

REPRINT

CITIZENSHIP ACT (CAP. 57)

As in force at: 1 March 1996

STATUS:	HISTORICAL & REPEALED
	<p>This version is that published in the Revised Edition of the Laws in force in Solomon Islands on 1st March 1996 [LN 24/96]. It does not include amendments made since that date.</p> <p>Repealed by the Citizenship Act 2018 (No. 17 of 2018) from 31 January 2019</p>

AN ACT TO ESTABLISH A CITIZENSHIP COMMISSION; TO MAKE PROVISION FOR THE ACQUISITION OF CITIZENSHIP BY WAY OF ADOPTION AND NATURALISATION; TO REGULATE THE CIRCUMSTANCES IN WHICH CITIZENSHIP MAY BE RENOUNCED OR LOST; AND FOR MATTERS INCIDENTAL THERETO

CITIZENSHIP ACT (CAP. 57)

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CITIZENSHIP ACT (Cap. 57)

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PART I PRELIMINARY

1 Short title

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

2 Interpretation

(1) In the 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 Solomon Islands;

“Constitution” means the *Constitution of Solomon Islands* scheduled to the Solomon Islands Independence Order 1978;

“oath of allegiance” means the oath of allegiance prescribed in Schedule I to the *Constitution*.

(2) For the purposes of this Act:

(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 Establishment of Citizenship Commission

There is established by this Act a Commission to be known as the

Citizenship Commission.

4 Provisions with respect to Commission

The Schedule applies to and with respect to the Commission.

**PART III CITIZENSHIP BY ADOPTION AND
NATURALISATION**

5 Application of this Part

This Part applies only in 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*.

6 Citizenship by adoption

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.

7 Citizenship by naturalisation

- (1) A person of full age and full capacity may apply in the prescribed manner to the Commission to be naturalised as a citizen.
- (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, other than the female person to whom an application made under subsection (4) relates:
 - (a) is, on the date of application, and has been, during the period of ten years immediately prior to that date ordinarily resident in Solomon Islands;
 - (b) intends to continue to reside in Solomon Islands;
 - (c) is of good character;
 - (d) unless prevented by physical or mental disability, is able to

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speak and understand sufficiently for normal conversational purposes English, Pidgin or a vernacular of Solomon Islands;

- (e) has a respect for the culture and the way of life of Solomon Islands;
- (f) is unlikely to be or become a charge on public funds;
- (g) has a reasonable knowledge and understanding of the rights, privileges, responsibilities and duties of citizenship;
- (h) has renounced in the prescribed manner any citizenship which he may possess; and
- (i) has taken and subscribed to the oath of allegiance,

the Commission may grant the application, but otherwise shall refuse it.

- (3) Subject to subsection (5), where, in his application, a male applicant requests that:

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

shall become a citizen 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) Where in an application made under this subsection:

- (a) a citizen requests that his wife shall become a citizen by naturalisation; or
- (b) a wife of a citizen requests that she shall become a citizen by naturalisation;

and as a result of such inquiries as the Commission may cause to be made, the Commission is satisfied that the female person to whom the application so relates:

- (i) was married to that citizen in accordance with law or custom of Solomon Islands, before the application was made;
- (ii) is not living apart from that citizen under a decree of court or a deed of separation;
- (iii) is, on the date of the application, and has been, during the period of two years immediately prior to that, ordinarily resident in Solomon Islands;
- (iv) satisfies the conditions specified in paragraphs (b) to (i) (inclusive) of subsection (2); and
- (v) in the case of an application made by such female person, that her husband consents to the grant of citizenship to her by naturalisation,

the Commission may grant the application but otherwise shall refuse it.

Explanation 1: In this subsection “**citizen**” means a male person who has become a citizen of Solomon Islands under the provisions of Chapter III of the *Constitution*, or who has been granted a certificate of naturalisation under this Act;

Explanation 2: In this subsection and in subsection (2), “**ordinarily resident**” subject to the provisions of subsections (9) and (10), means some degree of continuity of residence at a place apart from accidental or temporary absence from that place, and a person is ordinarily resident at a place where he makes his home for an indefinite period.

- (5) 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.
- (6) When an application under subsection (1) or subsection (4) 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) or subsection (4), as the case may be, a certificate of naturalisation in the prescribed form.

