



European
University
Institute

ROBERT
SCHUMAN
CENTRE FOR
ADVANCED
STUDIES

EUDO CITIZENSHIP OBSERVATORY

REPORT ON CITIZENSHIP LAW: VENEZUELA

Angel E. Alvarez

March 2016



<http://eudo-citizenship.eu>

European University Institute, Florence
Robert Schuman Centre for Advanced Studies
EUDO Citizenship Observatory

***Report on Citizenship Law:
Venezuela***

Angel E. Alvarez

March 2016

EUDO Citizenship Observatory
**Robert Schuman Centre for Advanced
Studies**
in collaboration with
Edinburgh University Law School
Country Report, RSCAS/EUDO-CIT-CR 2016/5
Badia Fiesolana, San Domenico di Fiesole (FI), Italy

© 2016 Angel E. Alvarez

This text may be downloaded only for personal research purposes. Additional reproduction for other purposes, whether in hard copies or electronically, requires the consent of the authors.

Requests should be addressed to eudo.citizenship@eui.eu

The views expressed in this publication cannot in any circumstances be regarded as the official position of the European Union

Published in Italy European
University Institute Badia
Fiesolana
I – 50014 San Domenico di Fiesole (FI)
Italy www.eui.eu/RSCAS/Publications/
www.eui.eu
cadmus.eui.eu

Research for the EUDO Citizenship Observatory Country Reports has been jointly supported by the European Commission grant agreement JLS/2007/IP/CA/009 EUCITAC and by the British Academy Research Project CITMODES (both projects co-directed by the EUI and the University of Edinburgh).

The financial support from these projects is gratefully acknowledged.

For information about the Project please visit the project website at <http://eudo-citizenship.eu>

Report on Citizenship Law

Venezuela

Angel E. Alvarez

1. Introduction

The Venezuelan regime of citizenship and nationality is legally framed by the Constitution, the Law of Nationality and Citizenship, the Law of Foreign Status and Immigration and the Organic Law on Refugees and Asylum. The Constitution protects against discrimination and grants equality before the law both to nationals and foreigners in the Venezuelan territory, in the terms established by the law. Venezuelan legislation, in common with other South American countries, has traditionally differentiated between nationality and citizenship. The regime of nationality is of prime importance for State sovereignty. It creates the political link between citizens and the government and, regarding naturalisation, it brings about issues related to national interests, security, and government duties with citizens.¹ However, citizens by birth and naturalisation do not have identical political rights. The highest political positions at the national level are exclusively reserved for citizens by birth. On the other hand, foreign nationals have been able to vote in local and state elections since 1989.

Venezuelan laws define nationality as the legal and political relationship that links a person to the State, whereas citizenship is the legal status that allows Venezuelan nationals to possess and exercise political rights and duties, according to the Constitution and the laws passed under it. The law defines a foreigner as an individual who is not a national of the Bolivarian Republic of Venezuela and, consequently, lacks citizens' political rights. Accordingly, all citizens are nationals, though not all nationals are citizens and, under legally established conditions, nationals can be disqualified as citizens. Venezuelans also have the right to hold multiple citizenships simultaneously.

Venezuelan nationality is acquired by birth on Venezuelan soil, filiation (being the child of Venezuelan parents) or naturalisation. The law confers birthright citizenship upon individuals on the basis of *ius soli* and *ius sanguinis*. The Constitution confers birthright nationality, in the first place, to any person born on Venezuelan territory; second, to anyone born in another country, whose mother or father has Venezuelan nationality by birth. Third, a Venezuelan by birth is also any individual born in another country, whose father or mother is a Venezuelan national by birth, and either resides on Venezuelan soil or declares his/her willingness to be a Venezuelan. Any person born in another country, whose father or mother

¹ Sentencia de la *Corte Federal y de Casación en Corte Plena*, del 19 de octubre de 1951, cited by Allan R. Brewer-Carias, *El régimen jurídico-administrativo de la nacionalidad y ciudadanía venezolanas* [*Legal-Administrative Regime of Venezuelan nationality and citizenship*], Instituto de Derecho Público, Universidad Central de Venezuela, Caracas 1965.

is Venezuelan by naturalisation and resides in Venezuela before the age of eighteen, and declares his/her willingness to be a Venezuelan national before the age of twenty-five also has the right to Venezuelan nationality.

All legal foreign-born individuals who live in Venezuela for ten years or more are eligible to apply for Venezuelan nationality. Nonetheless, this right is influenced by tradition and political factors. The law does not treat all immigrants equally. The nationals of Spain, Portugal, Italy, Latin American and Caribbean countries can apply after five years of residence. The legislation grants privileges for historical and cultural reasons. The three European countries have had traditional linkages with Venezuela, due to different waves of immigration that occurred mainly during the late nineteenth century and the first half of the twentieth century. The majority of foreign-born individuals in Venezuela are Colombians and Europeans from Italy, Portugal, and Spain. Bolivia, Colombia, Ecuador, and Venezuela have shared a common history of political events that connects them. After their independence from Spain, Colombia, Ecuador and Venezuela were parts of the Republic of Great Colombia, from 1821 to 1831. Bolivia shares a long history of cultural and political ties with Venezuela, due to the crucial role played by Simón Bolívar and Antonio José de Sucre y Alcalá in its creation. More recently, Venezuela has deepened political and economic relations with the other Latin American countries and the Caribbean, which explain the privileges granted to their nationals.

This report summarises the regimes of nationality and citizenship in Venezuela. It presents the historical background of constitutional provisions on the subject, showing the evolution from the exclusive use of *ius soli* rule to the gradual incorporation of provisions based on *ius sanguinis*. The current regime guarantees nationality by both principles and introduces important innovations, particularly on dual citizenship, in contrast with previous systems. Finally, before presenting concluding remarks, this work identifies important pending issues requiring further developments of the legal framework of nationality and citizenship.

2. Historical Background

Throughout its history as an independent republic, Venezuela has received several waves of migrants. Some Venezuelan governments have actively promoted immigration, particularly from Europe during the nineteenth and the first half of the twentieth century. During the seventies and the eighties of the past century, Venezuela accepted political refugees from the Southern Cone of South America. Additionally, for decades, Venezuela received a significant number of legal and illegal Colombian immigrants and, in small numbers, from Haiti and other South American countries, most of whom had been displaced by violence and poverty. Additionally, the oil-driven economic growth in Venezuela has attracted immigrants from many countries in the world (See Table 1). Many of these migrants have become citizens by naturalisation and, due to *ius soli* their descendants born in Venezuela are citizens of the country. Unfortunately, there is no information available on countries of origin of naturalised citizens. According to Venezuelan official census and statistics, once a foreign national acquires Venezuelan nationality, he or she is reported as a Venezuelan citizen.

