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CHAPTER 190
BAHAMAS NATIONALITY

An Act to provide for the acquisition, certification, renunciation and deprivation of citizenship of The Bahamas and for purposes incidental thereto or connected therewith. *18 cf 1973*

*[Assent 5th July, 1973]
[Commencement 10th July, 1973]*

**PART I
PRELIMINARY**

1. This Act may be cited as the Bahamas Nationality Act. Short title
2. In this Act, unless the context otherwise requires — Interpretation
- “alien” means a person who is not a Commonwealth citizen or a British protected person;
- “Bahamian Consulate” means the office of a consular officer of the Government or, where there is no such office, such office as may be prescribed;
- “British protected person” means a person who is a British protected person for the purposes of the British Nationality Act, 1948, of the United Kingdom;
- “child” includes an illegitimate child but “parent” in relation to any such child shall not include a putative father;
- “Commonwealth” means The Bahamas, any country mentioned in the First Schedule and any dependency of any such country; and “Commonwealth country” shall be construed accordingly;
- “Commonwealth citizen” means a citizen of a Commonwealth country;
- “Constitution” means the Constitution of the Commonwealth of The Bahamas;
- “foreign country” means a country that is not a part of the Commonwealth;

“Government” means the Government of The Bahamas;

“Minister” means the Minister responsible for Nationality and Citizenship;

“minor” means a person who has not attained the age of eighteen years;

“prescribed” means prescribed by regulations under this Act.

General clauses

3. (1) For the purposes of this Act a person shall be of full age if he has attained the age of eighteen years and of full capacity if he is not of unsound mind.

(2) 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 date of his birth.

(3) A person born out of wedlock and legitimated by the subsequent marriage of his parents shall, as from the date of the marriage or of the commencement of this Act, whichever is later, be treated for the purposes of this Act as if he had been born legitimate; but a person shall not be deemed to be so legitimated unless the law of the place where his father was domiciled at the date of the marriage operated immediately or subsequently so to legitimate him.

(4) For the purposes of this Act a person born aboard a registered ship or aircraft shall be deemed to have been born in the place where the ship or aircraft was registered, and a person born on board an unregistered ship or aircraft of the government of any country shall be deemed to have been born in that country.

PART II ACQUISITION OF CITIZENSHIP

Citizenship on adoption

4. Where, under a law in force in The Bahamas relating to the adoption of children, an adoption order is made by a competent court in respect of a minor who is not a citizen of The Bahamas, then if the adopter, or in the case of a joint adoption, the male adopter, is a citizen of The Bahamas, the minor shall become a citizen of The Bahamas from the date of the order.

5. (1) Subject to the provisions of this section, the Minister may at his discretion cause any person of full age and capacity who is a Commonwealth citizen or a British protected person to be registered as a citizen of The Bahamas if that person makes application for such registration to the Minister in the prescribed manner and satisfies the Minister that he is qualified to be so registered under the provisions of the Second Schedule.

Registration of Commonwealth citizens, and British protected persons

Second Schedule

(2) A person qualified to be registered under this section shall not be so registered unless he first renounces any other citizenship which he may possess and, if he is not a Commonwealth citizen, takes the oath of allegiance:

Provided that where any such person cannot renounce his citizenship of some other country under the law of that country, he may instead make such declaration concerning that citizenship as may be prescribed.

6. (1) The Minister may at his discretion cause the minor child of a citizen of The Bahamas to be registered as a citizen of The Bahamas upon application made in the prescribed manner by the parent or guardian of such child.

Registration of minors

(2) The Minister may at his discretion, in such special circumstances as he may think fit, cause any minor to be registered as a citizen of The Bahamas.

