

Gambia Nationality and Citizenship Act, Cap 82

An Act to make provision for the acquisition of citizenship of The Gambia by registration in certain cases; to regulate the manner and circumstances in which aliens, may be naturalized as citizens of The Gambia and in which citizens of The Gambia may renounce or be deprived of their citizenship; and to make provision for certain other matters relating to citizenship of The Gambia and for matters incidental thereto and connected therewith.

PART I.-PRELIMINARY

1. Short title.

(1) This Act may be cited as The Gambia Nationality and Citizenship Act.

2. Interpretation.

(1) In this Act, unless the context otherwise requires-

“alien ” means a person who is not a Commonwealth citizen, a protected person or a citizen of the Republic of Ireland;

“certificate of naturalization” means a certificate of naturalization granted under this Act;

“the Commonwealth ” means The Gambia, any country to which section 6 of the Constitution applies and any dependency of any such country;

“the Constitution ” means the Constitution of The Gambia;

"foreign country " means a country (other than the Republic of Ireland) that is not part of the Commonwealth;

"the Minister " means the Minister charged with responsibility for matters relating to nationality and citizenship of The Gambia;

"minor " means a person who has not attained the age of twenty-one years, and when used adjectivally shall be construed accordingly;

"Gambian consulate " means an office of a consular officer of the Government of The Gambia where a register of births is kept, or where there is no such office, such office as may be prescribed;

“protected person ” means any person who under any enactment for the time being in force in any country that is part of the Commonwealth is a British protected person or a protected person of that country.

(2) 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.

(3) A person shall for the purposes of this Act be of full age if he has attained the age of twenty-one years and of full capacity if he is not of unsound mind.

(4) For the purposes of this Act a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

PART II.-CITIZENSHIPBY REGISTRATION AND NATURALIZATION

3. Registration of certain persons as citizens.

(1) Subject to the provisions of subsection (4) of this section a citizen of any country to which section 6 of the Constitution applies or of the Republic of Ireland or a protected person, being a person of as full age and capacity, on making application therefor to the Minister in the prescribed manner, may be registered as a citizen of The Gambia if he satisfies the Minister-

- (a) that he is of good character;
- (b) that he would be a suitable citizen of The Gambia;
- (c) that he has a sufficient knowledge of a language in current use in The Gambia; and
- (d) that he is ordinarily resident in The Gambia and has been so resident throughout the period of five years, or such shorter period as the Minister may in the especial circumstances of any particular case accept, immediately preceding his application.

(2) Subject to the provisions of subsection (4), any person of full age and capacity born outside The Gambia whose father was at the time of that person's birth a citizen of The Gambia by virtue of the provisions of subsection (3) of section 1 or section 4 of the Constitution may, on making application therefor to the Minister in the prescribed manner, be registered as a citizen of The Gambia.

(3) Subject to the provisions of subsection (4), any woman who is or has been married to a citizen of The Gambia may, on making application therefor to the Minister in the prescribed manner, be registered as a citizen of The Gambia whether or not she is of full age and capacity.

(4) A person shall not be registered as a citizen of The Gambia under this section unless and until he has taken an oath of allegiance in the form specified in the First Schedule to this Act.

4. Registration of minors.

(1) The Minister may cause the minor child of any citizen of The Gambia to be registered as a citizen of The Gambia upon application made in the prescribed manner by a parent or guardian of the child.

(2) The Minister, in such especial circumstances as he thinks fit, may cause any minor to be registered as a citizen of The Gambia.

5. Effect of registration as a citizen.

A person registered under section 3 or section 4 of this Act shall be a citizen of The Gambia by registration as from the date on which he is registered.

6. Naturalization of aliens.

The Minister, if application therefor is made to him in the prescribed manner by any alien of full age and capacity who satisfies him that he is qualified under the provisions of the Second Schedule to this Act for naturalization, may grant him a certificate of naturalization, and the person to, whom the certificate is granted shall, on taking an oath of allegiance in the form specified in the First Schedule to this Act, be a citizen of The Gambia by naturalization as from the date on which that certificate is granted.

