



**ANALYSIS OF THE ALIENS AND
NATIONALITY LAW
OF THE
REPUBLIC OF LIBERIA**

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Analysis of the Aliens and Nationality Law of the Republic of Liberia*

I. Introduction and Background

The modern Liberian state was essentially founded by immigrants. In 1822, the territory was colonized by freed black slaves from the United States.¹ However, there was a stark divide between the settlers, known as *Americo-Liberians*, and the indigenous people. In particular, the Liberian Commonwealth Constitution of 1839 limited the privileges of citizenship to all colored persons of the United States and its territories.² The 1847 Constitution distinguished between the rights of citizens and aborigines.³ As a result, the indigenous people were considered subjects, but still not citizens, of Liberia.⁴ Also, Africans on intercepted slave ships were repatriated to Liberia, even though they were from other areas on the continent. These people became known as *Congos* and were granted citizenship only after completing an apprenticeship program.⁵ Indigenous people were not granted citizenship until the 1940s.⁶

By the 1970s, economic development affected domestic migration, drawing approximately a quarter of the rural population to urban areas.⁷ However, in 1990, with the outbreak of the First Liberian Civil War, approximately half of the population was displaced, either internally or to neighboring West African countries, including Cote D'Ivoire, Guinea, Sierra Leone, Ghana, Mali, and Nigeria.⁸ A few years after the mass exodus, the Liberian legislature passed the Refugee Act, which provided for the protection of refugees in Liberia and established the Liberia Refugee Repatriation and Resettlement Commission.⁹

Liberia has faced both substantial immigration and emigration. Over the course of the nearly two decades since the First Liberian Civil War began, Liberians continued to flee the country as well as return in accordance with the ebbs in violence. For example, in 1998 following the end of the civil war and the holding of elections, approximately 240,000 Liberians returned to their country.¹⁰ Yet, in accordance with the renewed outbreak of armed conflict in 1999, Liberians again fled to neighboring countries.¹¹ With the

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¹ Thomas Jaye, *Issues of Sovereignty, Strategy, and Security in the Economic Community of West African States (ECOWAS): Intervention in the Liberian Civil War*, 61-65 (The Edwin Mellen Press 2003).

² John-Peter Pham, *Liberia: Portrait of a Failed State*, 52 (Reed Press 2004); Constitution of the Commonwealth of Liberia, 1839, Art. 9, *available at*

<http://digital.library.cornell.edu/l/iberian/pdf/001/001.pdf>.

³ Constitution of the Republic of Liberia, 1847, Art. V, Section 14th, *available at*

<http://digital.library.cornell.edu/l/iberian/pdf/031/031b.pdf>.

⁴ Jaye, *supra* note 1, at 67; Dr. M.B. Akpan, *Black Imperialism: Americo-Liberian Rule over the African Peoples of Liberia 1841-1964* (Canadian Journal of African Studies, Volume VII, No 2, 1973, 217-236, at 235).

⁵ Pham, *supra* note 2, at 52-54.

⁶ *Id.*

⁷ Jaye, *supra* note 1, at 72.

⁸ Human Rights Watch, *Human Rights Watch World Report*, 1990.

⁹ Refugee Act of 1993, January 19, 1994, *available at*

<http://www.unhcr.org/refworld/docid/3ae6b4f31c.html>.

¹⁰ United Nations Commissioner for Refugees, *2002 UNHCR Statistical Yearbook*, at 366-67, 2002 *available at* <http://www.unhcr.org/statistics/STATISTICS/414ad5900.pdf>.

¹¹ United Nations High Commissioner for Refugees, *UNHCR Global Report 2003*, at 245-51, 2003, *available at* <http://www.unhcr.org/publ/PUBL/40c6d7530.pdf>, see also U.S. Committee for Refugees,

assistance of the United Nations High Commissioner for Refugees and other international organizations, over 150,000 Liberians have been repatriated to Liberia.¹² In addition, Liberia also became a haven for people from neighboring states trying to escape the civil wars raging in their own countries.¹³ As recently as 2008, Liberia hosted over 11,000 refugees and asylum seekers, mostly from Sierra Leone and Cote d'Ivoire.¹⁴

Liberia has undergone significant changes since 1973, when the current Aliens and Nationality Law was passed. Moreover, the international community has significantly increased awareness and protections of the rights of migrants since that time. This assessment of the Aliens and Nationality Law of 1973 aims to highlight areas of concern regarding the text of the law and suggest reforms and modernizations in light of pertinent international and regional standards, as well as the examples of similarly-situated countries. This report will first provide a brief overview of pertinent standards and discuss general and policy considerations which are applicable to the law as a whole. Then, the report will proceed with a section-by-section analysis following the outline of the law¹⁵ drawing on commentary provided by a panel of expert practitioners of immigration and public international law as well as experts on Liberia, and, finally, present conclusions and a summary of recommendations.

II. International and Regional Standards

Numerous international treaties and agreements apply to immigration and nationality laws and include African signatories. The first major international treaty to address immigration, the Convention Relating to the Status of Refugees (Refugee Convention also known as the Geneva Convention of 1951), was adopted in 1951 and defines the term *refugee*, as well as the grounds for granting asylum.¹⁶ The 1967 Protocol Relating to the Status of Refugees (Refugee Protocol) expands the definition of refugee to include those persons who became refugees after 1951.¹⁷ Liberia is a party to both the Refugee Convention and its Protocol, and the rights of refugees are addressed in Liberia's 1993 Refugee Act. Enacted several decades later, the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families of 1990, which Liberia has signed but not yet ratified, establishes that persons who qualify as migrant workers are entitled to exercise their human rights regardless of their legal status.¹⁸

More recently, in conjunction with the Convention against Transnational Organized Crime, the United Nations also adopted the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children as well as the Protocol against the Smuggling of Migrants by Land, Sea, and Air.¹⁹

Update from Field: Sierra Leone Struggles to Assist 8,000 New Liberian Refugees: Relief Agencies Need Funding and Coordination, June 28, 2002.

¹² United Nations High Commissioner for Refugees, *UNHCR Global Report 2007*, at 260-64, 200,7 available at <http://www.unhcr.org/home/PUBL/484900e32.pdf>; see generally United Nations High Commissioner for Refugees, *Regional Multi-Year Operations Plan for Repatriation and Reintegration of Liberian Refugees and Internally Displaced Persons (2004-2007)*, August 2002, available at <http://www.unhcr.org/home/PROTECTION/414965534.pdf>.

¹³ UNHCR Statistical Yearbook, *supra* note 9.

¹⁴ *World Refugee Survey 2008 – Liberia*, *supra* note 8.

¹⁵ The text of the law is found in Appendix A.

¹⁶ Available at http://www.unhcr.ch/html/menu3/b/o_c_ref.htm.

¹⁷ Available at http://www.unhcr.ch/html/menu3/b/o_p_ref.htm.

¹⁸ International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families art. 8 – 35, available at http://www.unhcr.ch/html/menu3/b/m_mwctoc.htm; see also Office of the High Commissioner for Human Rights, *Fact Sheet No. 24, The Rights of Migrant Workers*, available at <http://www.unhcr.ch/html/menu6/2/fs24.htm>.

¹⁹ The text of the convention and its protocols is available at <http://www.unodc.org/unodc/en/treaties/CTOC/index.html>.

Liberia is a party to the convention and its two protocols. The protocol on trafficking seeks to prevent and combat trafficking in persons and protect and aid the victims paying special attention to their human rights. In particular, the protocol mandates information exchange between law enforcement and immigration authorities of States in order to identify perpetrators or victims of trafficking in persons. Likewise, the latter protocol's purpose is to prevent the smuggling of migrants and promote cooperation between State Parties. Specifically, the protocol requires States Parties to "provide or strengthen specialized training for immigration and other relevant officials" to prevent the criminal offences associated with smuggling.²⁰ The protocol has been transposed into Liberian law through the Anti-Trafficking Act of 2005.²¹

Liberia is also a party to several international human rights treaties that are relevant to immigration and nationality. These include the International Covenant on Civil and Political Rights of 1966 (ICCPR),²² the International Convention on the Elimination of All Forms of Racial Discrimination of 1966 (CERD),²³ the International Covenant on Economic, Social and Cultural Rights of 1966 (ICESCR),²⁴ the Convention on the Elimination of all forms of Discrimination against Women of 1979 (CEDAW),²⁵ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 (CAT),²⁶ and the Convention on the Rights of Persons with Disabilities,²⁷ all of which Liberia has ratified or acceded to.

In addition to the international framework, there are also regional organizations in Africa that address immigration. Liberia is a member of both the African Union (AU) and Economic Community of African States (ECOWAS). The African Union seeks to create unity and economic and social development for its member States. As part of this objective, the AU (originally the Organization of African Unity) adopted the Convention Governing the Specific Aspects of Refugee Problems in Africa in 1969. This convention provides for group-based determination of refugee status and expands the scope of the definition of *refugee* in the 1951 UN Convention. Furthermore, the Constitutive Act of the African Union mandates that the Executive Council coordinate and make decisions on policies regarding nationality, residency, and immigration matters. The act also establishes a Committee on Trade, Customs, and Immigration Matters. The AU has also developed a Strategic Framework for a Policy on Migration in Africa, which creates policy guidelines on labor migration, border management, irregular migration, forced displacement, human rights, internal migration, data, development, and interstate cooperation. Liberia is also a party to the AU's human rights convention, the African Charter on Human and People's Rights.²⁸

More narrowly focused than the AU, ECOWAS' mission is to create economic integration between member states and to provide community citizens the right of entry, residence and establishment in all member states. As such, ECOWAS initiated the 1979 Protocol on the Free Movement of Persons, Right of Residence and Establishment²⁹, which has since been followed by four further protocols establishing a code of conduct³⁰, laying down procedures for residence rights³¹, dispute resolution³² and the right of

²⁰ Protocol Against Smuggling of Migrants by Land, Sea and Air art. 6, 14.

²¹ An Act to Ban Trafficking in Persons within the Republic of Liberia, approved June 14, 2005 and published July 5, 2005.

²² Available at http://www.unhchr.ch/html/menu3/b/a_ccpr.htm.

²³ Available at <http://www2.ohchr.org/english/law/cerd.htm>.

²⁴ Available at <http://www2.ohchr.org/English/law/cescr.htm>.

²⁵ Available at <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

²⁶ Available at http://www.unhchr.ch/html/menu3/b/h_cat39.htm.

²⁷ Available at <http://www2.ohchr.org/english/law/disabilities-convention.htm>. Although as of the time of publication of this report, the U.N. had not recorded Liberia's ratification of the Convention, the Convention was ratified by the ACT TO RATIFY THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES of September 11, 2008.

²⁸ Available at http://www.achpr.org/english/_info/charter_en.html.

²⁹ Available at <http://www.comm.ecowas.int/sec/index.php?id=ap010579&lang=en>.

³⁰ Supplementary Protocol on the Code of Conduct for the Implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment, available at <http://www.comm.ecowas.int/sec/index.php?id=asp010785&lang=en>.

establishment.³³ The free movement of persons was meant to be achieved in three phases - namely: abolition of visas, right of residence and right of establishment - which would ultimately allow citizens of the community to take up employment and establish businesses in any of the ECOWAS states.³⁴ However, the liberalization of the free movement of persons has only progressed as far as phase one, which guarantees community citizens the right of entry into member states with a valid travel document without the need for a visa.³⁵ In accordance with the first protocol on abolition of visa requirements, Liberia has eliminated entry visas and permits for ECOWAS citizens, but has not yet adopted the ECOWAS travel certificate or created a committee to monitor the free movement of persons and vehicles.³⁶

On a national level, African governments have generally given limited attention to developing migration policies.³⁷ However, a comparable regional attempt to reform immigration is the Ghanaian process that resulted in the passage of the Ghanaian Immigration Act of 2000.³⁸ Additionally, since the 1973 Aliens and Nationality Law is significantly modeled on the United States' 1952 Immigration and Nationality Act (INA), modernization may be informed by reforms and amendments to the INA and U.S. immigration policy since that time.³⁹

III. General Considerations

Several issues arise throughout the Aliens and Nationality Law that are not specific to any one article. The most glaring is a general lack of incorporation of Liberia's international legal obligations in the provisions of the law. In modernizing the law, it is essential to take into account Liberia's obligations under the treaties discussed above and also to anticipate potential future obligations reflected in treaties that Liberia has signed but not yet ratified. In the analysis below, specific treaties are discussed in conjunction with provisions of the Aliens and Nationality Law that appear to violate them.

³¹ Supplementary Protocol on the Second Phase (Right of Residence) of the Protocol on Free Movement of Persons, the Right of Residence and Establishment, *available at* <http://www.comm.ecowas.int/sec/index.php?id=asp010786&lang=en>.

³² Supplementary Protocol Amending and Complementing the Provisions of Article 7 of the Protocol on Free Movement, Right of Residence and Establishment, *available at* <http://www.comm.ecowas.int/sec/index.php?id=asp010689&lang=en>.

³³ Supplementary Protocol on the Implementation of the Third Phase (Right of Establishment) of the Protocol on Free Movement of Persons, Right of Residence and Establishment, *available at* <http://www.comm.ecowas.int/sec/index.php?id=asp020590&lang=en>.

³⁴ John Agyei & Ezekiel Clottey, Operationalizing ECOWAS Protocol on Free Movement of People among the Member States: Issues of Convergence, Divergence and Prospects for Sub-Regional Integration (paper delivered at African Migrations Workshop, 'Understanding Migration Dynamics in the Continent', Ghana, September 18-21, 2007), *available at* <http://www.imi.ox.ac.uk/pdfs/CLOTTEY%20and%20AGYEI.pdf>.

³⁵ Hania Zlotnik, *Migrant's Rights, Forced Migration and Migration Policy in Africa* 14 (June 2003).

³⁶ ECOWAS, Status of Implementation of ECOWAS Priority Programmes: Republic of Liberia, *available at* <http://www.comm.ecowas.int/pays/lb/>.

³⁷ Economic Commission for Africa, *International Migration and Development: Implications for Africa*, 12 (Sept. 2006), *available at* http://www.uneca.org/eca_resources/publications/migrationreport2006.pdf.

³⁸ See Ghana Immigration Act 200 (Act 573), and the corresponding 2001 regulations (LI 1691), *available at* <http://www.ghanaimmigration.org/ACTS%20AND%20REGULATIONS/ACT%20573.pdf> and <http://www.ghanaimmigration.org/ACTS%20AND%20REGULATIONS/ACT%20573.pdf>, respectively.

³⁹ The INA, including all amendments passed since 1952 to the present, is available at <http://www.uscis.gov/propub/ProPubVAP.jsp?dockey=c9fef57852dc066cfe16a4cb816838a4>.

There are several groups of people whose rights are neglected in the current law. Of particular concern is the failure to address the situation of trafficked and smuggled persons and the failure to allow excludable aliens to apply for asylum.

Additionally, there is no legal framework in place to address the needs of unaccompanied minor immigrants or to protect abused, abandoned, or neglected immigrant children. The United States allows children who have been abused, abandoned, or neglected to become residents through the Special Immigrant Juvenile Status process.⁴⁰ In addition to the significant population of orphans and former child soldiers in Liberia, the presence of undocumented children within the country who have been displaced from Sierra Leone or Cote d'Ivoire is likely.

The model in the United States involves the appointment of a guardian in family court and then a subsequent pathway to adjust status to that of a lawful permanent resident. The child must prove that he/she has been abused, neglected or abandoned by their parents and that they have no parent to take care of them in their home country. Once they achieve immigration status, the children are not permitted to then apply for their parents to join them based on their new residency status. This prevents any abuse of the system by opportunistic parents who send their children unaccompanied to the United States, only to gain residency later through those children.

Another general consideration has to do with the framework of the law. The current law is inflexible and frequently imposes specific duties or responsibilities on the Attorney General or other actors. For example, fees and fines are enumerated in the law, rather than simply allowing the Attorney General or another agency to establish or change fees and fines. Additionally, the country is likely lacking the necessary infrastructure to implement a complex statutory framework. For instance, Part II, Chapter 6 of the law imposes complex supervision, reporting, and record-keeping requirements that may not be practicable.

Finally, the law should take into account changed political and global circumstances. For example, Liberia may wish to address the treatment of aliens involved in terrorism, and may want to give specific consideration to the deleterious effects of a bar on dual citizenship, given the large Liberian diaspora.

IV. Definitions and General Provisions

Part I of the Aliens and Nationality Law is entitled "Definitions and General Provisions," and is divided into three chapters: "Definitions," "Administration," and "Penalties."

Definitions

Part I, Chapter 1 of the Aliens and Nationality Law deals with definitions. This chapter raises several areas of concern. Section 1.1 defines terms that will be used in the law, but there are many terms which are used throughout the law that are not defined in this Section. These terms, listed below, include both legal and categorical terms.

Legal terms:

- fraud
- harboring
- minor
- admission/exclusion
- prostitution
- unlawful commercialized vice
- stowaways

⁴⁰ INA Sections 203(b)(4), 101(a)(27)(J).

- marriage
- dangerous contagious disease
- vessel
- immoral purpose
- crime involving moral turpitude⁴¹

Categorical terms:

- vagrants
- child
- unmarried
- immigrant
- non-immigrant
- border crossing
- port of arrival
- professional
- skilled
- unskilled
- semi-skilled
- paupers
- all mental designations (including “feeble-minded”, “insane”, “insanity” and “psychopathic personality”)
- narcotic drug addict
- crewmen

Moreover, several of the abovementioned terms, including the terms *paupers* and *feeble-minded* are ambiguous or out-of-date and are no longer used in legal terminology or common parlance. It is advisable to replace these terms.

In addition to the above, it is suggested that the definition of *naturalization* in Section 1.1(e) should be changed to state, “The term ‘naturalization’ means the process of conferring citizenship upon a person after birth.” The term *citizenship* is preferable to *nationality*, as nationality is, by definition, tied to membership in a nation, that is, a group of people having a common origin, language, and tradition and constituting a political entity, and cannot be conferred by law.⁴² It was also suggested to simplify the definition of *residence* in Section 1.1(h) by stating, “The term ‘residence’ means the actual dwelling place in fact without regard to intent. A residence may be continual without uninterrupted physical presence.”

Section 1.2, “Classes of Aliens Defined,” appears comprehensive and up-to-date. It was noted that Section 1.2(d) defines *alien residents* as “persons applying for admission or to remain in Liberia for a period up to a year”, which includes classes of people who are likely to remain for over one year, including students, professionals, and aliens who have resided in Liberia for over 15 years. This section is essentially analogous to the status of *lawful permanent resident* in the United States, which confers a right to remain in the country indefinitely and can lead to citizenship. It is recommended to remove the one-year limitation and to consider whether the status of alien resident should be allowed to lead to citizenship for all or some alien residents. Another possibility would be to expand Section 1.2(e) on Immigrants to include some or all of those previously classified as alien residents.

It was noted that throughout the law, the terms “exclusion” and “inadmissibility” are used interchangeably, as are the terms “entry” and “admission”. One term should be selected, defined in Section 1 and used consistently throughout the law.

⁴¹ The failure of the United States to define this term in its immigration code and corresponding regulations has caused considerable disagreement and inconsistent enforcement of the law.

⁴² See Black’s Law Dictionary 7th Ed. (2000).

Administration

Part I, Chapter 2 deals with the administration of the Aliens and Nationality Law. Generally, the administrative framework established in this chapter is complete and up-to-date. However, the fees established in Section 2.2 should be updated to reflect current monetary values, since in the absence of a specified currency, dollars amounts are taken to mean Liberian dollars.⁴³ It may also be more useful to include fees in the section on categories of visas and/or to include a provision allowing fees to be implemented or changed by administrative order or regulation, in order to allow adjustment for inflation or deflation without the need to amend the law. Another solution would be to grade fees and fines by reference to the Legislature to fix the amounts on a regular basis to take into account

The delegation of authority to the Bureau of Immigration and Naturalization or its head, the Deputy Attorney General, to set forth the specifics of the law through regulation may be advisable, especially in complicated areas of the law such as the types of visas and permits and matters of excludability/inadmissibility. However, in the United States, there have been significant lags between the passing of code provisions and implementing regulations, leaving a number of immigrants in limbo with respect to their status. If regulations were to be issued, this would require the Ministry of Justice to staff the Deputy Attorney General's office with sufficient legal and support staff to ensure the timely drafting and implementation of immigration regulations.

It should also be noted that the Aliens and Nationality Law does not establish specialized immigration courts. Rather, the law provides for a convoluted appeals process in which the Ministry of Justice exercises complete control over the initial application and subsequent appeal processes.⁴⁴ Initial decisions are taken by immigration officers, with appeals being heard by the Liberian Board of Immigration Appeals (which is not independent of the Bureau of Immigration and Naturalization). Final administrative appeals are heard by the Attorney General. A subsequent right of judicial appeal does exist from the Attorney General's final decision to the Circuit Court sitting in civil assizes.⁴⁵

An alternative would be to create a separate and specialized system of immigration courts. There are advantages and disadvantages to creating specialized immigration courts for adjudication of the removal of individuals from Liberia. The advantages are that judges and lawyers who are trained in the enforcement of immigration law are in the best position to make determinations with respect to whether an individual has violated the immigration laws of Liberia. This can reduce the inconsistencies in immigration enforcement by officers and also ensures that there will be a judicial forum for immigration disputes. Such specialized courts could also be given jurisdiction in respect to appeals taken from decisions of the Liberia Refugee Repatriation and Resettlement Commission under the Refugee Act of 1993. However, creating an immigration judicial system can cause procedural issues between the courts, the Bureau of Immigration and Naturalization, the Ministry of Justice and Ministry of Foreign Affairs. In addition, having two separate systems to determine immigration eligibility is costly.

As a result, and given the lack of resources which continues to afflict the Liberian judicial system, it would be advisable to allow the Circuit Courts to take jurisdiction over appeals from immigration decisions by officers, rather than having appeals heard by entities within the Ministry of Justice. In all cases, of course, a final right of appeal would lie before the Supreme Court in accordance with Articles 20 and 66 of the Constitution.

⁴³ According to the Central Bank of Liberia Act of 1999, Section 19: "The monetary unit of Liberia shall be the Liberian Dollar, divided into one hundred cents. The Liberian Dollar shall be the currency of Liberia and legal tender. Prices for all transactions in Liberia shall be indicated in Liberian Dollars and Cents."

⁴⁴ Aliens and Nationality Law, section 7.3.

