

CHAPTER 54 CITIZENSHIP ACT

• Act • Subsidiary Legislation •

ACT

Act No. 12 of 1976

Amended by

Act No. 11 of 1977

Act No. 44 of 1980

Act No. 17 of 1984

Act No. 39 of 1991

Act No. 31 of 1996

Act No. 19 of 1997

Act No. 36 of 1998

Act No. 26 of 1999

Act No. 40 of 2000

Act No. 31 of 2002

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CHAPTER 54 CITIZENSHIP ACT

An Act relating to citizenship.

[Act No. 12 of 1976 amended by Act No. 11 of 1977, Act No. 44 of 1980, Act No. 17 of 1984, Act No. 39 of 1991, Act No. 31 of 1996, Act No. 19 of 1997, Act No. 36 of 1998, Act No. 26 of 1999, Act No. 40 of 2000, Act No. 31 of 2002.]

[5th November, 1976.]

PART I

Preliminary

1. Short title

This Act may be cited as the Citizenship Act.

2. Interpretation

(1) In this Act—

“alien” means a person who is not a Commonwealth citizen, a British protected person nor 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;

“citizen”, unless the context otherwise requires, means citizen of Grenada;

“Commonwealth” has such meaning as the Governor-General may by Order under section 3 declare, and “Commonwealth citizen” shall be construed accordingly;

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

“minor” in section 6(1) means a child, under the age of eighteen years, of a citizen;

“responsible parent”, in relation to a child, means the father; or where the father is dead, or where the custody of the child has been awarded to the mother by a court of competent jurisdiction, “responsible parent” means the mother”;

“service under the Government” includes service whether in Grenada or elsewhere.

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

(3) Where a new born infant is found abandoned in Grenada that infant shall, unless the contrary is shown, be deemed to have been born in Grenada.

(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.

(5) A reference to a British subject in any law in force in Grenada at the commencement of this Act shall be construed as a reference to a Commonwealth citizen.

(6) Every law in force in Grenada at the commencement of this Act and an 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.

3. Declaration as to Commonwealth countries

The Governor-General may by Order declare the countries that comprise the Commonwealth for the purposes of this Act.

PART II

Acquisition of Citizenship

4. Citizenship on adoption

Where under a law in force in Grenada relating to the adoption of children an adoption order is made by a court in respect of a minor who is not a citizen then, if the adopter, or in the case of a joint adoption either adopter, is a citizen the minor shall become a citizen as from the date of the order.

5. Registration of Commonwealth citizens, citizens of the Republic of Ireland, and husbands and wives of citizens of Grenada

(1) Upon application made to the Minister in the prescribed manner, the Minister may cause any person of full age and capacity who is a Commonwealth citizen or a citizen of the Republic of Ireland to be registered as a citizen if the Minister is satisfied—

- (a) that the person is of good character;
- (b) that he or she has an adequate knowledge of the English language;
- (c) that he or she has either resided in Grenada or has been in service under the Government, or has had partly such residence and partly such service throughout a period of five years or such shorter period (not being less than twelve months) as the Minister may in the special circumstances of any particular case accept, immediately preceding the date of his or her application; and
- (d) that he or she intends, if registered, to reside in Grenada or to enter or continue in service under the Government.

(2) A citizen of the Republic of Ireland or a British protected person shall not be registered unless he or she takes the oath of allegiance.

(3) A person married to a citizen shall be entitled, on making application therefor to the Minister in the prescribed manner, and, if that person is a British protected person or

an alien, on taking the oath of allegiance, to be registered as a citizen whether or not that person is of full age and capacity.

5A. *Repealed*

5B. *Repealed*

5C. *Repealed*

5D. *Repealed*

5E. *Repealed*

6. Registration of minors

(1) Upon application made in the prescribed manner by the responsible parent or the guardian of a minor, the Minister may register the minor as a citizen.

(2) The Minister, in such special circumstances as may be prescribed, may cause a minor to be registered as a citizen.

7. Naturalisation of aliens and British protected persons

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

- (a) that he or she has the qualifications specified in section 5(1)(a) and (b);
- (b) that he or she has resided in Grenada throughout the period of twelve months immediately preceding the date of his or her application;
- (c) that during the seven years immediately preceding the said period of twelve months he or she has resided in Grenada or has had service under the Government, or has had partly such residence and partly such service, for periods amounting in the aggregate to not less than five years; and
- (d) that he or she intends in the event of a certificate being granted to him or her to reside in Grenada or to enter or continue in service under the Government.

(2) The Minister may, in such cases as he or she 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; and
- (b) allow periods of residence or service under the Government earlier than the seven years preceding the date of the application to be reckoned in computing the aggregate period mentioned in subsection (1)(c).

(3) Notwithstanding the provisions of subsections (1) and (2), the Minister may, in such special circumstances as he or she may prescribe, subject to the approval of both Houses of Parliament grant a certificate of naturalisation to an alien or British protected person of full age and capacity.

(4) An alien or a British protected person shall not be granted a certificate of naturalisation until he or she takes the oath of allegiance.

8. Effect of certificate of naturalisation

A person to whom a certificate of naturalisation has been granted shall become a citizen by naturalisation as from the date of the certificate.

