

## Barbados Citizenship Act, Cap. 186 (last amended 1982)

An Act to provide for the acquisition, deprivation and renunciation of Citizenship of Barbados and for purposes incidental to or connected with the matters aforesaid.

### 1. Short Title

This Act may be cited as the Barbados Citizenship Act.

### PART I Preliminary

#### 2. Interpretation.

(1) For the purposes of this Act, the expression-

"alien" means a person who is not a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland;

"British protected person" means a person who is a British protected person for the purposes of the British Nationality Act, 1948<sup>[1]</sup> of the United Kingdom;

"the Commonwealth" means Barbados, any country mentioned in the First Schedule and any dependency of any such country;

"Commonwealth citizen" means a person who under the Constitution has the status of a Commonwealth citizen;

"Consulate of Barbados" means the office of a consular officer of the Government or, where there is no such office, such office as may be prescribed;

"foreign country" means a country (other than the Republic of Ireland) that is not part of the Commonwealth;

"minor" means a person who has not attained the age of eighteen years;<sup>[2]</sup>

"parent" in relation to a child born out of wedlock and not legitimated by the subsequent marriage of his parents, means the mother;

"service of the Government" includes service as an employee of any statutory board which is in receipt of moneys provided from the Consolidated Fund or voted by Parliament.

(2) For the purposes of this Act, a person born aboard a registered ship or aircraft or aboard an unregistered ship or aircraft of the government of any country shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) A person shall for the purposes of this Act be of full age if he has attained the age of eighteen<sup>1</sup> years and of full capacity if he is not of unsound mind.

(4) For the purposes of this Act, a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

(5) A person born out of wedlock and legitimated by the subsequent marriage of his parents shall as from the date of the marriage or of the commencement of this Act<sup>[3]</sup><sup>3</sup>, whichever is later, be treated for the purposes of this Act as if he had been born legitimate.

(6) A person shall be deemed for the purposes of this Act to have been legitimated by the subsequent marriage of his parents if, by the law of the place where his father was domiciled at the time marriage operated immediately or subsequently to legitimize him and not otherwise

at the time marriage operated immediately or subsequently to its annulment, and not otherwise.

(7) Subject to subsection (8), in calculating for the purposes of this Act any period of residence in Barbados

(a) a period of absence from Barbados of less than six months;

(b) a period of absence from Barbados for the purpose of education of such kind, in such country and for such time, as may be either generally or specially approved by the Minister; and

(c) a period of absence from Barbados for reasons of health or any other cause prescribed generally or specially by the Minister,

shall be treated as residence in Barbados, and a person shall be deemed to be resident in Barbados on a particular day if he had been resident in Barbados before that day and that day is included in any period of absence referred to in this subsection.

(8) In calculating for the purposes of this Act any period of residence in Barbados, account shall not be taken-

(a) of any period during which a person was not lawfully resident in Barbados; or

(b) of any period spent as an inmate of any prison or as a person detained in lawful custody in any place other than a mental hospital under the provisions of any enactment in force in Barbados; or

(c) except with the consent of the Minister, of any period during which a person is allowed to remain temporarily in Barbados under the authority of any enactment in force in Barbados relating to immigration.

(9) For the purposes of this Act, a person born outside Barbados to a citizen of Barbados serving in a diplomatic or consular capacity shall be deemed to have been born in Barbados.

(10) Subsection (9) does not apply to any person to whom section 2(2) or 5 of the Constitution or any other enactment applies.

### 3.

Application of existing laws in relation to citizens of Republic of Ireland.

Any enactment in force in Barbados on the 30th November, 1966, and any enactment which, although passed or made before that date, comes into operation on or after that date shall have effect in relation to citizens of the Republic of Ireland who are not Commonwealth citizens in like manner as they have effect in relation to Commonwealth citizens.

## PART II Acquisition of Citizenship

### 4. Additional grounds of citizenship, and registration of certain persons as citizens.

(1) A person born in Barbados after the 29th November 1966 shall be a citizen of Barbados by birth if his mother was a citizen of Barbados at the time when he was born and he would, apart from this subsection, be stateless; and for the purposes of this subsection, where after" the 29th November, 1966 a newborn infant is found abandoned in Barbados, that infant shall, unless the contrary is shown, be deemed to have been born in Barbados.

(2) Subject to subsections (8) and (9), a person who would, but for the fact that he was not on the 29th November, 1966 a citizen of the United Kingdom and Colonies, have become a citizen of Barbados in accordance with subsection (1) or (2) of section 2 of the Constitution may, upon making application to the Minister in the prescribed manner, be registered at the discretion of

the Minister as a citizen of Barbados.

