

CHAPTERS 1:02 - 1:09
(RESERVED)

COMMONWEALTH OF DOMINICA CITIZENSHIP ACT

CHAPTER 1:10

Act

26 of 1978

Amended by

10 of 1983

12 of 1990

23 of 1991

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CHAPTER 1:10

COMMONWEALTH OF DOMINICA CITIZENSHIP ACT

AN ACT relating to citizenship of Dominica.

26 of 1978.

[3rd November 1978]

Commencement.

PART I

PRELIMINARY

1. This Act may be cited as the –

Short title.

COMMONWEALTH OF DOMINICA CITIZENSHIP ACT.

2. (1) In this Act –

Interpretation.
[10 of 1983].

“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, or any Act of the United Kingdom Parliament amending or replacing that Act;

“certificate of naturalisation” means a certificate of naturalisation issued under this Act;

“Commonwealth” means the British Commonwealth of Nations, and “Commonwealth country” shall be construed accordingly;

“consulate of Dominica” means an office of a consular officer of the Government or where there is no such office such place as may be prescribed;

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

“House” means House of Assembly;

“Minister” means the Minister responsible for matters relating to citizenship;

“minor” means a person who has not attained the age of eighteen years;

“responsible parent” in relation to a child means the father or mother of the child;

“service under the Government” means service, whether within Dominica or not, under the Government or under an authority of the Government.

(2) For the purposes of this Act, a person shall be of full age if he has attained the age of eighteen years and of capacity if he is not of unsound mind.

(3) Where after the commencement of this Act a new-born infant is found abandoned in Dominica that infant shall, unless the contrary is shown, be deemed to have been born in Dominica.

(4) 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.

Reference in existing laws to British subjects.

3. A reference to a British subject in any law in force in Dominica on the commencement of this Act shall be construed as a reference to a Commonwealth citizen.

Citizens of the Republic of Ireland.

4. A law in force in Dominica on the date of the commencement of this Act and any written law 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

Citizenship on adoption.
[10 of 1983].

5. Where under a law in force in Dominica relating to the adoption of children, an adoption order is made by a competent court in respect of a minor who is not a citizen of Dominica, then, if the adopter or, in the case of a joint adoption, either adopter is a citizen of Dominica by virtue of the provisions of section 97(1) and (2) of the Constitution, the minor shall become a citizen of Dominica as from the date of the order.

Registration of persons as citizens of Dominica.
[10 of 1983].
S.I. 1027 of 1978.

6. (1) Subject to this section and the Constitution, the Minister may on such terms and conditions as he may prescribe, cause any person of full age and capacity or any child to be registered as a citizen of Dominica if that person or the parent or guardian of that child makes an

application for registration to the Minister in the prescribed manner and satisfies the Minister –

- (a) that such person is or has been married to a person who is, or was before his death or at the time of the marriage, a citizen of Dominica and that he is of good character and has an adequate knowledge of the responsibilities of a citizen of Dominica and of the English language and has resided in Dominica or has been in the service of the Government of Dominica, or has had partly such residence and partly such service throughout a period of three years, or such shorter period as the Minister may in the special circumstances of any particular case accept, immediately preceding the date of his application and he intends if registered to reside in Dominica or to enter or continue in the service of the Government; or
- (b) that such child being under the age of eighteen years is the child, step-child, or child adopted in a manner recognised by law of a person who is, or was before his death, a citizen of Dominica but that he is not entitled to be registered as a citizen by virtue of the provisions of section 100(1)(c) of the Constitution and has resided in Dominica for a period of three years, or such shorter period as the Minister may in the special circumstances of any particular case accept, immediately preceding the date of his application; or
- (c) that person is a Commonwealth citizen and of good character and has an adequate knowledge of the responsibilities of a citizen of Dominica and of the English language and that he has resided in Dominica, or has been in the service of the Government of Dominica, or has had partly such residence and partly such service throughout a period of five years, or such shorter period as the Minister may in the special circumstances of any particular case accept, immediately preceding the date of his application and he intends, if registered, to reside in Dominica or to enter or continue in the service of the Government.

(2) Nothing in this Act shall be construed so as to debar, prevent or preclude any person possessing the necessary qualifications and

fulfilling the requirements of this and any other Act from being or becoming a citizen of Dominica because he or she is a national of another country.

Effect of registration.
[10 of 1983].
Schedule.

7. A person shall not be registered as a citizen of Dominica under the provisions of section 6 until he has first taken the oath or affirmation of allegiance in the form set out in the Schedule, but he shall upon taking the oath or affirmation as aforesaid and being registered, be a citizen of Dominica by registration, as from the date on which he is registered.

Naturalisation.
[10 of 1983
23 of 1991].