Finally, it should be considered whether immigrants should be guaranteed a right to counsel at the various stages of proceedings; if so, this right could be defined in Part 1, Chapter 2. The United States does not guarantee a right to counsel in immigration proceedings; however, this has been criticized as the stakes in immigration proceedings can be very high and the immigration laws can be difficult to understand. In determining whether to guarantee a right to counsel, the question of who will bear the cost of providing counsel should also be considered. As regards indigents, Chapter 65 of the Civil Procedure Law would apply with the Republic being responsible for bearing the costs of providing counsel to persons who could not otherwise afford legal advice.

Penalties

It was noted that the section on penalties, currently located in Part 1, Chapter 3, may be more appropriately located in Part II of the law, on Immigration, and Part III of the law, on Nationality, in conjunction with the provisions for which a violation results in the imposition of a penalty. Additionally, all provisions that impose criminal penalties should be cross-checked with the pertinent criminal legislation to ensure compatibility. It should be noted that the Penal Law does not currently contain any specific chapter on immigration offences.

As the procedure for hearings on civil penalties in Section 3.1(3) is tied to the Administrative Procedure Act, it should be ascertained that the Administrative Procedure Act sufficiently lays out the appropriate procedure, and a citation to the relevant provisions should be included in Section 3.1(3) or in any other section where the Administrative Procedure Act applies.

There does not appear to be a penalty of permanent exclusion for individuals who have repeatedly entered Liberia illegally or who have been deemed excludable. The United States has implemented a 10-year bar for certain individuals who have been ordered removed from the United States.⁴⁶ The benefit of this type of policy is that it can curb the unlawful behavior of individuals who are not responsive to fines and other penalties. The downside of this policy is that individuals with substantial ties in Liberia are permanently barred for a very long time, essentially requiring them to abandon these ties. Enforcement of these removal orders is also very costly.

Finally, the amount of the fine set forth in Section 3.4 should be updated to reflect current monetary values.

V. Immigration

Part II of the Aliens and Nationality Law is entitled “Immigration” and is divided into three chapters: “Entry, Admission, and Departure of Aliens,” which has six subchapters; “Control of Aliens within Liberia”; and “Deportation.”

Entry, Admission, and Departure of Aliens

Chapter 5, “Entry, Admission, and Departure of Aliens” has six subchapters: “Requirements for Admission,” “Issuance of Entry Documents,” “Application for Admission at Ports to Entry,” “Exclusion and Departure,” “Special provisions relating to alien crewmen, “ and “General penalties for violations of Chapter 5.”

⁴⁶ INA Section 212(a)(9)(B).

Requirements for Admission

This subchapter begins by laying out grounds for exclusion (Section 5.1). The grounds set forth in this section appear to be based in outdated U.S. law and may be incompatible with Liberia's international human rights obligations or contemporary standards for immigration. In particular, exclusion on the basis of mental or physical disabilities appears to be incompatible with the Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (Disability Convention), in particular Article 18 on Liberty of Movement and Nationality. Liberia signed the Disability Convention in 2007 and ratified it in October 2008. As a result, the provisions of the Disability Convention must be taken into account in modernizing the Aliens and Nationality Law.

Moreover, ICCPR Article 2(1) obliges Liberia to ensure that all persons subject to its jurisdiction enjoy the rights under the covenant "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Although disability is not explicitly mentioned among the prohibited grounds for discrimination, it is included in the concept of "other status." Further, according to Article 26 of the covenant, all persons are equal before the law and are entitled without any discrimination to equal protection of the law. The UN Human Rights Committee has found that Article 26 is violated unless there are "objective and reasonable grounds" for making a distinction.

The admission of people with disabilities poses a serious issue for Liberia. A significant number of aliens seeking admission to Liberia will likely suffer from some form of mental or physical disability, considering that the region of West Africa suffers from poverty and under-development, the rapid spread of illnesses such as HIV/AIDS, and mental and physical injuries related to war.

The refusal to admit people with disabilities to Liberia is also likely to separate persons otherwise eligible for admission from family members who suffer disabilities. The latter may have to remain in vulnerable or dangerous situations, rather than joining their families, though the possibility of applying for a waiver of exclusion of some categories of disabled family members currently exists under Section 5.3(5) or 5.19 of the Aliens and Nationality Law.

However, it might be argued that Liberia has a legitimate interest, particularly as a developing, post-conflict state, in regulating the admission of persons to its territory, including those who may require significant health and other social security expenditure or whose treatment may prejudice the access to treatment of existing residents and citizens. Unlike language skills or financial requirements, and in the absence of major, unforeseen medical advances, permanent disability will never change once an applicant is allowed entry to a country. The question is how to best balance these competing interests, and whether Liberia can utilize any "objective and reasonable" criteria to prevent the admission of disabled persons. This is a question that many countries, including developed nations, continue to debate.

The example of Australia may be most informative on this issue. Australia currently imposes a health requirement on visa applicants based on the likely costs to the health system, rather than specific conditions on disabilities *per se*. Australia has declared that the requirements are based on legitimate, objective, and reasonable criteria. However, these requirements can be indirectly discriminatory as they tend to impose a heavier burden on disabled applicants to meet immigration requirements. The compatibility of these requirements with Australia's international human rights obligations⁴⁷ has not yet been determined by any international body, but the requirements imposed by Australia can be contrasted with those imposed by Liberia insofar as Australia's regulations are not facially discriminatory, whereas the grounds for exclusion of the mentally or physically disabled in Liberia are *per se* discriminatory. If it is determined that Liberia does have a legitimate interest in regulating the admission of persons with health problems, it is recommended that this section be rewritten to avoid facial discrimination and instead to establish a policy-based framework for case-by-case determination of admissibility. An example could be

⁴⁷ Australia is a state party to the Disability Convention as well as the ICCPR.

to require applicants (or family members who they may be accompanying or joining) to demonstrate that they have sufficient resources to provide for their special healthcare needs.

As discussed above, the classifications of excludable aliens need to be defined, and modern terminology should be used. Additionally, several provisions give wide discretion to the Attorney General or other officials, including Sections 5.1(u), (v)(viii) and all of Section 5.3. Consideration should be given to clarifying or limiting this discretion. However, it also may be advisable to expand the provisions of Section 5.3 to permit officials to waive on humanitarian grounds exclusion in all non-immigrant and immigrant applications except in the case of persons convicted of terrorism, persons who have committed serious crimes, or human rights violators.

Additionally, the political grounds for exclusion set forth in Section 5.1(v) should be reevaluated in light of the changed international circumstances since 1973. For example, Section 5.1(v)(i) would allow members of the communist party of any country to be refused admission to Liberia. This could pose problems of a diplomatic nature in case officials of countries such as China, which is providing significant development aid to Liberia, were to be refused admission simply on this basis.

It is noteworthy that the Aliens and Nationality Law does not currently address the issue of terrorism, either in the enforcement of the law against persons who have engaged in terrorism or in the exclusion of those providing material or financial support to terrorism. Additionally, the law does not currently exclude persons who have persecuted others or committed human rights violations. Consideration should be given to adding the above two classes of excludable aliens.

Finally, Section 5.3 should include provisions for excludable aliens to remain in the country while applying for asylum. This may be best addressed under Section 5.3(3) on temporary parole.

Issuance Of Entry Documents

The existing visa categories – non-immigrant, immigrant, and diplomatic – group together different types of people that seem unrelated to one another. The visa categories should be scrutinized to distinguish the different types of visas that Liberia would like to make available and the specific requirements for each type of visa. This could be based upon the categories of Alien Visitors and Alien Residents currently set forth in Part I, Section 1.2.

Rather than providing a blanket four-month term of validity for visas (60 days for visitors), the time period during which a visa is valid should be dependent on the purpose of the visit, not an arbitrary term. Additionally, renewal procedures should be articulated for each category, rather than simply providing the Attorney General complete discretion with respect to the extension of stays.

Finally, it should be clarified in the law that visas are not required for citizens of ECOWAS countries, pursuant to Liberia's obligations under the 1979 Protocol on the Free Movement of Persons, Right of Residence, and Establishment.

Application for Admission at Port Of Entry

No specific concerns were noted regarding subchapter C. However, as discussed above, concerns regarding exclusion based upon mental or physical disability and the broad discretion given to the Attorney General should be addressed in this subchapter. Additionally, the issue of overtime pay for immigration officers may be better addressed by regulation.

Exclusion and Departure

It was noted that Section 5.62, which enumerates the duties of transportation companies with respect to excluded aliens, should be amended to state that it shall not apply if the transportation company, master,

commanding officer, purser, person in charge, owner or consignee rescued the alien. Additionally, it is recommended that Section 5.64 be amended to allow stowaways to apply for asylum.

The procedures established in Section 5.60 appear to be unnecessarily complicated. An “examining officer” decides if an alien who seems inadmissible can actually be admitted. However, this decision can be reversed by “any other immigration officer,” a decision that then moves the case to a “hearing officer.” If the “hearing officer” finds the immigrant “inadmissible,” the immigrant can appeal to the “Office of Immigration Appeals.” This process is convoluted and should be streamlined. As discussed above under Section IV on Administration, the establishment of immigration courts or immediate court oversight over the exclusion and deportation process is preferable.

Special Provisions Relating To Alien Crewmen

No specific concerns were noted regarding subchapter E. However, the term *crewmen* should be defined and/or changed to reflect more modern terminology.

General Penalties for Violations of Chapter 5

As discussed above, it is advisable to combine Part I, Chapter 3 on Penalties with the provisions of this subchapter.

It was noted that the penalty for re-entry of a deported alien (Section 5.93) is the same as that for a simple illegal entry (Section 5.90), although the former is a more serious offense. Moreover, the criminalization and punishment of illegal entry or reentry when no other crime has been committed is not in line with international norms, in particular when these provisions could be invoked against a trafficked migrant. It will be recalled that the Penal Law contains no specific chapter on immigration offences. It should also be clearly stated that penalties will not apply to trafficked or smuggled persons as required by the Anti-Trafficking Act of 2005, and Liberia should ensure compliance with its obligations under the Protocols to the Convention against Transnational Organized Crime.

Section 5.92 appears to sufficiently address Liberia’s obligations pursuant to the Protocol against the Smuggling of Migrants by Land, Sea, and Air supplementing the United Nations Convention against Transnational Organized Crime. However, it was noted that Section 5.92 should be amended to directly address the penalties for human trafficking, especially in light of Liberia’s obligations under Article 5 of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.

Control of Aliens within Liberia

Chapter 6, “Control of Aliens within Liberia,” raises several issues for consideration. In Section 6.1, it is unclear why the requirement for a permit of residence should apply to all aliens, which on its face includes temporary visitors. It is recommended to clarify that this requirement does not apply to such visitors.

Sections 6.4, on students, and 6.5, on employment, may best be addressed by the development of visa categories. The current legal framework appears unnecessarily complicated, apparently requiring the alien to obtain permission from the Attorney General (in the case of students) or both the Minister of Justice and of Labor (in the case of workers) to gain or change employment. The establishment of student and labor visas, with rules and regulations for employment, would streamline this process. A visa framework may also address the concerns raised by Section 6.1 – the establishment of resident and non-resident visas would remove the need for a permit of residence.

Section 6.7, restricting the settlement of immigrants, appears to be incompatible with Liberia’s international legal obligations. In particular, Article 12.1 of the African Charter states that “Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.” Article 12.1 of the ICCPR states that “everyone lawfully within the

territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.” It is recommended to remove this provision from the law.

Deportation

Chapter 7, “Deportation,” appears substantially compliant with Liberia’s international legal obligations, in particular ICCPR Article 13, which states that “[a]n alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.” However, as with other sections of the law, broad discretion is granted to the Attorney General, and clarifying or limiting this discretion should be considered. Additionally, Section 7.1(c) concerning institutionalized persons should be evaluated in light of the concerns raised regarding Section 5.1 on Grounds for Exclusion, although it appears to be facially compatible with Liberia’s international legal obligations.

Section 7.2 deals with the arrest and custody of aliens pending a determination of their deportability. This section allows an alien to be arrested on the basis of a warrant issued by the Attorney General. This does not appear to be in compliance with Article 21 of the Constitution and Section 10.1 of the Criminal Procedure Law as interpreted by the Supreme Court according to which it is clear that only courts of law are empowered to issue an arrest warrant. Therefore Section 7.2 needs to be amended to make it clear that such a warrant must be issued by a court.

There are also concerns regarding Section 7.7 regarding the country to which an alien is to be deported. It is essential that the law complies with the principle of non-refoulement under international law whereby non-citizens should not be deported to a country where they may face serious harm or their freedom could be curtailed. The law should therefore ensure that aliens are not returned or removed to a country where they are at risk of being subject to serious human rights abuses, including torture and cruel, inhuman or degrading treatment or punishment, pursuant to Liberia’s obligations under Article 3 of the Convention against Torture as well as the Convention on the Elimination of All Forms of Racial Discrimination (CERD). Addressing that concern, as well as general concerns about the protection of aliens, the UN Committee on the Elimination of Racial Discrimination, the body charged with interpreting the CERD, has held that States Parties have the following obligations with respect to aliens:

- Ensure that laws concerning deportation or other forms of removal of non-citizens from the jurisdiction of the State party do not discriminate in purpose or effect among non-citizens on the basis of race, colour or ethnic or national origin, and that non-citizens have equal access to effective remedies, including the right to challenge expulsion orders, and are allowed effectively to pursue such remedies;
- Ensure that non-citizens are not subject to collective expulsion, in particular in situations where there are insufficient guarantees that the personal circumstances of each of the persons concerned have been taken into account;
- Ensure that non-citizens are not returned or removed to a country or territory where they are at risk of being subject to serious human rights abuses, including torture and cruel, inhuman, or degrading treatment or punishment.⁴⁸

⁴⁸ Committee on the Elimination of Racial Discrimination, General Recommendation No. 30: Discrimination Against Non-Citizens ¶ 14 (Jan. 10, 2004).

Additionally, as a party to the Convention relating to the Status of Stateless Persons, Liberia should consider including provisions against the deportation of stateless persons who have not committed serious crimes.

VI. Nationality and Naturalization

Part III of the Aliens and Nationality Law concerns “Nationality and Naturalization.” It has three chapters: “Nationality at Birth”; “Nationality through Nationalization,” which has three subchapters; and “Loss of Citizenship.”

Nationality at Birth

Chapter 20 of the Aliens and Nationality Law relating to Nationality at Birth, which gives effect to Article 27(b) of the Constitution is the most problematic provision,. This chapter restricts citizenship by birth to “[a] person who is a Negro, or of Negro descent, born in Liberia and subject to the jurisdiction thereof” or “[a] person born outside Liberia whose father (i) was born a citizen of Liberia; (ii) was a citizen of Liberia at the time of the birth of such child, and (iii) had resided in Liberia prior to the birth of such child.” This represents a hybrid of citizenship by *jus solis* (that is, citizenship by birthright) and *jus sanguinis* (that is, citizenship by ancestry). However, these provisions are facially discriminatory on the basis of race and gender and appear to be both incompatible with Liberia’s international obligations and in conflict with Article 5 of the Constitution.

On its face, Chapter 20 does not appear to violate the Convention on the Elimination of all Forms of Racial Discrimination (CERD) which Liberia acceded to in 1976. CERD Article 1(3) states that nothing in the convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship, or naturalization, provided that such provisions do not discriminate against any particular nationality. However, CERD states in Article 5 that “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin... in the enjoyment of the following rights... The right to nationality.” Moreover, the CERD Committee has recommended that States Parties recognize that “deprivation of citizenship on the basis of race, colour, descent, or national or ethnic origin is a breach of States parties’ obligations to ensure non-discriminatory enjoyment of the right to nationality.”⁴⁹

Moreover, the UN Human Rights Committee has concluded that, pursuant to their obligations under Article 24 of the ICCPR, states should “refrain from taking measures and from enacting legislation that discriminate against persons or groups of persons on grounds of race, colour, gender, religion, or national or ethnic origin by nullifying or impairing the exercise, on an equal footing, of their right to a nationality, especially if this renders a person stateless, and to repeal such legislation if it already exists.” Moreover, the African Commission on Human and Peoples’ Rights has issued decisions condemning legislation that limits political participation or transmission of nationality to children on the basis of the type of citizenship an individual acquires.⁵⁰

It is noted that the restriction of citizenship to persons of Negro descent is also enshrined in Article 27(b) of the 1986 Constitution. Although the rationale for this requirement is premised upon a philosophy of pan-Africanism and self-determination within the spirit of the founding of the Republic of Liberia, commentators suggest that premising citizenship and naturalization on a determination of race is not

⁴⁹ *Id.*

⁵⁰ See *John K. Modise v. Botswana*, African Comm’n on Human and Peoples’ Rights, Comm. No. 97/93 (2000); *Legal Resource Foundation v Zambia*, African Comm’n on Human and Peoples’ Rights, Comm. No. 211/98 (2001).

reflective of the population of modern Liberia, has a deleterious impact on economic development within Liberia, and may be inconsistent with Article 5 of the Constitution, which prohibits ethnic discrimination.

Commentators noted that modern Liberian history is replete with the contributions of non-African minority groups. Over the years, Lebanese, Syrians, Pakistanis, Indians, Americans, and others have supported the Liberian economy. For example, the Lebanese control a large percentage of trading in suburban Monrovia and other cities and towns. Lebanese and Indian nationals are active in trading, as well as in the retail and service sectors. Europeans and Americans work in the mining and agricultural sectors. These minority groups have long tenured residence in the Republic, but are precluded from becoming citizens as a result of their race.

Restricting citizenship and naturalization to individuals who are Negroes or of Negro descent has proven to be detrimental to sustainable economic development. Aliens of other ethnicities are precluded from citizenship and from participation in the political process of a country in which they have established residency. This group is also constitutionally precluded from owning land. As a result, there is a strong incentive for non-Negro aliens to repatriate profits from their enterprises to their respective countries of nationality, as opposed to re-investing those profits in Liberia. Liberia is likely the only country on the African continent which maintains limitations on the right to citizenship based on race.

Amending Chapter 20 to extend citizenship to non-Negroes would also require an amendment to the Constitution. If the restriction of citizenship for Negroes is kept, the terms *Negro* and *Negro descent* should be carefully defined and construed in a way that takes into account international norms and Liberia's international legal obligations.

The second section of Chapter 20 states that a "person born outside Liberia whose father (i) was born a citizen of Liberia; (ii) was a citizen of Liberia at the time of the birth of such child, and (iii) had resided in Liberia prior to the birth of such child" is a citizen. This provision appears to discriminate on the basis of gender, insofar as a mother cannot pass citizenship on to her child. CEDAW Article 9(2) requires that States Parties grant women equal rights with men with respect to the nationality of their children. It may also violate the child's right to a nationality pursuant to Article 7 of the Convention on the Rights of the Child and Article 24(1) of the ICCPR. Moreover, this provision is inconsistent with Article 28 of the Constitution, which allows any person who has a parent (not only the father) who was a citizen at the time of the person's birth, to acquire citizenship, provided that the person renounces any other nationality upon attaining majority. In addition, for the sake of clarity, the age of majority should be specified in law, which is not currently the case.

The additional requirements in Section 20.1 of residence of the father in Liberia prior to the birth of the child, and residence of the child in Liberia before attaining majority are not required under the Constitution. In particular, these requirements exclude from citizenship children who were born to fathers who, due to events outside their control such as displacement during the Civil War, did not reside in Liberia prior to the child's birth or children who were unable to reside in Liberia prior to reaching the age of majority. Consideration should be given to eliminating these provisions. Commentators noted that liberalization of derivative citizenship would be valuable to both the state and to the individual. This value stems from both practical and normative considerations that make it worthwhile for states to offer derivative citizenship and for parents to seek it. States receive practical benefits by allowing their citizens to take advantage of living and working overseas without fear that their children will become stateless. In particular, developing countries depend on remunerations sent from its citizens who live and work abroad. If states did not offer derivative citizenship, citizens would have less incentive to live and work overseas and the state would lose repatriations of income earned abroad as parents would be more likely to invest in the country of which their child was a citizen.

Nationality through Naturalization

Chapter 21, “Nationality through Nationalization” has three subchapters: “Obtaining Naturalization,” “Revocation of Naturalization,” and “Naturalization of Special Categories.” As noted under the analysis of Chapter 1, “Definitions,” the term *nationality* is not precise and would be better replaced with the term *citizenship*.

Obtaining Naturalization

The considerations mentioned above restricting citizenship to persons who are Negro or of Negro descent also apply to the naturalization process.

It was suggested that requiring a declaration of the intent to naturalize as a pre-requisite to filing a petition for naturalization be discontinued, as this requirement has the effect of unduly delaying the naturalization process. Section 21.2 requires any alien eligible for naturalization to make a personal appearance before the Clerk of the Circuit Court in the county in which they reside and sign a declaration of the intent to naturalize, while Section 21.3 requires applicants to file naturalization petitions within the twelve-month window between the second and third anniversary dates of making the declaration of intent to naturalize. Presumably, if prospective citizens do not file within the twelve-month window they must repeat the process of signing a declaration of an intent to naturalize and then wait an additional two years before filing their naturalization petitions, although this scenario is not specifically mentioned in the statute. The requirement of signing the intent to naturalize apparently bears no reasonable relationship to the process of naturalization, as evidenced by Section 21.3(3), which provides for the waiver by the President of Liberia of the requirement for a time interval after filing the declaration of naturalization. Moreover, the provision in Section 21.2, which allows the President to give three months free lodging at the expense of the Government to anyone who has filed a declaration of intention to become a Liberian citizen, is open to abuse and unlikely to be used in a developing economy, and should be removed.

The requirement in Sections 21.2 and 21.6 that an applicant renounce his or her former citizenship may act as a deterrent to persons (*i.e.*, the diaspora) who would otherwise qualify for Liberian citizenship from returning to Liberia.

In addition, some of the naturalization requirements in Section 21.1 are unclear. For example, Section 21.1(4) requires the applicant to be “attached to the principles of the Constitution of Liberia.” It is not clear precisely what an applicant would need to do or show to meet that requirement.

Naturalization or Restoration to Citizenship of Special Categories of Aliens

This subchapter presents several concerns regarding gender-based and racial discrimination. Section 21.30 permits the naturalization of female spouses of Liberian citizens who are of Negro descent and otherwise conform to the requirements of Section 21.1. However, the subchapter does not permit naturalization of male spouses or persons not of Negro descent. The law should be amended to avoid discrimination on the basis of gender, in light of Liberia’s obligations under ICCPR Article 23(4) requiring the state to take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage. It should be particularly noted that, as a woman does not presently have the right to pass on her citizenship to her children, this effectively denies Liberian citizenship to the children of a union between a Liberian woman and a non-Liberian man, in violation of Liberia’s obligations under CEDAW Article 9(2). This provision may also affect a child’s right to acquire a nationality pursuant to ICCPR Article 24(3).

