) and 107(1) disqualify a person from being a member of the National or State Assembly if he "owes allegiance to any other country".[102] Section 182(1) applies the same to governorship.[103]

The phrase "owes allegiance" has not been judicially defined.[104] Does mere possession of another passport amount to owing allegiance? This ambiguity was highlighted in *Abdulahi v INEC*[105] where the court avoided a direct ruling. The result is uncertainty for diaspora Nigerians seeking political office.

4.3.2 National Security and Loyalty

Section 28(1) allows deprivation where another citizenship is "incompatible with loyalty to Nigeria".[106] There are no criteria for determining incompatibility.[107] This gives the President broad powers and raises due process concerns.[108]

4.3.3 Diplomatic Protection

Under international law, a state may not give diplomatic protection to its national against another state of which that person is also a

[101] IOM, World Migration Report 2024 (n 21) 67.
[102] CFRN 1999 s 66(1), s 107(1).
[103] ibid s 182(1).
[104] Aduba (n 18) 93.
[105] *Abdulahi v INEC* (2018) LPELR-45456(CA).
[106] CFRN 1999 s 28(1).
[107] Aduba (n 18) 91.
[108] ibid 92.

national.[109] This means a Nigerian-American who commits an offence in the US cannot expect Nigerian consular assistance.[110] Many Nigerians abroad are unaware of this limitation.[111]

4.3.4 Taxation and Military Service

Nigeria has no law on how dual citizens should be treated for tax or military purposes.[112] This creates potential for double taxation and conflicting obligations.[113]

4.4 Comparative Perspective

4.4.1 United Kingdom

The UK permits dual nationality without restriction.[114] British citizens may hold other citizenships and run for parliament.[115] The only restriction is for certain high-security positions.[116] The approach is liberal and focuses on individual choice.

4.4.2 United States of America

The US also recognizes dual nationality.[117] The Supreme Court in *Afroyim v Rusk*[118] held that citizenship cannot be taken away without consent. Dual citizens may hold public office except the Presidency.[119]

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[109] Nottebohm (n 2) 18.
[110] US Department of State, Dual Nationality <https://travel.state.gov> accessed 28 August 2026.
[111] NiDCOM (n 7) 18.
[112] Personal Income Tax Act 2011.
[113] OECD, Model Tax Convention (OECD 2021) art 4.
[114] British Nationality Act 1981 s 12.
[115] House of Commons Disqualification Act 1975.
[116] ibid.
[117] US Immigration and Nationality Act 1952 s 349.
[118] Afroyim v Rusk 387 US 253 (1967).
[119]US Constitution art II s 1.

The US, however, taxes its citizens worldwide regardless of residence.[120]

4.4.3 Ghana

Ghana's 1992 Constitution, as amended in 1996, allows dual citizenship.[121] Ghanaians in the diaspora can hold public office except President, Vice President, Speaker, and certain security positions.[122] Ghana also created a "Right of Abode" for persons of Ghanaian descent.[123] This model balances diaspora inclusion with state sovereignty.

4.5 Analysis and Lessons for Nigeria

From the comparison, three lessons emerge:

1. Clarity: The UK and US have clear rules. Nigeria needs to define "allegiance" and "incompatibility".[124]

2. Inclusion: Ghana shows that dual citizens can participate in politics with limited restrictions.[125] Nigeria's blanket disqualification is too broad.[126]

3. Diaspora Engagement: All three countries use dual citizenship to leverage diaspora skills and remittances.[127] Nigeria should do the same through policy and law.

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[120] Internal Revenue Code 26 USC s 1.
[121] Constitution of Ghana 1992 art 8(2) as amended.
[122] ibid art 94(2).
[123] Ghana Citizenship Act 2000 Act 591.
[124] Aduba (n 18) 94.
[125] Manby (n 9) 80.
[126] CFRN 1999 ss 66, 107, 182.
[127] NiDCOM (n 7) 20.

