

CHAPTER 30

Act 18 of 1994

CITIZENSHIP ACT

(1st January 1996)

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PART I - PRELIMINARY

1. This Act may be cited as the Citizenship Act.

2. In this Act, unless the context otherwise requires -

"child" means a person, not being a married person, under the age of 18 years;

"citizen" means a citizen of Seychelles;

"Citizenship Officer" means the person designated by the Minister to be the Citizenship Officer.

PART II - CITIZENSHIP

3.(1) A child adopted, on or after the commencement of this Act, under any law relating to adoption of children, shall, if the child was not a citizen on the date of adoption, become, on that date a citizen by adoption if, on that date the adopter was, or in the case of a joint adoption, one or both of the adopters were, a citizen or citizens .

(2) A person who immediately before the commencement of this Act was a citizen by adoption shall continue on or after the commencement of this Act to be a citizen by adoption.

4.(1) This section applies to a child who on the commencement of this Act is not a citizen.

(2) A child of a citizen may, on application made to the Minister in the prescribed manner by the parent or guardian of that child, be registered as a citizen.

(3) Where the Minister is satisfied that a child has associations by way of descent, residence or otherwise with Seychelles that could justify the registration of the child as a citizen, the child may, on application made to the Minister in the prescribed manner by the parent or guardian of that child, be registered as a citizen.

5.(1) Where the President is of opinion that a person has done signal honour or rendered distinguished service to Seychelles, the President may, with the consent of that person, cause the person to be registered as a citizen.

(2) The President may cause to be registered as a citizen any person, not otherwise entitled to or eligible for citizenship, with respect of whom special circumstances exist which, in the opinion of the President, warrant such registration.

6. A person eligible to become a citizen by naturalisation or registration under article 10 or article 12 of the Constitution may apply to the Minister in the prescribed manner for citizenship by naturalisation or registration and the Minister may, if the Minister is satisfied that the person is eligible to become a citizen, grant the person citizenship.

7.(1) A person who acquires citizenship under section 4, 5 or 6 shall become a citizen on the date of registration or naturalisation, as the case may be.

(2) For the purposes of this section -

(a) the date of registration is the date on which a certificate of registration is granted to a person;

(b) the date of naturalisation is the date on which a certificate of naturalisation is granted to a person.

(3) Subject to subsection (4) a person who becomes a citizen under this Act shall take the oath of allegiance set out in the Schedule before the Citizenship Officer -

(a) if the person is not a child, within 30 days after becoming a citizen;

(b) if the person is a child, within 30 days after attaining the age of eighteen years.

(4) The Citizenship Officer may for special reasons extend the period specified in subsection (3) for the taking of the oath of allegiance.

(5) For the purposes of this Act a person attains the age of eighteen years at the first moment of the eighteenth anniversary of the birth of that person.

(6) A person who fails to comply with subsection (3) is guilty of an offence and liable on conviction to a fine of R5000 and to a further fine of R100 for each day the offence continues after conviction.

8.(1) The Citizenship Officer shall grant -

(a) a certificate of registration to a person who has acquired citizenship by registration under this Act;

(b) a certificate of naturalisation to a person who has acquired citizenship by naturalisation under this Act.

(2) Where a citizen by registration or naturalisation has renounced or has been deprived of the citizenship of Seychelles under section 10 or 11 the certificate of registration or naturalisation, as the case may be, shall be surrendered to the Citizenship Officer who shall cancel such certificate.

9. The Citizenship Officer shall maintain a register in which that officer shall record -

(a) the names of persons who have become citizens by registration or naturalisation;

(b) the declarations of renunciation of citizenship under section 10 and names of persons who have renounced their citizenship under that section;

(c) names of person who are deemed to have remained citizens under section 10(4) notwithstanding the registration of the declaration of renunciation;

(d) names of persons who have been deprived of their citizenship under section 11;

(e) the names of persons who concurrently possess the citizenship of another country.

PART III - RENUNCIATION, DEPRIVATION AND CONCURRENT CITIZENSHIP

10.(1) A citizen, not being a child, who -

(a) is also a citizen of another country; or

(b) satisfies the Minister that the citizen will, after renouncing the citizenship of Seychelles, become a citizen of another country,

may, in the prescribed manner, make a declaration of renunciation of the citizenship of Seychelles and the Minister shall, subject to the provisions of subsection (2), cause such declaration to be registered.

(2) The Minister may decline to register any declaration made under subsection (1) by a citizen who is or will become a citizen of another country during a period when Seychelles is at war with that other country.

(3) Subject to subsection (4), a person who makes a declaration under subsection (1) shall cease to be a citizen of Seychelles upon the registration of such declaration.

(4) Where a person who has satisfied the Minister as provided in paragraph (b) of subsection (1) does not thereafter become a citizen of another country within six months from the date of registration of the declaration of renunciation, the person shall be, and be deemed to have remained, a citizen of Seychelles, notwithstanding the registration of the declaration of renunciation.

11.(1) The Minister may, subject to the provisions of this section, by order, deprive a citizen by registration or naturalisation of the citizenship of Seychelles if the Minister is satisfied that the registration or naturalisation was obtained by means of fraud, false representation, or the concealment of any material fact.

(2) Before making an order under this section, the Minister shall give the person against whom the order is proposed to be made notice in writing informing the person the ground on

which it is proposed to be made and of the right of the person to have the case referred for inquiry under subsection (3).

(3) If a person notified under subsection (2) applies for an inquiry within such time and in such manner as may be prescribed, the Minister shall refer the case for inquiry and report to a commissioner appointed by the Minister for the purpose.