Additionally, it is recommended to consider creating an expedited naturalization process for spouses of Liberian citizens, as has been done in the United States. The rationale for such a process is based upon the desire to minimize differences in the immigration statuses of family members.

Section 21.31, which states that a child born outside Liberia to alien parents or to a citizen mother and a non-citizen father may become a citizen of Liberia through the naturalization of the father, also raises concerns. This is incompatible with CEDAW Article 9(2), as discussed above, and also is incompatible with contemporary norms of *jus sanguinis*, which allow the citizenship to be passed on via either the mother or the father.

It is also noteworthy that there is no provision for the naturalization of adopted children, a situation that could implicate the child's right to nationality and also could lead to a situation where a child and his or her adoptive parent cannot legally reside in the same country, possibly resulting in a violation of the right to protection of the family under ICCPR Article 23 and African Charter Article 18.⁵¹

Revocation of Naturalization

Section 21.51 provides that if any person who has been naturalized travels to the country of his or her first nationality or residence and resides for a period of two years, or travels to any other foreign country and resides for a period of five years, he or she shall be deemed to have lacked the intention to permanently reside in Liberia at the time that his or her naturalization application was filed. This section is problematic for several reasons. First, Section 21.51 serves to create classes of citizenship. A state should have an interest in minimizing differences in the classes of citizens; that is, naturalized citizens should be treated in the same manner as those persons who acquired citizenship through birth "on the soil." This is consistent with the citizenship laws of most countries, notably the United States, which distinguishes between naturalized and birthright citizens only to the extent that naturalized citizens may not hold the office of President of the United States. Second, Section 21.51 interferes with a naturalized citizen's right to travel and to seek employment or educational opportunities, which may involve prolonged stays abroad, outside of Liberia. It should be noted that this also appears to conflict with ICCPR Article 12, guaranteeing the right to be free to leave any country.

The language of Section 21.51 admits of retroactive application and dilutes the finality of naturalization orders. Under this section, lack of a requisite intent to reside permanently in Liberia, as evidenced by a recent period of residence in the country of nationality or any foreign country, may be imparted to a naturalized citizen irrespective of the date that the person became naturalized. Moreover, the effect of revocation of a father's citizenship on a minor child implicates the child's right to nationality enshrined in ICCPR Article 24(3).

Section 21.58 states that any property owned by individuals whose citizenship is revoked automatically escheats to the State without any payment in consideration, unless that person has a spouse or child who is a citizen. This is a harsh penalty for revocation of citizenship and may violate Article 14 of the African Charter on Human and Peoples' Rights, which guarantees the right to property. Non-citizens are barred by Article 22(a) of the Constitution from owning land, but Constitution Article 24(b) provides for the real property to go to any lineal heirs, not merely a spouse or child. An alternate model would afford for a means by which an individual is compensated for their land upon exiting the country. Whether the State purchases the property, allows for gifting of the property to a family member who is a legal citizen, or facilitates a sale to a private party, such alternate means of removing the property from the control of the revoked citizen would both be fair and comply with international legal obligations.

Loss of Citizenship

Section 22.3, allowing Liberian women who marry foreign citizens to retain their nationality, and its counterpart Section 21.32, restoring the citizenship of women who lost their citizenship due to marriage under the previous nationality law, may be obsolete.

⁵¹ In the United States, minor children adopted by a U.S. citizen parent automatically become U.S. Citizens after two years in the adoptive parent's custody. See INA Section 322.

Under Section 22.1, Liberians who are naturalized in another state lose their Liberian citizenship. Because of the large Liberian diaspora created through the civil conflict during the 1990s, an affirmative provision allowing for dual nationality under Liberian law should be considered. This would facilitate the interaction of the Liberian diaspora with the Liberian homeland and benefit Liberia's development by ensuring that Liberians who have acquired expertise, training, resources, and/or family ties abroad can return to Liberia and invest those talents and resources without sacrificing family unity and the right to family life.

VI. Conclusions

Based upon the foregoing analysis, the following recommendations for the modernization of the Aliens and Nationality Law are made:

- Ensure that Liberia's international legal obligations are fully incorporated throughout the law and that provisions are made for incorporation of international legal obligations that may be incurred in the future as Liberia signs and ratifies additional human rights treaties;
- Address the needs of trafficked and smuggled persons and of unaccompanied, abused, abandoned, or neglected immigrant children;
- Consider developing a less-rigid structure for implementation of the immigration laws, such as a regulatory framework allowing for delegation of authority;
- Expand the definitions section to include ambiguous terms used throughout the law and eliminating the use of outdated terms;
- Update the amounts of monetary fees/fines to reflect current currency values or establish a regulatory framework by which fees may be imposed or increased;
- Consider the establishment of immigration courts or immediate court oversight of immigration decisions;
- Integrate penalties throughout the sections for which violations result in penalties instead of creating a separate chapter on penalties;
- Eliminate discriminatory provisions of the grounds for exclusion, particularly against the mentally or physically disabled;
- Address changed global political circumstances in establishing political grounds for exclusion;
- Allow excludable aliens to remain in the country while applying for asylum;
- Create visa categories with distinct requirements, durations, and privileges;
- Eliminate the duties of transportation companies with respect to excluded aliens in the case that the transportation company rescued the alien;
- Allow stowaways to apply for asylum;
- Streamline the exclusion process;
- Decriminalize illegal entry;
- Ensure that penalties will not be enforced against trafficked and smuggled persons;
- Ensure penalties for traffickers by reference to the Anti-Trafficking Act;
- Eliminate provisions on the settlement of immigrants within Liberia;

- Ensure that non-citizens are not returned or removed to a country or territory where they are at risk of being subject to serious human rights abuses, including torture and cruel, inhuman or degrading treatment or punishment;
- Protect against the deportation of stateless persons who have not committed serious crimes;
- Remove provisions restricting citizenship to Negroes or persons of Negro descent or, if this is not possible, clearly define these terms and ensure the rights of non-Negro residents of Liberia;
- Allow both mothers and fathers to pass on citizenship to their children;
- Eliminate residency requirements for children acquiring citizenship *jus sanguinis*;
- Discontinue the requirement of a declaration of intent to naturalize;
- Permit dual citizenship for persons of Liberian descent born or residing outside Liberia, in order to encourage a return of the diaspora;
- Define “attach[ment] to the principles of the Constitution”;
- Permit naturalization of male spouses of Liberian citizen women;
- Create an expedited naturalization process for the spouses of Liberian citizens;
- Allow naturalization of adopted children;
- Allow naturalized citizens to reside or own property abroad without losing their Liberian citizenship;
- Provide for compensation for property which escheats to the state and liberalize the right of aliens to assign their property to others upon revocation of naturalization; and
- Permit Liberians who are naturalized in another state to maintain their Liberian citizenship.

Appendix A

Aliens and Nationality Law of the Republic of Liberia

AN ACT ADOPTING A NEW ALIENS AND NATIONALITY LAW

It is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled:

§ 1. Title 3 of the Liberian Code of Laws of 1956, known as the Aliens and Nationality Law, as amended through the Fourth Regular Session of the Forty-Fifth Legislature, is hereby repealed, and there is enacted in *lieu* thereof a new Aliens and Nationality Law, to be Title 4 of the Liberian Code of Laws Revised.

§ 2. All references to Secretary of State; Secretary of the Treasury, Attorney General; Director General of the National Labor Affairs Agency; Department of Justice; and National Labor Affairs Agency; appearing in this Act shall mean, Minister of Foreign Affairs; Minister of Finance; Minister of Justice; Minister of Labor and Youth; Ministry of Justice; and Ministry of Labor and Youth, respectively.

TITLE 4

Aliens and Nationality Law

Approved: May 15, 1973

Amendments Approved: May 9, 1974

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PART I

General Provisions**Chapter 1. DEFINITIONS**

§ 1.1. Terms defined.

§ 1.2. Classes of aliens defined.

§ 1.1. Terms defined.

As used in this chapter--

- (a) The term “alien” means any person not a citizen of Liberia;
- (b) The term “Commissioner” means the Commissioner of Immigration and Naturalization;
- (c) The term “crewman” means a person serving in any capacity on board a vessel or aircraft;
- (d) The term “Immigration officer” means any employee or class of employees of Liberia designated by the Attorney General individually or by regulation, to perform the functions of an immigration officer specified by this title;
- (e) The term “naturalization” means the conferring of nationality of a state upon a person after birth, by any means whatsoever;
- (f) The term “nonimmigrant” means an alien of any of the classes other than immigrants enumerated in section 1.2 of this title;
- (g) The term “passport” means any travel document issued by competent authority showing the bearer’s origin, identity, distinguishing marks and nationality, if any, which is valid for the entry of the bearer into a foreign country;
- (h) The term “residence” means the place of general abode; and the place of general abode of a person means his principal, actual dwelling place in fact without regard to intent. A residence may be continual without an uninterrupted physical presence;
- (i) The term “visa” means a permit to enter Liberia, issued by a Liberian consular officer to an alien.⁵²

§ 1.2. Classes of aliens defined.

An alien in Liberia or seeking entry into Liberia is within one of the following categories:

(a) Aliens with diplomatic status, comprising --

- (i) Ambassadors, public ministers, or career diplomatic or consular officers who have been accredited by a foreign government recognized de jure by the Republic, who are accepted by the President or by the Secretary of State, and the members of their immediate families;
- (ii) Upon a basis of reciprocity, other officials and employees who have been accredited by a foreign government recognized by the Republic, who are accepted by the Secretary of State, and the members of their immediate families;
- (iii) Upon a basis of reciprocity attendants, servants, personal employees, with members of their immediate families of the officials and employees who have diplomatic status under (i) and (ii) above.

(b) Alien visitors, comprising - -

- (i) An alien having a residence in a foreign country which has no intention of abandoning and who is visiting Liberia temporarily for pleasure for not exceeding 60 days;

⁵² *Prior legislation: 956 Code 3:31, 82; L. 1954-55, ch. XVI, § I; L. 1938, ch. XIII, § 3.*

- (ii) An alien having a residence in a foreign country which he has no intention of abandoning and who is visiting Liberia temporarily for business for not exceeding 60 days, exclusive of aliens who are within the definition of alien residents as stated in paragraph (d) of this section;
 - (iii) An alien in immediate and continuous transit through Liberia;
- (c) An alien crewman serving in good faith a such in any capacity required for normal operation and service on board a vessel or aircraft, who intends to land temporarily and solely in pursuit of his calling as a crewman and to depart from Liberia with the vessel or aircraft on which he arrived or some other vessel or aircraft.
- (d) Alien residents, who are persons applying for admission or to remain in Liberia for a period up to a year and include-
- (i) An alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter Liberia temporarily and solely for the purpose of pursuing such a course of study at an established institution of learning or other recognized place of study in Liberia;
 - (ii) Professors, teachers, missionaries, merchants, or other persons entering a period longer than 60 days to engage in business or practice professions or vocations, with their spouses and unmarried minor children.
 - (iii) Professional, skilled, semi-skilled and unskilled workers who have contracts of employment with employers in Liberia, together with their spouses or unmarried minor children;
 - (iv) Aliens who have been resident in Liberia for at least 15 years who are no longer engaged in a profession or a business or other activity as a means of earning a livelihood;
 - (v) Persons whose entry is declared by the President to be in the national interest.
- (e) Immigrants, comprising parents, spouses, or children of Liberian citizens, or other acceptable persons, applying for admission with the intention of remaining in Liberia indefinitely and becoming Liberian citizens.⁵³

Chapter 2. ADMINISTRATION

- § 2.1. Administration of title by Attorney General; duties of Secretary of State.
- § 2.2. Commissioner of Immigration and Naturalization.
- § 2.3. Deputy Commissioner of Immigration and Naturalization.
- § 2.4. Office of Immigration Appeals; Solicitor General as Chief Appellate Review Officer.
- § 2.5. Power of immigration officers.
- § 2.6. Court order to procure evidence.
- § 2.7. Fees to immigration officer for taking oath prohibited.
- § 2.8. Suspension of provisions of Part II during war or other emergency.
- § 2.9. Fees.

§ 2.1. Administration of title by Attorney General; duties of Secretary of State.

The Attorney General is charged with the duty of administering the provisions of this title and shall have full power to accomplish effectively its aims and objectives, except that the Secretary of State shall be charged with the administration and enforcement of the provisions of this title relating to the powers,

⁵³ *Prior legislation*: 1956 Code 3:24; L. 1954-55 ch. XVI, § 6.

duties and functions of diplomatic and consular officers, and shall perform such other duties as are expressly assigned to him by this title.⁵⁴

§2.2. Commissioner of Immigration and Naturalization

The President, by and with the advice and consent of the Senate, shall appoint a Commissioner to head a Bureau of Immigration and Naturalization which shall be established in the Department of Justice to implement the provisions of this title. The Commissioner shall have the rank of Deputy Attorney General. It shall be the duty of the Commissioner of Immigration and Naturalization to assist the Attorney General in the administration of this title by performing the following duties, subject to the authority and direction of the Attorney General:

- (a) To make determinations and rulings with respect to all questions concerning the law of immigration and naturalization of aliens;
- (b) To keep adequate records with respect to immigration and naturalization;
- (c) To prescribe such forms of bonds, reports, entries, and other papers as he deems necessary for carrying out his authority under the provisions of this title;
- (d) To control and guard the boundaries and borders of the Republic against the illegal entry of aliens;
- (e) To prepare for issuance by the Attorney General such rules and regulations as may be deemed advisable for the effective operation of the Bureau and the implementation of the immigration and nationality laws;
- (f) To perform such other duties as are necessary or proper for administering the provisions of this title.⁵⁵

§ 2.3. Deputy Commissioner of Immigration and Naturalization.

The President, by and with the advice and consent of the Senate, shall appoint a Deputy Commissioner to assist the Commissioner of Immigration and Naturalization in the performance of his duties.

§ 2.4. Office of Immigration Appeals; Deputy Minister as Chief Appellate Review Officer.

An Office of Immigration Appeals is hereby created for the purpose of hearing appeals from --

- (a) Decisions of a hearing officer in exclusion proceedings under section 5.60 of this title;
- (b) Decisions of a hearing officer in deportation proceedings under section 7.3. of this title;
- (c) Order of the Commissioner imposing a civil penalty prescribed by any provision of this title.

The Office of Immigration Appeals shall be composed of the Deputy Minister of Justice as Chief Appellate Review Officer and, when necessary, such qualified officials of the Ministry of Justice as may be designated by the Minister of Justice. In all cases, the appeal shall be heard by a single Appellate Review Officer only. Deputy Minister, in addition to being required to assign appeals expeditiously for hearing in accordance with statutory requirements and the regulations promulgated with respect thereto, shall act as Appellate Review Officer to the extent his other duties permit. No official of the Ministry who has made the

⁵⁴ *Prior legislation:* L. 1960-61, ch. XLII, § 3, 4 (13:200); 1956 Code, 3:2; L. 1954-55, ch. XVI, § 2(a); L. 1941-42, ch. LV, § 2(b), 3.

⁵⁵ *Prior legislation:* L. 1960-61, ch. XLII, § 3, 4(13:200); 1956 Code 3:2; L. 1954-55, ch. XVI, § 2(a); L. 1941-42, ch. LV, § 2(b), 3.

initial administrative decision in the appeal involved or any official who has made an initial administrative determination in a factually related matter, shall act as Appellate Review Officer to review such determination.

§ 2.5. Power of Immigration Officer.

An immigration officer shall have the power, if within the scope of his assigned duties --

(a) To administer oaths;

(b) To take and consider evidence of or from any person or require by subpoena the attendance and testimony of witnesses and production of books, papers, and documents relating to the privilege of any person to enter, reenter, reside in or pass through Liberia or concerning any matter which is material and relevant to the enforcement of this title;

(c) Where such action may be necessary, to make a written record of such evidence;

(d) To board and search any vessel, aircraft, railway car or other conveyance or vehicle in which he has reason to believe aliens are being brought into Liberia.⁵⁶

§ 2.6. Court order to procure evidence.

Any Liberian court of competent jurisdiction and within the jurisdiction of which investigations or inquiries are being conducted by an immigration officer may, in the event of neglect or refusal of a person to respond to a subpoena issued under this title or refusal to appear and testify before an immigration officer, issue an order requiring such person to appear before an immigration officer, produce books, papers, and documents if demanded and testify. Any failure to obey such order of the court may be punished by the court as contempt.⁵⁷

§ 2.7. Fees to Immigration Officer for taking oath prohibited.

An immigration officer who charges or accepts a fee gratuity, or gift in any form for administering an oath in the course of his duties shall be subject to a fine of not more than \$500 or imprisonment for not more than six months, or both.

§ 2.8. Suspension of provisions of Part II during war or other emergency.

1. Declaration by President. When Liberia is at war or during the existence of any national emergency Proclaimed by the President, the President may, in his discretion, suspend any or all of the provisions of Part II of this title to the extent that he considers advisable in the national interest, and he may prescribe and institute regulations that he believes suited to the situation, and shall make public proclamation thereof, and such regulations shall continue and the provisions of Part II of this title shall remain in suspension until otherwise ordered by the President or the Legislature.

2. Penalty for violation of proclamation, rule or regulation. Any person who shall willfully violate any order or proclamation of the President promulgated under the authority of paragraph 1 of this section or any regulation issued thereunder shall be fined not more than \$5,000 or imprisoned for not more than three

⁵⁶ *Prior legislation:* 1956 Code 3:41 (1st para); L. 1954-55, ch. XVI, & 24(a) (2nd sent.).

⁵⁷ *Prior legislation:* 1956 Code 3:42 (1st par.); L. 1954-55, ch. XVI, 42, § 5(d), 24(e).

years, or both; and any vehicle or aircraft together with its appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation shall be forfeited to the Government of Liberia.⁵⁸

§ 2.9. Fees.

The following fees shall be charged:

- (a) For the issuance or extension of a re-entry permit: \$10 (Ten Dollars);
- (b) Change of Status (from Visitor to Resident Alien): \$100.00 (One Hundred Dollars);
- (c) Adjustment of Status (from house-wife to employee): \$50.00 (Fifty Dollars);
- (d) Adjustment of Status (from employee to self-employed): \$75.00 (Seventy Five Dollars);
- (e) Filing of application for employment from one employer to another: \$50.00 (Fifty Dollars);
- (f) Filing of application for employment from self employed to employee of another: \$150.00 (One Hundred & Fifty Dollars);
- (g) For the issuance of each extension of stay to an alien visitor: \$10.00 (Ten Dollars);
- (h) For filing with the Minister of Justice of each petition under sections 5.13 and 5.19 of this title: \$10.00 (Ten Dollars);
- (i) For the new re-entry booklet: \$5.00 (Five Dollars);
- (j) Permit of Residence Booklet: \$5.00 (Five Dollars);
- (k) Extension fees: \$10.00 (Ten Dollars);
- (l) Entering the Republic of Liberia as a visitor without a visa: \$10.00 (Ten Dollars).

The fees for the furnishing and verification of applications for visas by aliens of each foreign country shall be prescribed by the Minister of Foreign Affairs in amounts corresponding as nearly as practicable to the total of all similar visas, entry or other charges assessed or levied against citizens of Liberia by the foreign countries of which such aliens are nationals or stateless residents.⁵⁹

Chapter 3. PENALTIES

§ 3.1. Procedure for imposing civil penalty.

§ 3.2. Enforcement of order for payment of civil penalty.

§ 3.3. Denial of clearance to enforce payment of civil penalty or expenses.

§ 3.4. Fine for violations.

⁵⁸ *Prior legislation:* 1957-58 Supp. 3.55(3); L. 1956-57, ch. XXXI, § 4, 1:1; 1956 Code 3:54; L. 1954-55; ch. XVI, §§ 18, 19.

⁵⁹ *Prior legislation:* L. 1966-67, ch. (An Act to amend sections 22 and 55 of the Aliens and Nationality Law in relation to aliens to be excluded from admission, and schedule of fees), § 2 (3:53(h)); 1956 Code 3:53, L. 1954-55, ch. XVI, § 31; L. 1952-53, ch. XXVIII, §

§ 3.1. Procedure for imposing civil penalty.

1. *Notice of liability.* Whenever it appears that a person is subject to payment of a civil penalty under the provisions of this title, there shall be served on such person (hereinafter called the “respondent”) a written notice of apparent liability which shall contain the following:

(a) The facts which indicate apparent liability;

(b) A reference to the particular section of the statute which has been violated and to the provision containing the authority for imposition of the penalty;

(c) The amount of the penalty to be imposed;

(d) A statement of the course of action available to the respondent under the provisions of paragraph 2 of this section;

(e) The time and place of the hearing to be accorded the respondent, the time to be not sooner than 48 hours after the time of service of the notice.

2. *Response to notice of liability.* A person on whom notice is served in accordance with paragraph 1 of this section shall either

(a) Before the time fixed for the hearing, pay such penalty at the immigration station nearest to his place of residence in Liberia, or if he is an alien visitor, nearest to his temporary abode, or, if so directed by the statute which has been violated, to the specified collector of customs; or

(b) Appear at the hearing in person or through an authorized representative and show why he should not be liable for such a penalty or, if mitigation is permitted by statute, why the penalty should be mitigated.

3. *Hearing and determination.* If the respondent or his authorized representative appears at the time and place set for the hearing, the Commissioner shall conduct the hearing in accordance with the requirements of the Administrative Procedure Act. On the basis of the evidence received at the hearing, the Commissioner shall issue an order

(a) either releasing the respondent from liability for the penalty;

(b) requiring payment of a reduced amount, if mitigation is permitted by statute; or

(c) requiring the penalty to be paid in full.

4. *Appeal to Office of immigration Appeals.* A respondent against whom there is issued an order to pay an administrative penalty following a hearing held in conformity with paragraph 3 of this section may appeal from the order to pay the penalty, whether in full or mitigated, by filing with the Office of Immigration Appeals within 48 hours after issuance of such order a petition for review containing a copy of the notice of liability served on him pursuant to paragraph 1 of this section, a copy of the order to pay the fine, a short and clear statement of his defense and reasons urging mitigation, and a request for review of the determination of the Commissioner. The Chief Appellate Review Officer of the Office of Immigration Appeals shall thereupon notify the Commissioner in writing that a review of his determination has been requested and that a hearing on appeal will be granted at the time and place specified in such notice. A written notice of the time and place for hearing the appeal shall also be served on the respondent. The appeal shall be heard not less than two nor more than five days after the filing of the petition for review.