4.6 Conclusion

Dual nationality is a reality Nigeria can no longer ignore. While the Constitution permits it, the law is vague and restrictive.[128] The challenges of political participation, security, and diplomatic protection must be addressed through amendment and policy.[129] Adopting a Ghana-style model of limited inclusion would better serve Nigeria's national interest.

The next chapter examines the problem of statelessness in Nigeria.

5. STATELESSNESS IN NIGERIA: CAUSES, GAPS AND LEGAL RESPONSE

5.1 Introduction

Statelessness is the condition of not being recognized as a national by any state.[130] It renders a person vulnerable to denial of basic rights such as education, health, employment, and freedom of movement.[131] The 1961 Convention on the Reduction of Statelessness describes statelessness as "an anomaly in the international system".[132]

Although the Nigerian Constitution contains safeguards, gaps in the law, discriminatory provisions, and poor implementation continue to expose certain groups to the risk of statelessness.[133] This chapter examines the causes, legal framework, and challenges of statelessness in Nigeria.

5.2 Causes of Statelessness in Nigeria

5.2.1 Gender-Discriminatory Laws

[128] Aduba (n 18) 95.
[129] ibid 96.
[130] Stateless Persons Convention 1954 art 1(1).
[131] UNHCR, Handbook on Protection of Stateless Persons (n 2) 3.
[132] Statelessness Convention 1961 Preamble
[133] Manby (n 9) 122.

Section 26(2)(a) CFRN allows only foreign women married to Nigerian men to acquire citizenship by registration.[134] A Nigerian woman cannot confer citizenship on her foreign husband or on children born abroad in the same way.[135] This violates CEDAW art 9(2)[136] and creates stateless children where the father's state does not apply *jus sanguinis*.[137]

5.2.2 Children Born Abroad

While s 25(1)(a) grants citizenship to children born abroad to a Nigerian parent, in practice, proof of paternity is strictly demanded for fathers but not for mothers.[138] Children born out of wedlock to Nigerian mothers often face bureaucratic obstacles.[139]

5.2.3 Foundlings and Children of Unknown Parentage

Section 25(1)(c) deems a child under 5 found in Nigeria to be a Nigerian citizen.[140] However, there is no procedure for registration or issuance of proof of citizenship.[141] Many such children grow up without documentation and become stateless.[142]

5.2.4 Deprivation and Renunciation

The power to deprive citizens by registration and naturalization under s 28,[143] and citizens by birth under s 29(2),[144] without a safeguard against statelessness, conflicts with art 8 of the 1961 Convention.[145]

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[134] CFRN 1999 s 26(2)(a).
[135] ibid.
[136] ibid
[137] CEDAW art 9(2).
[138] NIS (n 30) 7.
[139] WACOL (n 10) 16.
[140] CFRN 1999 s 25(1)(c).
[141] UNHCR, this is Our Home: Statelessness in West Africa (UNHCR 2017) 20
[142] ibid 21
[143] CFRN 1999 s 28.
[144] ibid s 29(2).

5.2.5 Border Communities and Migration

Nigeria shares porous borders with four (4) countries.[146] Cross-border communities, refugees, and internally displaced persons often lack birth certificates and are unable to prove nationality.[147] This is common in the North-East due to the Boko Haram crisis.[148]

5.3 Legal and Policy Framework on Statelessness

5.3.1 Constitutional Provisions

The Constitution aims to prevent statelessness through *jus soli* and *jus sanguinis* provisions in s 25.[149] However, it does not expressly prohibit statelessness.[150]

5.3.2 International Obligations

Nigeria has signed but not ratified or domesticated the 1954 and 1961 Statelessness Conventions.[151] It is, however, bound by CEDAW[152] and CRC[153] which require non-discrimination in nationality matters. Under s 12(1) CFRN, treaties only have force when domesticated.[154]

5.3.3 Regional Framework

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[145] Statelessness Convention 1961 art 8(1
[146] CIA World Factbook, 'Nigeria' <https://www.cia.gov> accessed 28 August 2026.
[147] IOM, Displacement Tracking Matrix Nigeria (IOM 2023) 5
[148] ibid 130
[149] CFRN 1999 s 25.
[150] ibid.
[151] UN Treaty Collection (n 23), (n 27).
[152] CEDAW
[153] CRC
[154] CFRN 1999 s 12(1).