7. Any person claiming to be entitled to be registered as a citizen of The Bahamas under the provisions of Article 5, 7, 9 or 10 of the Constitution, may make application to the Minister in the prescribed manner and, in any such case, if it appears to the Minister that the applicant is entitled to such registration and that all relevant provisions of the Constitution have been complied with, he shall cause the applicant to be registered as a citizen of The Bahamas:

Registration of certain persons under the Constitution

Provided that, in any case to which those provisions of the Constitution apply, the Minister may refuse the application for registration if he is satisfied that the applicant —

- (a) has within the period of five years immediately preceding the date of such application been sentenced upon his conviction of a criminal offence in any country to death or to imprisonment for a term of not less than twelve months and has not received a free pardon in respect of that offence; or

- (b) is not of good behaviour; or
- (c) has engaged in activities whether within or outside of The Bahamas which are prejudicial to the safety of The Bahamas or to the maintenance of law and public order in The Bahamas; or
- (d) has been adjudged or otherwise declared bankrupt under the law in force in any country and has not been discharged; or
- (e) not being the dependant of a citizen of The Bahamas, has not sufficient means to maintain himself and is likely to become a public charge,

or if for any other sufficient reason of public policy, he is satisfied that it is not conducive to the public good that the applicant should become a citizen of The Bahamas.

Effect of registration as a citizen.

8. A person registered under section 5, 6 or 7 of this Act shall be a citizen of The Bahamas by registration as from the date on which he is registered.

Naturalisation of aliens.

9. The Minister may at his discretion, if application is made to him for naturalisation in the prescribed manner by an alien of full age and capacity who satisfies him that he is qualified under the provisions of the Second Schedule, grant to him a certificate of naturalisation; and a person to whom such a certificate is granted shall, on taking the oath of allegiance in the form prescribed in the Third Schedule, be a citizen of The Bahamas by naturalisation as from the date on which the certificate was granted:

Second Schedule.

Third Schedule.

Provided that no certificate of naturalisation shall be granted under this section to any person unless he first renounces any other citizenship that he may possess or, in the case of a person who cannot renounce his citizenship of some other country under the laws of that country, he makes instead such declaration concerning that citizenship as may be prescribed.

PART III LOSS OF CITIZENSHIP

Renunciation of citizenship.

10. If any citizen of The Bahamas of full age and capacity who is or intends to become —

First Schedule.

- (a) a citizen of any country mentioned in the First Schedule;

(b) a national of a foreign country,

makes in the prescribed manner a declaration of renunciation of citizenship of The Bahamas, the Minister shall cause the declaration to be registered, and upon such registration that person shall cease to be a citizen of The Bahamas; but the Minister may at his discretion withhold registration of any such declaration if it is made during any war in which The Bahamas is engaged by a person who is or intends to become a national of a foreign country.

11. (1) Subject to the provisions of this section, the Minister may at his discretion by order deprive of his citizenship any citizen of The Bahamas who is such by virtue of Article 3(3) or 4 of the Constitution or by registration or naturalisation, if the Minister is satisfied that the registration or certificate of naturalisation was obtained by means of fraud, false representation or concealment of any material fact.

Deprivation of
citizenship

(2) Subject to the provisions of this section, the Minister may at his discretion by order deprive of his citizenship any citizen of The Bahamas —

- (a) who is such by registration or naturalisation, if the Minister is satisfied that he has —
 - (i) at any time after registration or naturalisation, been convicted of the offence of treason by a competent court in any Commonwealth country or 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 has not received a free pardon in respect of the offence;
 - (ii) within five years after registration or naturalisation, been convicted by a competent court in any country of a criminal offence and sentenced therefore to imprisonment for a term of not less than twelve months and has not received a free pardon in respect of the offence; or
 - (iii) shown himself by act or speech to be disloyal or disaffected towards The Bahamas; or

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- (iv) during any war in which The Bahamas has been engaged, unlawfully traded or communicated with the enemy or has been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist any enemy in that war; or
 - (v) engaged in activities whether within or outside of The Bahamas which are prejudicial to the safety of The Bahamas or to the maintenance of law and public order in The Bahamas; or
- (b) who is such by virtue of Article 3(3) or 4 of the Constitution, if the Minister is satisfied that subparagraph (ii), (iii) or (iv) of paragraph (a) of this subsection applies in his case.
- (3) The Minister shall not deprive a person of his citizenship under this section on the ground mentioned in subparagraph (ii) of paragraph (a) of subsection (2) of this section if it appears to him that the person would thereupon become stateless.
- (4) The Minister shall not deprive a person of his citizenship under this section unless he is satisfied that it is not conducive to the public good that the person should continue to be a citizen of The Bahamas.
- (5) 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 grounds on which it is proposed to be made and of his right to an inquiry under this section.
- (6) If the person against whom an order under this section is proposed to be made applies in the prescribed manner for an inquiry, the Minister shall refer the case to a committee of inquiry consisting of a chairman, being a person who is or has held or is qualified to hold office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth, and not less than two other members appointed by the Minister.
- (7) The Minister may make rules for the practice and procedure to be followed in connection with a committee

of inquiry appointed under this section, and such rules may in particular provide for conferring on such committee any powers rights and privileges of a court of law.