- (7) A person to whom a certificate of naturalisation is issued becomes naturalised as a citizen with effect from the date stated in the certificate.
- (8) For the purposes of this section, the date of an application is the date on which it is lodged with the Commission.
- (9) For the purpose of determining the period of residence of any person in Solomon Islands:
 - (a) any period during which the person has been in custody under sentence awaiting deportation or removal from Solomon Islands shall be disregarded; and
 - (b) a period shall not be disregarded by reason only that the person resided in Solomon Islands during that period without having complied with any law relating to immigration.
- (10) Where a person applying under this section is a person who has lost or renounced his citizenship, any period of residence in Solomon Islands before he lost or renounced his citizenship shall be disregarded for the purpose of determining his period of residence in Solomon Islands.

PART IV LOSS AND RENUNCIATION OF AND REGAINING OF CITIZENSHIP

8 Loss of citizenship

- (1) A citizen who has reached full age and is of full capacity who:
 - (a) obtains the nationality or citizenship of another country by a voluntary act (other than marriage);
 - (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;
 - (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;

- (d) does, agrees to or adopts, any act (other than marriage) by which he becomes a national or citizen of another country;
- (e) enters or serves in the armed forces of another country, except with the express approval of the Prime Minister, acting with, and in accordance with, the advice of 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 fact 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 Renunciation of citizenship

- (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.
- (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.

10 Regaining citizenship

- (1) This section applies to a woman:
 - (a) who is a citizen;

- (b) who marries a person who is a national or citizen of another country; and
 - (c) who becomes on 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.

11 Loss of citizenship on subsequent marriage

- (1) Subject to the provisions of subsection (2), where a woman, who obtained citizenship by virtue of the provisions of section 7, is divorced under a decree of court, subsequently remarries a non-citizen, she shall be deemed to have renounced her citizenship, unless, on the date of the subsequent marriage she had ordinarily been resident in Solomon Islands for a period of ten years.
- (2) The loss of citizenship by virtue of the operation of the provisions of subsection (1), shall, however, for the purpose of this law, immigration and labour laws be disregarded for such period as may be required for her to regain citizenship of her country of origin or that of her husband.
- (3) The loss of citizenship by a woman pursuant to the provisions of subsection (1), shall not, in any way affect the rights of citizenship acquired by any child under the provisions of section 7, unless and until the provisions of Part IV of the Act apply.

PART V GENERAL

12 Certificate of citizenship

- (1) A person whose status or entitlement in relation to citizenship 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 is, or is entitled to become, a citizen he may grant a certificate stating that the person 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.

13 Regulations

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.

14 Registers

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

CITIZENSHIP COMMISSION

1.

The Commission shall consist of not less than five or more than seven members who shall be appointed by the Minister.

2.

The Minister shall appoint a member of the Commission to be Chairman of the Commission.

3.

(1) Subject to this Act, a member of the Commission holds office for such period (not exceeding three years) as is specified in the instrument of his appointment.

(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).

(2) A person who has attained the age of seventy 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 seventy years.

5.

A member of the Commission may resign his office by writing under his hand delivered to the Minister.

6.

The Minister may remove from office a member of the Commission at any time.

7.

The Commission shall exercise and perform such powers and duties as are conferred or imposed on it by this or any other Act.

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 direction.

(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.

(2) Questions arising at a meeting of the Commission shall be determined by a majority of the votes of the members present and voting.

(3) The Minister may make rules with respect to:

- (a) the convening and conduct of meetings;
- (b) interviewing of all applicants by or on behalf of the Commission before granting or refusing their applications;
- (c) documents to accompany applications to be made under section 7;
- (d) formal honouring of persons who have been granted certificates of naturalisation in any year, on the anniversary of the independence day next following the date of the grant of those certificates.

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

10.

Members of the Commission shall be entitled to such remuneration and expenses as the Minister may from time to time prescribe.

ENDNOTES

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KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 57 of the Revised Edition of the Laws of Solomon Islands.

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LIST OF LEGISLATION

Citizenship Act (Cap. 57)

Constituent legislation: 7 of 1978 (Commenced 7 July 1978)
6 of 1986

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LIST OF AMENDMENTS