The African Charter[155] and the Protocol on the Rights of Women[156] call for equality in nationality. The ECOWAS Protocol also guarantees free movement but does not address nationality.[157]

5.4 Gaps and Challenges

5.4.1 Lack of Domestic Legislation

There is no specific law or policy on statelessness in Nigeria.[158] There is also no state authority designated to identify and protect stateless persons.[159]

5.4.2 Administrative Defects

The process for registration and naturalization is opaque, slow, and prone to corruption.[160] There are no guidelines for determining statelessness.[161]

5.4.3 Lack of Data

Nigeria has no data on the number of stateless persons.[162] UNHCR estimates that millions in West Africa are at risk, including in Nigeria.[163]

5.4.4 Judicial Attitude

Nigerian courts have not developed jurisprudence on statelessness. In *Nwagboso v FM of Interior*,[164] the Court of Appeal acknowledged

[155] African Charter art 5.
[156] Maputo Protocol art 6(g).
[157] ECOWAS Protocol on Free Movement 1979.
[158] Manby (n 9) 123.
[159] UNHCR, Global Action Plan (n 18) 10.
[160] TI (n 31) 22.
[161] UNHCR, Handbook on Protection of Stateless Persons (n 2) 30.
[162] ibid 35.
[163] UNHCR, This is Our Home (n 12) 5
[164] Nwagboso (n 84).

gender discrimination but said only the National Assembly could cure it.

5.5 Comparative Best Practices

1. Ghana: This country has a Nationality Regulations that provides procedures for determination of statelessness.[165]
2. South Africa: The South African Citizenship Act prohibits deprivation if it will lead to statelessness.[166]
3. Kenya: The 2010 Constitution removed gender discrimination in citizenship.[167]

Nigeria can learn from these jurisdictions.

5.6 Conclusion

Statelessness in Nigeria is not a large-scale crisis yet, but the legal seeds exist.[168] Discriminatory provisions, vague deprivation clauses, and lack of implementation create risk.[169] Nigeria must align its law with the 1961 Convention and adopt administrative safeguards to ensure that no one is left without a nationality.

The final chapter concludes and makes recommendations.

6. RECOMMENDATIONS AND CONCLUSION

6.1 Introduction

Nationality is the foundation of rights and belonging.[170] This paper has examined the Nigerian legal framework on acquisition and loss of nationality, with emphasis on dual nationality and statelessness. While the 1999 Constitution provides a broad structure, it contains

[165] Ghana Citizenship Regulations 2001 LI 1691.
[166] South African Citizenship Act 1995 s 8.
[167] Constitution of Kenya 2010 art 14.
[168] Manby (n 9) 124.
[169] ibid.
[170] Arendt (n 3) 296.

ambiguities, discriminatory provisions, and gaps that conflict with international standards.[171] This chapter summarizes findings and proposes reforms.

6.2 Summary of Findings

1. Acquisition and Loss: The CFRN recognizes *jus soli, jus sanguinis*, registration and naturalization.[172] However, deprivation provisions under s 28 and 29 are vague and grant excessive discretion to the President.[173]

2. Dual Nationality: Nigeria permits dual citizenship for citizens by birth, but restricts political participation and fails to define key terms like "allegiance" and "incompatibility with loyalty".[174] This creates legal uncertainty for the diaspora.[175]

3. Statelessness: Despite constitutional safeguards, gender discrimination in s 26(2)(a),[176] lack of procedures for foundlings,[177] and absence of safeguards against statelessness in deprivation cases expose vulnerable groups to risk.[178] Nigeria has also not domesticated the 1954 and 1961 Statelessness Conventions.[179]

