

THE JAMAICAN NATIONALITY ACT

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SCHEDULES

THE JAMAICAN NATIONALITY ACT

[6th August, 1962.]

Acts
8 of 1962,
39 of 1965,
1 of 1979
1st Sch.,
5 of 1993,
19 of 1999.

1. This Act may be cited as the Jamaican Nationality Act

Short title.

2.—(1) In this Act, unless the context otherwise requires—

Interpre-
tation.

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

“British protected persons” 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;

“the Commonwealth” means Jamaica, any country mentioned in the First Schedule and any dependency of any such country;

First
Schedule.

“the Constitution” means the Constitution of Jamaica;

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

“Jamaican consulate” means the office of a consular officer of the Government of Jamaica where a

register of births is kept, or where there is no such office, such office as may be prescribed;

1/1979
1st Sch.

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

(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.

1/1979,
1st Sch.

(3) A person shall for the purposes of this Act be of full age if he has attained the age of eighteen 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.

Registra-
tion of
certain
persons as
citizens.
First
Schedule.

3. A citizen of any country mentioned in the First Schedule, or a citizen of the Republic of Ireland, being a person of full age and capacity may, on making application therefor to the Minister in the prescribed manner, be registered at the discretion of the Minister as a citizen of Jamaica if he satisfies the Minister that he has been—

- (a) ordinarily resident in Jamaica; or
- (b) in Crown service under the Government of Jamaica; or
- (c) partly the one and partly the other, throughout the period of five years ending with the date

of his application, or such shorter period so ending as the Minister may in the special circumstances of any particular case accept.

4.—(1) The Minister may at his discretion cause the minor child of any citizen of Jamaica to be registered as a citizen of Jamaica upon application made in the prescribed manner by a parent or guardian of the child. Minors.

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

(3) Where under any enactment in force in Jamaica relating to the adoption of children an adoption order is made in respect of a minor not a citizen of Jamaica then if the adopter or in the case of a joint adoption, either of the adopters, is a citizen of Jamaica the minor shall become a citizen of Jamaica as from the date of the order. 5/1993
S. 2.

5. A person registered under section 3 or 4 shall be a citizen of Jamaica by registration as from the date on which he is registered. Effect of
registration
as a citizen.

5A.—(1) A person who, being married to a Jamaican citizen, is entitled to be registered as a citizen of Jamaica pursuant to subsection (1) of section 7 of the Constitution, may, upon making the prescribed application, be denied such registration in accordance with subsection (2) of that section if the person has been convicted in any country of an offence specified in subsection (2) of this section. Offences
in respect
of which
registra-
tion may
be denied
under sec-
tion 7 of
Constitu-
tion.
19/1999
S. 2.

- (2) The offence referred to in subsection (1) is—
- (a) an offence—
- (i) involving violence, fraud or dishonesty; or
 - (ii) the production, sale or otherwise dealing in any drug contrary to the provisions of any law for the time being in force; or
- (b) where it is committed in a country other than Jamaica—
- (i) an offence punishable under the law of that country with imprisonment for a term of two years or any greater punishment; and
 - (ii) the act or omission constituting the offence, or the equivalent act of omission, would constitute an offence against the law of Jamaica if it took place within Jamaica or, in the case of an extra territorial offence, in corresponding circumstances outside Jamaica.

Naturaliza-
tion of
aliens
and British
protected
persons.

Second
Schedule.

6. The Minister may at his discretion, if application therefor is made to him in the prescribed manner by any alien or British protected person of full age and capacity who satisfies him that he is qualified under the provisions of the Second Schedule for naturalization, grant to him a certificate of naturalization, and the person to whom this certificate is granted shall, on taking the oath of allegiance

in the form specified in the Third Schedule, be a citizen of Jamaica by naturalization as from the date on which that certificate is granted.

Third
Schedule.

7.—(1) If any citizen of Jamaica of full age and capacity who is also—

Renuncia-
tion of
citizenship
by reason of
dual citizen-
ship or
nationality.
First
Schedule.

(a) a citizen of any country mentioned in the First Schedule, or of the Republic of Ireland; or

(b) a national of a foreign country,

makes a declaration in the prescribed manner of renunciation of citizenship of Jamaica, the Minister shall cause the declaration to be registered, and upon the registration, that person shall cease to be a citizen of Jamaica :

Provided that the Minister may at his discretion withhold registration of any such declaration if it is made during any war in which Jamaica is engaged by a person who is a national of a foreign country.

