

**CITIZENSHIP ACT 1998**

**ARRANGEMENT OF SECTIONS**

**Part 1—PRELIMINARY**

**SECTION**

1. Short title and commencement
2. Interpretation

**Part 2—CITIZENSHIP BY REGISTRATION**

3. Application for registration
4. Grant of application
5. Nature of marital relationship

**Part 3—CITIZENSHIP BY NATURALISATION**

6. Application for naturalisation
7. Grant of application

**Part 4—RENUNCIATION OF CITIZENSHIP**

8. Declaration of renunciation

**Part 5—DEPRIVATION OF CITIZENSHIP**

9. Deprivation of citizenship

**Part 6—REGISTERS**

10. Registers

**Part 7—APPEALS**

11. Citizenship Appeals Tribunal

**Part 8—MISCELLANEOUS**

- 12. **Residence in Fiji Islands**
- 13. **Evidence**
- 14. **Offence**
- 15. **Delegation**
- 16. **Regulations**

Schedule 1 — Declaration of renunciation of citizenship of a foreign country

Schedule 2 — Oath and Affirmation of Allegiance

Schedule 3 — Declaration of renunciation of citizenship of the State

FIJI

## ACT NO. 17 OF 1998



I assent.

[L.S.]

K. K. T. MARA  
President

[20 April 1998]

**AN ACT****TO REGULATE THE ACQUISITION AND LOSS OF  
CITIZENSHIP OF THE STATE**

ENACTED by the Parliament of Fiji—

**Part 1—PRELIMINARY***Short title and commencement*

1.—(1) This Act may be cited as the Citizenship Act 1998.

(2) This Act commences on a date appointed by the Minister and published in the *Gazette*.*Interpretation*

2. In this Act, unless the contrary intention appears—

“application for registration” means an application for citizenship by registration under section 12 of the Constitution;

“application for naturalisation” means an application for citizenship by naturalisation under section 13 of the Constitution;

“approved form” means a form approved by the Minister;

“Secretary” means the Permanent Secretary to the Ministry or another officer of the Ministry designated by the Minister.

#### PART 2—CITIZENSHIP BY REGISTRATION

##### *Application for registration*

3.—(1) An application for registration must be made to the Minister in the approved form.

(2) When an application for registration is made by an adult who is a citizen or national of another country, the application must be accompanied by a declaration in the form set out in Schedule 1.

(3) An application for registration as a citizen must be accompanied by the prescribed fee.

##### *Grant of application*

4. Upon—

(a) receipt by the Minister of—

- (i) a duly completed application for registration;
- (ii) the declaration required by subsection 3(2); and
- (iii) the prescribed fee; and

(b) the making by the applicant of an oath or affirmation of allegiance as set out in Schedule 2,

the Minister, if satisfied that the applicant is entitled to be registered as a citizen under section 12 of the Constitution, must without delay, but subject to section 5, grant to the applicant a certificate of registration.

##### *Nature of marital relationship*

5.—(1) If the Minister forms the opinion that a person who has applied for registration under subsection 12(7) of the Constitution is a person who entered into a marriage with a citizen that was not or is not a genuine and continuing marital relationship, the Minister may, by notice in writing, require the applicant to satisfy him or her that the marriage was or is intended to result in a genuine and continuing marital relationship.

(2) If, within a reasonable time after the receipt of a notice under subsection (1), the applicant fails to satisfy the Minister that the marriage was or is intended to result in a genuine and continuing marital relationship, the Minister may refuse to grant the application for registration.

**Part 3—CITIZENSHIP BY NATURALISATION**

*Application for naturalisation*

6.—(1) An application for naturalisation must be made to the Minister in the approved form:

(2) When an application for naturalisation is made by an adult who is a citizen or national of another country, the application must be accompanied by a declaration in the form set out in Schedule 1.

(3) An application for naturalisation must be accompanied by the prescribed fee.

*Grant of application*

7.—(1) Upon—

(a) receipt by the Minister of:

- (i) a duly completed application for naturalisation;
- (ii) the declaration required by section 6(2); and
- (iii) the prescribed fee; and

(b) the making by the applicant of an oath or affirmation of allegiance as set out in Schedule 2,

the Minister, if satisfied that the requirements of section 13(2) of the Constitution have been met, must without delay, but subject to subsection (2), grant to the applicant a certificate of naturalisation.