(3) Subject to subsections (8) and (9), a citizen of any country mentioned in the First Schedule, or a citizen of the Republic of Ireland, being a person of full age and capacity may, on making application therefor to the Minister in the prescribed manner, be registered at the discretion of the Minister as a citizen of Barbados if he satisfies the Minister that he-

- (a) has been ordinarily resident in Barbados; or
- (b) has been in the service of the Government; or
- (c) has had partly such residence or partly such service,

for a period of not less than seven years ending with the date of his application, of which not less than five years in the aggregate must have been spent in Barbados, or for such shorter period so ending as the Minister may in the special circumstances of any particular case accept.

(4) Subsections (2) and (3) do not apply to any person who, under section 3 or 6 of the Constitution, is entitled to be registered as a citizen of Barbados.

(5) Subject to subsections (8) and (9), a person is entitled, on making application under this subsection to the Minister in the prescribed manner, to be registered as a citizen of Barbados if he satisfies the Minister that he is and has always been stateless and-

- (a) if he was born before the 29th November, 1966, that his mother was, at the time of his birth, a citizen of the United Kingdom and Colonies by reason of her birth in Barbados; or
- (b) if he was born after the 29th November, 1966, that his mother was a citizen of Barbados, at the time of his birth; or
- (c) that he was born in Barbados.

(6) Paragraphs (a) and (b) of subsection (5) apply to persons born illegitimate as well as to persons born legitimate.

(7) An application for registration under subsections (2) to (6) of a minor may be made by his parent or guardian or, if he has attained the age of sixteen years, by the minor himself or by his parent or guardian.

(8) The Minister may, if he is satisfied that the interests of national security and public policy so require, refuse to register as a citizen of Barbados any person who-

- (a) under subsection (2) or (3) of section 3 of the Constitution, or subsection (5) of this section, is entitled to be registered as a citizen of Barbados and applies to be so registered; or
- (b) pursuant to subsection (2) or (3) of this section applies to be registered as a citizen of Barbados.

(9) Without prejudice to the generality of subsection (8), the Minister may refuse to register as a citizen of Barbados any person referred to in that subsection if he is satisfied that the applicant-

- (a) is not of good character; or
- (b) has been convicted by a competent court in any country of a criminal offence for which he was sentenced to death or has been detained under a sentence of imprisonment of twelve months or more imposed on him on his conviction of a criminal offence by such a court, and in either case, has not received a free pardon in respect of the offence; or
- (c) has engaged in activities, whether within or outside of Barbados, which, in the opinion of

the Minister, are prejudicial to the safety of Barbados or to the maintenance of law and public order in Barbados; or

(d) has been adjudged or otherwise declared bankrupt under any law in force in any country and has not been discharged; or

(e) not being the dependant of a citizen of Barbados, has not sufficient means to maintain himself and is likely to become a public charge.

#### **5. Registration of minors.**

(1) The Minister may at his discretion cause the minor child of any citizen of Barbados to be registered as a citizen of Barbados upon application made in the prescribed manner by a parent or the child.

(2) The Minister may, in such special circumstances as he thinks fit, cause any minor to be registered as a citizen of Barbados.

(3) Where under any enactment in force in Barbados relating to the adoption of children an adoption order is made in respect of a minor not a citizen of Barbados, then if the adopter or in the case of a joint adoption the male adopter is a citizen of Barbados, the minor shall become a citizen of Barbados as from the date of the order.

#### **5A. Certificate of registration. 1975-25**

Where an application for registration as a citizen of Barbados under the Constitution or this Act is approved, the Minister may issue to the applicant a certificate of registration in the prescribed form.

#### **6. Effect of registration as a citizen.**

A person registered under section 4 or 5 of this Act or pursuant to section 3 or 6 of the Constitution shall be a citizen of Barbados by registration as from the date on which he is registered.

#### **7. Naturalisation of aliens and British protected persons.**

The Minister may at his discretion, if application therefor is made to him in the prescribed manner by any alien or British protected person of full age and capacity who satisfies him that he is qualified under the Second Schedule for naturalisation, and the person to whom this certificate is granted shall, on taking the oath of allegiance in the form specified in the Third Schedule, be a citizen of Barbados by naturalisation as from the date on which that certificate is granted.

### **PART III Loss of Citizenship**

#### **8. Renunciation of citizenship by reason of dual citizenship or nationality.**

(1) Where any citizen of Barbados of full age and capacity who is or who intends to become-

(a) a citizen of any country mentioned in the First Schedule or of the Republic of Ireland; or

(b) a national of a foreign country,

makes in the prescribed manner a declaration of renunciation of citizenship of Barbados, the Minister shall cause the declaration to be registered, and upon the registration, that person

shall cease to be a citizen of Barbados; but the Minister may at his discretion withhold registration of any such declaration if it is made during any war in which Barbados is engaged by a person who is or who intends to become a national of a foreign country.