Table 1: Country of origin of foreign nationals. Venezuela, 1990-2011

Country of origin by continent	1990	2001	2011
Americas	67.1	75.1	75.1
Colombia	51.8	60.0	62.4
Peru	2.8	3.5	2.8
Ecuador	2.3	2.8	2.2
Cuba	1.0	1.0	1.8
Chile	2.0	1.5	1.0
Dominican Republic	1.7	1.4	1.0
Other	5.5	4.9	3.9
Europe	25.0	19.0	10.7
Spain	10.2	7.5	4.0
Portugal	6.7	5.3	3.2
Italy	6.0	4.9	2.7
Other	2.1	1.4	0.8
Asia	3.2	3.2	3.2
China	0.6	1.0	1.3
Syria		1.3	1.0
Lebanon	0.7	0.7	0.6
Other	1.9	0.2	0.3
Africa-Oceania	0.3	1.4	0.2
Non-declared	4.4	1.1	10.8
Total	100	100	100
Percentage of foreign nationals	5.7	4.4	4.4

Source: OCEI. El Censo '90 en Venezuela (Caracas, 1993); INE. XIII Censo de Población y Vivienda 2001; INE. XIV Censo de Población y Vivienda 2011, (available from: www.ine.gob.ve)

The historical analysis of the Venezuelan regime of nationality and citizenship suggests that constitutions have traditionally regulated these matters. Practically from the inception of the national legal system, the fundamental principles of Venezuelan nationality and citizenship have been enshrined in the Constitution, whereas a special law has solved specific problems, such as those related to the naturalisation of foreigners. Between 1873 and 1942, the Civil Codes also included some provisions on nationality. These followed the experiences of the French Code of 1804 and Italian Code of 1865 although for different reasons than these European cases. Nonetheless, nationality has been a fundamental subject of constitutional law.²

All Venezuelan Constitutions enshrined an absolute and unconditional *ius soli* rule and, in doing so, they followed the prevailing tradition in Latin America in the nineteenth century. From 1811 to 1999, Venezuela had 26 constitutions, more than any other Latin American country. In Venezuelan political history, characterized by political instability, revolutions, and coups d'état, changes of the Constitution have been sudden and recurrent.

² See Diez 1984 and Parra Araguren 1965.

Nonetheless, these constitutional orders have not been significantly different from each other. Allan Brewer-Carias, a prominent constitutional law expert and a member of the National Constituent Assembly of 1999, identified six different constitutional eras, corresponding to an equal number of distinct political regimes.³

However, the regimes of nationality and citizenship brought about by different constitutions differed only slightly from each other. Based on the constitutional rules, three distinct systems of citizenship can be identified across time. The first one, which spanned from the formation of Venezuela as an independent state to the end of the nineteenth century, established absolute *ius soli* as the predominant principle of nationality whereas conditional *ius sanguinis* tended to appear in the constitutions as a secondary source of citizenship. The second system was in place from 1904 to 1947. It recognized both absolute *ius sanguinis* and *ius soli*. The third system, present in the constitutions of 1947, 1961 and 1999, included *ius sanguinis* and *ius soli* principles, along with other principles of international law. In this changing political history, the constitutional provisions on Venezuelan nationality and citizenship have been defined by different principles. In the then recently created independent republic of Great Colombia, the government sought to establish and strengthen the identification of the population with the territory of the newborn sovereign state. Consequently, nationality and citizenship were based on the absolute *ius soli* principle. When the country became a separate and independent republic, in 1830, *ius soli* remained as the central criterion, but the constitutions created incentives for people born in other departments of the former Great Colombia to become Venezuelans.

The first Constitution, adopted in 1811, did not include explicit rules on nationality. The second Constitution, enacted in 1819, made a distinction between active and passive citizenship. Active citizens were supposed to exercise national sovereignty by voting to elect their representatives, whereas the passive citizen was subject to the law but had no electoral rights. Active citizenship was granted by *ius soli*. It was required to be both born and resident in Venezuela to be an active citizen, alongside other requirements such as literacy, being married and possessing property. As the Republic was at war with the Spanish Crown, the pro-independence army needed to create, maintain and strengthen loyalty to the newborn state. The nascent nation was founded by Venezuelan-born people, but helped and actively supported by individuals born in other Latin American, Caribbean and European countries. For this reason, the Constitution bestowed the right to be an active citizen to any literate, foreign-born adult male with a certificate of naturalisation for serving the Republic. Foreign-born men could also obtain the status of an active citizen by marriage with a Venezuelan woman, or by residing in the country with their family, provided that all the additional requirements of age, literacy and property were satisfied. Consequently, in times when the emerging nation was under formation, and the State was fighting for its sovereignty on the territory of the former Captaincy General of Venezuela (1777-1821), being born or permanently residing within the Venezuelan territory were fundamental requirements for acquiring nationality rights.

Once the long war of independence against the Spanish Crown came to an end, Venezuela became part of the Republic of Great Colombia. The 1821 Constitution of the new State defined the territory of Colombia as the same of both the former Viceroyalty of New Granada and the Captaincy General of Venezuela. The Constitution established that Colombians were all free men born in that territory and their sons; anyone who resided in Colombian territory and remained loyal to the independence cause, and any person born in

³ Brewer-Carias 1985.

another country who obtained a certificate of naturalisation.⁴ In 1824, the Law of Territorial Division of the Republic incorporated the territories of the provinces of Ecuador and Guayaquil into Great Colombia.

Only six years later, in 1830, the representatives of eleven provinces of Great Colombia, which formerly belonged to the General Captaincy of Venezuela, met in congress and declared the enactment of the Constitution of the State of Venezuela.⁵ According to the Constitution, the territory of the recently founded State was the one that belonged to the Captaincy General of Venezuela in 1810, and nationality was acquired either by birth or by naturalisation. The newborn state needed to stress the attachment of the population to the territory of the new country. Consequently, the legislature chose to confer nationality by birth on the basis of the *ius soli* principle, with just a few exceptions. Nationals by birthright were all the free men born on Venezuelan territory. Any person born in the territory of the former Republic of Colombia, whose father or mother was a Venezuelan national and any child of Venezuelan parents born in any country, whose parents were either serving the Republic or officially authorised to live in another country had the same right. On the subject of citizenship for foreigners, the Constitution of the State of Venezuela was reminiscent of the Constitution of Great Colombia. Any foreign-born person loyal to the cause of independence, who resided in Venezuelan territory, was automatically bestowed with the right of being Venezuelan by naturalisation. The Constitution also granted the right to naturalisation to the children of Venezuelan parents not serving the Republic, who were born abroad, as long as they were in the Venezuelan territory and officially stated their willingness to reside in the country. The Constitution granted similar citizenship rights to nationals of any other departments of the former Great Colombia, who resided or would reside in Venezuela.

From 1830 until the end of the Federal War in 1863, two other constitutions were enacted. They were in force only for short periods of time. They retained birthright nationality through unconditional *ius soli*, whereas the recognition of *ius sanguinis* citizenship was subject to conditions. The Constitution of 1857 bestowed citizenship on *ius soli* basis. Nonetheless, it introduced some significant changes in nationality rights of foreign-born children of either a Venezuelan father or mother. Contrary to previous regulations, these individuals were recognized as national citizens by birth, from the very moment they formally stated their willingness to become Venezuelans without conditioning that right upon residence in the territory of Venezuela. The constitutions did not specify the requirements for naturalisation. Instead, they were to be regulated by laws.