(2) The Minister may refuse to grant a certificate of naturalisation if the applicant fails to satisfy the Minister that the applicant—

- (a) is of good character;
- (b) has adequate knowledge of the English language and of the responsibilities of a citizen of the State; and
- (c) intends to continue to reside in the Fiji Islands.

**Part 4—RENUNCIATION OF CITIZENSHIP OF THE STATE**

*Declaration of renunciation*

8.—(1) Renunciation of citizenship of the State under section 15 of the Constitution must be done by written declaration in the form set out in Schedule 3.

(2) A declaration under this section has effect from the date of its registration in the register kept under section 10.

(3) Upon registration of a declaration under this section the Minister may, by notice in writing, require the person who made the declaration to deliver up his or her certificate of registration or naturalisation (if any) for cancellation.

*Citizenship (Amendment) —17 of 1998*

(4) A person who refuses or fails, without reasonable excuse, to comply with a notice under subsection (3) commits an offence and is liable on conviction to a fine of \$1,000.

**Part 5—DEPRIVATION OF CITIZENSHIP***Deprivation of citizenship*

9.—(1) A person who became a citizen by registration or naturalisation ceases to be a citizen if he or she is deprived of citizenship by order of the Minister made under this section.

(2) Subject to this section, the Minister may by order deprive of his or her citizenship a person who became a citizen by registration or naturalisation if the Minister is satisfied—

- (a) that the citizenship was obtained by fraud, misrepresentation or the concealment of a material fact; or
- (b) in the case of a person who has made a declaration that he or she will not exercise any of the entitlements of the citizenship or nationality of another country - that the person has exercised such an entitlement.

(3) Before making an order under subsection (2) the Minister must give to the person concerned a notice in writing informing him or her of the reasons why the Minister proposes to make the order and requesting the person to show cause why the order should not be made.

(4) If, within a reasonable time after the receipt of a notice under subsection (3), the person concerned fails to satisfy the Minister that an order under subsection (2) should not be made, the Minister may make the order.

(5) A person in respect of whom an order is made under subsection (2) ceases to be a citizen of the State—

- (a) on the date on which the order is made; or
- (b) if an appeal is made under section 11 and dismissed, on the date on which the order is confirmed.

**Part 6—REGISTERS***Registers*

10. The Secretary must keep and maintain in such manner as the Minister approves—

- (a) a register of persons who have become citizens by registration;
- (b) a register of persons who have become citizens by naturalisation;
- (c) a register of persons who have renounced their citizenship of another country in order to become a citizen of the State; and
- (d) a register of persons who have renounced or been deprived of their citizenship of the State.

**Part 7—APPEALS**

*Citizenship Appeals Tribunal*

**11.—(1)** A person aggrieved by a decision of the Minister under section 4, 5, 7, 9 or 12 may, within 14 days of being notified of the decision, appeal to the Citizenship Appeals Tribunal established under subsection (2) (in this section referred to as “the Tribunal”).

(2) The Tribunal consists of a Chairman and 2 other persons appointed by the Chief Justice.

(3) The Chairman of the Tribunal must be qualified for appointment as a judge under section 130 of the Constitution.

(4) The Tribunal, in accordance with rules of procedure made by the Tribunal and approved by the Chief Justice, must hear and determine any appeal under this Act brought before it in accordance with those rules.

(5) The Tribunal may, upon an appeal, confirm, review or vary the decision appealed against and may order the payment of such costs as it thinks fit.

**Part 8—MISCELLANEOUS**

*Residence in Fiji Islands*

**12.** For the purposes of determining whether an applicant for citizenship under section 12(7) or 13(2) of the Constitution has been lawfully present in the Fiji Islands for a given period—

(a) the Minister must not take into account, as a period during which the applicant was lawfully present in the Fiji Islands, any period during which the applicant—

(i) was confined in a prison;

(ii) was confined in a psychiatric institution by order of a court made in connection with criminal proceedings against the applicant; or

(iii) was a student undertaking studies or training in the Fiji Islands;

(b) the Minister may, in his or her discretion, treat a period during which the applicant—

(i) was a resident of the Fiji Islands;

(ii) was not present in the Fiji Islands; and

(iii) was engaged in activities that the Minister considers beneficial to the interests of the State,

as a period during which the applicant was lawfully present in the Fiji Islands.

