

LAWS OF KIRIBATI
REVISED EDITION 1979

CHAPTER 8A

CITIZENSHIP

ARRANGEMENT OF SECTIONS

Section

PART I

PRELIMINARY

1. Short title
2. Interpretation

PART II

CITIZENSHIP COMMISSION

3. Establishment of Citizenship Commission
4. Provisions with respect to Commission

PART III

CITIZENSHIP BY ADOPTION AND NATURALISATION

5. Application of Part III
6. Citizenship by adoption
7. Citizenship by naturalisation

PART IV

LOSS AND RENUNCIATION OF AND
REGAINING OF CITIZENSHIP

8. Loss of citizenship
9. Renunciation of citizenship
10. Regaining citizenship

Section

PART V

GENERAL

11. Certificate of citizenship
12. Regulations
13. Registers

SCHEDULE

Act 1 of 1979 **An Act to make provision for the acquisition of citizenship of the Republic of Kiribati, for the loss, renunciation and regaining of that citizenship, for the establishment of a citizenship commission, and for matters relating thereto**

Commencement: 6th December 1979

PART I

PRELIMINARY

- Short title **1.** This Act may be cited as the Citizenship Act.
- Interpretation **2.** (1) In this Act, unless the context otherwise requires—
 "Commission" means the Citizenship Commission established by section 3;
 "child" means a person who is not of full age;
 "citizen" means a citizen of Kiribati;
 "I-Kiribati descent" means descent from a person who was born in Kiribati before 1900;
 "oath of allegiance" means the oath of allegiance prescribed by law.
- (2) For the purposes of this Ordinance—
 (a) a person is of full age if he has attained the age of 18 years; and
 (b) a person is of full capacity if he is not a mentally disordered or defective person, so found and not discharged as sane, under the provisions of any law relating to mental treatment.

PART II

CITIZENSHIP COMMISSION

3. There is established by this Act a Commission to be known as the Citizenship Commission. Establishment of Citizenship Commission

4. The Schedule to this Act applies to and with respect to the Commission. Provisions with respect to Commission Schedule

PART III

CITIZENSHIP BY ADOPTION AND NATURALISATION

5. This Part applies only to the case of a person who is not, or who is no longer, eligible to become a citizen by virtue of Chapter III of the Constitution. Application of Part III

6. A child adopted under the provisions of any law relating to the adoption of children on or after the commencement of this Act who is not a citizen on the date of the adoption becomes a citizen on that date if the adopter, or in the case of a joint adoption the male adopter, is a citizen on that date. Citizenship by adoption

7. (1) A person of full age and full capacity may apply in the prescribed manner to the Commission to be naturalised as a citizen. Citizenship by naturalisation

(2) Where, on an application made pursuant to subsection (1) and as a result of such inquiries (if any) as the Commission may cause to be made, the Commission is satisfied that the person making the application—

- (a) was, on the date of application, and has been, during the period of 7 years immediately prior to that date, ordinarily resident in Kiribati; and
- (b) intends to continue to reside in Kiribati; and
- (c) is of good character; and
- (d) unless prevented by physical or mental disability, is able to speak and understand Kiribati sufficiently for normal conversational purposes; and
- (e) has a respect for the customs and traditions of Kiribati; and
- (f) has the means of support for himself and his dependants; and

- (g) has a reasonable knowledge and understanding of the rights, privileges, responsibilities and duties of citizenship; and
 - (h) has renounced in the prescribed manner any citizenship which he may possess; and
 - (i) has taken and subscribed to the oath of allegiance,
- then the Commission may grant the application, but otherwise shall refuse it.

(3) Subject to subsection (4), where, in his application, a male applicant requests that—

- (a) his wife (not being a citizen); or
- (b) any child of his named in the application; or
- (c) both his wife and any such child,

shall become a citizen or citizens by naturalisation, any person to whom the application so relates shall become such a citizen when, pursuant to the application, the applicant becomes a citizen by naturalisation.

(4) A wife shall not become a citizen pursuant to subsection (3) unless there is included in the application concerned a statement by her that she wishes to become a citizen.

(5) ~~When an application under subsection (1) is granted, the Commission shall cause to be issued to the applicant and to any person who will also become a citizen pursuant to subsection (3) a certificate of naturalisation in the prescribed form.~~

(6) A person to whom a certificate of naturalisation is issued becomes naturalised as a citizen with effect from the date stated in the certificate.

(7) For the purposes of this section, the date of an application is the date on which it is lodged with the Commission.

(8) For the purpose of determining the period of residence of any person in Kiribati, any period during which the person has been in custody under sentence awaiting deportation or removal from Kiribati shall be disregarded.

(9) Where a person applying under this section is a person who has lost or renounced his citizenship, any period of residence in Kiribati before he lost or renounced his citizenship shall be disregarded for the purpose of determining his period of residence in Kiribati.