In 1858, after the March Revolution that ousted José Tadeo Monagas from power, another constitution was enforced. The new political order changed the provisions on nationality by birth. In 1858, Venezuelans by birth were persons born in the territory, those born in Great Colombia to either one or both Venezuelan parents, or anyone born to Venezuelan parents on foreign soil. The Constitution also created a new basis for nationality: any person born in any Hispanic-American Republic was a ‘Venezuelan by adoption’, without any condition other than proving nationality of origin and formally stating willingness to become a Venezuelan citizen. However, the Federal War broke out barely two months after approving the 1858 constitution. That civil war was the longest and bloodiest conflict after the independence, and it signaled the end of the conservative republic and the beginning of a new political regime.

The Federal War came to an end in 1863. A new constituent assembly enacted the Federal Constitution of the United States of Venezuela. The new political order introduced

⁴ Constitución de 1821, art. 4.

⁵ Constitución del Estado de Venezuela (1830), art. 4, and 9-11.

three significant changes in the constitutional definition of Venezuelan nationality. First and foremost, Venezuelan citizens, naturalised in another country and residing abroad, could retain dual nationality. Secondly, the Constitution set back absolute *ius sanguinis* by requiring foreign-born children of Venezuelan parents to live in the country before becoming Venezuelans. Third, any person born in the Spanish Antilles, similarly to other Hispanic-American countries, had Venezuelan nationality if they were willing to become nationals and take up residence in the country's territory. The Constitution did not state the specific requirements for naturalisation, other than obtaining a certificate of naturalisation. Despite the constitutional reforms of 1874, 1881 and 1891, the citizenship regime of 1864 remained stable for almost three decades.

In 1893, another new constituent assembly passed a Constitution that contained a reformed citizenship regime. As in most previous constitutions, nationality by birth was conferred by unconditional *ius soli* and foreign-born children of Venezuelan-born parents were required to reside in Venezuela before applying for nationality. The legitimate foreign-born children of male Venezuelan diplomats serving abroad, had the right to Venezuelan nationality by birth. Another change was the right of foreign-born children of Venezuelans by naturalisation to obtain the same status of their parents, provided that they would reside in the country and formally state their willingness to become Venezuelans.

The 1893 Constitution, like the previous ones, had a very short lifespan. Four years later, after a new revolution, the Constitution of 1901 was enacted. The regimen of citizenship remained based on the *ius soli* principle. In contrast to the previous Constitution, individuals born in the Spanish Antilles lost the right to become Venezuelans by naturalisation by residing in the country and formally declaring their willingness. All other Hispanic-Americans retained the right to automatic naturalisation they previously had. Any declaration of willingness to become a Venezuelan national had to be done at the main Civil Registry Office of the corresponding jurisdiction. The chief of that office was required to send formal notification to the federal government and request the publication of the statement in the national official journal (*Gaceta Oficial*).

In 1904, under the same political regime, the Constitution was again reformed. The Constitution of April 27 defined two ways to become a national by birth. First, as established by previous constitutions, Venezuelan citizenship was obtained by *ius soli*. Anyone born on Venezuelan territory acquired Venezuelan nationality. Second, the Constitution declared that the children of Venezuelan parents, regardless their place of birth were Venezuelan by birthright. Thus began a new period in which both *ius soli* and *ius sanguinis* were applied. Provisions for naturalisation remained unchanged, except those related to foreign-born women while married to a Venezuelan man, who were bestowed with nationality by naturalisation while married to the Venezuelan male. If the marriage dissolved, the foreign-born women would lose Venezuelan nationality unless they formally stated, at the corresponding Civil Registry Office, their willingness to continue being a Venezuelan by naturalisation. These provisions on citizenship were repeated in successive constitutions (seven in total) until the Federal Constitution of 1947.

In the turbulent political context of the first transition to democratic rule in Venezuela, a new Constitution (the 21st in Venezuelan history) was written by a democratically elected National Constituent Assembly in 1947. The new Constitution based the rights to nationality on both *ius soli* and *ius sanguinis* principles, as the Constitution of 1904 previously established. The 1947 Constitution also recognized other international law principles for attribution of nationality at birth. Any person born in the country's territory was Venezuelan by birth, excluding the children of foreign parents who were either not residents

of Venezuela or were diplomats of another country. Thus, the Constitution of 1947 opted for a conditional *ius soli* citizenship. Correspondingly, the Constitution bestowed nationality by birth to foreign-born children whose Venezuelan parents officially served the Venezuelan government; and to any children born to Venezuelan parents abroad, whose birth was registered at the corresponding Venezuelan embassy or consulate. Nationality by birth was also conferred to anyone born on board a Venezuelan ship or aircraft, in international waters or airspace, with similar exceptions to those noted in the case of children born in Venezuelan territory. The application of the *ius sanguinis* rule upon foreign-born children of Venezuelan parents was conditional on the foreign country's provisions on citizenship. That is, if the country of birth did not grant citizenship to children born to Venezuelan parents, they would receive Venezuelan nationality.

The first democratic government, elected in 1948, collapsed after nine months. A military junta replaced the deposed President and, in 1953, the legislature, controlled by the dictatorship, wrote another constitution that set the rules on nationality of origin back to those existing in 1904, but including the 1947 provision for persons born on Venezuelan ships or aircraft. Since 1830, Venezuelan constitutions have made citizenship dependent upon nationality. However, on the verge of the collapse of the military regime that governed from 1948 to 1958, the legislature enfranchised foreign residents older than 18 years of age. The law, enacted on November 13, 1957, was passed to regulate the plebiscite on the continuation of General Marcos Perez-Jimenez's rule as part of a strategy to gain political support from immigrants. The only requisite for foreign adults to exercise voting rights was to reside in Venezuela for at least two years before election day. The military government had actively promoted the reception of immigrants from Europe (mainly from Italy, Portugal, and Spain) and granted opportunities for them to do business and achieve social recognition. Thus, the leaders of the military regime might have expected to secure the political loyalty of immigrant voters.

After the collapse of the 1947-1958 military regime, the transitional civilian-military Junta Government dictated a new Election Law of 1958 granting citizenship rights exclusively to Venezuelans. The Congress elected in December 1958, approved the Constitution of 1961, which would be in force the longest in Venezuelan history. It lasted until the enactment of the current Constitution of the Bolivarian Republic of Venezuela in 1999. In 1961, the constitution makers sought to ensure a definition of nationality that established a clear link between inhabitants and the State.⁶ For this purpose, Venezuelan nationality by birth was unconditionally granted to those born in the territory of the Republic, regardless of the nationality of their parents. Even children born to foreign diplomats were granted Venezuelan nationality at birth, in contrast with previous constitutions. The *ius soli* principle was applied even in the cases of Venezuelan-born children of foreign parents who had entered the country illegally. All persons born in the country territory had equal rights, and the Constitution did not establish distinctions with regard to the immigration statuses of their parents. Thus, the *ius soli* principle was absolutely and unconditionally applicable.