PART III.-RENUNCIATION AND DEPRIVATION OF CITIZENSHIP

7. Renunciation of citizenship by reason of dual citizenship or nationality.

(1) If any citizen of The Gambia of full age and capacity makes a declaration of renunciation of citizenship of The Gambia in the prescribed manner the Minister, if he is satisfied that the person is, or on ceasing to be a citizen of The Gambia will become-

- (a) a citizen of any country to which section 6 of the Constitution applies; or
- (b) a national of a foreign country,

may cause the declaration to be registered and upon registration that person shall cease to be a citizen of The Gambia:

Provided that the Minister may withhold registration of any such declaration if-

- (i) he is satisfied that the person is ordinarily resident in The Gambia; and
 - (ii) in his opinion registration of the declaration would be contrary to public policy.
- (2) For the purposes of this section any woman who has been married shall be deemed to be of full age.

8. Deprivation of citizenship on naturalization or exercise of certain rights in other countries.

The Minister may by Order deprive any person, other than a person who is a citizen of The Gambia by virtue of his having been born in The Gambia, of his Gambian citizenship if the Minister is satisfied that that person has at any time while a citizen of The Gambia and of full age and capacity-

- (a) acquired the nationality or citizenship of a foreign country by any voluntary and formal act either than marriage; or
- (b) voluntarily claimed and exercised-
 - (i) in a foreign country; or
 - (ii) in any other country under the law of which provision is in force for conferring on its own citizens rights not available to Commonwealth citizens generally,

any right available to him under the law of that country, being a right accorded exclusively to its own citizens,

and that it is not conducive to the public good that he should continue to be a citizen of The Gambia.

9. Deprivation of citizenship of citizens by registration and naturalized persons.

- (1) Subject to the provisions of this section, the Minister may by Order deprive of his citizenship any citizen who is such by registration or naturalization if he is satisfied that such citizenship was obtained by means of fraud, false representation or the concealment of any material fact.
- (2) Subject to the provisions of this section the Minister may by Order deprive of his citizenship any citizen of The Gambia who is such by naturalization if he is satisfied that that citizen-

(a) has shown himself by act or speech to be disloyal or disaffected towards Her Majesty or the Government of The Gambia; or

(b) has, during any war in which The Gambia was engaged, unlawfully traded or communicated with any enemy or been engaged in or associated with any business that was to his knowledge carried on in such manner as to assist an enemy in that war; or

(c) has within seven years after becoming naturalized been sentenced in any country to imprisonment for a term of not less than twelve months.

(3) The Minister may by Order deprive any citizen by naturalization of his citizenship of The Gambia if he is satisfied that that person has been ordinarily resident in a foreign country or foreign countries for a continuous period of seven years and during the period has not registered annually in the prescribed manner at a Gambian consulate or by notice in writing to the Minister, signified his intention to retain his citizenship of The Gambia.

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

10. Deprivation of citizenship of The Gambia when persons deprived of citizenship elsewhere.

Where a citizen of The Gambia who is such by registration-

(a) was a citizen of any country to which section 6 of the Constitution applies or of the Republic of Ireland by virtue of a certificate of naturalization granted to him or in which his name was included; and

(b) has been deprived of that citizenship on grounds which in the opinion of the Minister are substantially similar to any of the grounds specified in subsections (1), (2) and (3) of section 9 of this Act,

the Minister may by an Order made under this section deprive him of his Gambian citizenship, if he is satisfied that it is not conducive to the public good that that person should continue to be a citizen of The Gambia.

11. Effect of renunciation or deprivation of citizenship.

(1) A citizen of The Gambia who is deprived of his citizenship by an Order of the Minister under section 8, 9 or 10 of this Act shall, upon the making of the Order cease to be a citizen of The Gambia.