8. (1) The Minister may grant a certificate of naturalisation to any alien of full age and capacity who makes application therefor in the prescribed manner and satisfies the Minister –

- (a) (i) that he is of good character;
- (ii) that he has an adequate knowledge of the responsibilities of a citizen of Dominica and of the English language;
- (b) that he has resided in Dominica throughout the period of twelve months immediately preceding the date of his application;
- (c) that he has resided in Dominica, or has been in the service of the Government, or has had partly such residence and partly such service throughout a period of seven years immediately preceding the date of his application; and
- (d) that he intends in the event of a certificate being granted to him to reside in Dominica or to enter or continue in the service of the Government.

(2) The Minister may, in such cases as he thinks fit –

- (a) allow a continuous period of twelve months ending not later than six months before the date of the application to be reckoned for the purpose of subsection (1)(b) as if it had immediately preceded that date;
- (b) allow periods of residence or of service earlier than the five years preceding the date of the application to be reckoned in computing the aggregate period mentioned in subsection (1)(c); and
- (c) waive the residence requirement in special circumstances.

9. A person shall not be granted a certificate of naturalisation until he has first taken the oath or affirmation of allegiance in the form set out in the Schedule, but he shall, upon taking the oath or affirmation as aforesaid and being granted the certificate of naturalisation become a citizen of Dominica by naturalisation as from the date of the certificate.

Effect of certificate
of naturalisation.
[10 of 1983].
Schedule.

PART III LOSS OF CITIZENSHIP

10. (1) A citizen of Dominica by registration or naturalisation under this Act or under any other written law shall cease to be a citizen of Dominica if he is deprived of that citizenship by an Order of the Minister made under this section.

Deprivation.
[12 of 1990].

(2) Subject to this section, the Minister may by Order deprive a citizen of his citizenship if he is satisfied that the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact.

(3) Subject to the provisions of this section, the Minister may, by Order, deprive of his citizenship any citizen of Dominica who is such by registration or naturalisation if he is satisfied that that citizen –

- (a) has shown himself by act or speech to be disloyal or disaffected towards Dominica; or
- (b) has, during any war in which Dominica was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business that was to his knowledge carried on in such manner as to assist an enemy in that war; or
- (c) has within five years after becoming naturalised been sentenced in any country to imprisonment for a term of not less than twelve months; or
- (d) has done any voluntary act which is incompatible with his loyalty to Dominica.

(4) Where a certificate of naturalisation granted under any written law before the commencement of this Act is revoked, the Minister may by Order declare that the wife and children (or any of them) of the person whose certificate is revoked shall cease to be a Dominican citizen and thereupon the wife and any child so declared shall cease to be a Dominican citizen.

(5) The Minister shall not deprive a person of his citizenship –

(a) 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 Dominica;

(b) on the ground mentioned in subsection (3)(c) if it appears to him that that person would thereupon become stateless.

(6) 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 of his right to an inquiry under this section.

(7) If the person against whom the Order is proposed to be made applies in the prescribed manner for an inquiry, the Minister shall, and in any other case the Minister may, at his discretion, refer the case for inquiry and report to a committee consisting of a chairman, being a person possessing judicial experience, appointed by the Minister and of such other members appointed by the Minister as he thinks proper.

(8) The Minister may make Rules for the practice and procedure to be followed in connection with a committee of inquiry appointed under this section, and such Rules may, in particular, provide for conferring on such committee the powers, rights or privileges of the High Court, and for enabling any powers so conferred to be exercised by one or more members of the committee; and, subject to the provisions of any such Rules, the provisions of the Commissions of Inquiry Act shall apply.

Ch. 19:01.

Renunciation of
citizenship.

11. (1) If any citizen of Dominica of full age and capacity is or is about to become a citizen or a national of another country and for that reason makes in the prescribed manner a declaration of renunciation of his citizenship of Dominica, the Minister shall cause the declaration to be registered and, upon registration, that person shall cease to be a citizen of Dominica.

(2) Where after a registration of a declaration of renunciation of citizenship of Dominica in order to become a citizen or national of some other country the person does not become such a citizen or national

within twelve months from the date of registration, he shall be deemed to have remained a citizen of Dominica notwithstanding the registration.

(3) Where during any war in which Dominica is engaged, a declaration is made under this section by a person who is or is to become a citizen of another country, the declaration shall not be registered without the consent of the Minister.

12. (1) A person who has ceased to be a citizen of Dominica as a result of a declaration of renunciation shall be entitled to registration under this section as a citizen of Dominica on making application therefor in the prescribed manner, if he is of full age and capacity and satisfies the Minister –

Resumption of citizenship.

(a) that at the time he made the declaration he was about to become a citizen of a country and either could not have remained or become such a citizen but for the declaration or had reasonable cause to believe that he would be deprived of his citizenship of that country unless he made the declaration; and

(b) that he has a qualifying connection with Dominica or has been married to a person who has or would, if living, have such connection; and the Minister may so register any person who would be entitled thereto if he had such a connection.