Citizenship by *ius sanguinis* was granted only if both parents were Venezuelans by birth. Otherwise, the Constitution established the possibility to acquire the nationality by taking residence in the country and applying for naturalisation, as a demonstration of personal commitment to the nation. In so doing, the Constitution sought to avoid the indefinite transmission of the original nationality of one generation to Venezuelans settled abroad. As in previous constitutions, Venezuelan citizens by birth are, in the first place, those individuals born in the territory of the Republic. In addition to *ius soli*, the citizenship regime

⁶ See Parra Aranguren 1963

granted nationality for *ius sanguinis* if both father and mother of individuals born abroad were Venezuelans by birth, and provided that the children would establish residence in the territory of the Republic or declare their intention of accepting Venezuelan nationality. Finally, individuals born abroad to a naturalised Venezuelan father or mother were Venezuelan by birthright, only if before reaching eighteen years of age they established their residence in the territory of the Republic and, additionally, if before reaching twenty-five years of age they declared their intention to obtain Venezuelan nationality.

Regarding naturalisation, the Constitution of 1961 repeated the conventional formulation present in previous constitutions. All foreign-born individuals were required to obtain a certificate of naturalisation to acquire Venezuelan citizenship by naturalisation. However, foreigners who by birth have the nationality of Spain or any Latin American State enjoyed a special status for obtaining a certificate of naturalisation. A significant difference vis-à-vis the previous Constitution was the recognition of particular advantages to individuals born in Spain. The Constitution of 1961 introduced the expression 'Latin American States' to refer to the same countries formerly identified as Hispanic-American. The right to become Venezuelans by naturalisation was granted, with the only condition of a statement of willingness, to any foreign-born woman married to a Venezuelan man. Any under-age foreign-born person also had the right to naturalisation if, at the date of naturalisation of the person exercising parental authority over them, they resided in the territory of the Republic, and made the statement of willingness before their twenty-fifth birthday. Finally, any under-age foreign-born person, adopted by Venezuelans, was Venezuelan by birth if they resided in the territory of the Republic and made the statement of willingness before the age of twenty-five.

The 1961 Constitution did not allow multiple nationalities. According to its provisions, nationality was lost when a Venezuelan voluntarily acquired another citizenship. However, citizenship by birth could be reacquired by residing in the territory of the Republic and declaring the willingness to recover it, or by staying in the country for not less than two years. Nationality by naturalisation could be revoked by court order.

In summary, the 1961 Constitution established a broad concept of citizenship by birth, as did all the constitutions from 1830 to 1904 and in 1947. Nationality of origin was acquired not only by being born on Venezuelan soil, but also by subsequent events and decisions made by foreign-born individuals regarding their county of residence. In this respect, the 1961 Constitution adopted a different criterion to confer nationality by birth compared to the constitutions in force from 1904 to 1945, and in 1953. In those constitutions, nationality of origin depended only on the place of birth, while the 1961 Constitution included the *ius sanguinis* principle.

Venezuelan history has been characterised by manifold constitutional changes, driven by chronic political instability. The most stable constitution in the history of Venezuela was the one enacted in 1961, in force for 38 years. However, in the context of constant political crisis and constitutional reforms, the provisions concerning absolute *ius soli* principle have undergone only minor adjustments, although *ius sanguinis* was progressively adopted by the constitution-makers.

3. The current citizenship regime

The present system of nationality and citizenship is primarily defined by the Constitution of the Bolivarian Republic of Venezuela, enacted in 1999 by a popularly elected constituent assembly. Despite criticism made by members of the National Constituent Assembly, the Constitution of 1999 made significant changes to the regime of citizenship. *Ius soli* and *ius sanguinis* remained the determining factors of citizenship and the application of both is absolute. As for the equality between nationals by birth and by naturalisation, there are still many exceptions that discriminate against naturalised citizens. Thus, no significant differences can be observed between the regimes of birthright citizenship, as a result of comparing the Article 35 the 1961 Constitution to Article 32 of the 1999 Constitution.

Nonetheless, the new political order, created by the National Constituent Assembly of 1999, introduced five new issues. First, the Constitution recognizes dual nationality rights. Second, the government implemented a public policy of massive naturalisation of legal and illegal immigrants. Third, the Constitution abolished gender discrimination in naturalisation rights. Fourth, it gave discretionary power to the courts to revoke naturalisation. Finally, fifth, the Bolivarian Constitution includes the members of the indigenous population as individuals with full rights, whilst respecting the historical and cultural identities and specificities of the peoples and traditional communities.

3.1. Dual nationality

Both the 1999 Constitution and the law of nationality and citizenship of 2004 emphasise the unconditional application of the *ius soli* principle, in the sense that just being born in the country, even by accident, is enough to be a Venezuelan by birth without ever establishing a connection with the nation. The ANC disregarded the problem of illegal immigration and its effects on the Venezuelan population, as claimed by Allan Brewer-Carías, during the debates of the Constituent Assembly.⁷ Moreover, *ius sanguinis* is absolute for children born abroad to Venezuelan parents. They are Venezuelan by birth even if they never establish any connection with the country or the nation.⁸

Thus, one of the most significant innovations in the current regime of citizenship is the recognition of dual nationality. Dual citizenship can be acquired at birth. The dual nationality of origin is the result of being born in a state that has *ius soli* rule, to parents who are nationals of another state with *ius sanguinis*. A significant number of Venezuelans by birthright are also citizens of different European countries with *ius sanguinis* (mainly, but not only, Spain, Italy, and Portugal) in which their parents were born. Dual citizenship can also be derivative. In this case, dual citizenship stems from actions that differ from birth, such as marriage and naturalisation, among others. The resulting double nationality depends on a voluntary act that links a particular person to a nation from which he or she is not native. Venezuelan authorities do not require foreign-born persons to renounce their nationality as a requirement for granting Venezuelan citizenship by letter of naturalisation. Similarly,

⁷ Brewer-Carías 1999: 132 a 144.

⁸ Brewer-Carías 2005: 17.

Venezuelan citizens can acquire a second nationality, without giving up their original nationality. Thus, if a Venezuelan opts for the citizenship of a country that does not require renunciation of the nationality of origin, then she or he will hold the nationality of both countries.