PART IV

LOSS AND RENUNCIATION OF AND
REGAINING OF CITIZENSHIP

8. (1) A citizen who is not of I-Kiribati descent, who has reached full age and is of full capacity, who becomes a citizen after Independence Day and who— ^{Loss of citizenship}

- (a) obtains the nationality or citizenship of another country by a voluntary act (other than marriage); or
- (b) exercises a right that is exclusive to nationals or citizens of another country, unless the Minister is satisfied that the right was exercised inadvertently; or
- (c) takes an oath or makes a declaration or affirmation of allegiance to another country or to the Sovereign or Head of State of another country; or
- (d) does, agrees to or adopts any act (other than marriage) by which he becomes a national or citizen of another country; or
- (e) enters or serves in the armed forces of another country, except with the express approval of the Beretitenti, acting in accordance with the advice of the Cabinet; or
- (f) ~~except as permitted by any law, votes in a national, provincial, state or local election, or accepts elective office, of another country,~~

loses his citizenship.

(2) A person who is found by a court to have obtained citizenship by any false representation, fraud or concealment of a material fact on his part loses his citizenship, unless the Minister is satisfied that the offence was of a minor nature and that revelation of the true facts would not have affected the grant of naturalisation.

(3) The provisions of this section do not apply to any act done under compulsion of law of another country.

9. (1) Subject to subsections (2) and (3), a citizen who is of full age and full capacity may, in the prescribed manner, renounce his citizenship. ^{Renunciation of citizenship}

(2) A person may not renounce his citizenship unless—

- (a) he already holds some other nationality or citizenship; or
- (b) the renunciation is for the purpose of his obtaining some other nationality or citizenship.

(3) During a time of war, citizenship may not be renounced without the prior consent of the Minister.

Regaining
citizenship

10. (1) This section applies to a woman—

- (a) who is a citizen; and
- (b) who married a person who is a national or citizen of another country; and
- (c) who becomes by or during the marriage a national or citizen of the country of which her spouse was at the time a national or citizen.

(2) A woman to whom this section applies may make application in the prescribed manner to the Commission to regain her citizenship and the Commission, if satisfied that she is such a woman and that her marriage has broken down, may grant the application, but otherwise shall refuse it.

(3) Where the Commission grants an application under this section the applicant thereupon becomes a citizen.

PART V

GENERAL

Certificate of
citizenship

11. (1) A person whose status or entitlement in relation to citizenship was, is, or may be in doubt may apply to the Minister for a certificate under this section.

(2) If the Minister is satisfied that the applicant was, is, or is entitled to become a citizen he may grant a certificate stating that the person was, is, or may become a citizen by virtue of a provision specified in the certificate.

(3) A certificate given pursuant to this section is evidence that on the material date the person concerned was, is, or may become a citizen in accordance with the terms of the certificate.

Regulations

12. The Minister may make regulations prescribing all matters that are required or permitted by this Act to be prescribed for carrying out or giving effect to this Act.

Registers

13. The Minister shall cause to be kept and maintained a register or registers, in such form as he deems appropriate, in which shall be recorded the particulars—

- (a) of any person who becomes a citizen pursuant to this Act; and

(b) of any person who has lost, renounced or regained his citizenship under this Act.

SCHEDULE

(Section 4)

CITIZENSHIP COMMISSION

1. The Commission shall consist of not less than 5 or more than 7 members, who shall be appointed by the Minister. Membership
2. The Minister shall appoint a member of the Commission to be Chairman of the Commission. Chairman
3. (1) Subject to this Ordinance, a member of the Commission holds office for such period (not exceeding 3 years) as is specified in the instrument of his appointment. Tenure of office, etc.
 (2) A member of the Commission is eligible for reappointment.
 (3) The composition of the Commission shall be notified in the *Gazette* from time to time.
4. (1) A person is not eligible to be appointed as a member of the Commission unless he is a citizen (otherwise than by naturalisation). Eligibility
 (2) A person who has attained the age of 70 years is not eligible to be appointed as a member of the Commission.
 (3) A person shall not be appointed as a member of the Commission for a period beyond the date on which he will attain the age of 70 years.
5. A member of the Commission may resign his office by writing under his hand delivered to the Minister. Resignation
6. The Minister may remove from office a member of the Commission at any time. Removal from office
7. The Commission shall exercise and perform such powers and duties as are conferred or imposed on it by this or any other Act. Functions
8. (1) The Minister may give to the Commission directions (not inconsistent with this Act) of a general nature with respect to the exercise of a power or the performance of a duty of the Commission, and the Commission shall comply with any such directions. Directions by Minister
 (2) The Minister may, by instrument in writing, require the Commission to advise him on any matter relating to or concerning citizenship, and the Commission shall comply with the requirement.
9. (1) The Commission shall hold such meetings as are necessary for the purpose of exercising or performing its functions. Meetings
 (2) Questions arising at a meeting of the Commission shall be determined by a majority of votes of the members present and voting.
 (3) The Minister may make rules with respect to the convening and conduct of meetings.

(4) Subject to any such rules, the Commission may determine its own procedure with respect to the convening and conduct of meetings.

Remuneration, etc. 10. Members of the Commission (not being public officers) shall be entitled to such remuneration and expenses as the Minister may from time to time prescribe.