(2) The renunciation by any person of his Gambian citizenship or the deprivation of any person's Gambian citizenship under the provisions of this Part shall not affect the liability of that

person for any offence committed by him before the renunciation or deprivation of his citizenship.

PART IV.-SUPPLEMENTAL

12. Posthumous children.

Any reference in this Act to the national status of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the national status of the father at the time of the father's death; and where that death occurred before the 18th February, 1965, and the birth occurred after the 17th February, 1965, the national status that the father would have had if he had died on the 18th February, 1965, shall be deemed to be his national status at the time of his death.

13. Decision of Minister to be final.

The Minister shall not be required to assign any reason for the grant or refusal of any application under this Act and the decision of the Minister on any such application shall not be subject to appeal to or review in any court.

14. Certificate of citizenship in cases of doubt.

The Minister may in such cases as he thinks fit, on the application of any person with respect to whose citizenship of The Gambia a doubt exists, whether on a question of fact or law, certify that that person is a citizen of The Gambia; and a certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

15. Evidence.

(1) Every document purporting to be a notice, certificate, order or declaration, or any entry in a register, or a subscription of an oath of allegiance, given, granted or made under this Act or under the provisions of Chapter I of the Constitution, shall be received in evidence, and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) Prima facie evidence of any such document as aforesaid 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.

(3) Any entry in a register made under this Act or under the provisions of Chapter 1 of the Constitution, shall be received as evidence of the matters stated in the entry.

16. Offences.

(1) Any person who for the purpose of procuring anything to be done or not to be done under this Act or under the provisions of Chapter I of the Constitution makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be guilty of an offence and on summary conviction be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

17. Regulations.

The Minister may by regulations make provision generally for carrying into effect the purposes of this Act and Chapter 1 of the Constitution, and in particular-

- (a) for prescribing anything which is to be prescribed under this Act or Chapter 1 of the Constitution;
- (b) for the registration of anything required or authorised under this Act to be registered;
- (c) for the administration and taking of Oaths of Allegiance under this Act, for the time within which Oaths of Allegiance shall be taken and for the registration of Oaths of Allegiance;
- (d) for the giving of any notice required or authorised to be given to any person under this Act;
- (e) for the cancellation of the registration of, and the cancellation and amendment of certificates of naturalization relating to, persons deprived of citizenship under this Act, and for requiring such certificates to be delivered up for those purposes;
- (f) for the registration by officers in the service of the Government of The Gambia of the births and deaths of persons of any class or description born or dying elsewhere than in The Gambia;
- (g) for enabling the births and deaths of citizens of The Gambia born or dying in any country in which the Government of The Gambia has for the time being no diplomatic or consular representatives to be registered by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with the Government of The Gambia, has undertaken to represent that Government's interest in that country or by a person authorised in that behalf by the Governor-General;
- (h) for the imposition and recovery of fees in respect of any application made to the Minister under this Act or in respect of any registration, or the making of any declaration, or the grant of any certificate, or the taking of any Oath of Allegiance, authorised to be made, granted or taken by or under this Act and in respect of supplying a certified or other copy of any notice,

certificate, order, declaration or entry, given, granted or made as aforesaid and for the application of any such fees.

18. Inconsistency with Constitutional provisions.

The provisions of this Act shall have effect subject to any provision inconsistent therewith for the time being contained in the Constitution.

FIRST SCHEDULE OATH OF ALLEGIANCE

I,.....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 support and uphold the Constitution of The Gambia as by law established.

So help me God. (To be omitted in affirmation.)