The recognition of dual nationality by the Venezuelan state is somewhat paradoxical. Historically, Venezuela was mainly a receiving country, and so it was in 1999 when the Constitution was written. Countries of immigration tend to have exclusive citizenship to stimulate and consolidate their nationality, whereas migrant-sending countries typically offer the right to dual nationality to keep, for as long as possible, patriotic and family ties. Consequently, previous constitutions of Venezuela based nationality on the *ius soli* principle and provided only single citizenship.⁹ By contrast, in the current regime of Venezuelan citizenship, nationality is not lost upon acquiring another nationality. Venezuelans by birth enjoy the right to dual nationality and, correspondingly, foreign individuals who acquire Venezuelan nationality have the right to retain their citizenship of origin.¹⁰

However, possessing dual nationality is a constitutional right with some limitations. First, some public offices are exclusively reserved for Venezuelan citizens by birth and no other nationality. Second, Venezuelans holding another nationality must use the Venezuelan nationality (passport) for entry, stay and departure from the territory of the Republic, and they shall be identified as such in all civil and political acts.¹¹

3.2. Naturalisation policy

The Constitution of 1999 closely repeats the provisions for naturalisation of the 1961 Constitution.¹² Venezuelan nationality by naturalisation is granted to foreign nationals through a Certificate of Naturalisation.¹³ The effects of naturalisation are personal. However, children benefit from the effects of the naturalisation of their parents as they come of age.¹⁴ If the administration rejects the application for a certificate of naturalisation, the applicant may bring an administrative appeal. The law provides that any person whose request is rejected may reapply for naturalisation any time after two years from the date on which the decision becomes final.

In the most recent Venezuelan Constitution, foreign nationals originally from Spain, Portugal, Italy, and Latin American and Caribbean acquire the right to naturalisation if domiciled in Venezuela for at least five consecutive years immediately preceding the date of the respective application. For the application of this provision, the State promotes international treaties on nationality, especially with neighboring states and the other Latin American states, the Caribbean, Spain, Portugal, and Italy.¹⁵ Any other foreign national is required to uninterruptedly reside in the country for ten years.

In addition to this constitutional provision, the government of Venezuela in 2004 allowed mass and express naturalisation of illegal foreigners (who were mostly South American). The late President Hugo Chávez, by executive decree, issued regulations on the

⁹ Ferrer Rojas 2009.

¹⁰ Ley de Nacionalidad y Ciudadanía, art. 25.

¹¹ Ley de Nacionalidad y Ciudadanía, art. 7.

¹² Constitución de la República Bolivariana de Venezuela, art. 33.

¹³ Ley de Nacionalidad y Ciudadanía, art. 4.2 and 4.7.

¹⁴ Ley de Nacionalidad y Ciudadanía, art. 22.

¹⁵ Constitución de la República Bolivariana de Venezuela, art. 37.

regularisation and naturalisation of immigrants who were illegally in the country. The decree granted citizenship and consequently voting rights to illegal immigrants.¹⁶ The presidential decision was noticeably politically motivated. It was enacted in February 2004, shortly before the presidential recall referendum scheduled for August 2004. The decreed naturalisation of foreign people began in June 2004; 30,977 illegal immigrants acquired citizen's rights two months before the recall referendum against President Chavez.¹⁷ Between 2004 and 2012, 71,748 illegal immigrants have been naturalised by executive order of the Ministry of the Interior and Justice, under the powers granted by Presidential decree.¹⁸ Table 2 shows the numbers of illegal immigrants naturalised between 2004 and 2012, on the basis of the decree:

Table 2. Total number of naturalised illegal immigrants. Venezuela, 2004-2012

Year	Number immigrants
2004	30,977
2006	25,043
2007	6,487
2012	9.241

Source: Author's calculations based on official information aggregated by www.venelogia.com

The aforementioned presidential decree allegedly intended to legalise the status of foreigners illegally living in Venezuela and allow those who had lived in the country for five or more consecutive years to apply for citizenship. Also, the regulation provided that the Venezuelan state would pay for the costs of all administrative steps taken for the regularisation of foreigners without legal status and for obtaining the certificate of naturalisation. By allowing expedited naturalisation of foreign nationals who were in the country illegally, the presidential decree imposed discriminatory rules against foreigners legally residing in Venezuela. The decision also created opportunities for many South American immigrants to obtain Venezuelan nationality and thus migrate to European countries, which at that time did not require visas for Venezuelans.

On the other hand, as an effect of a decade of endemic political instability and socio-economic volatility, between five and six percent of the total Venezuelan population has emigrated to other countries. This number represents more than a million and half people. Unfortunately, official statistics are not available. The most reliable data has been provided by independent field research by Venezuelan social scientists.¹⁹ A significant number of the emigrants reside in the United States, Spain, Italy, Portugal, Colombia, France and Germany. Other frequent destinations include oil producing countries, especially in the case of a significant number of the former 20,000 employees of PDVSA (the government-owned oil company) fired by President Hugo Chavez after the 2003 strike. 45 per cent of the Venezuelan migrants have dual nationality. An important group of Venezuelans abroad are descendants of European immigrants. Many of them have benefited from dual nationality policies of the countries in which their parents or grandparents were born. Another significant group of Venezuelan emigrants is naturalised abroad. Consequently, they hold dual nationality. The vast majority of Venezuelan emigrants are legal foreign nationals in the countries where they reside.

¹⁶ Decreto N° 3.084, *Gaceta Oficial* No. 38.015, Caracas: 03 September 2004.

¹⁷ Resolución 268, *Gaceta Oficial* No. 5.711, Caracas: 22 June 2004

¹⁸ Aggregate data available from www.venelogia.com/archivos/3401/ on the basis of official information from the *Gaceta Oficial de la Republica de Venezuela*.

¹⁹ Páez 2015

3.3. Gender equality in naturalisation rights

The 1999 Constitution abolished gender discrimination in naturalisation rights. Previous regulations had provisions for the naturalisation of women married to Venezuelan men. Since 1999, for the first time in Venezuelan history, the Constitution granted naturalisation rights to foreign nationals, both male and female, who marry a Venezuelan citizen after at least five years from the date of marriage, and from the moment of declaring their intention to become Venezuelan citizens.

Similarly, in previous citizenship regimes, if a foreign female married a male Venezuelan by birthright, she would lose her original nationality at the very moment she agreed to become a Venezuelan citizen by naturalisation. Since 1999, if a foreign person married to a Venezuelan citizen by birth exercises the right to become a naturalised Venezuelan, said person will retain his or her original nationality depending on the regime of citizenship of the nation of which he or she is a citizen. This is a consequence of the innovative provisions on dual nationality and the abolition of gender-biased rules on naturalisation.

3.4. Court power to revoke naturalisation

Venezuelans by birth lose their nationality only if they expressly renounce it before the competent authority of the Venezuelan state. Thus, authorities can neither deprive a birthright citizen of his or her nationality, nor force them to renounce it. By contrast, Venezuelan nationality by naturalisation can not only be voluntary renounced, but also revoked by court order.²⁰

The first legal ground for revoking naturalisation is an accusation of committing crimes against the Republic, its institutions, and national security. A court can revoke naturalisation when the naturalised citizen, being in a foreign territory, commits, collaborates, encourages or facilitates directly or indirectly, actions contrary to the interests of the Republic, particularly when the persons involved in such acts may escape the jurisdiction of the Venezuelan courts.²¹ However, this provision is vague and gives the court authority to interpret the meaning of the expression ‘interests of the Republic’ in each particular instance and to determine which acts would be contrary to these interests.²²

A naturalised citizen may also lose nationality if he or she belittles or exposes the Venezuelan government to ridicule, encourages contempt for the Constitution, laws and other legislation issued by the government, and escapes the jurisdiction of the Venezuelan courts. Naturalisation may also be revoked if the person has obtained Venezuelan citizenship with the intention to evade national or foreign laws and, in so doing, makes fraudulent use of the law. Finally, citizenship is revoked whenever the authorities establish that it was granted by unlawful means.

