



[L.S.]

I Assent,

Eustace B. Francis,
Governor-General's Deputy.

28th June 2004.

ANTIGUA AND BARBUDA

No. 4 of 2004

AN ACT to provide for the acquisition of citizenship of Antigua and Barbuda in commemoration of the new millennium, by persons, who were on and since the **first** day of January, 2000 lawfully resident in Antigua and Barbuda.

[1st July, 2004]

ENACTED by the Parliament of Antigua and Barbuda as follows —

Short title.

1. This Act may be cited as the Millennium Naturalisation Act, 2004.

2. (1) In this Act —

Interpretation.

"Minister" means the Minister responsible for Immigration and Citizenship;

(2) This Act shall be construed as having been enacted in pursuance of paragraph (a) of section 116(3) of the Constitution and nothing in this Act shall be construed as prohibiting a per-

ANTIGUA 2 *Millennium Naturalisation Act, 2004.* No. 4 of 2004.
AND
BARBUDA

Cap. 23

Cap. 22

Acquisition of citizenship by registration.

son to whom the Act applies from acquiring citizenship of Antigua and Barbuda under the Constitution of Antigua and Barbuda and the Antigua and Barbuda Citizenship Act.

3. (1) Notwithstanding any law to the contrary, and subject to subsection (3), any person of full capacity who was lawfully resident in Antigua and Barbuda on the first day of January, 2000 and, on the date of his application for **citizenship** under this Act, has been continuously lawfully ordinarily resident in Antigua and Barbuda from that day, may apply to become a citizen of Antigua and Barbuda in accordance with regulations made under this Act.

(2) An application under subsection (1) shall be made to the Minister **through** the Chief Immigration Officer

in the appropriate form prescribed by regulations made under this Act.

(3) The Minister may approve an application made under this section if he is satisfied that the applicant —

- (a) possesses the qualifications set out in subsection (1);
- (b) is of good character; and
- (c) intends, in the event of being granted a certificate of registration or naturalisation as the case may be, to be ordinarily resident in Antigua and Barbuda.

(4) The Minister may, upon the applicant paying the fee prescribed by the regulations made under this Act and upon taking the oath or affirmation of allegiance in the form prescribed by the regulations, where appropriate, grant to the applicant the appropriate **certificate** of registration or naturalisation as the case may be.

(5) A person shall for the purposes of this Act be of full capacity if he is not of unsound mind.

Minister may refuse to grant citizenship.

4. (1) The **Minister** may, if satisfied that there are reasonable grounds in the interest of defence, public safety, public morality or public order for so doing, refuse to grant a certificate of registration or naturalisation to any person who by virtue of section 3 would otherwise be entitled to become a citizen of Antigua and Barbuda,

(2) The Minister may, without prejudice to subsection (1), refuse to grant a certificate of registration or naturalisation to any person referred to in section 3 if he is satisfied that the applicant —

- (a) has been convicted by a court of competent jurisdiction in any country of a criminal offence for which he was sentenced to death or has been detained under a sentence of imprisonment for twelve months or more imposed on him on his conviction of a criminal offence by such court, and in either case, has not received a **free** pardon in respect of the offence; or
- (b) has engaged in activities, whether within or outside Antigua and Barbuda, which, in the opinion of the Minister, are prejudicial to the safety of Antigua and Barbuda or to the maintenance of law and public order in Antigua and Barbuda; or
- (c) has been adjudged or otherwise declared bankrupt under any law in force in any country and has not been discharged; or
- (d) not being the dependent of a citizen of Antigua and Barbuda, has no sufficient means to maintain himself and is likely to become a public charge.

5. (1) Any person who is granted citizenship under **this** Act and who has attained the age of eighteen years and who —

Renunciation of citizenship.

- (a) is also a citizen or national of any other country; or
- (b) intends to become a citizen or national of any other **country,**

shall be entitled to renounce his citizenship of **Antigua** and Barbuda by a declaration made in the Form prescribed by the regulations made under this Act:

Provided that in the case of a person who is not a citizen or national of any other country at the date of registration of his declaration of renunciation, if he does not become such a citizen or national **within** six months **from** the date of registration he shall be and **shall** be deemed to have remained, a citizen of Antigua and Barbuda notwithstanding the making and registration of his declaration of renunciation.

(2) Subject to subsection (3) of this section, where a declaration is made under subsection (1), the Minister shall cause the declaration to be registered in such manner as may be prescribed and, upon such registration, the person who made the declaration shall cease to be a citizen of Antigua and Barbuda unless the proviso to subsection (1) applies.

(3) The Minister may, in his discretion, withhold registration of any declaration made under subsection (1) of this section if the declaration is made at any time when Antigua and Barbuda is at war where the declaration is made by a person who is or who intends to become a national or citizen —

- (a) of any country with which Antigua and Barbuda is at war, or
- (b) of any country as respects which, because Antigua and Barbuda is at war, it would, in the interests of national security or public policy, be undesirable or inexpedient for that person to be or become a citizen or national thereof.

(4) Where a person who has renounced his citizenship of Antigua and Barbuda under this section desires to be issued with a certificate of such renunciation, that person may, on making application in writing therefore to the Minister and upon payment of the prescribed fee be issued by the Minister with a certificate of such renunciation in the prescribed form.

Deprivation of citizenship in cases of registration.