4. Comparative Lessons: The UK, USA and Ghana show that dual nationality can coexist with national security through clear rules and

[171] Manby (n 9) 122.
[172] CFRN 1999 ss 25-27.
[173] ibid ss 28-29.
[174] ibid ss 28, 66, 107, 182.
[175] Aduba (n 18) 93.
[176] CFRN 1999 s 26(2)(a).
[177] UNHCR, This is Our Home (n 12) 20.
[178] Statelessness Convention 1961 art 8
[179] UN Treaty Collection (n 23), (n 27).

limited restrictions.[180] Ghana and Kenya also show how gender equality in nationality can be achieved.[181]

6.3 Recommendations

6.3.1 Constitutional Amendment

1. There is a need to remove Gender Discrimination from the constitution by amending section 26(2)(a) to allow Nigerian women to confer citizenship on foreign husbands and on children born abroad on equal terms with men.[182] This will align with CEDAW art 9(2).[183]

2. Section 28 needs to be amended to define "incompatible with loyalty" and "public policy" and to require judicial process before deprivation.[184]

3. To prohibit statelessness, there should be inserted an express provision that no Nigerian shall be deprived of citizenship if it will result in statelessness, in line with art 8 of the 1961 Convention.[185]

6.3.2 Legislation and Policy

1. The National Assembly should enact a law to domesticate the 1954 and 1961 Conventions pursuant to s 12(1) CFRN.[186]
2. A comprehensive Nationality Act should set timelines, criteria, and appeal procedures for registration and naturalization.[187] It should also establish a procedure for the determination of statelessness.[188]

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[180] See Chapter 4.
[181] See Chapter 5.
[182] CEDAW art 9(2).
[183] ibid.
[184] Aduba (n 18) 94.
[185] Statelessness Convention 1961 art 8(1).
[186] CFRN 1999 s 12(1).
[187] Manby (n 9) 200.
[188] UNHCR, Handbook on Protection of Stateless Persons (n 2) 30.

3. Nigeria should adopt a clear policy on political participation of dual citizens. A Ghana-style model of limited restrictions is recommended.[189]

6.3.3 Administrative Reform

1. The Ministry of Interior and NIS should publish guidelines and create a digital portal for citizenship applications.[190]

2. Birth registration should be made compulsory and free to prevent statelessness among border and IDP communities.[191]

6.3.4 Judicial and Civic Education

Courts should develop jurisprudence on nationality rights.[192] Civil society should educate Nigerians abroad on the limits of diplomatic protection for dual nationals.[193]

6.4 Conclusion

Dual nationality and statelessness are two sides of the same coin: both arise from how states define who belongs.[194] Nigeria's current law tries to balance openness with sovereignty, but it does so imperfectly.[195] The ambiguities in deprivation, the discrimination against women, and the failure to prevent statelessness undermine constitutional and international obligations.[196]

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[189] Constitution of Ghana 1992 art 94(2).
[190] NIS (n 30) 10.
[191] UNICEF, Birth Registration in Nigeria (UNICEF 2022) 15.
[192] Nwagboso (n 27).
[193] NiDCOM (n 7) 18.
[194] Weis (n 1) 200.
[195] Aduba (n 18) 95.
[196] Manby (n 9) 124.

As migration increases and the Nigerian diaspora grows, a modern, rights-based nationality law is no longer optional.[197] Nigeria must reform its law to be clear, non-discriminatory, and compliant with international law.[198] In doing so, it will protect individuals, strengthen the diaspora bond, and uphold the dignity of every person's right to a nationality.[199]

"Everyone has the right to a nationality" --- UDHR art 15(1).[200]

[197] IOM, World Migration Report 2024 (n 21) 45.
[198] UDHR art 15
[199] ibid.
[200] UDHR art 15(1).