The law establishes the mechanism to renounce Venezuelan nationality by birth and by naturalisation. In the first case, the renunciation is only admitted if the applicant has

²⁰ Constitución de la República Bolivariana de Venezuela, art. 34 and 35. Ley de Nacionalidad y Ciudadanía, art. 12 and 44.

²¹ Ley de Nacionalidad y Ciudadanía, art. 48.

²² Brewer-Carias 2005: 32.

already obtained another nationality. The renunciation is registered at the Civil Registry Office that issued the Certificate of Birth of the applicant. A corresponding marginal note is officially made on it. In the second case, the renunciation is only accepted if the applicant aspires to acquire or has already acquired another nationality, which means that no one can renounce to Venezuelan nationality if, as a consequence of such renunciation, that person becomes stateless. The renunciation must be made at the Civil Registry Office where the certificate of naturalisation was registered. When the renunciation of Venezuelan nationality by naturalisation takes place on foreign soil, the law requires the issuing of an authenticated document or the registration of a formal statement at the corresponding Venezuelan consulate. The person concerned should send the documentation to the Civil Registry Office where his or her certificate of naturalisation was registered.²³ The renunciation should be annotated in the appropriate books, and a marginal note must be printed on the certificate of naturalisation of the person concerned.²⁴ In both cases, the law establishes that the renunciation shall have no effect in the Bolivarian Republic of Venezuela until it has been registered at the corresponding Civil Registry Office.

Venezuelan nationality can be regained after renunciation. Anyone who has given up Venezuelan nationality by birth may recover it, as long as the person concerned stays in the territory of the Republic for at least two years, and declares his or her willingness to recover Venezuelan nationality. Former Venezuelans by naturalisation can regain citizenship by fulfilling the requirements to acquire a certificate of naturalisation.²⁵

3.5. Indigenous minorities and Venezuelan citizenship

Another significant innovation of the Constitution of 1999 is the recognition of both general citizenship rights and specific civil rights for indigenous peoples. The constitutional provision is consistent with international conventions applicable to Venezuelan domestic legislation, such as the Declaration of the Rights of Indigenous Peoples of 2007, Convention 169 on Indigenous and Tribal Peoples in Independent Countries (ILO) of 1989, and the Draft American Declaration on the Rights of Indigenous Peoples 1997. The Constitution adopted an innovative multicultural conception of Venezuelan society. Thus, the members of indigenous peoples enjoy, on an equal footing with the rest of the population, the same rights provided in domestic and international law. These general rights are complemented by specific rights for indigenous peoples and communities with their own socio-economic, cultural, linguistic, organisational and religious characteristics. By recognising the specific rights of indigenous peoples, the Constitution enshrines native customary law, collective property rights of communities of these ethnic groups, the official status of indigenous languages and guarantees of bilingual education. According to the Constitution, the official language is Spanish, but the indigenous languages are also officially employed by indigenous peoples and must be respected throughout the country.²⁶

An indigenous person has the right to be recognised and individualised as a member of the Venezuelan State while retaining his or her membership in an aboriginal community.²⁷ According to the law, indigenous people have the right to identification through the issuance

²³ Ley de Nacionalidad y Ciudadanía, art. 47.

²⁴ Ley de Nacionalidad y Ciudadanía, art. 14 and 15.

²⁵ Constitución de la República Bolivariana de Venezuela, art. 33. Ley de Nacionalidad y Ciudadanía, art. 16.

²⁶ Constitución de la República Bolivariana de Venezuela, art. 9.

²⁷ Chirinos Portillo, 2011: 88-89.

of identification documents. The competent national authority issues the identification documents for indigenous persons, considering social organisation, culture, customs, languages and geographical location of the indigenous peoples and communities. The document is issued in Spanish and in the language of the people or community to which the person belongs, respecting the original names and surnames. If the document requires a picture, indigenous persons are not obliged to be photographed wearing different clothes from those indicated by their customs and traditions.²⁸ On the other hand, the Constitution grants the right to elect indigenous representatives in the National Assembly. The voters of the states with significant indigenous populations elect three indigenous representatives to the national assembly.²⁹

4. Current political debates and reform plans

Venezuela is experiencing at this time one of its cyclical political crises, which may eventually lead to a constitutional amendment or a new constituent assembly. Once again, Venezuelans could change the Constitution, which has been in force for less than two decades. Some Venezuelans see the reform of the 1999 Constitution as a way to transform power relations between opposing political forces. Although citizenship and nationality are not priority issues in this crisis, the constitution-makers could address some matters pending in this particular field.

Recently, three public policy issues have been on the agenda. The first one is the use of legal provisions on the revocation of nationality of naturalised Venezuelan citizens. The case of Maria Conchita Alonso, an actress and public figure of Cuban origin, who resides in the United States, has been broadly publicised since 2014. She has strongly criticised the current Venezuelan government and called for radical actions to change the President and the ruling party. As a consequence, a Venezuelan court opened a case for denaturalisation.³⁰ At the moment of writing this report, the case is still pending. This case illustrates the extent to which authorities can use the laws for politically motivated charges against naturalised Venezuelans. The court case for the revocation of naturalisation becomes, in this case, punishment for exercising citizen's rights. The discriminatory effects of the potential sanctions are evident. Despite the importance of the issue, it has not given rise to any proposal of reform to eliminate political discrimination against naturalised citizens. In a similar vein, government officials have issued a warning of revoking the citizenship of naturalised merchants accused of bad business practices. The government agency responsible for the regulation of prices (Superintendence of National Fair Prices), acting in cooperation with law enforcement agencies and the national immigration authority, has accused traders of violation of price regulation and illegal hoarding of products. Until now no cases of loss of nationality for this reason have been filed, but the information has been reported on some websites of the Foreign Service of the Republic and by media owned by the national government.³¹ However, in the opinion of the ruling party, the violation of price controls and shortages of consumer goods are counter-revolutionary strategies implemented by 'stateless' traders. Therefore, ruling party leaders and government officials have insisted on

²⁸ Ley Orgánica de Pueblos y Comunidades Indígenas, art. 62. Ley Orgánica de Identificación, art. 14

²⁹ Constitución de la Republica Bolivariana de Venezuela, art. 186.

³⁰ See *El Universal*, Caracas: Wednesday, 15 July 2015.

³¹ García 1914.

withdrawing naturalisation of traders who, in their view, hoard goods to create an artificial shortage and speculative prices.