The Appellate Review Officer may affirm or reverse the determination of the Commissioner to impose a penalty or may, if permitted by statute, order that the amount of the penalty be mitigated. Notice of the action by the Appellate Review Officer shall be served upon the respondent.

5. Penalty for frivolous appeal. If the Appellate Review Officer, either on motion of a representative of the Bureau of Immigration and Naturalization or on his own motion, decides that any appeal to the Office of Immigration Appeals under this section is frivolous, he shall assess a penalty of no more than ten dollars against the respondent taking such appeal.

6. Appeal to Attorney General. From a determination by the Appellate Review Officer to affirm an order by the Commissioner for payment of a penalty, or to mitigate a penalty imposed by the Commissioner, the respondent may, within two days after service of the written notice of action by the Appellate Review Officer, request the Attorney General to review the determination of such Officer, which request the Attorney General has the discretion to grant or deny. If he grants the appeal, the Attorney General may in his discretion permit the Commissioner and the petitioner or their representatives to appear before him or he may base his determination solely on the record of the proceedings. From an adverse decision by the Attorney General, the respondent may appeal to the Circuit Court.

7. Supersedeas. No determination that a respondent is liable for a civil penalty shall be enforced during the time allowed by statute for the taking of an appeal, nor, if an appeal is taken within such time, until decision is rendered on the appeal.

§ 3.2. Enforcement of order for payment of civil penalty.

1. Enforcement. If a respondent fails to respond to a notice of liability served under paragraph 1 of section 3.1 of this title by paying the penalty or appearing for the hearing as required by paragraph 2 of that section, or if he fails to pay the penalty imposed after a final administrative determination of liability and no appeal has been taken to the Circuit Court, the Attorney General may have a judgment entered against the respondent for the amount of the penalty and enforce it in the manner provided in the Administrative Procedure Act for enforcement of an administrative order for the payment of money.

2. Deportation of alien. If a judgment against an alien for payment of civil penalty under this title, entered either pursuant to a final administrative order or the order of a court, has not been paid within six months after filing of the judgment, deportation may be instituted against him. An alien deported for nonpayment of a civil penalty is excludable from readmission to Liberia until he shall have paid the full amount of such penalty plus interest at the rate of six percent per annum from the date of entry of judgment, or, if he did not appear for a hearing when served with notice of apparent liability, from the date of service of such notice.

§ 3.3. Denial of clearance to enforce payment of civil penalty or expenses.

If the owner, agent, consignee, master, or commanding officer of any vessel or aircraft, which has arrived in Liberia, is subject to payment of a civil penalty to the collector of customs because of violation of a provision of this title, or if any such person or the transportation company by which he is employed is required to pay the expenses of detention or deportation of an alien, hospitalization of a crewman, or other expenses under the provisions of this title, such vessel or aircraft shall not be granted clearance pending the determination of the question of the liability for the payment of such sums, or while such sums remain unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such sums or of a bond approved by the Attorney General with sufficient surety to secure the payment thereof.

§ 3.4. Fine for violations.

Any person violating any provision of this title for which no criminal or civil penalty is specifically prescribed shall on conviction after criminal prosecution, be subject to a fine of not more than \$100.⁶⁰

PART II***Immigration*****Chapter 5. ENTRY, ADMISSION, AND DEPARTURE OF ALIENS****Subchapter A. Requirements for Admission**

§ 5.1. Grounds for exclusion.

§ 5.2. Diplomatic and semi-diplomatic immunities.

§ 5.3. Admission of excludable aliens under exceptions or conditions.

Subchapter B. Issuance of Entry Documents

§ 5.10. Application for and issuance of visas.

§ 5.11. Diplomatic visas.

§ 5.12. Period of validity.

§ 5.13. Approval by Attorney General of petition of alien resident.

§ 5.14. Refusal of visas.

§ 5.15. Revocation of visa.

§ 5.16. Reentry permits.

§ 5.17. Border crossing identification card.

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§ 5.19. Admission of immigrants who are relatives of citizens or immigrants.

§ 5.20. Non-admission upon arrival.

§ 5.21. Fraudulent visas or other documents permitting entry.

Subchapter C. Application for Admission at Ports of Entry

§ 5.40. Time and place for admission of persons of Liberia.

§ 5.41. Data to be furnished on entering or leaving Liberia.

§ 5.42. Lists of arriving passengers.

§ 5.43. Statement required of applicant for admission under oath.

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§ 5.45. Inspection of aliens by immigration officers.

§ 5.46. Time for which alien visitors are admitted; conditional admission.

§ 5.47. Application by alien visitor without visa.

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§ 5.49. Records of alien's entry.

§ 5.50. Overtime pay for immigration officers.

Subchapter D. Exclusion and Departure.

§ 5.60. Procedure for exclusion.

§ 5.61. Deportation of excluded alien.

§ 5.62. Duties of transportation company as to excluded alien.

§ 5.63. Record of departure of aliens.

§ 5.64. Exclusion of stowaways.

§ 5.65. Certificate of clearance from Secretary of Treasury.

⁶⁰ *Prior legislation:* 1957-58 Supp. 3:55(2); L. 1956-57, ch. XXI, § 4, 1 1 .

Subchapter E. Special Provisions Relating to Alien Crewmen.

- § 5.70. Information to be given on arrival of vessel or aircraft in Liberia.
- § 5.71. Reports of illegal landings.
- § 5.72. Permit to crewman to land.
- § 5.73. Revocation of permit to land.
- § 5.74. Documents on landing of crewman.
- § 5.75. Discharge of alien crewmen.
- § 5.76. Hospital treatment of alien crewmen afflicted with disease.
- § 5.77. Information to be given on departure of vessel or aircraft from Liberia.
- § 5.78. Duties of agents of transportation companies; penalty.
- § 5.79. Penalty for failure to furnish information or reports of illegal landing.

Subchapter F. General Penalties for Violations of Chapter 5.

- § 5.90. Illegal entry.
- § 5.91. Bringing in or harboring illegal entrants.
- § 5.92. Importation of alien for immoral purpose.
- § 5.93. Reentry of excluded or deported alien.

Subchapter A. REQUIREMENTS FOR ADMISSION**§ 5.1. Grounds for exclusion.**

Except as provided by section 5.2 or other sections of this title, the following classes of aliens shall be ineligible to receive visas and shall be excluded from admission to Liberia.

- (a) Aliens who are feeble-minded;
- (b) Aliens who are insane;
- (c) Aliens who have had one or more attacks of insanity;
- (d) Aliens afflicted with psychopathic personality, epilepsy or mental defect;
- (e) Aliens who are narcotic drug addicts or chronic alcoholics;
- (f) Aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease;
- (g) Aliens not comprehended within any of the foregoing classes who are certified by the examining surgeon as having a physical defect, disease, or disability, when determined by the consular or immigration officer to be of such a nature that it may affect the ability of the alien to earn a living, unless the alien affirmatively establishes that he will not have to earn a living;
- (h) Aliens who are paupers, professional beggars, or vagrants;
- (i) Aliens who have been convicted of a crime involving moral turpitude (other than purely political offense), or aliens who admit having committed such a crime, or aliens who admit committing acts which constitute the essential elements of such a crime;

(j) Aliens who are prostitutes or who have been engaged in prostitution, or aliens coming to Liberia solely, principally, or incidentally to engage in prostitution; aliens who directly or indirectly procure or attempt to procure, or who have procured or attempted to procure or to import, prostitutes or persons for the purpose of prostitution or for any other immoral purpose; and aliens who are or have been supported by or received or have received, in whole or in part, the proceeds of prostitution, or aliens coming to Liberia to engage in any other unlawful commercialized vice, whether or not related to prostitution;

(k) Aliens seeking to enter Liberia for the purpose of performing professional skilled, semi-skilled, or unskilled labor who have not secured employment permits from the Director General of the National Labour Affairs Agency if such permits are required by the Labor Law;

(l) Aliens who, in the opinion of the consular officer at the time of for a visa or in the opinion of the Attorney General at the time of application for admission, are likely at any, time to become public charges;

(m) Aliens who have been excluded from admission and deported and who again seek admission within one year from the date of such deportation, unless prior to their embarkation at a place outside Liberia or their attempt to be admitted from foreign contiguous territory, the Attorney General has consented to their reapplying for admission;

(n) Aliens who have been arrested and deported, or who have been removed as alien enemies or who have been removed at Government expense in lieu of deportation, unless prior to their embarkation at a place outside Liberia or their attempt to be admitted from foreign contiguous territory, the Attorney General has consented to their applying or reapplying for admission;

(o) Aliens who are stowaways;

(p) Aliens who seek to procure, or have sought to procure or have procured a visa or other documentation or seek to enter Liberia by fraud, or by willfully misrepresenting a material fact;

(q) Immigrants who are ineligible to citizenship;

(r) Any alien who has been convicted of a violation of any law relating to the illicit traffic in narcotic drugs, or who has been convicted of a violation of any law governing or controlling the taxing, manufacturing, production, corn-pounding transportation, sale, exchange, dispensing, giving away, importation, exportation, or the possession for the purpose of the manufacture, giving away, importation or exportation of opium, coca leaves, heroin, marihuana, or any salt derivatives or preparation of opium or coca leaves, or isonipeaine or any addiction-forming or addiction-sustaining opiate, or other drug within the application of the Narcotic Drug Control Act; or any alien who the consular or immigration officer knows or has reason to believe is or has been an illicit trafficker in any of the aforementioned drugs;

(s) Any non-immigrant who is not in possession of a passport valid for a minimum period of six months from the date of his admission or expiration of the contemplated initial period of stay, authorizing him to return to the country from which he came or to proceed to and enter some other country during such period;

(t) Except as otherwise specifically provided in this title, any immigrant who at the time of application for admission is not in possession of a valid unexpired immigrant visa or reentry permit, and a valid unexpired passport or other suitable travel document;

(u) Aliens who the consular officer or the Attorney General knows or has reason to believe seek to enter Liberia solely, principally, or incidentally to engage in activities which would prejudice and be prejudicial to the public interest, or endanger the welfare, safety, or security of Liberia;

(v) Aliens who are, or at any time have been, members of any of the following classes:

(i) Aliens who are anarchists;

(ii) Aliens who advocate or teach, or who are members of or affiliated with any organization that advocates or teaches, opposition to all organized government;

(iii) Aliens who are members of or affiliated with the Communist Party or any other totalitarian party; any section, subsidiary, branch, affiliate, or other subdivision of any association or party; or the direct predecessors or successors of any such group or organization;

(iv) Aliens not within any of the other provisions of this section who advocate the economic, international, and governmental doctrines of world communism or the establishment in Liberia or elsewhere of a totalitarian dictatorship, or who are members of or affiliated with any organization that advocates the economic, international, and governmental doctrines of world communism or the establishment in Liberia or elsewhere of a totalitarian dictatorship, whether through its own utterances or through any written or printed publications issued or published by or with permission or consent of or under the authority of such organization or paid for by funds of or funds furnished by such organization;

(v) Aliens who advocate or teach or who are members of or affiliated with any organization that advocates or teaches the overthrow by force, violence, or other unconstitutional means of the government or of all forms of law; or the duty, necessity, or propriety of the unlawful assaulting or killing of any officer (either of specific individuals or of officers generally) of the Government of Liberia or of any other organized government because of his official character; or the unlawful damage, injury, or destruction of property; or sabotage;

(vi) Aliens who write or publish, or cause to be written or published, or who knowingly circulates distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published or displayed, or who knowingly have in their possession for the purpose of circulation, publication, distribution, or display, any written or printed matter, advocating or teaching opposition to all organized government, or advocating or teaching the overthrow by force, violence or other unconstitutional means of the Government of Liberia or of all forms of law; or the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of Liberia or of any other organized government because of his or their official character; or the unlawful damage, injury, or destruction of property, or sabotage; or the economic, international, and governmental doctrine of world communism or the establishment in Liberia of a totalitarian dictatorship;

(vii) Aliens who are members of or affiliated with any organization that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue or display any written or printed matter of the character described in paragraph (vi);

(viii) Aliens with respect to whom the consular officer or the Attorney General knows or has reasonable ground to believe probably would, after entry, engage in activities which would be prohibited by the laws of Liberia relating to espionage, sabotage, public disorder, or engage in other activity subversive to the national security, or engage in any activity a purpose of which is the opposition to or the overthrow of the government by force, violence, or other unconstitutional means.

(w) Any alien who at any time shall have knowingly and for gain encouraged, induced, or assisted, abetted, or aided any other alien to enter or attempt to enter Liberia in violation of law.⁶¹

§ 5.2. Diplomatic and semi-diplomatic immunities.

The provisions of this title relating to ineligibility to receive visas and the exclusion of aliens shall not be construed to apply to non- immigrants—

(a) With the classes described in paragraphs (a)(i) and (a)(ii) of section 1.2 of this title, except those provisions relating to reasonable requirements of passports and visas as a means of identification and documentation necessary to establish their qualifications under such paragraph, and the provisions of paragraph (u) and (v)(viii) of section 5.1 of this title;

(b) Upon a basis of reciprocity, accredited officials of foreign governments, their immediate families, attendants, servants, and personal employees who are admitted in immediate and continuous transit through Liberia, except paragraphs (s), (u), and (v)(viii) of section 5.1 of this title.⁶²

§ 5.3. Admission of excludable aliens under exceptions or conditions.

1. *Admission as visitor.* An alien who is applying for a visitor's visa is known or believed by the consular officer to be ineligible for such a visa under one or more of the paragraphs enumerated in section 5.1 of this title may, after approval by the Attorney General or a recommendation by the Secretary of State or by the consular officer that the alien is admitted temporarily despite his inadmissibility, be granted such a visa and may be admitted into Liberia temporarily as a visitor in the discretion of the Attorney General.

2. *Waiver of passport requirement.* The requirement of paragraph (s) of section 5.1 of this title may be waived by the Attorney General and the Secretary of State acting jointly on the basis of an unforeseen emergency in individual cases and in the case of aliens proceeding in immediate and continuous transit through Liberia.

3. *Temporary parole.* The Attorney General may in his discretion parole into Liberia temporarily under such conditions as he may prescribe for emergency reasons or for reasons deemed strictly in the public interest any alien applying for admission to Liberia but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall in the opinion of the Attorney General have been served, the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to Liberia.

4. *Admission under conditions prescribed by Attorney General.* The Attorney General shall prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and departure of excludable aliens applying for temporary admission.

5. *Admission conditionally of alien likely to become public charge or having physical disability.* Any alien excludable because he is likely to become a public charge or because of physical disability other than tuberculosis in any form, leprosy, or a dangerous contagious disease may, if otherwise admissible, be admitted in the discretion of the Attorney General upon the giving of a suitable and proper bond or undertaking approved by the Attorney General, in such amount and containing such conditions as he may prescribe guaranteeing the Government of Liberia and all counties, townships municipalities and districts

⁶¹ *Prior legislation:* L. 1966-67, ch.(3:22(p); 1956 Code 3:22; L. 1955 (E.S. Mar.) ch 11, § 4; L. 1954-55, ch. XVI, § 15; L. 1927-28, ch. IX, § 14, L. 1915-16, ch. XLIV.

⁶² *Prior Legislation:* 1956 Code3:23(5); L 1954-55, ch. XVI, §15(f).

thereof against such alien becoming public charge. In lieu of such bond such alien may deposit in cash with the Attorney General such amount as the Attorney General may require, which amount shall be deposited by him in the public depository of the Republic and a receipt therefor shall be given the person furnishing such sum. In the event such alien becomes a public charges the Attorney General shall dispose of such deposit in the same manner as if it had been collected under a bond as provided in this section. In the event of the permanent departure from Liberia of such alien, or his naturalization or death, such sum shall be returned to the person by whom furnished or to his legal representatives. The admission of such alien shall be a consideration for the giving of such bond, undertaking or cash deposit.⁶³

Subchapter B. ISSUANCE OF ENTRY DOCUMENTS

§ 5.10. Application for issuance of visas.

1. *For immigrant visa.* Every alien applying for an immigrant visa shall make application therefor at a consular office of the Republic of Liberia in such form and manner as shall be by regulations prescribed. In the application, the immigrant shall state his full and true name, age and sex; nationality; race; date and place of birth; present address; marital status; occupation; personal description (including height, complexion, color of hair and eyes and any distinguishing marks or features); and such additional information necessary to the identification of the applicant and the enforcement of the immigration and nationality laws as may be by regulations prescribed.

2. *Documentary evidence to accompany application for immigrant visa.* Every alien applying for an immigrant visa shall present a valid unexpired passport or other suitable travel document. The immigrant shall furnish to the consular officer with his application a certificate by the appropriate police authorities stating what their records show concerning the immigrant; a doctor's certificate that the applicant is free from dangerous contagious disease; a sufficient number of copies of a photograph of the applicant, each bearing his signature, to be attached to each copy of the application; and any other records or documents concerning him which may be required by the consular officer. In the event that the immigrant establishes to the satisfaction of the consular officer that any document or record required by this paragraph is unobtainable, the consular officer may permit the immigrant to submit in lieu of such document or record other satisfactory evidence of the fact to which such document or record would, if obtainable, pertain.

3. *Application for non-immigrant visa.* Every alien applying for a non-immigrant visa shall make application therefor at a consular office of the Republic of Liberia in such form and manner as shall be by regulations prescribed. In the application the alien shall state his full and true name, age, and sex; nationality; race; date and place of birth; present address; marital status; occupation; personal description (including height, complexion, color of hair and eyes, and any distinguishing marks or features); the purpose and length of his intended stay in Liberia; and such additional information as may be necessary to the identification of the applicant and the enforcement of the immigration and nationality laws. Every alien applying for a non-immigrant visa shall furnish to the consular officer, with his application, a certified copy of such documents pertaining to him as may be required by law, and including, if he is applying to enter as an alien resident, a written statement of approval of admission by the Attorney General in accordance with the requirement of section 5.13 of this title. The applicant for a non-immigrant visa shall also furnish a sufficient number of copies of his photograph, each bearing his signature, to be attached to each copy of the application.

4. *Signing and verification of application; issuance of visa.* Except as may be otherwise prescribed by regulations, each copy of an application for a visa required by regulation shall be signed by the applicant in the presence of the consular officer, and verified by the oath of the applicant administered by the consular officer. One copy of the application for an immigrant visa, when visaed by the consular officer,

⁶³ *Prior legislation:* 1956 Code 3:23(1), (2), (3), (4), (6); L. 1954-55, ch. XVII, §15(b), (c). (d). (f), 16.

shall become the immigrant visa. The issuance of a non-immigrant visa shall be evidenced by a stamp placed by the consular officer in the alien's passport and containing the signature and seal of such officer.

5. Approval of issuance of visa by Secretary of State. A consular officer shall not issue a resident alien's visa or an immigrant visa without obtaining prior approval from the Secretary of State [Minister of Foreign Affairs]; and any such visa shall not be valid for entry unless the consular officer has entered thereon the date and number of approval issued by the Secretary of State. A consular officer may submit the application for a visa of any kind to the Secretary of State for consideration and advice, and if the Secretary of State directs the disapproval of any such application, the consular officer shall refuse to issue the visa. An alien whose application has been refused under the provisions of this paragraph shall be inadmissible unless and until the disapproval of the Secretary of State has been withdrawn.

6. Class of alien to be shown on visa. A consular officer issuing a visa shall indicate clearly thereon the class to which the alien belongs under section 1.2 of this title.⁶⁴

§ 5.11. Diplomatic visas.

On application for admission by an alien with diplomatic status, as defined in paragraph (a) of section 1.2 of this title, the requirements of section 5.10 of this title may be waived in the discretion of the officer issuing the visa, and in lieu thereof a diplomatic visa may be issued, consisting of a simple notation made in the passport. No fee shall be charged for a diplomatic visa.⁶⁵

§ 5.12. Period of validity.

An immigrant or resident alien's visa shall be valid for a period of four months. The date of expiration of its validity shall be stated on the visa. A visiting alien's visa or visa for an alien with diplomatic status shall be valid for such period as shall be prescribed by regulations. In prescribing the period of validity of a visiting alien's visa in the case of nationals of any foreign country who are eligible for such visas, the Secretary shall, in so far as practicable, accord to such nationals the same treatment upon a reciprocal basis as such foreign country accords to citizens of Liberia who are within a similar class.⁶⁶

§ 5.13. Approval by Attorney General of petition of alien resident

1. Approval by Attorney General prerequisite to granting of visa. A consular officer shall grant a visa to an alien applying for admission as a resident alien only after receiving notice from the Attorney General of approval of the petition of the alien, but this requirement shall not apply to the spouse or unmarried minor child of an alien within the categories of aliens defined in section 1.2 (d) (ii) and (iii).

2. Petition to Attorney General for approval. The Attorney General shall determine the right of an alien to receive a visa as an alien resident, if such alien requires his approval under the provisions of paragraph 1 of this section, upon petition of the employer, partner, organization, or institution with which the alien will be associated during residence in Liberia, or, if the alien is to be self-employed, on the petition of the alien himself. Approval of the petition shall be denied unless all conditions stated in paragraphs 3, 4, 5, and 6 of this section have been satisfactorily fulfilled. The petition shall be in such form and contain such information as the Minister of Justice shall prescribe. The Minister of Justice shall act on such petition as promptly as possible but in no case shall he delay action on the petition longer than 30 days after its submission. The approval of such a petition shall not, of itself, be construed as establishing that the alien is admissible as a resident.

⁶⁴ *Prior legislation:* 1956 Code 3:26; L. 1954-55, ch. XVI, § 4(a), (b), (c), (d), 22(a).

⁶⁵ *Prior legislation:* 1956 Code 3:28; L. 1954-55 ch. XVI, § 4(e).

⁶⁶ *Prior legislation:* 1956 Code 3:31; L. 1954-55, ch. XVI, § 22(b).

3. *Admission as student.* As a prerequisite for admission as a student, an alien shall show in his petition to the Minister of Justice that he has been accepted in writing by the institution which he plans to attend, that he has sufficient funds or assurance of funds to guarantee his maintenance during the period of his proposed study without accepting employment, or, if he expects to accept employment on a part-time basis, that he has the permission of the Minister of Justice in accordance with the provisions of section 6.4(2) of this title.