(2) A person has a qualifying connection with Dominica if he, his father or mother –

(a) was born in Dominica; or

(b) is or was a person naturalised in Dominica; or

(c) is or was registered as a citizen of Dominica.

13. Where a person born in Dominica renounces Dominica citizenship in order to acquire some other citizenship that person shall not be deprived of any right to reside in Dominica or to be gainfully employed therein or own land or any right to land in Dominica.

Preservation of certain rights in renunciation of citizenship.

PART IV
MISCELLANEOUS

Certificate of citizenship in cases of doubt.

14. The Minister may, in such cases as he thinks fit, on application in the prescribed manner, grant a certificate to a person with respect to whose citizenship of Dominica a doubt exists, and a certificate issued under this section shall, unless it has been obtained by means of fraud, false representations or concealment of any material fact, be conclusive evidence that that person was a citizen of Dominica on the date of the certificate, but without prejudice that he was such citizen at an earlier date.

Form of oath.

15. An oath of allegiance required to be taken under this Act or under the provisions of the Constitution relating to citizenship shall be in the form specified in the Schedule.

Schedule.

Evidence.

16. (1) A document purporting to be a notice, certificate, order, authority or declaration or an entry in a register, or subscription of an oath of allegiance, given, granted, issued or made in terms of this Act or any law relating to nationality or naturalisation in force in Dominica at any time prior to the commencement of this Act shall be received in evidence and shall, unless the contrary is proved, be deemed to have been given, granted, issued or made by or on behalf of the person to whom or on whose behalf it was made.

(2) Any entry in a register made pursuant to this Act or any law referred to in subsection (1) shall be received as evidence of the matters stated therein.

(3) *Prima facie* evidence of a document referred to in subsection (1) 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.

Discretion of the Minister.

17. 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 appeal or review in any court.

18. For the purposes of this Act, a person born on an unregistered ship in Dominica's territorial waters or on an unregistered aircraft in the airspace of Dominica, shall be deemed to have been born in Dominica.

Persons born in Dominica's territorial waters or airspace on unregistered ships or aircraft.

19. (1) A person who, for the purpose of procuring anything to be done or not to be done under this Act, knowingly or recklessly makes a statement which is false in a material particular shall be, without prejudice to any other proceedings that might be taken against him, liable on summary conviction to a fine of seven hundred and fifty dollars and to imprisonment for three months.

Offences.

(2) Any person who fails to comply with any requirement imposed on him by Regulations made under this Act shall be liable to a fine of seven hundred and fifty dollars and to imprisonment for six months.

20. (1) The Minister may by Regulations make provision generally for the carrying out of this Act or of Chapter VII of the Constitution and in particular for –

Regulations.
[10 of 1983].

- (a)** prescribing anything which is to be prescribed in relation to or in connection with citizenship;
- (b)** the registration of any thing required or authorised to be registered;
- (c)** the administration and taking of oaths of allegiance, for the time within which such oaths shall be taken and for the registration of such oaths;
- (d)** the giving of any notice required or authorised to be given to or by any person under this Act;
- (e)** the cancellation of the registration of and the cancellation and amendment of certificates of naturalisation relating to persons deprived of citizenship under this Act and for requiring such certificates to be delivered up for those purposes;
- (f)** the registration by consular officers or other officers in the service of Dominica of the births and deaths of persons of any class or description born or dying in a foreign State;

- (g) enabling the births and deaths of citizens of Dominica in countries in which Dominica has no diplomatic or consular representatives to be registered by persons serving in the consular, diplomatic or foreign service of any other country, or by a person authorised in that behalf by the Minister;
- (h) the imposition and recovery of fees in respect of any application made to the Minister in respect of any registration, or the making of any declaration or the grant of any certificate, or the taking of any 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 or entry given, granted or made as aforesaid; and for the application of such fees.

(2) Regulations made under this section shall be subject to negative resolution of the House.

Repeal and sav-
ings.
[12 of 1990].
Cap. 206.
(1960 Ed.).

21. (1) The Naturalisation Ordinance is repealed.

(2) The repeal by subsection (1) shall not affect the continued validity of any certificate of naturalisation granted under the repealed Ordinance or recognised as valid by the said Ordinance, and shall not affect the citizenship status possessed by any person by virtue of such certificate.

Section 15.

SCHEDULE

OATH OF ALLEGIANCE

I, A. B., do swear that I will be faithful and bear true allegiance to the Commonwealth of Dominica according to law, and that I will faithfully observe the laws of Dominica and fulfil my duties as a citizen of Dominica.

So help me God!

**AFFIRMATION OF ALLEGIANCE WHERE A PERSON
IS PERMITTED BY LAW TO AFFIRM**

I, A. B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to the Commonwealth of Dominica, according to law, and that I will faithfully observe the laws of Dominica and fulfill my duties as a citizen of Dominica.

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SCHEDULE.