The second issue is a current demand for registration of Venezuelan citizens who live abroad to participate in elections. According to the electoral law, residents in foreign countries can vote in presidential elections and national referendums. There are only 100,496 registered voters out of about a million adult Venezuelan citizens who reside abroad. The last time that the electoral authority (National Electoral Council) authorised voters' registration to vote abroad was in April 2012. Since then, no new Venezuelan immigrant has been included in the Automated System of Electoral Registry, which should be periodically updated as decided by the Commission of Civil Registration of the national electoral authority. Therefore, a Venezuelan NGO has posted an online petition seeking the good offices of the legislature (the National Assembly) to argue before the electoral authority (the National Electoral Council) to authorise the registration of voters at consulates.³² At the moment, about 750 Venezuelan voters have signed the petition. The petitioners are still waiting for a response from the authorities.

Until 2009, Venezuelans living abroad had the right to vote in national elections by just updating their registration at the embassy or consulate with jurisdiction over their place of residence. They were not required to submit any proof of legal residence in the jurisdiction of the consulate, embassy or trade office. The Venezuelan identification card was the only document required to register to vote.³³ However, the 1998 electoral law was repealed. The new law established that only those voters who legally reside abroad, as well as officials assigned or attached to embassies, consulates, and trade offices, were entitled to vote in the country where they resided.³⁴

Consequently, since 2009, Venezuelan voters living abroad need to submit proof of legal immigration status issued by the receiving country. There is not yet a regulation enacted by the electoral authority on this particular issue. Thus, the required paperwork to obtain the status of a registered voter may vary across and within countries. In general terms, the procedure established by consulates includes the submission of proof of legal residence with the consular jurisdiction.³⁵ Yet, different consulates may request additional documentation. For instance, the Consulate General of the Republic of Venezuela in the Canary Islands, requires the presentation of the following requirements to obtain the status of registered voter: (1) Fill out the application form and return it to the Consulate; (2) submit the original and two copies of the Venezuelan Identity Card (valid or expired); (3) present the original and two copies of the national identification of Spain as proof of legal residence in that country, and (4) the current Venezuelan passport. Once the data is in the Automated System of Electoral Registry, the applicant must sign and mark their fingerprint on the three forms that are generated, one of which will be for the person concerned.³⁶ In Madrid and Bilbao, both in Spain, besides all the documents above mentioned, Venezuelans need to enroll in the

³² See the online petition at www.peticiones.org/solicitud-de-apertura-del-registro-electoral-para-los-venezolanos-en-el-exterior-3176.html

³³ Ley Orgánica del Sufragio y Participación Política, art. 99 (repealed in 2009).

³⁴ Ley Orgánica de Procesos Electorales, Art. 124.

³⁵ Reglamento General de la Ley Orgánica de Procesos Electorales Art. 26

³⁶ See consuladodevenezuela.es/contenido.php?idNot=173

consulate's registry.³⁷ As a proof of residency, Venezuelan consulates request the submission of resident visas, permanent resident cards, foreign passports or citizen ID cards.³⁸

Last but not least, in August 2015, as a consequence of an incident between law enforcement officials and alleged smugglers, the Venezuelan government took over a border town mainly inhabited by Colombian immigrants, and forcibly deported more than one thousand people. Afterward, Venezuelan President Nicolas Maduro decreed a state of exception in almost all border municipalities. The number of deportees amounted to more than 1,500.³⁹ The most important issue is that some deportees hold dual nationality. The Venezuelan authorities allegedly deported an undetermined number of children born in the country's territory, who consequently are Venezuelan citizens by birth - even though the Constitution expressly prohibits the government from deporting Venezuelan citizens to other states.⁴⁰ Colombian authorities offered to confer citizenship on the Venezuelan deportees.⁴¹ Despite the seriousness of this issue, there has been so far no political initiative to investigate or amend the possible violations of the rights of both national foreigners and Venezuelan citizens committed by the government during these mass deportations.

5. Conclusions

Venezuelan constitutions have defined the regime of nationality since 1811. Since the birth of the republic, *ius soli* has been the fundamental principle on which the guarantee of citizenship is based. Like other Latin American nations, Venezuela has sought to create and strengthen the links between citizenship and territory of the country. However, citizenship status, established by the latest constitutions since 1947, takes not only the principle of *ius soli*, in absolute terms, but also the principle of *ius sanguinis*, albeit with certain conditions. Additionally, in 1999, the regime of dual citizenship was first established as a right for both Venezuelans by birth and naturalisation. The recognition of dual nationality is a consequence of the adoption of the principle of *ius sanguinis* and the elimination of the requirement to renounce the Venezuelan nationality in cases of naturalisation in other countries, as well as the renunciation of original citizenship by naturalised Venezuelan.

The 1999 constitution introduced innovations and developments. It eliminated discrimination against male persons in obtaining citizenship naturalisation. It expressly recognised the right of members of indigenous ethnic groups to hold full national citizenship, as well as specific rights for members of indigenous peoples and communities. However, the new regime of citizenship also has three pending issues. The first of them relates to naturalised citizens' political rights. On the one hand, they lack the right to compete for, or be appointed to, the highest positions of state, which makes them second-class citizens. On the other hand, naturalised Venezuelans experience legal vulnerability. Judicial authorities can revoke naturalisation, simply for exercising their civil and political rights in the country or abroad, in a way executive authorities find politically inconvenient.

³⁷ See madrid.consulado.gob.ve/index.php?option=com_content&view=article&id=6&Itemid=12 and www.consulvenbilbao.org/tramites_7.html

³⁸ See for instance embavenez-us.org/sanfrancisco/index.php?pagina=contenido/registro_electoral.htm&titulo=Servicios%20a%20Venezolanos, www.consulventoronto.com/registro_electoral.html and puertocarreno.consulado.gob.ve

³⁹ '¿Qué pasa en la frontera entre Venezuela y Colombia?' *BBC Mundo* 24 August 2015

⁴⁰ Constitución de la Republica Bolivariana de Venezuela, art.

⁴¹ 'Colombia dará nacionalidad a venezolanos familiares de colombianos deportados,' *CNN Español* 31 August, 2015

Finally, the voting rights of Venezuelans abroad are an open discussion topic. For a long time this issue had no political significance because, historically, Venezuelan citizens have not migrated en masse from their country of origin. This situation has been changing for more than a decade. Currently, there is a significant number of Venezuelans abroad, which exceeds the population of several Venezuelan states. The law allows the participation of Venezuelans only in presidential elections and national referendums. Given the vast number of Venezuelans who have migrated abroad, the legislators should address shortly the topic of whether Venezuelans abroad should be entitled to participate in other national elections, such as the national legislature. However, this issue has yet to become a priority for the policy-makers in Venezuela.