4. *Admission as a teacher.* As a prerequisite for admission of an alien as a teacher, the institution employing him shall guarantee in writing to the Minister of Justice that the alien will be given sufficient compensation to provide for his maintenance while in Liberia and that he will be given funds sufficient for repatriation to his home country if he should be dismissed, resign, or be found by the Minister of Justice to be undesirable as a resident subject to the approval of the President of Liberia. Any costs that the Government may incur in effecting the departure of a teacher whose presence has been found to be undesirable shall be borne by the institution employing him. In the discretion of the Minister of Justice, an institution bringing an alien teacher into Liberia may be required to post a bond not in excess of \$3,000 guaranteeing the good behavior of such teacher and his prompt departure upon expiration of the period of his permitted stay in the country.

5. *Admission of self-employed person.* As a prerequisite for admission of an alien to engage in a business or occupation or to practice a profession or vocation as a self-employed person, the alien himself or the organization with which he intends to become associated shall post with the Minister of Justice a bond in the amount of \$5,000 guaranteeing good behavior of the alien while in Liberia and prompt departure upon completion of his permitted residence. Upon departure of the alien resident permanently from Liberia, and upon showing that all his legal obligations have been met, the bond shall be returned to him, less any expenses which the Government may have incurred in effecting his departure if non-voluntary.

6. *Admission under contract of employment; employment permits.* The Minister of Justice shall approve no petition for admission in order to perform professional, skilled, semi-skilled, or unskilled labor under a contract of employment unless such petition is accompanied by an employment permit issued by the Director General of the National Labor Affairs Agency [Minister of Labour] or by a statement from the Director General that no employment permit is required by law with respect to the particular applicant. As a further prerequisite for admission of an alien to accept employment in Liberia, the employing individual organization shall agree to provide sufficient funds for the repatriation of each employee, worker, or laborer.

7. *Fee for bond form and notary certificate.* For each bond required by this section, there shall be used a special form which shall be obtainable from the Minister of Finance at a cost of two dollars. To each bond there shall be attached a certificate of a notary public, who may charge a fee of \$5.00 for notarizing such bond.⁶⁷

§ 5.14. Refusal of visas.

1. *Issuance to ineligible alien prohibited.* No visa or other documentation shall be issued to an alien if it appears to the consular officer, from statements in the application or in the papers submitted therewith, that such alien is ineligible to receive a visa; if the application fails to comply with the provisions of this title or the regulations issued thereunder; or if the consular officer knows or has reason to believe that such alien is ineligible to receive a visa under section 5.1 of this title or any other provision of law or that his entry into Liberia would not be in the national interest; provided, that such a visa may be issued to an alien who is otherwise ineligible upon receipt of notice by the consular officer from the Minister of Justice of the giving of a bond or approval of a petition under section 5.19 of this title or of authorization from

⁶⁷ *Prior legislation:* L. 1964-65, ch. (An Act to amend the Aliens and Nationality Law with respect to posting of bonds and permits of residence), § 1 (3:34: A); 1957-58, Supp. 3:43- E(2); L. 1955-56, ch. XXXI, § 8, 1956 Code 3:34; L. 1954-55, ch. XVI, § 11(a), (d), (e), (f), 17(b).

Minister of Justice for the issuance of a visa under one or more of the permissive provisions of section 5.3 of this title.

2. Refusal of immigration visas when immigration is contrary to national interest. If the Attorney General finds that entry of more immigrants into Liberia would be contrary to the national interest and requests the Secretary of State to refuse issuance of any further immigration visas until further immigration visas until further notice, the Secretary of State shall honor such request and direct the consular officer to refuse immigration visas to any applicants until notice to the contrary is received from the Attorney General.

3. Refusal of visa to be made known. Any alien who has been refused a visa by a consular officer and who hereafter seeks entry into Liberia shall make the fact of his previous refusal known to the consular officer on a subsequent application or if a visa has been granted, to the examining immigration officer. Failure to do so renders him inadmissible, and, if he gains entry, will make him subject to deportation.

4. Record of refusals of visas. A consular officer refusing to issue a visa shall send a record thereof, including the reasons for the refusal, to the Attorney General, who shall maintain an index of the names of all persons refused.⁶⁸

§ 5.15. Revocation of visa.

After the issuance of a visa to any alien, the consular officer who issued the visa or the Secretary of State may at any time, in his discretion, revoke such visa. Notice of such revocation shall be communicated to the Attorney General, and such revocation shall invalidate the visa from the date of issuance; provided, that carriers or transportation companies and masters, commanding officers, agents, owners, charterers, or consignees, shall not be penalized for action taken in reliance on such visas or other documentation unless they receive notice of such revocation prior to the alien's embarkation.⁶⁹

§ 5.16. Re-entry permits.

Any legally admitted alien resident or immigrant wishing to depart from Liberia for a temporary period may apply to the Attorney General for a reentry permit, which will be usable in lieu of a visa when returning to Liberia. The grant of a reentry permit may be evidenced by a stamp placed by an authorized immigration officer in the alien's permit of residence which stamp shall indicate the issuance of the reentry permit and the date of its expiration. The usual period of validity shall be one year, but in the discretion of the Attorney General the validity may be limited to a shorter period. For valid cause, the permit may be extended by the Attorney General for one or more periods. When an alien returns to Liberia with a re-entry permit, it shall be surrendered to the immigration officer, who shall forward it to the Attorney General for incorporation into the file of the alien. An alien presenting a re-entry permit on application for readmission to Liberia is not required to present a visa but may be refused entry under the same terms as any other alien applying for admission if found to be inadmissible under the provisions of this title.⁷⁰

§ 5.17. Border crossing identification cards.

Any alien who is lawfully admitted to Liberia or any alien who is a resident of foreign contiguous territory may, on presentation to an immigration officer of a valid passport and on satisfying such officer that he is not excludable under section 5.1 of this title, be issued by such officer a document of identity bearing the designation "resident border crossing identification card" or "nonresident border crossing identification card" as the case may be, which card, on presentation to an immigration official at the Liberian borders

⁶⁸ *Prior legislation:* 1957-58 Supp. 3:12; L. 1955 (ES. March), ch. 11, § 5; 1956 Code 3:27; L. 1954-55, ch. XVI, 5(a), (b), (c), 13, 22(d).

⁶⁹ *Prior legislation:* 1956 Code 3:30; L. 1954-55, ch. XVI, § 22(e).

⁷⁰ *Prior legislation:* 1956 Code 3:32; L. 1954-55, ch. XVI, § 14.

entitles the alien to whom issued to cross over the borders between Liberia and foreign contiguous territory, at any time and place prescribed by law, and to remain for a period no longer than 72 hours.

A border crossing identification card shall be valid for repeated crossings within the period of its validity, and shall be accepted for entry into Liberia in lieu of a passport and visa. A record shall be kept at the border of aliens entering or leaving Liberia on presentation of a border crossing identification card. Any such card which has been issued may be revoked at will by an immigration officer.

§ 5.18. Landing cards.

An alien who arrives at a port of entry as a passenger on a ship or aircraft may be admitted to Liberia for the duration of the stay of such ship or aircraft for a period of no longer than 48 hours on issuance to him by an immigration officer of a document of identify known as a “landing card.” A record of all such cards issued shall be made by the immigration officer. A landing card shall be surrendered by an alien to whom issued on reboarding his ship or aircraft and a notation of his departure duly made in the records.⁷¹

§ 5.19. Admission of immigrants who are relatives of citizens or immigrants.

Any citizen of Liberia or any alien who has been admitted as an immigrant and who wishes to secure the admission to Liberia as an immigrant of his alien spouse, parent, or child who is or may be excludable under paragraphs (a), (d), (g), (i) or (m) of this title may file a petition addressed to the Attorney General requesting the waiver of any such ground for exclusion. The petition shall be in two copies and shall set forth the following information regarding the petitioner: names date and place of birth date of naturalization if not a native-born citizen, relationship to the alien, whose admission is sought, and, in the case of a spouses date and place of marriage. With regard to the alien whose admission is sought the petition shall set forth the following information; name, date and place of birth, nationality, and the reason why the alien is or may be excludable. If the Attorney General does not find it contrary to the national interest to admit the alien, he may waive the ground for exclusion in accordance with the request contained in the petition and approve the application of the alien. In such case, he shall send a copy of the petition showing his approval to the Secretary of State to be forwarded to the consular officer to whom the alien will apply for a visa and such officer shall not then deny the visa on the ground waived by the Attorney General.⁷²

§ 5.20. Non-admission upon arrival.

Nothing in this chapter shall be construed to entitle any alien to whom a visa or other documentation has been issued, to enter Liberia if, upon arrival at a port of entry in Liberia, he is found to be inadmissible under this title or any other provision of law.⁷³

§ 5.21. Fraudulent visas or other documents permitting entry.

Any person who falsely or fraudulently makes or obtains for himself or another a visa, reentry permit, landing card, border crossing identification card, or other document permitting entry into Liberia, or any person who uses such a document knowing it to have been falsely or fraudulently obtained shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both.⁷⁴

⁷¹ *Prior legislation:* 1956 Code 3:45(1st sent.); L 1954-55, ch. XVI, 110(1st sent.).

⁷² *Prior legislation:* 1956 Code 3:33; L. 1954-55, ch. XXI, § 8.

⁷³ *Prior legislation:* 1956 Code 3:56; L. 1954-55, ch. XVI, § 20.

⁷⁴ *Prior legislation:* 1956-57 Supp. 3:31—A; L. 1956-57, ch. XXXI, § 9.

Subchapter C. APPLICATION FOR ADMISSION AT PORT OF ENTRY.**§ 5.40. Time and place for admission of persons to Liberia.**

The Attorney General shall designate by regulation the ports of entry through which persons may enter and depart from Liberia territory. The Attorney General is also authorized to provide such reasonable requirements for vessels and aircraft in civil air navigation with respect to giving notice in advance of landing as shall be deemed necessary for purposes of administration of the immigration laws.⁷⁵

§ 5.41. Data to be furnished on entering or leaving Liberia.

1. *Requirement.* Every citizen and every alien, except those considered by the Secretary of State to warrant special treatment because of their diplomatic rank or importance, shall upon leaving and upon entering Liberia furnish the immigration officer at the port of entry, on a card to be supplied by the Attorney General, entitled “Embarkation-Disembarkation Card” the following information: his name and nationality, his means of arrival or departure (by land, sea or air), and, if he is an alien, his destination, occupation, purpose in entering Liberia, and proposed length of stay, together with such other information as may be required by regulations.

2. *Data from special persons.* The statistical data required to be furnished by paragraph 1 of this section shall be collected through the Department of State from any person entering or leaving the country who is considered by the Secretary of State to warrant special treatment because of his diplomatic rank or importance.

3. *False statements.* Any person who knowingly furnishes false information on an embarkation-disembarkation card shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both.⁷⁶

§ 5.42. Lists of arriving passengers.

Upon the arrival of any vessel at any port within Liberia from any place outside Liberia, it shall be the duty of the owner, agent, consignee, master, or commanding officer thereof to deliver to the immigration officer at the port of arrival lists or manifests of the passengers on board such vessel, showing the nationality and destination of each, and such further information as the Attorney General may prescribe for identification of such persons. Any owner, agent, consignee, master, or commanding officer who fails to deliver a complete, true and correct list or report is required by this section shall pay to the collector of customs at the port of arrival the sum of \$10 for each alien not included in such list or for whom the required information is not stated.⁷⁷

§ 5.43. Statement required of applicant for admission under oath.

Any person applying for admission to Liberia may be required to state under oath the purpose or purposes for which he desires admission, the length of time he intends to remain in Liberia, whether or not he intends to remain in Liberia permanently and, if an alien, whether he intends to become a citizen and such other items of information as will aid the immigration officer in determining whether he is a citizen of Liberia or an alien and, if the latter, whether he belongs to any of the excludable classes.⁷⁸

⁷⁵ *Prior legislation:* 1956 Code 3:36; L. 1954-55, ch. XVI, § 24(c).

⁷⁶ *Prior legislation:* L. 1966-67, ch. (An act to amend section 59 of the Aliens and Nationality Law with respect to statistical data and repealing section 61 in relation thereto), § 1.2 (3:59); L. 1960-61, ch. XLIII.

⁷⁷ *Prior legislation:* 1956 Code 3:37; Cons. Sent. Reg., § 101.

⁷⁸ *Prior legislation:* 1956 Code 3:41 (2nd, 3rd pars.), 42; L. 1954-55, ch. XVI, § 5(d), 24(a), (b), (d), (e).

§ 5.44. Physical examination of alien at ports of entry.

Any alien applying for admission to Liberia shall, regardless of the sufficiency of his medical documentation, be subject to medical examination under the applicable provisions of the Public Health Law to enable the Attorney General to determine whether the alien belongs to any of the classes excluded from admission by reason of being afflicted with any of the diseases or mental or physical defects or disabilities set forth in section 5.1 of this title. For the purpose of making such determination, or whenever aliens are coming from a country or have embarked at a place where any such diseases are prevalent or epidemic, such aliens shall be detained on board the vessel or at the airport of arrival of the aircraft bringing them, unless the Attorney General directs detention in a Liberian immigration station or other place specified by him, at the expense of such vessel or aircraft, for a sufficient time to enable the immigration officers and health officers to subject such aliens to observation and an examination sufficient to determine whether they belong to the excluded classes.⁷⁹

§ 5.45. Inspection of aliens by immigration officers.

The inspection, other than the physical or mental examination of aliens seeking admission or re-admission to or the privilege of passing through Liberia shall be conducted by immigration officers.⁸⁰

§ 5.46. Time for which alien visitors are admitted; conditional admission.

The period for which an alien visitor is permitted to enter Liberia shall be fixed by the examining immigration officer at the port of entry for a period of 60 days. On admitting the alien, the immigration officer shall affix in the passport a stamp showing the date of admission and the date until which the alien may remain in Liberia. The Attorney General may impose such conditions on the admission of an alien visitor as he deems advisable in a particular case, including when he deems necessary, the giving of a bond with sufficient surety in such sum and containing such conditions as the Attorney General shall prescribe to ensure that at the expiration of such terms or upon failure to maintain the status under which he was admitted, or to maintain any status subsequently acquired, such alien shall depart from Liberia.⁸¹

§ 5.47. Application by alien visitor without visa.

An alien applying for admission to Liberia as a visitor within any of the categories defined in section 1.2 (b) of this title is not required to present a visa. The immigration officer who admits such an alien shall file a record of his admission with the Attorney General.⁸²

§ 5.48. Application for admission by alien resident without visa.

If an alien who seeks entry as an alien resident presents himself for admission without a visa, his case shall be submitted for examination and determination to the Attorney General, who shall approve the application only if all the prerequisites for securing an alien resident visa stated in section 5.13 of this title have been fulfilled. If admission is granted, a record of the admission shall be filed with the Attorney General. While the case is under examination by the Attorney General, the alien shall be held in detention at the expense of the transportation line which brought him to Liberia or he may be admitted on temporary parole in accordance with section 5.3(3) of this title, or he may be released upon deposit of a bond of \$3,000, which will be returned to him if his application for entry is rejected and if he thereupon departs

⁷⁹ *Prior legislation:* 1956 Code 3:40; L. 1954-55, ch. XVI, § 4(h), 23.

⁸⁰ *Prior legislation:* 1956 Code 3:41(1st par.); L. 1954-55, ch. XVI, § 24(c) (1st 2 sents.).

⁸¹ *Prior legislation:* 1956 Code 3:24(a) (4), 35; L. 1954-55, ch. XVI, 6(a) (4), 17(a).

⁸² *Prior legislation:* 1956 Code 3:29; L. 1954-55, ch. XVI, § 4(f).

voluntarily from the country. If he should not depart voluntarily, the proceeds of the bond shall be used to cover the expense of enforcing his departure.⁸³

§ 5.49 Records of alien's entry.

Whenever an alien is granted admission at a port of entry the examining immigration officer shall note the fact of the entry upon the alien's passport, together with a brief notation of his status, and if a visitor the further information required by section 5.46 of this title. The immigration visas surrendered at the port of entry shall be marked with the date of the alien's entry and sent by the immigration officer to the office of the Attorney General, who shall maintain a file of such visas. The duplicate copies of any visas or applications for visas on file at consular offices and immigration offices may be destroyed after a lapse of three years from the date of issuance. A record shall be filed with the Attorney General of the admission of all aliens at the port of entry, whether with or without a visa.⁸⁴

§ 5.50. Overtime pay for immigration officers.

Each time an immigration officer boards a vessel or aircraft outside the regular official hours from 8 a.m. to 4 p. m., the owners of such vessel or aircraft shall pay an overtime fee of ten dollars. Such charges will be billed and collected by the Commissioner of immigration and Naturalization who shall deposit them in a special account with the Bureau of Internal Revenues. An immigration officer who is entitled to receive an overtime fee will be paid on an overtime payroll.⁸⁵

Subchapter D. EXCLUSION AND DEPARTURE

§ 5.60. Procedure for exclusion.

1. *Detention for further inquiry; challenge of favorable decision.* Every alien (other than an alien crewman or stowaway) who in the opinion of the examining immigration officer at the port of arrival is not clearly and beyond doubt entitled to admission shall be detained for further inquiry to be conducted by a hearing officer to determine the admissibility of the alien. The decision of the examining immigration officer, if favorable to the admission of an alien, shall be subject to challenge by any other immigration officer at the time of application for admission and such challenge shall operate to take the alien whose privilege to enter is so challenged before a hearing officer designated by the Attorney General to determine the admissibility of the alien.

2. *Hearing.* The hearing of an alien to determine his admissibility shall conform to the requirements of the Administrative Procedure Act. The immigration officer who decided at the port that the alien was not clearly and beyond doubt entitled to admission may appear as a witness at the hearing but shall not participate in the deliberations of the hearing officer.

3. *Appeal to Office of Immigration Appeals.* From a decision of a hearing Officer excluding an alien, such alien may within three days appeal to the Office of Immigration Appeals by filing with such office a petition to review the decision excluding the alien. Any excluded alien shall be advised of his right to take such an appeal. From a decision of the hearing officer to admit an alien, the immigration officer in charge at the port where the hearing is held may also take an appeal within three days to the Office of Immigration Appeals. The Office of Immigration Appeals after hearing an appeal under this section shall decide whether the alien is to be admitted or excluded and deported. From a decision to exclude and deport, the alien may appeal to the Attorney General whose decision shall be final, and may not be appealed to the

⁸³ *Prior legislation:* 1956 Code 1/3:29; L. 1954-55, ch. XVI, 4(f).

⁸⁴ *Prior legislation:* 1956 Code 3:38; L. 1954-55, ch. XVI, § 4(g)(1st sent.). 12, 22 (c), 26.

⁸⁵ *Prior legislation:* L. 1966-67, ch. (An act to amend the Aliens and Nationality Law to provide overtime pay for immigration officers) (3:63); L. 1960-61, ch. § 3; 1957-58 Supp. 3:4; L. 1956-57, ch. XXXI, § 10.

courts. The provisions of paragraph 6 of section 3.1 of this title shall be applicable to the proceedings before the Attorney General. An appeal by the alien or officer in charge shall operate to stay any final action with respect to any alien whose case is appealed until the decision of the Office of Immigration Appeals and, if an appeal is made to the Attorney General, until his decision. During the processing of an appeal, the alien may lie held in detention or released on bond, in the discretion of the Office of Immigration Appeals. The bond shall be in the sum of \$3,000, and the proceeds shall be available to cover any costs that the Government may incur in detaining, housing, and deporting the alien.⁸⁶

§ 5.61. Deportation of excluded alien.

Any alien arriving in Liberia who is excluded under the provisions of this title shall be immediately deported to the country whence he came in accommodations of the same class in which he arrived, on the vessel or aircraft which brought him, unless immediate deportation is not practicable or proper. The cost of maintenance including detention expenses and expenses incident to the detention of any such alien while he is being detained shall be borne by the owner or owners of the vessel or aircraft on which he arrived. The transportation cost of deporting the alien shall also be borne by the owner or owners of the vessel or aircraft on which he arrived, unless the alien was in possession of a valid unexpired visa or reentry permit, or, in cases in which the alien is not required by law to present a visa or reentry permit at the port of entry, unless the ground for exclusion could not have been ascertained by the exercise of due diligence prior to the alien's embarkation for Liberia. In such cases the cost of removal of the alien after exclusion shall be payable from the appropriation for the enforcement of this chapter.⁸⁷

§ 5.62. Duties of transportation company as to excluded alien.

1. *Duties enumerated.* It shall be unlawful for any master, commanding officer, purser, person in charge, owner or consignee of any vessel or aircraft

- (a) to refuse to receive any excluded alien ordered deported back on board of such vessel or aircraft or another vessel or aircraft owned or operated by the same person;
- (b) to fail to detain any alien on board any such vessel or at the airport of arrival of the aircraft when required by this chapter or if so ordered by an immigration officer, or to fail to refuse to deliver him for medical or other inspection, as and when so ordered by such officer;;
- (c) to refuse or fail to remove any excluded alien from Liberia to the country from which he embarked on the carrier;
- (d) to fail to pay the cost of his maintenance while being detained as required, by this chapter;
- (e) to take any fee, deposit, or consideration on a contingent basis to be kept in case the alien is landed, or returned in case he is excluded; or
- (f) knowingly to bring to Liberia any alien excluded or arrested and deported under any provisions of law until such alien may be lawfully entitled to reapply for admission to Liberia.

2. *Civil penalty for violations.* If it shall appear to the satisfaction of the Attorney General that any such master, commanding officer, purser, person in charge, agent, owner or consignee of any vessel or aircraft has violated any of the provisions of this section or other provisions of this chapter, such person shall pay

⁸⁶ *Prior legislation:* 1956 Code 3:41(2nd, 3rd, pars.), 42; L. 1954-55, ch. XVI, § 5(d), 24(a), (b), (d), (e).

⁸⁷ *Prior legislation:* L. 1966-67, ch. (An act to amend the Alien and Nationality Law with respect to deportation of excluded aliens) 3:46; 1956 Code 3:46; L. 1954-55, ch. XVI, 25(a); L. 1949-50, ch. XIII, § 4,5.

to the collector of customs of the port of arrival the sum of \$1,000 for each such violation to be deposited into the Bureau of Revenues.

3. Payment of costs of deportation if vessel or aircraft has left Liberia. If the vessel or aircraft by which any alien arrived who has been ordered deported under section 5.61 of this title, has left Liberia and it is impracticable to deport the alien within a reasonable time by another vessel or aircraft owned by the same person, the costs of deportation may be paid from the appropriation for the enforcement of this chapter and recovered by civil suit from any owner, agent, or consignee of the vessel or aircraft liable for such costs under paragraph 1 of this section.⁸⁸

§ 5.63. Record of departure of aliens.