(2)Where the Minister causes a declaration of renunciation of citizenship of Barbados to be registered under subsection (1), he may issue to the person making the declaration a certificate of renunciation in the prescribed form.

## 9. Deprivation of citizenship.

(1)Subject to this section, the Minister may at his discretion by order deprive of his citizenship any citizen of Barbados who is such by virtue of subsection (3) of section 2 of the Constitution or by registration or naturalisation if the Minister is satisfied that the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact.

(2)Subject to this section, the Minister may, at his discretion, by order deprive of his citizenship any citizen of Barbados who is such by registration or naturalisation if the Minister is satisfied that citizen has-

(a)at anytime after registration or naturalisation-

(i)been convicted of treason by a competent court in any part of the Commonwealth; or

(ii)been convicted by a competent court in any country of a criminal offence on conviction of which the death penalty or a term of imprisonment of not less than seven years may be imposed,

and in either case has not received a free pardon in respect of the offence; or

(b)within five years after registration or naturalisation has been convicted by a competent court in any country of a criminal offence and sentenced to imprisonment for a term of not less than twelve months and has not received a free pardon in respect of the offence; or

(c)shown himself by act or speech to be disloyal or disaffected towards Barbados; or

(d)during any war in which Barbados was engaged, unlawfully traded or communicated with the enemy or been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or

(e)engaged in activities, whether within or outside of Barbados, which, in the opinion of the Minister, are prejudicial to the safety of Barbados or to the maintenance of law and public order in Barbados.

(3)The Minister shall not deprive any person of citizenship under this section on the ground mentioned in paragraph (b) of subsection (2) if it appears to him that that person would thereupon become stateless.

(4)The Minister shall not deprive a person of citizenship under this section unless he is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Barbados.

(5)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, him of the ground on which it is proposed to be made and, if the order is proposed to be made on any of the grounds specified in subsections (1) and (2), of his right to an enquiry under this section.

(6)Where the order is proposed to be made on any of the grounds specified in subsections (1) and (2) and the person against whom the order is proposed to be made applies in the

prescribed manner for an enquiry, the Minister shall, and in any other case the Minister may, at his discretion, refer the case to a committee of enquiry consisting of a chairman, being a person who is or has held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court, and of not less than two other members appointed by the Minister.

(7)(a)The powers, rights and privileges of a committee of enquiry appointed under subsection (6) shall be the same as those conferred on a commission appointed under the Commission of Enquiry Act and the provisions of that Act shall, mutatis mutandis, apply in relation to any enquiry under this section and to any person summoned to give evidence at the enquiry.

(b)Without prejudice to the generality of the foregoing provisions of this subsection, any power exercisable by the Governor-General under the Commission of Enquiry Act shall, in the application of that Act to an enquiry under this section, be exercisable by the Minister.

(8)A person who is deprived of his citizenship of Barbados by an order under this section or under section 10, shall, upon the making of the order, cease to be a citizen of Barbados.

#### **10. Deprivation of citizenship of Barbados where persons deprived of citizenship elsewhere.**

(1)Where any citizen of Barbados, who is such by naturalisation, was also a citizen of any country mentioned in the First Schedule or of the Republic of Ireland but has been deprived of his citizenship of that country on grounds which in the opinion of the Minister are substantially similar to any of the grounds specified under subsection (1) and (2) of section 9, the Minister may at his discretion by order deprive him of his citizenship of Barbados if the Minister is satisfied that it is not conducive to the public good that that person should, continue to be a citizen of Barbados.

(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 him of the ground on which it is proposed to be made and may refer the case to a committee of enquiry constituted in the manner, and having the powers, rights and privileges, provided for in subsections (6) and (7) of section 9.

### **PART IV Miscellaneous**

#### **11. Certificate of citizenship in cases of doubt.**

(1)The Minister may, in such cases as he thinks fit, on application made by or on behalf of any person with respect to whose citizenship of Barbados a doubt exists, whether on a question of fact or law, certify that that person is a citizen of Barbados.

(2)A certificate issued under this section 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 that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at any earlier date.

#### **12. Minister's discretion not to be questioned and decisions to be final.**

The Minister shall not be required to assign any reason for the grant or refusal of any application under this Act, the decision on which is at his discretion; and the decision of the Minister on any such application shall not be subject to any appeal or review in any court.

#### **13. Evidence.**

(1)Every document purporting to be a notice, certificate, order or declaration or an entry in a

register or a subscription of an oath of allegiance, given, granted or made under this Act or under Chapter II of the Constitution shall be received in evidence and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) Prima facie evidence of any such document as aforesaid may be given by production of a document purporting to be certified as a true copy thereof by such person and in such manner as may be prescribed.

(3) Any entry in a register made under this Act or under Chapter II of the Constitution shall be received as evidence of the matters stated in the entry.