PART III

Loss of Citizenship

9. Deprivation of citizenship

(1) A citizen by registration or naturalisation shall cease to be a citizen if he or she is deprived of that citizenship by an Order of the Minister made under this section.

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

(b) The Minister may by Order made under this paragraph deprive a citizen of his or her citizenship if he or she is satisfied that it is in the interest of national security to do so and, in that case, subsections (5) and (6) shall not apply.

(3) Subject to the provisions of this section, the Minister may by Order deprive a citizen of Grenada by naturalisation of his or her citizenship if he or she is satisfied that that citizen—

- (a) has shown himself or herself by act or speech to be disloyal or disaffected towards Her Majesty;
- (b) has, during any war in which Grenada was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business that was to his or her knowledge carried on in such a manner as to assist an enemy in that war; or
- (c) has, within five years after becoming naturalised, been sentenced in any country to a term of imprisonment of twelve months or more.

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

(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 or her of the ground on which it is proposed to be made and of his or her right to an inquiry under this section.

(6) If the person against whom the Order is proposed to be made applies for an inquiry, the Minister shall refer the case to a committee consisting of a chairman being a barrister or solicitor appointed by the Minister and such other members appointed by the Minister as he or she thinks proper.

(7) The powers, rights and privileges of a committee appointed under subsection (6) shall be the same as those conferred on a Commission under the Commissions of Inquiry Act, Chapter 58, 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 at the inquiry.

9A. Repealed

10. Renunciation of citizenship

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

Provided that the Minister may withhold registration of the declaration if it is made by a person who is a national of another country during a war in which Grenada may be engaged.

(2) For the purposes of this section, a woman who has been married shall be deemed to be of full age.

PART IV

Miscellaneous

11. Certificate of citizenship in cases of doubt

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

(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 a material fact, be conclusive evidence that that person was a citizen of Grenada on the date thereof, but without prejudice to evidence that he or she was a citizen of Grenada at an earlier date.

12. Form of oath and affirmation of allegiance, etc.

The oath or affirmation of allegiance required to be taken under this Act shall be in the form specified in the Schedule; and, where taken in pursuance of section 7(4), shall be subscribed, attested by a magistrate, and endorsed on the certificate of naturalisation by the issuing officer, as shown in the Schedule.

13. Documentary evidence

(1) A document purporting to be a notice, certificate, Order, authority or declaration or an entry in a register, or subscription of an oath or affirmation of allegiance, given, granted, issued or made in terms of this Act or the law relating to nationality or naturalisation in force in Grenada at a 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) An entry in a register made pursuant to any enactment referred to in subsection (1) shall be received as evidence of the matters stated therein.

(3) Secondary 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.

14. Offences

(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 is, without prejudice to any other proceedings that might be taken against him or her, guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars and to imprisonment for three months.

(2) A person who fails to comply with a requirement imposed on him or her by regulations made under this Act with respect to the delivery up of certificates of naturalisation shall be guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars and to imprisonment for six months.

15. Power of Minister to make regulations, etc.

(1) The Minister may by regulations make provisions generally for carrying into effect the purposes of this Act and Chapter VII of the Constitution and in particular for—

- (a) prescribing anything which under this Act may be prescribed;
- (b) the registration of anything required or authorised to be registered;
- (c) the administration, the taking and the registration of oaths and affirmations of allegiance under this Act, and the time within which such oaths and affirmations shall be taken;
- (d) the giving of any notice required or authorised to be given to or by any person;
- (e) the cancellation of the registration of, and the cancellation of certificates of naturalisation relating to, persons deprived of citizenship, and for requiring such certificates to be surrendered for cancellation;
- (f) the imposition and recovery of fees in respect of applications made to the Minister for registration, or in respect of the grant of a certificate or the taking of an oath or affirmation of allegiance, authorised to be made, granted or taken, and in respect of supplying a certificate, a declaration or an entry given, granted or made, and for the application of such fees:

Provided that the Minister may waive the whole or part of any fee imposed by virtue of this paragraph whenever he or she thinks it just and equitable to do so.

(1A) *Repealed.*

(2) Subject to section 7(3), regulations made under this section shall be laid before the House of Representatives as soon as may be after they are made, and the House may, within the period of forty days beginning with the day on which the regulations are laid, by resolution amend or revoke them; upon publication of the resolution of the House in the *Gazette*, the regulations shall continue to have effect or shall cease to have effect in accordance with the terms of the resolution, but without prejudice to the validity of anything done thereunder in the meantime or to the making of new regulations.

Schedule

OATH AND AFFIRMATION ALLEGIANCE

CITIZENSHIP ACT

[Section 12.]

OATH OF ALLEGIANCE

I, *A.B.*, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, and that I will faithfully observe the laws of Grenada and fulfil my duties as a citizen of Grenada.

So help me God.

(Date)	(Signature)
(Date)	(Magistrate)
(Date)	(Endorsement of Issuing Officer)

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 Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law, and that I will faithfully observe the laws of Grenada and fulfil my duties as a citizen of Grenada.

.....

(Date)

(Signature)

.....

(Date)

(Magistrate)

.....

(Date)

(Endorsement of Issuing Officer)