(8) In any case referred to a committee of inquiry under this section, the committee shall report to the Minister whether or not the grounds upon which it is proposed to make the order of deprivation of citizenship have, in the opinion of the Committee, been made out, and shall recommend to the Minister whether or not the order should be made, but the Minister shall not in any case be obliged to act upon or in accordance with any such recommendation.

(9) A person who is deprived of his citizenship by an order made under this section or under section 12 of this Act, shall, upon the making of the order, cease to be a citizen of The Bahamas.

12. (1) Where any citizen of The Bahamas who is such by registration or naturalisation, was also a citizen of any country mentioned in the First Schedule to this Act 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 in subsection (2) of section 11 of this Act, the Minister may at his discretion by order deprive him of his citizenship of The Bahamas if the Minister is satisfied that it is not conducive to the public good that that person should continue to be a citizen of The Bahamas.

Deprivation of citizenship to follow deprivation elsewhere First Schedule

(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 upon his application the Minister may refer the case to a committee of inquiry constituted in the manner and having the powers, rights, privileges, and functions provided for in subsection (6), (7) and (8) of section 11 of this Act.

13. (1) Any person to whom the provisions of Article 4 of the Constitution apply may, at any time prior to the 9th day of July, 1974, lodge with the Minister a declaration in such form as shall be prescribed to the effect that such person does not desire to become a citizen of The Bahamas.

Disclaimer of citizenship

(2) The Minister shall cause every declaration lodged under the provisions of this section to be registered with effect from the date of its lodgement and from and after that date the person lodging the declaration shall be taken as having disclaimed citizenship of The Bahamas.

PART IV CERTIFICATION

Certificate of
citizenship in
cases of doubt

14. (1) The Minister may, at his discretion, on application made by or on behalf of a person with respect to whose citizenship of The Bahamas a doubt exists whether on a question of fact or of law, certify that that person is a citizen of The Bahamas.

(2) 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 the person to whom it relates was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at any earlier date.

Certificate of
citizenship in
certain special
cases

15. (1) Any person who claims to be a citizen of The Bahamas by virtue of the operation of paragraph (3) of Article 3 or of Article 4 of the Constitution, may apply to the Minister for a certificate that he is a citizen of The Bahamas.

(2) The Minister may require any person who applies for a certificate under section (1) of this section, to make and file with him a declaration in the prescribed form.

(3) If on consideration of an application made in accordance with subsection (1) of this section, any declaration filed under the provisions of subsection (2) thereof and any other relevant evidence available to him, the Minister is satisfied that the applicant is a citizen of The Bahamas, he shall issue a certificate to that effect.

(4) 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 the person to whom it relates was a citizen of The Bahamas on the date thereof but without prejudice to any evidence that he was such a citizen at any earlier date.

PART V
MISCELLANEOUS

16. The Minister shall not be required to assign any reason for the grant or refusal of any application or the making of any order under this Act the decision upon which is at his discretion; and the decision of the Minister on any such application or order shall not be subject to appeal or review in any court.

Minister's
decision to be
final.

17. An oath of allegiance required to be taken under this Act or under the provisions of Chapter II of the Constitution shall be in the form specified in the Third Schedule to this Act.

Form of oath of
allegiance.

Thrd Schedule.

18. (1) Every document purporting to be a notice, certificate, order or declaration, or an entry in a register or a subscription to an oath of allegiance given, granted or made under this Act or made under the provisions of Chapter II of the Constitution, shall be received in evidence and shall, until 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.

Evidence.

(2) *Prima facie* evidence of such a document as aforesaid may be given by production of a document purporting to be certified as a true copy thereof by the Permanent Secretary to the Minister or by such other person as may be prescribed.

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

19. The Minister may make regulations generally for giving effect to the provisions of this Act, and in particular, and without prejudice to the generality of the foregoing, may make regulations for all or any of the following purposes —

Regulations.

