

REPRINT

CITIZENSHIP ACT (CAP. 57)

As in force at: 9 February 1998

STATUS: REPEALED

This version is that in force at the date stated above.

For list of amendments see Endnotes

Repealed by the Citizenship Act (No. 17 of 2018) from 31 January 2019

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)

As in force at: 9 February 1998

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;

“citizen by birth” means a person who has become a Solomon Islands citizen by virtue of his birth;

“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,:
 - (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 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.

(2A) Notwithstanding that the person making an application under subsection (1) or a spouse of such an applicant fulfilling the requirements of subsection (2), the Commission may on grounds of public policy, public or national interest disallow such an application.

(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.

(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 and that she has satisfied the requirements of subsection (2);

- (6) 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.
- (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.
- (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 of citizenship

- (1) This section applies to a woman who is an indigenous Solomon Islander or a citizen by birth who:
 - (a) marries a person who is a national or citizen of another country; and
 - (b) becomes on or during the marriage a national or citizen of the country of which her spouse was at that time a national or citizen.

PART V GENERAL

12 Appeal

- (1) An applicant whose application has been refused by the Commission may within 30 days from the date of notification of the Commission's decision, appeal in writing to the Minister in the manner prescribed by regulations.
- (2) In determining the appeal, the Minister shall take into consideration the Commission's reasons for the decision and where the Minister disagrees with such decision he shall inform the Commission in writing of his reasons for such disagreement.

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, and in particular:

- (a) for the charging of fees and other charges relating to the implementation of the provisions of this Act; and
- (b) for controlling or restricting the number of foreign nationals who may be granted Solomon Islands citizenship under section 7 each year.

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

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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, together with amendments made to the Act to 9 February 1998.

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LIST OF LEGISLATION

Citizenship Act (Cap. 57)

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

Citizenship (Amendment) Act 1997 (No. 2 of 1997) *(see note below)

Assent date 10 July 1997
Gazetted 9 February 1998
Commenced 9 February 1998

Repealed by Citizenship Act 2018 (No. 17 of 2018)

Assent date 24 December 2018
Gazetted 30 January 2019
Commenced 31 January 2019

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LIST OF AMENDMENTS

s 2	amd by Act No. 2 of 1997
s 7	amd by Act No. 2 of 1997
s 8	amd by Act No. 2 of 1997
s 10	sub by Act No. 2 of 1997
s 11	rep by Act No. 2 of 1997
s 12	sub by Act No. 2 of 1997
s 13	amd by Act No. 2 of 1997

*Note: re the *Citizenship (Amendment) Act 1997 (No. 2 of 1997)*

The amendments to the Citizenship Act (Cap. 57) contained in the 1997 Amendment Act were made with reference to the original Act, that is, pre the 1996 Consolidation. The section numbers in the principal Act were changed in the Consolidation from 1 March 1996. Therefore, the section numbers referred to in the 1997 Act were in places erroneous. As the Citizenship Act (Cap. 57) remained in force until 31 January 2019, the errors in the Citizenship (Amendment) Act 1997 were corrected in the Legislation Amendment Repeal and Validation Act 2023 (No. 17 of 2023).