It shall be the duty of the owner, agent, consignee, master or commanding officer of every vessel taking passengers on board at any port of Liberia, who are destined to any place outside Liberia, to file with the immigration officers before departure from such port a list of all such persons taken on board together with the place and date of entry of any alien included in the list. Such lists shall contain such other information, be in such form, and be accompanied by such documents as the Attorney General shall prescribe by regulation as necessary for the identification of the persons so transported and for the enforcement of the immigration laws. No master or commanding officer of any such vessel shall be granted clearance papers for his vessel until he has deposited such list. Any owner, agent, consignee, master, or commanding officer who fails to deliver a complete, true and correct list as required by this section shall, if required by the Attorney General, pay to the collector of customs at the port of arrival the sum of \$10 for each alien not included in such list or for whom the required information is not started.⁸⁹

§ 5.64. Exclusion of stowaways.

The owner, charterer, agent, consignee, master, or commanding officer of any vessel or aircraft arriving in Liberia from any place outside thereof who fails to detain on board or at such other place as may be designated by an immigration officer any alien stowaway until such stowaway has been inspected by an immigration officer, or who fails to detain such stowaway on board or at such other designated place after inspection if ordered to do so by an immigration officer, or who fails to deport such stowaway on the vessel or aircraft on which he arrived or on another vessel or aircraft at the expense of the vessel or aircraft on which he arrived when required to do so by an immigration officer, shall pay to the collector of customs in the port of arrival the sum of \$1,000 for each alien stowaway with respect to whom such failure occurs. The provisions of section 5.60 of this title with respect to examination of aliens before a hearing officer and the right to appeal shall not apply to aliens who arrive as stowaways. No such alien shall be permitted to enter Liberia except temporarily for medical treatment or, in the discretion of the Attorney General, on temporary parole under paragraph 3, section 5.3 of this title.

§ 5.65. Certificate of Clearance from Minister of Finance.

No alien resident or alien visitor admitted to engage in business who has been in Liberia for an aggregate of more than 60 days during a calendar year, shall, unless he is in possession of a border crossing identification card, depart from Liberia without presenting to the immigration officer at the port of departure a certificate of clearance obtained from the Secretary of the Treasury to the effect that the alien has complied with all the obligations imposed upon him by the income tax law.

Subchapter E. SPECIAL PROVISIONS RELATING TO ALIEN CREWMEN.

§ 5.70. Information to be given on arrival in Liberia from any place outside Liberia.

⁸⁸ *Prior legislation:* 1956 Code 3:47; L. 1954-55, ch XVI, § 25(b), (c).

⁸⁹ *Prior legislation:* 1956 Code 3:45 (except 1st sent.); L. 1954-55, ch. XVI, § 10 (except 1st sent.).

It shall be the duty of the owner, agent, consignee, master or commanding officer thereof to furnish the immigration officer at the port of arrival complete, true, and correct information in writing, with regard to the names of all aliens employed on such vessel or aircraft, the positions they respectively hold in the crew of the vessel or aircraft, when and where they were respectively shipped or engaged, those to be paid off or discharged in the port of arrival; and such additional information as the Attorney General shall by regulation prescribe.

§ 5.71. Reports of illegal landings.

It shall be the duty of any owner, agent, consignee, master or commanding officer of any vessel or aircraft to report to an immigration officer, in writing, as soon as discovered, all cases in which any alien crewman has illegally landed in Liberia from the vessel or aircraft, together with a description of such alien and any information likely to lead to his apprehension.

§ 5.72. Permit to crewman to land.

No alien crewman shall be permitted to land in Liberia except as provided in this section or under special permission granted pursuant to paragraphs 1 or 3 of section 5.3 of this title or section 5.76 of this title. If an immigration officer finds upon examination that an alien crewman is a non-immigrant under paragraph (c) of section 1.2 of this title and is otherwise admissible and has agreed to accept such permit, he may, in his discretion, grant the crewman a conditional permit to land temporarily pursuant to regulations prescribed by the Attorney General, subject to revocation in subsequent proceedings as provided in section 5.75 of this title, and for a period of time, in any event, not to exceed –

- (a) The period of time (not exceeding 29 days) during which the vessel or aircraft on which he arrived remains in port, if the immigration officer is satisfied that the crewman intends to depart on the vessel or aircraft on which he arrived; or
- (b) Not to exceed 29 days, if the immigration officer is satisfied that the crewman intends to depart within the period for which he is permitted to land, on a vessel or aircraft other than one on which he arrived. Any crewman who willfully remains in Liberia in excess of the number of days allowed under any conditional permit to enter shall be subject to a fine of not more than \$500, or imprisonment for not more than six months or both.

§ 5.73. Revocation of permit to land.

Pursuant to regulations prescribed by the Attorney General, any immigration officer may, in his discretion, if he determines that an alien is not a bona fide crewman or does not intend to depart within the period of time fixed by his landing permit, revoke the conditional permit to land which was granted such crewman, take such crewman into custody, and require the master of the vessel on which the crewman arrived to receive and detain him on board such vessel or the commanding officer of the aircraft to detain the crewman at a place specified by the immigration officer. Such crewman shall be deported from Liberia as soon as practicable at the expense of the transportation line which brought him to Liberia. Until such alien is so deported, any expenses of his detention shall be borne by such transportation company. Nothing in this section shall be construed to require the procedure prescribed in section 7.3 of this title to cases falling within the provisions of this section.

§ 5.74. Documents on landing of crewman.

An alien crewman not in possession of any individual documents other than a passport may be admitted, subject to the provisions of this title, if his name appears in the crew list of the vessel or aircraft on which

he arrives and the crew list is visaed by a consular officer; but the consular officer shall have the right to exclude any alien crewman from the application of such visa.⁹⁰

§ 5.75. Discharge of alien crewman.

It shall be unlawful for any person, including the owner, agent consignee, charterer, masters, or commanding officer of any vessel or aircraft, to pay off or discharge any alien crewman, employed on board a vessel or aircraft arriving in Liberia, without first having obtained the consent of the Attorney General. If it shall appear to the satisfaction of the Attorney General that any alien crewman has been paid off or discharged in Liberia in violation of the provisions of this section, such owner, consignee, charterer, master, commanding officer, or other person, shall pay to the collector of customs of the port in which the violation occurred the sum of \$1,000 for each such violation. Such penalty may in the discretion of the Attorney General be mitigated to not less than \$500 for each violation, upon such terms as he may think proper.

§ 5.76. Hospital treatment of alien crewmen afflicted with disease.

An alien crewman, including an alien crewman ineligible for a conditional permit to land under section 5.72 of this title, who is found on arrival in a port of Liberia to be afflicted with insanity, tuberculosis, leprosy or any dangerous contagious disease, or in immediate need of hospitalization or medical treatment for any other reason, shall be placed in a hospital designated by the immigration officer in charge at the port of arrival and treated, or admitted for medical treatment without hospitalization under such conditions as the Attorney General may prescribe. All expenses connected there-with, including burial in the event of death, shall be borne by the owner, agent, consignee, commanding officer, or master of the vessel or aircraft, and shall not be deducted from the crewman's wages. In cases in which it appears to the satisfaction of the immigration officer in charge that it will not be possible within a reasonable time to effect a cure, to return of the alien crewman may be effected by and at the expense of the transportation line on which he came, upon such conditions as the Attorney General shall prescribe, to insure that the alien shall be properly cared for and protected, and that proper precautions shall be taken against the spread of contagion.

§ 5.77 Information to be given on departure of vessel or aircraft from Liberia.

Before the departure of any vessel or aircraft from any port in Liberia, it shall be the duty of the owner, agent, consignee, master or commanding officer thereof, to deliver to an immigration officer at that port information in writing, concerning the names of all employees who were not employed thereon at the time of the arrival at that port but who will leave such port thereon at the time of the departure of such vessel or aircraft, and the names of those, if any, who have been paid off or discharged, and those, if any, who have deserted or landed at that port, together with such other information as the Attorney General may be regulation prescribe.⁹¹

§ 5.78. Duties of agents of transportation companies; penalty.

The owner, agent, consignee, charterer, master, or commanding officer of any vessel or aircraft arriving in Liberia from any place outside thereof who fails

(a) to detain on board the vessel, or in the case of an aircraft, to detain at a place specified by an immigration officer at the expense of the airline, any alien crewman employed thereon until an

⁹⁰ *Prior legislation:* 1956 Code 3:39; 1954.55, ch. XVI, § 22(c); Rev. Stat. § 1184; OBB 88, Act regulating commerce and revenue, art. VII, § 1; 1841 Digest, pt. 1, Gen. Port Reg., art. 7, 2 Hubb, 1513.

⁹¹ *Prior legislation:* 1957-58 Supp. 19:205(1); L. 1957-58, ch. XX, § 44; 1956 Code 22:316; L. 1958-59, 27, § 6.

immigration officer has completely inspected such alien crewman, including a physical examination by the medical examiner, or

(b) to detain any alien crewman on board the vessel, or in the case of an aircraft at a place specified by an immigration officer at the expense of the airline, after such inspection unless a conditional permit to land temporarily has been granted such alien crewman, or

(c) to deport such alien crewman if required to do so by an immigration officer, whether such deportation requirement is imposed before or after the crewman is permitted to land, shall pay to the collector of customs of the customs district in which the port of arrival is located or in which the failure to comply with the orders of the officer occurs, the sum of \$1,000 for each alien crewman in respect to whom any such failure occurs. Such penalty may in the discretion of the Attorney General be mitigated to not less than \$500 for each violation, upon such terms as he may think proper.

§ 5.79. Penalty for failure to furnish information or reports of illegal landing.

In case any owner, agent, consignee, master, or commanding officer shall fail to furnish complete, true, and correct information or reports of alien crewman as required by sections 5.70 and 5.77 of this title, or to report cases of illegal landing as required by section 5.71 of this title, such owner, agent, consignee, master, or commanding officer, shall, if required by the Attorney General, pay to the collector of customs of any customs district in which the vessel or aircraft may at any time be found a penalty in the sum of \$10 for each alien concerning whom such information is not furnished or such reports are not made as required.

**Subchapter F. GENERAL PENALTIES FOR
VIOLATIONS OF CHAPTER 5**

§ 5.90. Illegal entry.

Any alien who—

(a) Enters Liberia at any time or place other than as designated by law;

(b) Eludes examination or inspection by immigration officers; or

(c) Obtains entry to Liberia by a wilfully false or misleading representation or the concealment of a material fact, shall be subject to a fine of up to \$1,000 or imprisonment for up to one year or both.⁹²

§ 5.91. Bringing in or harboring illegal entrants.

Any person, including the owner, operator, pilot, master, commanding officer, agent, or consignee of any means of transportation, who knowing that an alien has not been duly admitted by an immigration officer or is not lawfully entitled to enter or reside in Liberia under the terms of this title

(a) Brings into or lands in Liberia any such alien by any means of transportation or otherwise; or

(b) Willfully or knowingly conceals, harbors, aids, shields from detection or transports or moves any such alien; or

⁹² *Prior legislation:* 1957-58 Supp. 3:55(1); L. 1956-57, ch. XXX, § 4, II; I956Code 3:36; L. 1954-55, ch. XVI, § 24(c).

(c) Provides a false visa, passport, or other document tending to establish that such alien is a citizen of Liberia or that he was legally admitted to Liberia, is subject to a fine of not more than \$1,000 or imprisonment for riot more than one year or both for each alien with respect to whom a violation of this section occurs.

§ 5.92. Importation of alien for immoral purpose.

Whoever shall, directly or indirectly, import or attempt to impart into Liberia any alien for the purpose of prostitution or for any other immoral purpose, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor for the purpose of prostitution or for any other immoral purpose, any alien in pursuance of such illegal importation, shall be subject to a fine of not more than \$5,000 or imprisonment for not more than three years or both.

§ 5.93. Reentry of excluded or deported alien.

Any alien who --

(a) has been arrested and deported, or has been excluded and deported within the previous year, and thereafter;

(b) enters or is at any time found in Liberia unless prior to his re-embarkation at a place outside Liberia or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien's reapplying for admission;

shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year or both.

Chapter 6. CONTROL OF ALIENS WITHIN LIBERIA

§ 6.1. Permits of residence.

§ 6.2. Extension of stay.

§ 6.3. Adjustment of status.

§ 6.4. Maintenance of student status.

§ 6.5. Maintenance of employment status.

§ 6.6. Records to show non-immigrants who overstay period of admission.

§ 6.7. Restriction on settlement of immigrants.

§ 6.1. Permit of residence.

1. Requirement stated. Every alien presently in Liberia or hereafter admitted to Liberia as an immigrant or alien resident shall obtain a permit of residence.

2. Application by aliens entering Liberia. Every alien who applies for a visa to enter Liberia as an immigrant or alien resident shall at the same time make out an application for a permit of residence. A copy of the application for the visa shall serve as the application for the permit of residence, and together with his photograph, shall be presented by the alien to the immigration officer on his application for admission at the port of entry.

3. Issuance at port of entry. The immigration officer, on admitting an alien to Liberia as an immigrant or alien resident, shall issue to him on payment of a fee of one hundred dollars a permit of residence in the form prescribed by paragraph 4 of this section; or, if it is impracticable to issue the permit of residence at the time of admission of the alien at the port of entry, the immigration officer shall direct the alien to

present himself at the Central Office of the Bureau of Immigration and Naturalization, Monrovia, within ten to twenty days thereafter, at which time he shall be issued a permit of residence.

4. Contents of permit of residence. A permit of residence shall state the name and Liberian address of the alien, the date of his admission to Liberia, the status of the alien as immigrant or alien resident,, the occupation in which he is presently engaged, and name of his employer, if any; and such additional matter as may be prescribed by regulation. Affixed to the permit of residence shall be a photograph having a reasonable likeness to the alien and bearing his signature.

5. Period of renewal. A permit of residence shall be valid for one year and shall be renewed on payment of a fee of ten dollars within the period of 30 days after the expiration of the year. Any permit of residence granted after the effective date of this title shall be dated as of the date of admission of the alien to Liberia and its period of validity shall run from that. Any permit of residence granted before the effective date of this title continues to be valid for one year after the date of its issuance and shall likewise be renewed within the period of 30 days after its expiration.

6. Duplicate permits. Any alien who misplaces or loses his permit of residence and can prove that he formerly possessed a permit shall be issued a duplicate permit upon the payment of a fee of one dollar.

7. Change of address. Any alien required to hold a permit of residence shall notify in writing the immigration officer at the immigration station nearest to his place of residence, of each change of address and his new address within ten days after the date of such change.

8. Duty of parent or legal guardian of alien under 18. It shall be the duty of every parent or legal guardian of any alien under 18 years of age hereafter applying for admission to Liberia as an immigrant or alien resident or presently in Liberia as an immigrant or alien resident to apply for a permit of residence or a renewal of permit of residence and to give notice of change of address on behalf of such alien under 18 in accordance with the requirement of this section.

9. Penalty. Any alien or any parent or legal guardian who willfully fails or refuses to obtain a permit of residence in compliance with paragraph 1 of this section, or to renew a permit of residence as required by 5 of this section, or to notify the Attorney General of a change of address as required by paragraph 7 of this section, shall be liable to a payment of a civil penalty of \$25 (twenty-five dollars).

10. Fraudulent statements. Any alien or any parent or legal guardian of any alien who files an application for a permit of residence or renewal of a permit of residence, containing statements which he knows to be false, or who notifies the Attorney General of an address which he knows to be false, or who procures or attempts to procure a permit of residence for himself or another person through fraud, shall be subject to a fine not to exceed \$1,000 or imprisonment for a period not to exceed one year or both; and any alien so convicted shall, upon warrant of the Attorney General, be taken into custody and be deported in the manner provided in chapter 7 of this title.⁹³

§ 6.2. Extension of stay.

The period for which an alien visitor is admitted to Liberia may be extended by the Attorney General in his discretion. A notation of the extension shall be made by the Attorney General on the alien's passport.⁹⁴

§ 6.3. Adjustment of status.

⁹³ *Prior legislation:* L. 1966-67, ch. (An Act to amend the Aliens and Nationality Law with respect to fingerprinting), 3:45-F; 1957-58 Supp. 3:43-A, 43-B, 43-C, 43-D; L. 1956-57, ch. XXXI, § 2, 3, 5, 6; 1956 Code 3.43; L. 1954-55, ch. XVI, § 9.

⁹⁴ *Prior legislation:* 1956 Code 3.25 (1), (5); L.1954-55, ch.XVI, § 4(g), 7(a).

The status of an alien lawfully admitted to Liberia may be adjusted by the Attorney General to any other status for which he can qualify on application of such alien. A record shall be made of any order of the Attorney General effecting a change of status and a brief notation of the adjustment of status shall be made by the Attorney General on the alien's passport and, if he is an immigrant or alien resident, on his permit of residence.⁹⁵

§ 6.4. Maintenance of student status.

1. Course of study. An alien who has been admitted to Liberia as a student shall carry a full course of study for each semester or show by written affidavit submitted to the Attorney General his reason for not doing so. A student who fails to comply with this requirement shall be subject to deportation proceedings.

2. Employment. An alien admitted to Liberia as a student may engage in part-time employment which has been approved by the Attorney General as not likely to affect the regular attendance of the alien at school or lower his grades.⁹⁶

§ 6.5. Maintenance of employment status.

1. Approval by Minister of Justice of change of employment. No alien shall change his employment nor his occupation, profession or means of livelihood, whether with the same or a different employer, nor shall an unemployed alien secure employment, without first obtaining the approval of the Minister of Justice. Such approval shall be granted only on condition that (a) the Minister of Labor has issued an employment permit for such change of employment or securing of employment or has advised in writing that no employment permit is required by law with respect to the particular employment; and (b) the prospective employer has furnished a bond in the amount of \$3,000 as a guarantee of prompt departure of the alien upon the expiration of the permitted period of residence or upon order of the Minister of Justice to depart. No person shall employ an alien presently in Liberia –

(a) Unless such alien holds a valid permit of residence; and

(b) Unless the Minister of Justice has granted his approval as herein above required.

2. Report by employers on alien employees. Any person employing aliens shall furnish the Attorney General semi-annually in accordance with rules and regulations with a true and complete list of all alien employees employed by him, indicating the kind of work performed by each employee, and his nationality and tenure of service. An employer who violates the provisions of this paragraph shall be liable to a civil penalty of \$100 for each employee as to whom incomplete or false information is furnished.⁹⁷

§ 6.6. Records to show non-immigrants who overstay period of admission.

The Attorney General shall maintain in his office a chronological record showing the date to which each non-immigrant in the country is entitled to remain and the date of their departure from the country. When the date to which a non-immigrant is permitted to remain has been reached, if there is no record of his departure, the Attorney General shall as soon as practicable institute proceedings to effect the departure of such alien.⁹⁸

⁹⁵ *Prior legislation:* 1956 Code 3:25(2), (3), (4); L. 1954-55, ch. XXI, § 7(b), (c),(d), 29.

⁹⁶ *Prior legislation:* 1956 Code 3:44; L. 1954-55, ch. 11(b), (c).

⁹⁷ *Prior legislation:* 1957-58 Supp.3:43-E(I), (3); L.1956-57, ch.XXXI, §§ 1,8.

⁹⁸ *Prior legislation:* 1956 Code 3:45 (except 1st. sent.); L.1954-55, ch.XVI, § 10 (except 1st. sent.).

§ 6.7. Restriction on settlement of immigrants.

Immigrants may be directed by the Attorney General to settle in specified sections of the country in order to prevent unreasonable numbers from settling in one county, city, town, or village. An immigrant who establishes a residence in a place other than the one designated by the Attorney General shall be liable to payment of a civil penalty of \$10 for every month of noncompliance.⁹⁹

Chapter 7. DEPORTATION

§ 7.1. Grounds for deportation

§ 7.2. Arrest and custody of alien pending determination of deportability.

§ 7.3. Proceedings to determine deportability.

§ 7.4. Failure of alien under order or deportation to depart.

§ 7.5. Unlawful re-entry of deported alien.

§ 7.6. Service of prison sentence prior to deportation.

§ 7.7. Country to which alien is to be deported.

§ 7.8. Payment of deportation costs.

§ 7.9. Removal of aliens requiring public aid.

§ 7.1. Grounds for deportation.

Any alien in Liberia shall, upon the order of the Attorney General, be deported who –

(a) At the time of entry was within one or more of the classes or aliens excludable by the law existing at the time of such entry;

(b) Entered Liberia without inspection or at any time or place other than as designated by the Attorney General or is in Liberia in violation of this title or any other law of Liberia;

(c) Hereafter, within five years after entry, is institutionalized at public expense because of mental disease, defect, or deficiency, unless the alien can show that such disease, defect or deficiency did not exist prior to his admission to Liberia.

(d) Is convicted of a crime involving moral turpitude committed within five years after entry;

(e) Is or at any time has been after entry a member of any of the classes listed in section 5.1(y) of this title;

(f) In the opinion of the Attorney General has within five years after entry become a public charge from causes not affirmatively shown to have arisen after entry;

(g) Was admitted as a non-immigrant and failed to maintain the status in which he was admitted or to which such original status was changed pursuant to section 6.3 of this title, or to comply with the conditions of any such status;

(h) The Attorney General finds is an undesirable alien by reason of being convicted of a violation of or conspiracy to violate any of the provisions of the Foreign Relations Law relating to reservation of neutrality toward other nations;

(i) Has failed to pay a civil penalty within six months after judgment of liability for such penalty was filed against him;

⁹⁹ *Prior legislation*: 1957-58, Supp. 3:13; L. 1955 (E.S. March), ch.11, § 5.

(j) Is or at any time after entry has been a narcotic drug addict; or who at any time has been convicted of a violation of or a conspiracy to violate, any law or regulation relating to the illicit possession of or traffic in drugs within the application of the Narcotic Drug Control Act;

(k) By reason of any conduct, behavior or activity at any time after entry becomes a member of any of the classes specified in paragraph (j) of section 5.1 of this title;

(l) Prior to, or at the time of any entry or at any time subsequent to entry shall have knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien to enter or try to enter Liberia in violation of law;

(m) Has violated the law in some other respect which by statute may subject him to deportation.¹⁰⁰

§ 7.2. Arrest and custody of alien pending determination of deportability.