Bibliography

- Asamblea Constituyente. Constitución de los Estados Unidos de Venezuela, Santa Ana de Coro: 28 March 1864, available from: [www.anhvenezuela.org/admin/Biblioteca/Textos%20Historicos%20de%20Venezuela/Constitucion%20Federal%20%20\(1864\).pdf](http://www.anhvenezuela.org/admin/Biblioteca/Textos%20Historicos%20de%20Venezuela/Constitucion%20Federal%20%20(1864).pdf) [accessed: 19 April 2016].
- Asamblea Nacional Constituyente. Constitución de los Estados Unidos de Venezuela, Caracas, 26 March 1901, available from: www.clbec.gob.ve/pdf/CONSTITUCION%201901.pdf [accessed: 19 April 2016].
- Asamblea Nacional de la República Bolivariana de Venezuela. Ley Orgánica del Sufragio y Participación Política. Gaceta Oficial de la República Bolivariana de Venezuela, N° 5.233, Caracas: 29 May 1998.
- Asamblea Nacional de la Republica de Venezuela. Ley Orgánica de Procesos Electorales, Gaceta Oficial de la República Bolivariana de Venezuela, N° 5.928, Caracas: 12 August 2009
- Asamblea Nacional de la República Bolivariana de Venezuela. Ley de Nacionalidad Y Ciudadanía. Gaceta Oficial de la República Bolivariana de Venezuela, N° 37.971, Caracas: 01 June 2004.
- Asamblea Nacional de la Republica Bolivariana de Venezuela. Ley Orgánica de Pueblos y Comunidades Indígenas, Gaceta Oficial de la República Bolivariana de Venezuela, N° 38.344, Caracas: 27 December 2005.
- Asamblea Nacional de la República Bolivariana de Venezuela. Ley Orgánica de Identificación. Gaceta Oficial de la República Bolivariana de Venezuela, N° 38.458, Caracas: 14 June 2006.
- Brewer-Carias, Allan R. (1985), *Las Constituciones de Venezuela [Venezuelan Constitutions]*. San Cristóbal, Venezuela: Ediciones de la Universidad Católica del Táchira.
- Brewer-Carías, Allan R. (1999), *Debate Constituyente (Aportes a la Asamblea Nacional Constituyente), Vol. III [Constitutional Debate (Inputs of the National Constitutional Assembly)]*. Caracas: Editorial Jurídica Venezolana.
- Brewer-Carías, Allan R. (2005), *Régimen Legal de Nacionalidad, Ciudadanía y Extranjería. Ley de Nacionalidad y Ciudadanía. Ley de Extranjería y Migración. Ley Orgánica sobre Refugiados y Asilados* [Legal regime of nationality, citizenship, and foreigners acts. Law of nationality and citizenship. Foreigners and Migration Act. Basic Law on Refugees and Asylum Seekers]. Caracas: Editorial Jurídica Venezolana.
- Chirinos Portillo, Loiralith M. (2011), 'Derechos civiles de los indígenas en la República Bolivariana de Venezuela: especial referencia al derecho a la identificación'. *Opción*, 27 (66): 85 – 97.
- Consejo Nacional Electoral. *Reglamento General de la Ley Orgánica de Procesos Electorales. Resolución N° 130118-0005*, Caracas, 18 January 2013.
- Congreso de la República de la Great Colombia. Constitución 30 August 1821, available from: <http://www.alcaldiabogota.gov.co/sisjur/normas/Normal1.jsp?i=13690> [accessed: 19 April 2016].

- ‘Colombia dará nacionalidad a venezolanos familiares de colombianos deportados’, *CNN Español* 31 August 2015, available from: cnnespanol.cnn.com/2015/08/31/colombia-le-dara-nacionalidad-a-venezolanos-de-familias-deportadas/ [accessed: 19 April 2016].
- Diez, Julio (1984), ‘La Constitución de 1864’. *Boletín de la Academia de Ciencias Políticas y Sociales*. Caracas: January-June Nos. 95-96 Año XL: 159-170.
- Estado de Venezuela. Constitución del Estado de Venezuela, 1830, Valencia: 7 October 1830, available from: www.clbec.gob.ve/pdf/CONSTITUCION%201830.pdf [accessed: 19 April 2016].
- Ferrer Rojas, Luis Enrique (2009), ‘La Doble Nacionalidad en el Ordenamiento Constitucional Venezolano’ [‘Dual nationality in Venezuelan political order’]. *Revista de la Facultad de Ciencias Jurídicas y Políticas*, No. 5: 197-213
- Gracia, Maibet (2014), ‘Revocarán nacionalidad a comerciantes naturalizados que especulen con rubros regulados’, *El Correo del Orinoco*, Caracas: 24 October 2014, available from: www.correodelorinoco.gob.ve/politica/revocaran-nacionalidad-a-comerciantes-naturalizados-que-especulen-rubros-regulados/ and www.consulvenefunchal.com/index.php/noticias/ultimas-noticias/1868-revocaran-nacionalidad-a-comerciantes-naturalizados-que-especulen-con-rubros-regulados [accessed: 19 April 2016].
- Junta de Gobierno de la Republica de Venezuela. Ley Electoral. Decreto 234. Caracas, 23 May 1958. Gaceta Oficial de la República de Venezuela, Num. 562 (Extraordinario), Caracas: Mayo 24 1958.
- Nuestra Voz. *Solicitud de apertura del registro electoral para los venezolanos en el exterior*. Peticiones.org, February 1 2016. Available at: www.peticiones.org/solicitud-de-apertura-del-registro-electoral-para-los-venezolanos-en-el-exterior-3176.html [accessed: 19 April 2016].
- Páez, Tomás (ed.) (2015), *La voz de la diáspora venezolana [The voice of the Venezuelan diaspora]*. Madrid: Los Libros de la Catarata.
- Parra Aranguren, Gonzalo (1963), ‘La Nacionalidad Venezolana Originaria en la Constitución de 23 de Enero de 1961’ [‘Origins of the Venezuelan nationality in the Constitution of 23 January 1961’], *Boletín de la Biblioteca de los Tribunales del Distrito Federal*, No. 13, Caracas: 9-108.
- Presidencia de la Republica Bolivariana de Venezuela. Decreto N° 3.084, Gaceta Oficial de la República Bolivariana de Venezuela N° 38.015, Caracas: 3 September 2004.
- ‘¿Qué pasa en la frontera entre Venezuela y Colombia?’, *BBC Mundo*, 24 August 2015, available from: www.bbc.com/mundo/noticias/2015/08/150824_venezuela_colombia_frontera_deportaciones_ep [accessed: 19 April 2016].
- Republica Bolivariana de Venezuela. Resolución 268, Gaceta Oficial De La Republica Bolivariana De Venezuela, No. 5.711 Extraordinario, Caracas: 22 June 2004.
- ‘Revocatoria de nacionalidad de María Conchita sigue su proceso legal’, *El Universal*, 15 July 2015. Available from: <http://www.eluniversal.com/arte-y-entretenimiento/cine/150715/revocatoria-de-nacionalidad-de-maria-conchita-sigue-su-proceso-legal> [accessed: 19 April 2016].