SECOND SCHEDULE

- (1) Subject to, the provisions of the next following paragraph, the qualifications for naturalization of an alien who applies therefor are-
 - (a) that he has resided in The Gambia throughout the period of twelve months immediately preceding the date of the application; and
 - (b) that during the seven years immediately preceding the said period of twelve months he has resided in The Gambia for periods amounting in the aggregate to not less than five years; and
 - (c) that he has an adequate knowledge of a language in current use in The Gambia; and
 - (d) that he is of good character; and under
 - (e) that he would be a suitable citizen of The Gambia; and
 - (f) that he intends, if naturalized, to continue to reside permanently in The Gambia.
- (2) The Minister, if in the special circumstances of any particular case he thinks fit, may with the approval of the Governor-General
 - (a) allow a continuous period of twelve months ending not more than, six months before the date of application to be reckoned for the purposes of sub-paragraph (a) of the last foregoing paragraph as though it had immediately preceded that date;
 - (b) allow residence in a country other than a foreign country to be reckoned for the purposes of sub-paragraph (b) of the last foregoing paragraph as if it had been residence in The Gambia;

(c) allow periods of residence earlier than eight years before the date of application to be reckoned in computing the aggregate mentioned in the said sub-paragraph (b).

The Gambia Nationality and Citizenship (Forms and Fees) Regulations

made under section 17

1. Citation.

These regulations may be cited as The Gambia Nationality and Citizenship (Forms and Fees) Regulations.

Forms

2. Form of application for registration under section 3(1) of the Act.

An application for registration as a citizen of The Gambia made under subsection (1) of section 3 of the Act shall be in the Form A set out in the First Schedule to these regulations.

3. Form of application for registration under section 3(2) of the Act.

An application for registration as a citizen of The Gambia made under subsection (2) of section 3 of the Act shall be in the Form B set out in the First Schedule to these regulations.

4. Form of application for registration under section 3(3) of the Act.

An application for registration as a citizen of The Gambia made under subsection (3) of section 3 of the Act shall be in the Form C set out in the First Schedule to these regulations.

5. Form of application for registration of minor under section 4(1) of the Act.

An application for the registration of a minor as a citizen of The Gambia, made under subsection (1) of section 4 of the Act shall be in the Form D set out in the First Schedule to these regulations.

6. Form of application for naturalization under section 6 of the Act.

An application for naturalization as a citizen of The Gambia made under section 6 of the Act shall be in the Form E set out in the First Schedule to these regulations.

7. Form of application for registration under section 2 of the Constitution.

An application for registration as a citizen of The Gambia under section 2 of the Constitution shall be in the Form F set out in the First Schedule to these regulations.

8. Form of certificate of registration.

On the registration of any person as a citizen of The Gambia under the provisions of sections 3 or 4 of the Act or of sections 1 or 2 of the Constitution the Minister shall grant such person a certificate of registration in the Form G set out in the First Schedule to these regulations.

9. Form of certificate of naturalization.

A certificate of naturalization granted by the Minister under section 6 of the Act shall be in the Form H set out in the First Schedule to these regulations.

FEES

10. Fees.

(1) Subject to the provisions of this regulation, the fees in the Second Schedule to these regulations shall be payable to the Minister or an officer authorised by him to receive the fees.

(2) In respect of the grant of a certificate of citizenship or a certificate of naturalization, the fees prescribed shall be paid on the receipt by the applicant of the decision of the Minister to grant the certificate applied for:

Provided that where a husband and wife apply at the same time for certificates of citizenship or naturalization and are residing together at the time of their applications and a fee has been paid in respect of the grant of a certificate of citizenship or naturalization to one of them, no fee shall be payable in respect of the grant of such a certificate to the other.

(3) If the fee payable in respect of the grant of a certificate of registration or a certificate of naturalization is not paid within fourteen days after the notification to the applicant of the decision of the Minister to grant the application, the decision may be rescinded.

11. Certified copies.

An application may be made to the Minister for a certified copy of any certificate granted under these regulations and a copy issued on such an application shall be sufficiently certified as a true copy of the certificate, if it has endorsed thereon a statement in writing that it is a certified copy and the statement is signed by an officer of or above the rank of Assistant Secretary.

12. Fees payable on application not to be returned.

Fees payable on the submission of any application for the grant of a certificate shall in no circumstances be returned.