Pending a determination of his deportability, an alien may, upon warrant of the Attorney General, be arrested and taken into custody. Any such alien taken into custody may in the discretion of the Attorney General and pending such final determination of deportability,

(a) be continued in custody; or

(b) be released under bond in the amount of not less than \$1,000 with security approved by the Attorney General and containing such conditions as the Attorney general may prescribe.; or

(c) be released on conditional parole. Such bond or parole, whether heretofore or hereafter authorized, may be revoked at any time by the Attorney General, in his discretion, and the alien may be returned to custody under the warrant which initiated the proceedings against him and detained until final determination of his deportability.¹⁰¹

§ 7.3. Proceedings to determine deportability.

1. Hearing by special hearing officer. A hearing officer designated by the Attorney General shall conduct proceedings under this section to determine the deportability of any alien, and shall administer oaths, present and receive evidence, interrogate, examine, and cross-examine the alien and witnesses, and, as authorized by the Attorney General, shall make determinations, including orders of deportation. Determination of deportability in any case shall be made only upon a record made in a proceeding before a specially designated bearing officer, at which the alien shall have reasonable opportunity to be present, unless by reason of the alien's mental incompetency it is impracticable for him to be present, in which case the Attorney General shall prescribe necessary and proper safeguards for the rights and privileges of such alien. If any alien has been given a reasonable opportunity to be present at a proceeding under this section, and without reasonable cause fails or refuses to attend or remain in attendance at such proceeding, the hearing officer may proceed to a determination in like manner as if the alien were present.

2. Presentation of evidence by additional immigration officer. In any case or class of cases in which the Attorney General believes that such procedure would be of aid in making a determination h may require specifically or by regulation that an additional immigration officer shall be assigned to present the evidence on behalf of the Government of Liberia, and in such case such additional immigration officer

¹⁰⁰ *Prior legislation:* 1956 Code 3:48; L. 1954-55, ch. XVI, § 27(a); L. 1950 (E.S.) Ch.VII, L. 1927-28, ch. IX, § 15; L. 1915-6, ch. XLIV.

¹⁰¹ *Prior legislation:* 1956 Code 3:49; L. 1954-55, ch. XVI, Sec. 27(b).

shall have authority to present evidence, and to interrogate, examine, cross-examine the alien and witnesses in the proceedings. Nothing in this paragraph shall be construed to diminish the authority conferred upon the hearing officer conducting such proceedings.

3. Regulations to govern proceedings; rights of alien. Proceedings before a hearing officer acting under the provisions of this section shall be in accordance with such regulations, not inconsistent with this chapter, as the Attorney General shall prescribe. Such regulations shall include requirements that --

- (a) The alien shall be given notice, reasonable under all the circumstances, of the nature of the charges against him and of the time and place at which the proceeding will be held;
- (b) The alien shall have the privilege of being represented by counsel of his own choosing;
- (c) The alien shall have a reasonable opportunity to examine the evidence against him, to present evidence in his own behalf, and to cross-examine witnesses presented by the Government; and
- (d) No decision of deportability shall be valid unless it is based upon reasonable, substantial, and probative evidence.

4. Appeal to Board of Immigration Appeals. From an adverse decision of a hearing officer, an alien may appeal to the Office of Immigration Appeals.

5. Procedure to be exclusive for determining deportability. The procedure prescribed in this section shall be the sole end exclusive procedure for determining the deportability of an alien. The decision of the Office of Immigration Appeals may be appealed to the Attorney General whose decision shall be the final administrative decision. From a decision by the Attorney General to deport, the alien may appeal to the Circuit Court.

6. Voluntary departure in lieu of deportation. In the discretion of the Attorney General, and under such regulations as he may prescribe, deportation proceedings, including issuance of a warrant of arrest, and a finding of deportability under this section need not be required in the case of any alien who admits to belonging to a class of aliens who are deportable under section 7.1 of this title if such alien voluntarily departs from Liberia at his own expense, or is removed at Government expense as hereinafter authorized, unless the Attorney General has reason to believe that such alien is deportable under paragraphs (d), (e), (h), (i), (j), (k), of (1) of section 7.1 of this title. If any alien who is authorized to depart voluntarily under this paragraph is financially unable to depart at his own expense and the Attorney General deems his removal to be in the best interest of Liberia, the expense of such removal may be paid from the appropriation for the enforcement of this chapter.

7. Time within which deportation is to be effected. When a final order of deportation is made against an alien, the Attorney General shall effect the alien's departure from Liberia as soon thereafter as possible. During the period prior to departure, the alien may be released on bond in an amount and containing such conditions as the Attorney General may prescribe unless the Attorney General believes that the alien will not present himself for deportation at the time and place required by the Attorney General or that the release of the alien under any condition is not in the best interests of Liberia, in which case the alien may be detained pending his deportation.

§ 7.4. Failure of alien under order of deportation to depart.

Any alien against whom a final order of deportation is outstanding who, shall connive or conspire, or take any other action designed to prevent or hamper or with the purpose of preventing or hampering, his departure pursuant to such order of deportation, or who shall willfully fail or refuse to present himself for

deportation at the time and place required by the Attorney General pursuant to such order of deportation, shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year or both.

§ 7.5. Unlawful re-entry of deported alien.

If the Attorney General finds that any alien has unlawfully re-entered Liberia after having been deported pursuant to an order of deportation issued on a ground described in paragraph (d), (e), (h), (i), (j), (k), or (l) of section 7.1 of this title, the previous order of deportation shall be deemed to be reinstated from its original date and such alien shall be deported under such previous order. For the purposes of paragraph 7 of section 7.3 of this title, the date on which the finding is made that such reinstatement is appropriate shall be deemed the date of the final order of deportation.

§ 7.6. Service of prison sentence prior to deportation.

An alien sentenced to imprisonment shall not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, probation, or possibility of arrest or further confinement in respect of the same offense shall not be a ground for deferral of deportation.

§ 7.7. Country to which alien is to be deported.

1. Possible countries stated. The deportation of an alien in Liberia shall be directed by the Attorney General to a country promptly designated by the alien if that country is willing to accept him into its territory. No alien shall be permitted to make more than one such designation, nor shall any alien designate as the place to which he wishes to be deported, any foreign territory contiguous to Liberia unless such alien is a native, citizen, subject, or national of, or had a residence in such designated foreign contiguous territory. If the government of the country designated by the alien fails finally to advise the Attorney General within three months following original inquiry whether that government will or will not accept such alien into its territory, such designation may thereafter be disregarded. Thereupon deportation of such alien shall be directed to any country of which such alien is a subject, national, or citizen if such country is willing to accept such alien into its territory. If the government of such country fails finally to advise the Attorney General or the alien within three months following the date of original inquiry, or within such other period as the Attorney General shall deem reasonable under the circumstances in a particular case, whether that government will or will not accept such alien into its territory, then such deportation shall be directed by the Attorney General within his discretion and without necessarily giving any priority or preference because of their order as herein set forth either –

(a) To the country from which the alien last entered Liberia;

(b) To the country in which is located the foreign port at which such alien embarked for Liberia or for foreign contiguous territory;

(c) To the country in which he was born;

(d) To the country in which the place of his birth is situated at the time he is ordered deported;

(e) To any country in which he resided prior to entering the country from which he entered Liberia;

(f) To the country which had sovereignty over the birthplace of the alien at the time of his birth; or

(g) If deportation to any of the foregoing places or countries is impracticable, inadvisable, or impossible, then to any country which is willing to accept such alien in its territory.

2. *Countries refusing acceptance of deportees who are nationals.* Upon notification by the Attorney General that any country upon request denies or unduly delays acceptance of the return of any alien who is a national, citizen, subject, or resident thereof, the Secretary of State shall instruct consular officers performing their duties in the territory of such country to discontinue the issuance of visas to nationals, citizens, subjects, or residents of such country, until such time as the Attorney General shall inform the Secretary of State that such country has accepted such alien.¹⁰²

§ 7.8. Payment of deportation costs.

1. *Within five years.* If deportation proceedings are instituted at any time within five years after the entry of the alien for causes existing prior to or at the time of entry, the cost of removal from the port of deportation shall be at the expense of the owner or owners of the vessel, aircraft, or other transportation line by which such alien came to Liberia; provided, that the costs of the deportation of any such alien from such port shall not be assessed against the owner or owners of the vessels aircraft, or other transportation line in the case of an alien who arrived in possession of a valid unexpired immigrant visa and who was inspected and admitted to Liberia as an immigrant. In such cases the cost of removal shall be payable from the appropriation for the enforcement of the chapter.

2. *Subsequent to five years.* If deportation proceedings are instituted later than five years after the entry of the alien, the cost of removal from the port of deportation shall be payable from the appropriation for the enforcement of this chapter.¹⁰³

§ 7.9. Removal of aliens requiring public aid.

The Attorney General may remove from Liberia any alien who needs public aid from causes arising subsequent to his entry and is desirous of being so removed, to the native country of such alien or to the country from which he came, or to the country of which he is a citizen or subject, or to any country to which he wishes to go and which will receive him, provided the cost of transportation to such country is not greater than that to his own country. Any alien so removed shall be ineligible to apply for or receive a visa for or receive admission to Liberia or to apply for admission to Liberia except with the prior approval of the Attorney General.¹⁰⁴

PART III

Nationality And Naturalization

Chapter 20. NATIONALITY AT BIRTH

§ 20.1. Citizens of Liberia at birth.

The following shall be citizens of Liberia at birth:

(a) A person who is a Negro, or of Negro descent, born in Liberia and subject to the jurisdiction thereof;

(b) A person born outside Liberia whose father (i) was born a citizen of Liberia; (ii) was a citizen of Liberia at the time of the birth of such child, and (iii) had resided in Liberia prior to the birth of such child.

¹⁰² *Prior legislation:* 1956 Code 3:50; L. 1954-55, ch. XVI, § 28 (a), (b).

¹⁰³ *Prior legislation:* 1956 Code 3:51, 47 (last paragraph); L. 1954-55, ch. XVI, § 25(c), 28(b).

¹⁰⁴ *Prior legislation:* 1956 Code 3:52; L. 1954-55, ch. XVI, § 30.

A child who is a Liberia citizen by virtue of the provisions of subparagraph (b) of this section shall lose his citizenship unless he has resided in Liberia before attaining his majority or unless when he attains his majority and before attaining the age of 23 he goes before a Liberian consul and takes the oath of allegiance to the Republic of Liberia required of a petitioner for naturalization.¹⁰⁵

Chapter 21. NATIONALITY THROUGH NATURALIZATION

Subchapter A. Obtaining Naturalization.

§ 21.1. Eligibility for naturalization.

§ 21.2. Declaration of intention.

§ 21.3. Petition for naturalization.

§ 21.4. Investigation of petitioners.

§ 21.5. Final hearing.

§ 21.6. Oath of allegiance.

§ 21.7. Certificate of naturalization.

§ 21.8. Duties of clerk of Circuit Court with respect to naturalization proceedings.

§ 21.9. Stamp tax and fees.

§ 21.10. Procurement of citizenship or naturalization unlawfully.

Subchapter B. Naturalization or Restoration to Citizenship of Special Categories of Aliens.

§ 21.30. Alien spouse of citizen

§ 21.31. Children born outside Liberia of alien parents or of citizen mother and alien father.

§ 21.32. Liberian woman who lost citizenship by marriage to alien.

Subchapter C. Revocation of Naturalization.

§ 21.50. Grounds for revocation.

§ 21.51. Foreign residence as prima facie evidence of misrepresentation.

§ 21.52. Reports on naturalized citizens residing in foreign country.

§ 21.53. Procedure.

§ 21.54. Revocation of citizenship on conviction of crime of unlawful procurement of citizenship.

§ 21.55. Effect of revocation of citizenship of father on his minor child.

§ 21.56. Records of cancellation of certificate of naturalization.

§ 21.57. Deportation on cancellation of certificate.

§ 21.58. Escheat of real property.

§ 21.59. Enactment of special statute for revocation of naturalization.

Subchapter A. OBTAINING NATURALIZATION.

§ 21.1. Eligibility for naturalization.

1. *Race.* No person shall be naturalized unless he is a Negro or of Negro descent.

2. *Residence.* No person except as otherwise provided in this chapter shall be naturalized unless such person (a) immediately preceding the date of filing his petition for naturalization has maintained a Continuous and lawful residence in Liberia, for at least two years; and (b) has resided continuously within Liberia from the date of the petition up to the admission to citizenship. Absence from Liberia of more than

¹⁰⁵ *Prior legislation:* 1957-58 Supp. 3:111; L 1955-56, ch. XXX, § 2; 1956 Code 3:110, 111, 112, Cons. Reg. §§ 63-64, 71.

six months during the period for which continuous residence is required for admission to citizenship, either immediately preceding the date of filing the petition for naturalization or during the period between the date of filing the petition and the date of final hearing, shall break the continuity of such residence, unless the petitioner shall establish to the satisfaction of the court that he did not in fact abandon his residence in Liberia during such period.

3. *Lawful admission.* Except as otherwise provided in this chapter, no person shall be naturalized unless he has been lawfully admitted to Liberia in accordance with all applicable provisions of this title.

4. *Character and belief in Constitution.* No person shall be naturalized unless, during the period of residence required under paragraph 2 of this section, he has been, and still is, of good moral character and attached to the principles of the Constitution of Liberia.¹⁰⁶

§ 21.2. Declaration of intention.

Any alien eligible for naturalization who desires to become a citizen of Liberia shall, as a prerequisite, appear in person before the clerk of the Circuit Court in the county in which such alien resides and sign a declaration of his intention to become a citizen of the Republic of Liberia and to renounce his former nationality when the oath of allegiance is administered. The declarant shall give his name, place and date of birth, present and former nationalities, if any, occupation, marital status, present address, last foreign residence, and all information pertaining to his entrance to Liberia. A person who has tiled a declaration of intention may, in the discretion of the President be given three months free lodging at the expense of the Government.¹⁰⁷

§ 21.3. Petition for naturalization.

1. *Filing; contents.* An applicant for naturalization, within not less than two nor more than three years after he has made his declaration of intention, shall make and file with the clerk of the Circuit Court of the county in which he resides a petition signed in his own handwriting and duly verified, in which he shall give information similar to that in the declaration of intention and state that he do not believe in anarchy. The petition shall also aver that he intends to reside permanently within the Republic of Liberia, and shall state whether he has heretofore been refused naturalization and if so, on what grounds. It shall also contain the names of the witnesses whom the applicant expects to summon in his behalf at the hearing. The petition shall be verified by two witnesses who shall not be those to be summoned at the hearing. The witnesses verifying the petition shall be citizens of Liberia who personally know that the applicant has been a resident of Liberia for at least two years and know him to be of good moral character.

2. *Age requirement.* No person shall file a petition for naturalization unless he shall have attained the age of twenty-one years.

3. *Waiver of requirement for time interval after filing declaration of intention.* The requirement stated in paragraph 1 of this section that a minimum of two years elapse after the filing of a declaration of intention before the filing of a petition for naturalization, may be waived by the President of Liberia, and an

¹⁰⁶ **Prior legislation:** 1956 Code 3:81; L. 1947-48, ch. XIII; L. 1938, ch. XIII, §3, 6; L. 1907-1908, 24, §1.

¹⁰⁷ **Prior legislation:** L. 1965-66, (An act to amend the Alien and Nationality Law to allow persons desiring to become Liberian citizens to retain their citizenship until they have been granted Liberian citizenship): 1957-58 Supp. 3:10; L. 1955 (E.S. Mar.), ch.II, § 11; 1956 Code 3:33; L. 1941-1942, ch. VIII; L.1938, ch. XIII, 4,5, 15.

applicant as to whom such waiver has been granted may become a citizen immediately after filing his declaration of intention upon taking the oath of allegiance.¹⁰⁸

§ 21.4. Investigation of petitioners.

The Attorney General may designate an immigration officer to conduct a personal investigation of the person petitioning for naturalization in the vicinity in which such person has maintained his actual place of abode and in the vicinity in which such person has been employed or engaged in business during his residence in Liberia. On the basis of such investigation, the Attorney General may submit to the court at the hearing on the petition a recommendation that the petition be granted, or denied, or continued, with the reasons therefor.

§ 21.5. Final hearing.

1. *Jurisdiction to naturalize.* Exclusive jurisdiction to naturalize persons as citizens of Liberia is conferred upon the circuit courts. In Montserrado County, the First Judicial Circuit shall exercise such Jurisdiction.

2. *Public notice.* Upon the filing of a petition for citizenship, the clerk of the Circuit Court shall give public notice thereof by posting data regarding the applicants together with the date, as near as may be, of the final hearing and the names of the witnesses whom the applicant expects to summon in his behalf.

3. *Conduct of hearing.* Every final hearing upon a petition for naturalization shall be had in open court, and the petitioner and the witnesses shall be examined under oath before the court. At the hearing the residence of the petitioner in Liberia for the required length of time, his good moral character, and attachment to the principles of the Liberian Constitution shall be proved by the oral testimony of at least two credible witnesses, citizens of Liberia, other than those who have verified the petition.

4. *Appearance of Attorney General.* The Attorney General shall have the right to appear before the court in a naturalization proceeding for the purpose of cross-examining the petitioner and the witnesses produced in support of the petition concerning an matter touching or in any way affecting the petitioner's right to admission to citizenship, and shall have the right to call witnesses, including the petitioner, produce evidence, and be heard in opposition to, or in favor of, the granting of any petition in naturalization proceedings.

5. *Subpoena of witness.* The clerk of court shall, if the petitioner requests it at the time of filing the petition for naturalization,, issue a subpoena for the witnesses named by such petitioner to appear upon the day set for final hearing, but in case such witnesses cannot be produced upon the final hearing, other witnesses may be summoned upon notice to the Attorney General, in such manner and at such time as the Attorney General may be regulation prescribe. If it appears after the petition has been filed that any of the verifying witnesses thereto are not competent, and if it further appears that the petitioner has acted in good faith in producing such witnesses, other witnesses may be substituted in accordance with such regulations.

6. *Change of name of Petitioner.* It shall be lawful at the time and as part of the naturalization of any person, for the court, in its discretion, upon the prayer of the petitioner included in the petition for

¹⁰⁸ *Prior legislation:* L. 1965-66, ch. (An act to amend the Aliens and Nationality Law to allow persons desiring to become Liberian citizens to retain their citizen ship until they have been granted citizenship), § 1(3):84); 1956 Code 3:84; L. 1947-48, ch. XIII; L. 1938, ch. XIII, § 6.

naturalization of such person, to issue a decree changing the name of such person, and the certificate of naturalization shall be issued in accordance therewith.¹⁰⁹

§ 21.6. Oath of allegiance.

A person who has petitioned for naturalization shall, in order to be admitted to citizenship, take in open court an oath, to be administered by the judge, that (a) he will support and defend the Constitution and laws of the Republic of Liberia against all enemies, foreign and domestic; (b) that he renounces and abjures absolutely and entirely all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever and particularly to the one of which he was previously a citizen or subject; (c) that he will observe full faith and allegiance to the Republic of Liberia; and (d) that he will bear arms on behalf of Liberia when required by law.¹¹⁰

§ 21.7. Certificate of naturalization.

A person admitted to citizenship by a court in conformity with the provisions of this chapter shall be entitled upon such admission to receive from the clerk of such court a certificate of naturalization, which shall contain substantially the following information: Number of petition for naturalization; number of certificate of naturalization, date of naturalization; name, signature, place of residence autographed photograph, and personal description of the naturalized person, including age, sex, marital status, and country of former nationality; title, venue, and location of the court issuing the order of naturalization; statement that the court, having found that the petitioner intends to reside permanently in Liberia, and has complied in all respects with all of the applicable provisions of the naturalization laws of Liberia, and was entitled to be admitted as a citizen of Liberia thereupon ordered that the petitioner be admitted as a citizen of Liberia; attestation of the clerk of the court issuing the order of naturalization, and seal of the court.¹¹¹

§ 21.8. Duties of clerk of Circuit Court with respect to naturalization proceedings.

1. *Duplicates of declaration of intention and petitions for naturalization.* It shall be the duty of the clerk of a Circuit Court to forward to the Secretary of State and the Attorney General a duplicate of each declaration of intention and each petition for naturalization promptly after the filing thereof, and to forward to the Secretary of State and the Attorney General certified copies of all other orders issued out of such court affecting or relating to the naturalization of persons.

2. *Records of declarations of intention and petition for naturalization.* It shall be the duty of the clerk of a Circuit Court to cause to be filed in such manner as to be readily accessible and made a part of the records of such court all declarations of intention and petitions for naturalization.

3. *Certificates of naturalization.* It shall be the duty of the clerk of a Circuit Court to forward to the Secretary of State and the Attorney General within 30 days after the close of the month in which such certificate was issued a duplicate thereof, and to make and keep on file in the clerks office, a record of each certificate so issued, wherein shall be entered a memorandum of all the essential facts set forth in such certificates.

¹⁰⁹ *Prior legislation:* L. 1965-66, ch. (An act to amend the Aliens and Nationality Law to allow persons desiring to become Liberian citizens to retain their citizenship until they have been granted Liberian citizenship) (3:88); 1936 Code 3:86, 87; L. 1938, XIII, § 8, 10.

¹¹⁰ *Prior legislation:* L. 1965-66, ch. (An act to amend the Aliens and Nationality Law to allow persons desiring to become Liberian citizens to retain their citizenship until they have been granted Liberian citizenship) 3:38; 1956 Code 3.33; L. 1938, ch. XIII, § 7.

¹¹¹ *Prior legislation:* 1956 Code 3:89; L. 1938, ch. XIII, § 15.

4. *Denial of naturalization.* It shall be the duty of the clerk of a Circuit Court to report to the Attorney General within 30 days after the close of the month in which the final hearing and decision of the court was had, the name and number of the petition of each and every person who has been denied naturalization such month together with the cause of denial. A record of such denials shall be kept on file at the court.

5. *Blank certificates of naturalization.* The Attorney General shall furnish blank certificates of naturalization to clerks of the Circuit Court, but shall not forward such blanks until such time as they will be needed, and only in such number as will be needed for aliens who are to be naturalized at a particular session of Court. No certificate of naturalization received by any clerk of court which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the General immediately.¹¹²

§ 21.9. Fees and Stamp Tax.

The applicant in each proceeding for naturalization shall pay into the Bureau of Revenue the following fees and a copy of the receipt therefor shall be presented to the clerk of the court together with a valid revenue stamp of three dollars which shall be placed upon each declaration of intention.