*Evidence*

13.—(1) A document purporting to be a notice, certificate, order, authority or declaration, or an entry in a register, or an oath or affirmation of allegiance, given, issued or made under this Act must be received in evidence and, unless the contrary is proved, must be taken to have been given, issued or made by or on behalf of the person by or on whose behalf it purports to have been given, issued or made.

(2) An entry in a register made under this Act is *prima facie* evidence of the matters stated in the entry.

(3) In this section—

*this Act* includes a law relating to nationality, citizenship or naturalisation in force in the State at any time before the commencement of this Act.

*Offences*

14. A person who, pursuant to this Act, makes a statement that is, to his or her knowledge, false or misleading in a material particular, commits an offence and is liable on conviction to a fine of \$1,000 or to imprisonment for 12 months.

*Delegation*

15. The Minister may, in writing, delegate to a public officer all or any of the Minister's powers under this Act or the regulations.

*Regulations*

16.—(1) The Minister may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, prescribing fees for the purposes of this Act.

(2) Regulations made under this section may empower the Minister to waive a fee either generally or in a particular case.



SCHEDULE 1

DECLARATION OF RENUNCIATION OF CITIZENSHIP OR NATIONALITY OF A FOREIGN COUNTRY

1. I, ..... of .....  
.....  
am of full age and capacity and was born at  
.....on.....

2. To the best of my knowledge and belief, I am a citizen/national of .....  
under the law of that country because [*here state the grounds on which you believe  
that you are citizen/national of that country*]. .....  
.....  
.....  
.....

3. I hereby renounce my citizenship/nationality of ..... If  
that country does not recognise this renunciation of citizenship/nationality, I  
declare that I will not hereafter exercise any of the entitlements of that citizenship/  
nationality.

I, ....., solemnly and sincerely declare that the  
particulars stated in this declaration are true, and I make this solemn declaration  
conscientiously believing those particulars to be true and by virtue of the Statutory  
Declarations Act.

Declared at ..... on )  
..... )  
before me and I certify that the declaration )  
was read over in the .....language )  
to the declarant who appeared fully to under- )  
stand its meaning: )

.....  
(Office held or nature of appointment)

*Citizenship (Amendment) —17 of 1998*

**SCHEDULE 2**

***Oath of Allegiance***

I, **A.B**, do swear that I will be faithful and bear true allegiance to the Republic of the Fiji Islands, according to law. So help me God!

***Affirmation of Allegiance***

I, **A.B**, do solemnly, sincerely and truly declare and affirm that I will be faithful and bear true allegiance to the Republic of the Fiji Islands, according to law.

SCHEDULE 3

DECLARATION OF RENUNCIATION OF CITIZENSHIP OF THE STATE

1. I, ..... of .....

..... am of full age and capacity and was born on .....

2. I am a citizen of the Republic of the Fiji Islands because .....

.....  
.....  
.....  
.....

3. I am also a national/citizen of ..... under the law of that country because .....

.....  
.....

4. I hereby renounce my citizenship of the Republic of the Fiji Islands.

I, ..... solemnly and sincerely declare that the particulars stated in this declaration are true, and I make this solemn declaration conscientiously believing those particulars to be true and by virtue of the Statutory Declarations Act.

Declared at ..... on )  
..... )  
before me and I certify that the declaration was read )  
over in the ..... language to the )  
declarant who appeared fully to understand its )  
meaning: )

.....  
(Office held or nature of appointment)

***Citizenship (Amendment) —17 of 1998***

Passed by the House of Representatives this Seventeenth day of March, in the year of our Lord One Thousand, Nine Hundred and Ninety-Eight.

Passed by the Senate this Sixth day of April, in the year of our Lord One Thousand, Nine Hundred and Ninety-Eight.