(4) The powers rights and privileges of a commissioner appointed under subsection (3) shall be the same as those conferred on a commissioner by the Commissions of Inquiry Act and the provisions of that Act shall, *mutatis mutandis* apply in relation to an inquiry under this section and to a person summoned to give evidence or giving evidence at the inquiry.

(5) A person shall not be qualified for appointment as a commissioner under subsection (3) unless the person is or has been a Judge of the Court of Appeal, or the Supreme Court.

12.(1) A citizen who concurrently possesses the citizenship of another country shall, within 30 days after the citizen commences to concurrently possess that other citizenship, or, where the citizen is resident outside Seychelles at such commencement, within 30 days after the arrival next of the citizen in Seychelles, make a declaration to the Citizenship Officer in the prescribed manner of the name of that other country.

(2) A citizen who on the commencement of this Act, concurrently possesses the citizenship of another country shall, within 90 days after the commencement of this Act or, where the citizen is outside Seychelles during that period, within 30 days after the arrival next of the citizen in Seychelles, make the declaration required by subsection (1).

(3) The Citizenship Officer may for special reason extend the period specified in subsection (1) or subsection (2) for the declaration required by those subsections.

(4) Where the citizen who is required to make a declaration under subsection (1) or (2) is a child, the declaration shall be made on behalf of the child by the parent or guardian of the child.

(5) A citizen or parent or guardian who fails to comply with subsection (1) or (2) is guilty of an offence and is liable on conviction to a fine of R5000 and to a further fine of R100 for each day the offence continues after conviction.

PART IV - SUPPLEMENTAL

13.(1) The Minister may, in such case as the Minister thinks fit, on the application of any person with respect to whose citizenship of Seychelles a doubt exists, whether on a question of fact or law, certify that that person is a citizen.

(2) A certificate issued under subsection (1) shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that the person was a citizen on the date of the issue of the certificate, but without prejudice to any evidence that the person was a citizen at an earlier date.

14. The Minister shall not be required to assign any reason for the grant or refusal of any application under this Act, and the decision of the Minister made under and in accordance with the provisions of this Act shall be final.

15.(1) Every document purporting to be a notice, certificate, order or declaration, or any entry in a register or subscription of an oath of allegiance, given, granted, or made under this Act may, without proof of signature of the person giving, granting or making it, be used as evidence of the facts stated therein in any proceedings under this Act or any other law.

(2) The contents of any document referred to in subsection (1) may be proved by the production of a copy of the document certified as a true copy by the Citizenship Officer.

16.(1) Any person who, for the purpose of procuring anything to be done or not to be done under this Act makes any statement which the person knows to be false in any material

particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and liable on conviction to a fine of R5000 and to imprisonment for twelve months.

(2) The liability of any person in relation to any offence shall not be affected by any renunciation or deprivation of the citizenship of Seychelles of that person after the commission of the offence.

17. Save for an application made under section 11(3), every application made under this Act shall -

- (a) be accompanied by the prescribed fee (if any);
- (b) where the form of such application is prescribed under this Act, be made in such form with such variations as the circumstances require and the Minister accepts;
- (c) be supported by such evidence of the statements made therein as may be prescribed; and
- (d) be verified by affidavit or a declaration made before a Judge, a Magistrate, a Justice of the Peace, a Notary or the Registrar of the Supreme Court.

18.(1) The Minister may make regulations to provide generally for carrying into effect the purposes and provisions of this Act, and in particular for -

- (a) prescribing anything to be prescribed or which may be prescribed under this Act;
- (b) the registration of anything required or authorised under this Act to be registered;

(c) the administration and taking of the oath of allegiance under this Act and for the registration of oaths of allegiance;

(d) the giving of any notice required or authorised to be given to any person under this Act;

(e) the registration by public officers, or by persons or classes of persons authorised in that behalf by the Minister, of the births and deaths of persons of any class or description born or dying elsewhere than in Seychelles;

(f) enabling the births and deaths of citizens born or dying in any country in which the Government has for the time being no diplomatic or consular representatives to be registered by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with the Government, has undertaken to represent the Government's interest in that country, or by a person authorised in that behalf by the Minister;

(g) defining the circumstances in which and the conditions subject to which copies of certificates issued under this Act may be obtained;

(h) the imposition and recovery of fees in respect of any application, other than an application made under section 11(3) made to the Minister or in respect of any registration, the making of any declaration, the grant of a certificate, or the taking of the oath of allegiance authorised to be made, granted or taken under this Act, and in respect of supplying a certified copy of any notice, certificate, order, declaration, entry or oath made, granted or taken under this Act, and for the application of any such fees;

(i) the creation of offences and the imposition of penalties for those offences, such penalties not to exceed a fine of Rs. 5,000 and imprisonment for one year.

(2) In prescribing the manner in which application may be made for any purpose under this Act, the Minister may prescribe different procedures to be followed by different classes of persons.

19.(1) The Citizenship of Seychelles Act, 1976 is hereby repealed.

(2) Any application made under the Citizenship of Seychelles Act, 1976 and pending on the commencement of this Act, shall continue to be dealt with under the Citizenship of Seychelles Act, 1976 as if that Act had not been repealed by subsection (1).

SCHEDULE(Section 7(3))

OATH OF ALLEGIANCE

I, do *swear/ *solemnly and sincerely declare that I will be faithful and bear true allegiance to the Constitution of Seychelles and that I will preserve, protect and defend the Constitution of Seychelles.

*SO HELP ME GOD