Filing of declaration of intention	\$ 20.00
Filing of petition for citizenship	20.00
Issuing of certificate of naturalization	10.00

The clerk may make a further charge of fees as follows, which may retain as personal remuneration

Filing of declaration of intention	\$ 5.00
Filing of petition for citizenship	5.00
Issuing a certificate of naturalization	5.00

§ 21.10. Procurement of citizenship or naturalization unlawfully.

Whoever knowingly procures or attempts to procure, contrary to law, the naturalization of himself or another person, or documentary or other evidence of naturalization or citizenship for himself or another person shall be subject to a fine of not more than \$5,000 or imprisonment for not more than three years or both.¹¹³

Subchapter B. NATURALIZATION OR RESTORATION TO CITIZENSHIP OF SPECIAL CATEGORIES OF ALIENS.

§ 21.30. Woman who marries citizen.

A woman of Negro descent who marries a citizen of the Republic shall not become by virtue of such act of marriage a citizen of Liberia. Such woman may be naturalized if she is qualified in conformity with all of the provisions of section 21.1 of this title and complies with all the procedural requirements for naturalization set forth in this chapter.¹¹⁴

¹¹² *Prior legislation:* 1956 Code 3:83, 91; L. 1938, ch. XIII, § 8, 12, 14.

¹¹³ *Prior legislation:* 1956 Code 3:92; L. 1938, ch. XIII, § 13.

¹¹⁴ *Prior legislation:* 1957-58 Supp. 3:114; L. 1955-56, ch. XXX, § 1, 1955 (ES. June) ch. III 1956 Code 3:114; Cons. Serv. Reg. § 67.

§ 21.31. Children born outside Liberia of alien parents or of citizen mother and alien father.

1. *Derivation of citizenship through naturalization of father.* A child born outside Liberia of alien parents, or of a citizen mother and a father who was not born a citizen of Liberia, becomes a citizen of Liberia through naturalization of the father if (a) such naturalization takes place while such child is under the age of 21 years; and (b) such child is residing in Liberia following lawful admission for permanent residence at the time of the naturalization of the father, or thereafter begins to reside permanently in Liberia while under the age of 21 years.

2. *Certificate of citizenship.* A person who claims to have derived Liberia citizenship through the naturalization of a father may apply to the Circuit Court for a certificate of citizenship. Upon proof to the satisfaction of the Circuit Court that the applicant is a citizen and that the applicant's alleged citizenship was derived as claimed, such person shall be furnished by the Circuit Court with a certificate of citizenship.¹¹⁵

§ 21.32. Liberian woman who lost citizenship by marriage of alien.

Any woman formerly a citizen of Liberia who under prior law lost Liberian citizenship by marriage to an alien and who acquired no other nationality by affirmative act other than by such marriage, is hereby declared a Liberian citizen. Such citizenship is effective *nunc pro tunc* as of the date of loss of citizenship except as to the title of real property which was forfeited as the result of such loss of citizenship.

Subchapter C. REVOCATION OF NATURALIZATION.**§ 21.50. Grounds for revocation.**

It shall be the duty of the Attorney General, upon affidavit showing good cause therefor, to institute proceedings for the purpose of revoking and setting aside the order admitting a person to citizenship and cancelling the certificate of naturalization on any of the following grounds:

- (a) That the order admitting such person to citizenship and the certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation;
- (b) That at the time the person acquired citizenship, he was not eligible to such citizenship by some existing law of Liberia;
- (c) That at the time the person acquired citizenship, he was not eligible to enter or reside in Liberia;
- (d) That the person who acquired citizenship was not of good moral character at the time he was admitted to citizenship and such fact was not then known;
- (e) That at the time the person was admitted to citizenship, he was an anarchist or not attached to the principles of the Constitution of Liberia and such fact was not then known;
- (f) That the order admitting such person to citizenship was issued through manifest error of law or fact, or that the order was issued before it should be, or that the laws governing naturalization have not been fully complied with; provided that if the error can be remedied by procedural means, the person admitted to citizenship through such error shall be allowed a reasonable

¹¹⁵ *Prior legislation:* 1957-58 Supp. 3:113; L. 1955-56 ch. XXX, § 2; 1956 Code 3:113; Cons. Serv. Reg. § 69.

opportunity after notice to institute corrective proceedings before the Attorney General acts to revoke citizenship and cancel the certificate of naturalization.¹¹⁶

§ 21.51. Foreign residence as prima facie evidence of misrepresentation.

If any person who has been naturalized shall go to the country of which he was a citizen or subject at the time he was naturalized and maintain residence there for two years, or go to any other foreign country and maintain residence there for five years, it shall be considered prima facie evidence of a lack of intention on the part of such person to reside permanently in Liberia at the time of filing his petition for naturalization, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the revocation and setting aside of the order admitting him to citizenship and the cancellation of the certificate of naturalization as having been obtained by concealment of a material fact or by willful misrepresentation. An official or employee of the Government of Liberia who may be engaged on government duties abroad shall not be subject to loss of citizenship on the ground stated in this section.¹¹⁷

§ 21.52. Reports on naturalized citizens residing in foreign country.

It shall be the duty of a diplomatic or consular officer of Liberia assigned to foreign countries to furnish the Attorney General from time to time through the Secretary of State with statements of the names of those persons within their respective jurisdiction who have been naturalized in Liberia and who have taken permanent residence in the foreign country to which such diplomatic or consular officer is assigned, and such statements, duly certified, shall be admissible in evidence in proceedings to revoke and set aside the order admitting to citizenship and to cancel the certificate of naturalization.

§ 21.53. Procedure.

1. *Venue.* Proceedings to revoke and set aside an order admitting a person to citizenship and cancelling his certificate of naturalization shall be instituted in the judicial district in which the naturalized citizen resides at the time of bringing suit, and, if he resides in Montserrado, before Circuit Court of the First Judicial Circuit.

2. *Notice and hearing.* The person against whom the Attorney General institutes such proceedings shall have thirty days' notice after completion of service in which to make answer to the petition by the Government. If such person is outside Liberia, service shall be made by publication in the manner provided by the Civil Procedure Law. A hearing in proceedings to revoke and set aside an order admitting a person to citizenship and cancelling his certificate of naturalization shall be at a special session of the Circuit Court for consideration of such matter.¹¹⁸

§ 21.54. Revocation of citizenship on conviction of crime of unlawful procurement of citizenship.

When a person is convicted under section 21.10 of this title of knowingly procuring naturalization in violation of law, the court in which such Conviction is had shall thereupon revoke, set aside, and declare void the final order admitting such person to citizenship, and shall declare the certificate of naturalization of such person cancelled. Jurisdiction is conferred on the court having jurisdiction of the trial of such offense to make such jurisdiction.

¹¹⁶ *Prior legislation:* 1956 Code 3:93; L. 1950-51, ch. IX, § 1; Cons. Serv. Reg. § 70.

¹¹⁷ *Prior legislation:* 1956 Code 3:93(a); L. 1938, ch. XIII, § II.

¹¹⁸ *Prior legislation:* 1956 Code 3:95 L. 1950-51, ch. IX, 3.

§ 21.55. Effect of revocation of citizenship of father on his minor child.

Any person who claim Liberian citizenship through the naturalization of a father in whose case there is a revocation and setting aside of the order admitting such father to citizenship which revocation takes place while the child is under the age of 21, shall be deemed to lose his citizenship and any right or privilege of citizenship which he had acquired under and by virtue of such naturalization of his father.

§ 21.56. Records of cancellation of certificate of naturalization.

Whenever a certificate of naturalization is cancelled, as provided in this section, the court in which such judgment or decree is rendered shall send a certified copy of such order to the Attorney General. In case such certificate was not originally issued by the court making the order, it shall direct the clerk of court in which the order admitting such person to citizenship is revoked and set aside to transmit a copy of such order and judgment to the court out of which such certificate of naturalization shall have been originally issued. It shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same record and to cancel such original certificate of naturalization, if there be any, upon the records and to notify the Attorney General of the entry of such order and of such cancellation. A person holding a certificate of naturalization or citizenship which has been cancelled as provided by this section shall upon notice by the court by which the decree of cancellation was made, or by the Attorney General, surrender the same to the Attorney General.

§ 21.57. Deportation on cancellation of certificate.

On entering a decree revoking an order admitting a person to citizenship and cancelling his certificate of naturalization for any ground stated under subparagraphs (a), (c), (d), or (e) of section 21.50 of this title, the court shall also order such alien deported from Liberia.

§ 21.58. Escheat of real property.

All real property held in the territory of the Republic by any person whose certificate of naturalization is cancelled, shall be forfeited and such real property shall be escheated to the Government, unless such person shall have a spouse or child who is a Liberian citizen, in which case the real property shall vest in the spouse, or if there is no spouse, in the child.¹¹⁹

§ 21.59. Enactment of special statute for revocation of naturalization

Where the gravity of the case demands, the Legislature may enact a special statute ordering proceedings to revoke and set aside an order admitting a person to citizenship and to cancel his certificate of naturalization on specified grounds not stated in this sub-chapter.¹²⁰

Chapter 22. LOSS OF CITIZENSHIP

§ 22.1. Acts causing loss of citizenship.

§ 22.2. Citizenship lost solely from performance of act.

§ 22.3. Liberian woman marrying alien.

§ 22.4. Certificate as to loss of Liberian citizenship.

¹¹⁹ *Prior legislation:* 1956 Code 3:96; L. 1938, ch XIII, § 11.

¹²⁰ *Prior legislation:* 1956 Code 3:94; L. 1950-51, ch. IX, § 2.

§ 22.1. Acts causing loss of citizenship.

From and after the effective date of this title, a person who is a citizen of Liberia whether by birth or naturalization, shall lose his citizenship by –

- (a) Obtaining naturalization in a foreign state upon his own application, upon the application of a duly authorized agent, or through the naturalization of a parent having legal custody of such person; provided that citizenship shall not be lost by any person under this section as the result of the naturalization of a parent or parents while such person under the age of 21 years, unless such person shall fail to enter Liberia to establish a permanent residence prior to his twenty-third birthday; or
- (b) Taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state or a political subdivision thereof; or
- (c) Exercising a free choice to enter or serve in the armed forces of a foreign state, unless, prior to such entry or service, such entry or service is specifically authorized by the President;
- (d) Voting in a political election in a foreign state or voting in an election or plebiscite to determine the sovereignty of a foreign state over foreign territory; or
- (e) Making a formal renunciation of Liberian nationality before a diplomatic or consular officer of Liberia in a foreign state in such form may be prescribed by the Secretary of State.¹²¹

§ 22.2. Citizenship lost solely from performance of act.

The loss of citizenship under section 22.1 of this title shall result solely from the performance by a citizen of the acts or fulfillment of the conditions specified in such section, and without the institution by the Government of any proceedings to nullify or cancel such citizenship.

§ 22.3. Liberian woman marrying alien.

A Liberian woman who marries an alien retains her Liberian citizenship unless she renounces it by affirmative act.¹²²

§ 22.4. Certificate as to loss of Liberian citizenship.

Whenever a diplomatic or consular officer of Liberia has reason to believe that a person while in a foreign state to which such officer is assigned has lost his Liberian nationality under any provision of Section 22.1 of this title, he shall certify the facts upon which such belief is based to the Secretary of State in writing. If the report of such officer is approved by the Secretary of State, a copy of the certificate shall be forwarded to the Attorney General, for his information, and the diplomatic or consular office in which the report was made shall be directed to forward a copy of the certificate to the person to whom it relates.

¹²¹ *Prior legislation:* 1956 Code 3:116; CONS Serv. Reg., Sec. 70; Rev. StaL, 1185; OBB 160, Act relating to expatriation, § 1, Corn. L. July 3, 1838), 2 Hubb. 1344. 1357.

¹²² *Prior Legislation:* L. 1958-59, Ch. XXIV; 1956 Code 3:115; Cons. Serv. Reg. § 68

§ 3. This Act shall take effect immediately upon publication in handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

Approved May 15, 1973
With Amendments Approved May 9, 1974

Appendix B

Constitution of the Republic of Liberia Chapter IV – Citizenship

Article 27

- (a) All persons who, on the coming into force of this Constitution were lawfully citizens of Liberia shall continue to be Liberian citizens.
- (b) In order to preserve, foster and maintain the positive Liberian culture, values and character, only persons who are Negroes or of Negro descent shall qualify by birth or by naturalization to be citizens of Liberia.
- (c) The Legislature shall, adhering to the above standard, prescribe such other qualification criteria for the procedures by which naturalization may be obtained.

Article 28

Any person, at least one of whose parents was a citizen of Liberia at the time of the Person's birth, shall be a citizen of Liberia; provided that any such person shall upon reaching maturity renounce any other citizenship acquired by virtue of one parent being a citizen of another country. No citizen of the Republic shall be deprived of citizenship or nationality except as provided by law; and no person shall be denied the right to change citizenship or nationality.

Appendix C

Biographical Statements of Expert Commentators^{**}

Sandi DiMola is the Director of the Center for the Study of Conflict at Chatham University in Pittsburgh, Pennsylvania, where she administers the Conflict Studies Program and teaches courses on refugees, immigrants, and social justice; citizenship and civil society; international human rights law; the structure of conflict; constitutional law; and civil liberties. Previously, Professor DiMola was an attorney in private practice specializing in employment law and in-house counsel for a major investment bank.

Professor DiMola has published on international conflict resolution and refugee resettlement. She has also lectured extensively on conflict resolution, including on decision-making among ex-combatants in Liberia. Professor Di Mola earned a B.A. from Chatham College, an M.Phil. in Political Science from the University of Pittsburgh, and a J.D. from Duquesne University School of Law, and completed a post-doctoral fellowship in the Gould Negotiation and Mediation Program at Stanford University.

Michele Garnett McKenzie is the Advocacy Director of The Advocates for Human Rights and contributed to the commentary submitted by that institution.^{***} She received her J.D. from the University of Minnesota Law School, and her B.A. from Macalester College. Ms. McKenzie has worked extensively in the area of the rights of refugees and migrants. She joined the staff of The Advocates in 1999 as a staff attorney representing asylum seekers and immigration detainees and in 2003 became the Refugee and Immigrant Program Director managing the Asylum, Detention, and Walk-In Clinic Projects in addition to legal and policy advocacy relating to immigration. She has been an adjunct clinical faculty member of William Mitchell College of Law and currently teaches the Immigration Clinic at the University of Minnesota Law School. Ms. McKenzie is chair of the Detention Watch Network and serves on the advisory committees of Sarah's...An Oasis for Women and Lutheran Social Service of Minnesota's Refugee Services Program. She is a member of the American Immigration Lawyers Association, the Minnesota State Bar Association, and the American Bar Association. She is admitted to practice in the State of Minnesota and the U.S. District Court for the District of Minnesota.

Martinus L. Johnson, Jr. is a descendant of Elijah Johnson, one of the founders of the Republic of Liberia. Mr. Johnson is in-house counsel to a major corporation and has previously been an attorney in private practice, practicing civil litigation, arbitration, and immigration law. Mr. Johnson holds a J.D. from the University of Virginia School of Law and a B.S. from the School of Foreign Service of Georgetown University.

Donald Kerwin is Vice President for Programs at the Migration Policy Institute (MPI), overseeing all of MPI's national and international programs. Prior to joining MPI, Mr. Kerwin worked for more than 16 years at the Catholic Legal Immigration Network, Inc. (CLINIC), serving as Executive Director for nearly 15 years. CLINIC is a public interest legal corporation that supports a national network of 173 charitable legal programs for immigrants in more than 270 locations. Upon his arrival at CLINIC in 1992, Mr. Kerwin directed CLINIC's political asylum project for Haitians. He became CLINIC's Executive Director in December 1993 and during his tenure, CLINIC coordinated the nation's largest political asylum, detainee

^{**} Unless otherwise specified, all expert commentators submitted analysis in their individual capacity and not on behalf of any organization or institution with which they are or have been affiliated. ABA ROLI is grateful to the expert commentators for their generous *pro bono* contributions to this report.

^{***} The Advocates for Human Rights, a non-governmental, 501(c)3 organization dedicated to the promotion and protection of internationally recognized human rights locally, nationally, and internationally, submitted commentary as an institution.

services, immigration appeals, and naturalization programs. CLINIC also offers the nation's most extensive training and legal support programs for community-based immigrant agencies.

Mr. Kerwin is an advisor to the American Bar Association's Commission on Immigration, a member of the Council on Foreign Relations' Immigration Task Force, on the board of directors of Jesuit Refugee Services-USA, and an associate fellow at the Woodstock Theological Center. Mr. Kerwin is a 1984 graduate of Georgetown University and a 1989 graduate of the University of Michigan Law School.

Sarah Rogerson is a clinical fellow in the Immigrant Rights Clinic at the University of Baltimore School of Law. Previously, she was an attorney with the Legal Education and Asylum Program of Human Rights Initiative of North Texas, practicing in the areas of asylum, special immigrant visas, and the Violence against Women Act. Prior to joining Human Rights Initiative, Ms. Rogerson practiced commercial litigation, government affairs, and election law with a private firm. Ms. Rogerson has an LL.M. in international law from Southern Methodist University Dedman School of Law, a J.D. from Seton Hall University School of Law, an M.A. in Diplomacy and International Relations from Seton Hall University John C. Whitehead School of Diplomacy, and a B.A. from Hillsdale College.

Ms. Rogerson has spoken and published extensively on international law and immigration, in particular on issues of human rights, gender rights in asylum, and issues affecting minor children. She has served as a guest lecturer for several law and undergraduate courses on immigration and asylum law.

Kelly Ryan served as a Deputy Assistant Secretary of State at the U.S. Department of State in the Bureau of Population, Refugees, and Migration from April 2002 - January 2009, where she directed the bureau's refugee admissions and population and international migration offices. She developed U.S. government policies on refugee admissions, migration, and population issues and negotiated several bilateral and one multilateral treaty. She was a lead negotiator in the new UN Treaty Convention on the Rights of Persons with Disabilities and a State Department representative on the U.S. Government's Senior Policy Operating Group on Counter Trafficking Initiatives. Ms. Kelly also led the U.S. delegations to numerous international conferences on migration and has represented the U.S. government in various print and television outlets.

Prior to joining the Department of State, Ms. Ryan served as the Chief of the Refugee and Asylum Division of the Immigration and Naturalization Service (INS) Office of the General Counsel, where she directed the division responsible for advising the agency and the Department of Justice on issues involving immigration law and international protection under the U.S. legal system. She has been the Department of Justice representative on the U.S. delegation to sessions of the Executive Committee of the United Nations High Commissioner for Refugees in Geneva, Switzerland and to sessions of the "Trans-Atlantic Dialogue" on migration issues among the U.S., Canada, and the European Union. She also served as the first legal advisor to the INS In-Country Refugee Processing Program in Port-au-Prince, Haiti and worked in a similar capacity during the shipboard processing of Haitian migrants aboard the U.S.N.S. Comfort. She drafted the major federal rule that reformed the US asylum system and was the lead advisor to the agency on the expedited removal provisions, the most controversial and far-reaching asylum-related change in the last major immigration legislation in 1996, and successfully defended the challenges to those provisions in federal court. She supervised the development of the formal process for considering claims under the Torture Convention and for the development of the visa rule for persons who have been victims of trafficking.

Ms. Ryan received a B.A. cum laude in History and English, Tulane University, a J.D from Georgetown University Law Center, and an LL.M with honours, Queens' College at Cambridge University.

Korir Sing'Oei contributed to the commentary submitted by the Advocates for Human Rights. Mr. Sing'Oei is currently the Legal and Strategy Director of the Centre for Minority Rights Development (Cemiride), a non-profit organization he co-founded and for which he served as executive director for 8 years. Cemiride seeks the legal and political recognition of minorities and indigenous communities in Kenya and Greater Africa through strategic litigation, research, and frontline advocacy. Mr. Sing'Oei is an

advocate of the High Court of Kenya and holds an LL.B degree from the University of Nairobi, and LL.M degrees from the University of Pretoria, South Africa and the University of Minnesota Law School. He serves as advisor to the African Commission on Human and Peoples' Rights Working Group on Indigenous Peoples' Rights and has extensive experience using international and regional human rights mechanisms to secure group rights, including the right to nationality and citizenship, for communities in Africa.

Nancy Kaymar Stafford is an attorney specializing in women's and human rights law. Ms. Stafford has been an adjunct professor and program associate with Emory University's Feminism and Legal Theory Project; a Senior Legal Research Analyst with Georgetown University Law Center's International Human Rights Clinic, and a Research Officer with the Hong Kong Human Rights Monitor. She has also practiced extensively in the private sector and is engaged in a *pro-bono* project involving the Special Court for Sierra Leone. Ms. Stafford has published and lectured extensively on international law and human rights with particular focus on West Africa and issues affecting women's rights. She was a member and Vice-Chairperson of the ABA International Legal Exchange Task Force on Liberia.

Ms. Stafford earned a B.S. from Trenton State College, a J.D. from DePaul University School of Law, and an LL.M. in International and Comparative Law from Georgetown University Law Center.

Leigh Toomey is an international consultant who provides advice and assistance on justice reform projects, particularly in the areas of criminal justice and international human rights law. Ms. Toomey has provided consultancy services to large government donors, the United Nations, and international and domestic NGOs and think tanks. She has worked in several field missions in Africa, including in Liberia, Malawi and Sudan. In her work with the United Nations Mission in Liberia (2005-06), Ms. Toomey was involved in monitoring of the domestic implementation of international human rights standards, as well as advising and providing training to government officials on human rights policy and standards.

Ms. Toomey holds a Master of Laws degree in Human Rights Law from Yale University which she completed as a Fulbright scholar in 1998-99. She also holds a Bachelor of Laws and a Bachelor of Arts from the University of Queensland in Brisbane, Australia. She is admitted as a Legal Practitioner of the Supreme Court of Queensland and the High Court of Australia, and as a Solicitor of the Supreme Court of England and Wales.

Laura A. Young authored the commentary submitted by The Advocates for Human Rights. Ms. Young is a staff attorney in the Special Projects program at The Advocates for Human Rights. Ms. Young's work at The Advocates currently focuses on transitional justice in Africa, specifically how transitional processes interact with and impact diaspora groups as well as other marginalized communities. Previously, Ms. Young worked at the Mexican Capital Legal Assistance Project and served as a judicial clerk for the Minnesota Court of Appeals. Prior to beginning her legal career, Ms. Young worked in the field of public health as a researcher, community educator, and program evaluation specialist. She holds a J.D. from the University of Minnesota Law School and a Master of Public Health from Emory University. Ms. Young is an active member of the American Bar Association Section of International Law's Africa Committee.