#### **14. Regulations.**

(1) The Minister may make regulations generally for giving effect to this Act and in particular may make regulations-

(a) prescribing anything required by this Act or by Chapter II of the Constitution to be prescribed;

(b) for the registration of anything required or authorised under this Act or under Chapter II of the Constitution to be registered;

(c) for the administration and taking of oaths of allegiance under this Act, for the time within which oaths of allegiance shall be taken and for the registration of oaths of allegiance;

(d) fixing the fees to be paid in respect of-

(i) any application made to the Minister under this Act; or

(ii) any registration or the making of any declaration or the grant of any certificate or the taking of any oath of allegiance, required or authorised to be made, granted or taken by or under this Act or by or under Chapter II of the Constitution; or

(iii) supplying a certified or other copy of any notice, certificate, order, declaration or entry, given, granted or made as aforesaid,

and providing for the application of any such fees;

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

(f) for the cancellation of the registration of, and the cancellation and amendment of certificates of naturalisation relating to, persons deprived of citizenship under this Act or under Chapter J1 of the Constitution, and for requiring such certificates to be delivered up for such purposes;

(g) for the registration by consular officers or other officers in the service of the Crown of the births and deaths of persons of any class or description born or dying outside Barbados;

(h) for enabling the births and deaths of citizens of Barbados born or dying in any country in which the Crown has for the time being no diplomatic or consular representatives, to be registered-

(i) by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with the Crown, has undertaken to represent the Crown's interest in that country; or

(ii) by a person authorised in that behalf by the Minister.

(2) All regulations made under this section shall be subject to negative resolution.

**15. Offences.**

(1) Any person who for the purpose of procuring anything to be done or not to be done under this Act or under Chapter II of the Constitution makes any statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular shall be guilty of an offence and shall be liable on conviction thereof by a court of summary jurisdiction to a fine of five hundred dollars or to imprisonment for three months or to both such fine and imprisonment.

(2) Any person who fails to comply with any requirement imposed on him by regulations with respect to the delivering up of certificates of naturalisation shall be guilty of an offence and shall be liable on conviction thereof by a court of summary jurisdiction to a fine of five hundred dollars or to imprisonment for three months.

**16. Application of section 8 of the Constitution.**

From and after the 30th November, 1966<sup>[4]</sup> the countries to which section 8 of the Constitution applies are those mentioned in the First Schedule; but-

(a) the Minister may by order-

(i) declare that any country specified in the order is a country to which the said section 8 applies or in respect of which the said section shall cease to apply, and thereupon the First Schedule shall be amended accordingly; or

(ii) make such other variation in that Schedule as may be considered appropriate; and

(b) no such order shall be made unless the draft thereof has been laid before Parliament and approved by Resolution of each House.

**FIRST SCHEDULE**

The United Kingdom and Colonies and West Indies Associated States.

Canada
Australia
New Zealand
India
Pakistan
Ceylon
Ghana

Malaysia
Nigeria
Cyprus
Sierra Leone
Tanzania
Jamaica
Trinidad and Tobago
Uganda
Kenya
Malawi
Malta
Zambia
The Gambia
Singapore
Guyana
Botswana
Lesotho
Southern Rhodesia

#### **SECOND SCHEDULE QUALIFICATIONS FOR NATURALISATION**

1. Subject to paragraph 2, the qualifications for naturalisation of an alien who applies therefor are-

(a) that he has resided in Barbados throughout the period of twelve months immediately preceding the date of the application: and

(b)that during the seven years immediately preceding the said period of twelve months he has resided in Barbados for periods amounting in the aggregate to not less than five years; and

(c)that he is in the opinion of the Minister of good character; and

(d)that he intends in the event of a certificate being granted to him to reside in Barbados.

2. The Minister may, if in the special circumstances of any particular case he thinks fit, allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned for the purposes of sub-paragraph (a) of paragraph 1, as if it had immediately preceded that date.

3. The qualifications for naturalisation of a British protected person \*ho applies therefor are-

(a)that he is ordinarily resident in Barbados and has been so resident for a period of not less than seven years, ending with the date of his application, of which not less than five years in the aggregate must have been spent in Barbados, or for such shorter period so ending as the Minister may in the special circumstances of any particular case accept; and

(b)the qualifications specified in subparagraph (c) and (d) of paragraph 1.

### THIRD SCHEDULE OATH OF ALLEGLANCE

I, \_\_\_\_\_, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors according to law and that I will faithfully observe the laws of Barbados and fulfil my duties as a citizen of Barbados.

SO HELP ME GOD

[1] 11 & 12 Geo. 6, c. 56 of the United Kingdom, as amended by the British Nationality Acts of 1958, 1964 and 1965.

[2] See Minors Act, Cap. 215.

[3] Being 30th November, 1966.

[4] Being the date of commencement of this Chapter.