- (a) prescribing anything which by the provisions of Chapter II of the Constitution or of this Act are to be or may be prescribed;

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- (b) for the registration of anything required or authorised to be registered under the provisions of Chapter II of the Constitution or of this Act;
 - (c) for the administration and taking of oaths of allegiance under this Act, for the time within which such oaths shall be taken and for the registration of such oaths;
 - (d) for the giving of any notice required or authorised to be given to any person by or under this Act;
 - (e) for the cancellation of the registration of, and the cancellation of certificates of naturalisation relating to, persons deprived of citizenship under this Act and for requiring certificates to be delivered up for those purposes;
 - (f) for enabling the births and deaths of citizens of The Bahamas to be registered at a Bahamian Consulate, or if born or dying in any country in which the Government has for the time being no diplomatic or consular representatives, to be registered —
 - (i) by persons serving in the diplomatic, consular or other foreign service of any country which by arrangement with the Government, has undertaken to represent the Government's interest in that country; or
 - (ii) by a person authorised in that behalf by the Minister.
 - (g) for the imposition and recovery of fees in respect of —
 - (i) any application made to the Minister under this Act;
 - (ii) any registration, the making of any declaration, the grant of any certificate or the taking of any oath of allegiance under the provisions of Chapter II of the Constitution or of this Act; or
 - (iii) supplying certified or other copies of any notice, certificate, order, declaration or entry given, granted or made under the said provisions.

20. (1) Any person who, for the purpose of procuring anything to be done or not to be done under the provisions of Chapter II of the Constitution or of 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, shall be guilty of an offence and shall be liable —

Offences

- (a) on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment; or
- (b) on conviction on information in the Supreme Court to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2) Any person who fails to comply with any requirement as to the delivery up of certificates of naturalisation imposed upon him by regulations under this Act, shall be guilty of an offence and shall be liable upon summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months.

21. The Minister may by order amend the First Schedule —

Amendment to
First Schedule

- (a) by specifying an additional Commonwealth country for the purposes of this Act;
- (b) by deleting therefrom the name of any Commonwealth country specified therein; or
- (c) by making such other variations to that Schedule as may be considered appropriate to the circumstances of any Commonwealth country specified therein.

FIRST SCHEDULE (Sections 2, 10, 12, 21)**COMMONWEALTH COUNTRIES**

The United Kingdom and Colonies (and West Indies Associated States)

Canada	Uganda
Australia	Kenya
New Zealand	Malawi
India	Malta
Pakistan	Zambia
Bangladesh	Nauru
Sri Lanka (Ceylon)	The Gambia
Ghana	Guyana
Malaysia	Botswana
Nigeria	Lesotho
Cyprus	Singapore
Sierra Leone	Barbados
Tanzania	Mauritius
Jamaica	Swaziland
Trinidad and Tobago	Fiji
Tonga	Western Samoa

SECOND SCHEDULE (Sections 5 and 9)**QUALIFICATIONS FOR REGISTRATION OR
NATURALISATION**

1. Subject to the provisions of paragraph 2, the qualifications for registration as a citizen of The Bahamas of a Commonwealth citizen, or British protected person or for naturalisation of an alien who applies therefor are —

- (a) that he has either actually resided in The Bahamas or been in the service of the Government of The Bahamas, or partly the one and partly the other, throughout the period of twelve months immediately preceding the date of the application; and
- (b) that during the nine years immediately preceding the said period of twelve months he has either actually resided in The Bahamas or been in the Government service as aforesaid for periods amounting in the aggregate to not less than six years; and

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- (c) that he is in the opinion of the Minister of good character; and
 - (d) that he has a sufficient knowledge of the English language and of the responsibilities of a citizen of the Bahamas; and
 - (e) that he intends if his application is successful to continue to reside in The Bahamas or to enter into or continue in the service of the Government, and in either case to make The Bahamas his permanent home.

2. The Minister may, if in the special circumstances of any particular case he thinks fit, allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned for the purposes of subparagraph (a) of paragraph 1 of this Schedule as if it had immediately preceded that date.

THIRD SCHEDULE (Sections 9 and 17)

OATH OF ALLEGIANCE

I, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God.