6. Subject to section 9, the Minister may in his discretion, by Order deprive of his citizenship any person who is a citizen of Antigua and Barbuda by virtue of registration if the Minister is satisfied that such registration as a citizen was obtained by false representation or fraud or willful concealment of material facts or if that citizen is convicted in Antigua and Barbuda of an act of treason or sedition.

Deprivation of citizenship in case of naturalisation.

7. (1) Subject to section 8, the Minister may, in his discretion, by Order deprive of his citizenship any citizen of Antigua and Barbuda who became such by naturalisation if the Minister is satisfied that the certificate of naturalisation of that citizen was obtained by false representation or fraud or willful concealment of material facts or if that citizen has —

- (a) at any time after naturalisation—
- (i) been convicted of treason or sedition by a competent court in any part of the Commonwealth; or
 - (ii) been convicted by a competent court in any country of a **criminal** offence on conviction of which the death penalty or a term of **imprisonment** of not less **than** seven years may be imposed,

and in either case has not received a free pardon in respect of the offence; or

- (b) within five years after naturalisation been convicted by a competent court in any country of a criminal offence and sentenced to imprisonment for a term of not less than twelve months and has not received a free pardon in respect of the offence; or
- (c) during any war in which Antigua and Barbuda was engaged, unlawfully traded or communicated with the enemy or been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or
- (d) engaged in activities, whether within or outside of Antigua and Barbuda, which, in the opinion of the Minister, are prejudicial to the safety of Antigua and Barbuda or to the maintenance of law and public order in Antigua and Barbuda.

(2) The Minister shall not deprive any person of citizenship under this section on the ground mentioned in paragraph (b) of subsection (1), if it appears to him that that person would thereupon become stateless.

8. (1) The Minister shall not deprive a person of citizenship under section 6 or 7 unless he is satisfied that it is not conducive to the public good that such person should continue to be a citizen of Antigua and Barbuda.

Grounds for the deprivation of citizenship.

(2) Before making an order under section 6 or 7, the Minister shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and, if the order is proposed to be made on any of the grounds specified in section 6 or 7 of this Act, of his right to appeal against the Minister's decision to the Court of Appeal and to engage legal representation of his own choice.

Deprivation of citizenship of Antigua and Barbuda where persons deprived of citizenship elsewhere

9. (1) **Where** any citizen of Antigua and Barbuda, who is such by **naturalisation**, was also a citizen of any Commonwealth **country** but has been deprived of his citizenship of that country on grounds which in the opinion of the Minister are substantially similar to any of the grounds specified under subsection (1) of section 7, the Minister may at his discretion by order deprive him of his citizenship of Antigua and Barbuda if the Minister is satisfied that it is not conducive to the public good that such **person** shall continue to be a citizen of Antigua and Barbuda.

(2) Before making an order under this section, the Minister shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on **which** it is proposed to be made and of his right to appeal against the decision of the Minister to the Court of Appeal and to engage legal representation of his own choice.

Effective date of deprivation of citizenship.

10. Subject to section 11, a person who is deprived of his citizenship of Antigua and Barbuda by an order made under section 6, 7 or 9 shall upon the making of the order, cease to be a citizen of Antigua and Barbuda.

Right of appeal

11. Any person aggrieved by the decision of the Minister to deprive him of his citizenship may appeal to the Court of Appeal within forty-two days of the decision being communicated to **him**.

Regulations.

12. (1) The Minister may make regulations generally for giving effect to this Act and in particular may make regulations—

- (a) prescribing anything required by this Act to be prescribed;
- (b) for the registration of anything required or authorized 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) fixing the fees to be paid in respect of —
 - (i) any application made to the Minister under this Act; or
 - (ii) any registration or the making of any declaration or the grant of any certificate or the taking of any oath of allegiance, required or authorized to be made, granted or taken by or under this Act or by or under Chapter VIII of the Constitution of Antigua and Barbuda; or
 - (iii) supplying a certified or other copy of any notice, certificate, order, declaration or entry, given, granted or made as aforesaid,and providing for the application of any such fees;
- (e) for the giving of any notice required or authorized to be given to any person by or under this Act;
- (f) for the cancellation of the registration of, and the cancellation and amendment of certificates of naturalisation relating to, persons deprived of citizenship under this Act and for requiring such certificates to be delivered up for such purposes;

(2) Regulations made under this section shall, as soon as may be practicable after they are made, be laid before the House of Representatives, for negative resolution and if the House resolves that any of those regulations shall be annulled, that regulation is void as from the date of the resolution, but without prejudice to the validity of anything done thereunder or to the making of a new regulation.

13. (1) Any person who for the purpose of procuring anything to be done or not to be done under this Act makes any statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular commits an offence and is liable on summary conviction to a

Offences

ANTIGUA 8 *Millennium Naturalisation Act, 2004.* No. 4 of 2004.
AND
BARBUDA

fine not exceeding three thousand dollars or to a term of imprisonment not exceeding three months.

(2) Any person who fails to comply with any requirement imposed on him by regulations with respect to the delivering up of certificates of registration or naturalisation commits an offence and is liable on summary conviction to a fine not exceeding three thousand dollars or to a term of imprisonment not exceeding one month.

Passed the House of Representatives
this 11th day of June, 2004.

Passed the Senate this 27th
day of June, 2004.

D.G. Isaac-Arrindell,
Speaker.

E. Mansoor,
President.

S. Walker,
Clerk to the House of Representatives.

S. Walker,
Clerk to the Senate.

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