(2) For the purposes of this section any woman who is or has been married shall be deemed to be of full age.

8.—(1) Subject to the provisions of this section, the Minister may at his discretion by order deprive of his citizenship any citizen of Jamaica who is such by registration or naturalization if the Minister is satisfied that the

Deprivation
of citizen-
ship.

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registration or certificate of naturalization 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 at his discretion by order deprive of his citizenship any citizen of Jamaica who is such by naturalization if the Minister is satisfied that that citizen—

- (a) has shown himself by act or speech to be disloyal or disaffected towards Her Majesty; or
- (b) has, during any war in which Jamaica was engaged, unlawfully traded or communicated with an 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 five 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 of his citizenship any citizen of Jamaica who is such by naturalization if he is satisfied that that citizen has been ordinarily resident in foreign countries for a continuous period of seven years and during that period—

- (a) has not been at any time in the service of Her Majesty or of an international organization of which the Government of Jamaica was a member; or

- (b) has not registered annually in the prescribed manner at a Jamaican consulate his intention to retain his citizenship of Jamaica; or
- (c) has not given notice in writing to the Minister of his intention to retain his citizenship of Jamaica.

(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 that person should continue to be a citizen of Jamaica.

(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 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 subsections (1) and (2), of his right to an enquiry under this section.

(6) If the order is proposed to be made on any of the grounds specified in subsections (1) and (2) and the person against whom the order is proposed to be made applies in the prescribed manner for an enquiry, the Minister shall, and in any other case the Minister may, at his discretion, refer the case to a committee of enquiry consisting of a chairman, being a person possessing judicial experience, appointed by the Minister and of such other members appointed by the Minister as he thinks proper.

(7) The Minister may make rules for the practice and procedure to be followed in connection with a committee of enquiry appointed under this section, and such

rules may, in particular, provide for conferring on such committee any powers, rights or privileges of any court, and for enabling any powers so conferred to be exercised by one or more members of the committee.

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

Deprivation of citizenship of Jamaica where persons deprived of citizenship elsewhere. First Schedule.

9.—(1) Where any citizen of Jamaica, who is such by naturalization, was also a citizen of any country mentioned in the First Schedule, or of the Republic of Ireland 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 subsections (1), (2) and (3) of section 8, the Minister may at his discretion by order deprive him of his citizenship of Jamaica if the Minister is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Jamaica.

(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 may refer the case to a committee of enquiry constituted in the manner provided by section 8.

Reinstatement of citizenship on application. 5/1993 S. 3.

9A.—(1) The Minister may at his discretion and in the prescribed manner cause citizenship of Jamaica to be restored to any person who—

- (a) was a citizen of Jamaica by birth, descent or adoption;
- (b) has renounced that citizenship; and
- (c) has made application to the Minister in the prescribed manner for the restoration of that citizenship.

(2) The provisions of sections 8 and 9 shall not apply to any person whose Jamaican citizenship is restored pursuant to subsection (1).

(3) The provisions of sections 3 and 6 shall not apply to persons who apply under subsection (1) to have their Jamaican citizenship restored.

(4) The Minister may by order prescribe the procedure to be followed in restoring citizenship under this section.

10.—(1) The Minister may in such case as he thinks fit, on application made by or on behalf of any person with respect to whose citizenship of Jamaica a doubt exists, whether on a question of fact or law, certify that that person is a citizen of Jamaica.

Certificate of citizenship in cases of doubt.

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

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

Minister's discretion not to be questioned and decisions to be final.

12.—(1) Every document purporting to be a notice, certificate, order or declaration, or an 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 II 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.

Evidence.

[The inclusion of this page is authorized by L.N. 42/1995]

(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 II of the Constitution shall be received as evidence of the matters stated in the entry.

Regulations. 13.—(1) The Minister may make regulations generally for giving effect to the provisions of this Act, and in particular but without prejudice to the generality of the foregoing may make regulations—

- (a) prescribing anything required by this Act or by the provisions of Chapter II of the Constitution to be prescribed;
- (b) for the registration of anything required or authorized under this Act or under the provisions of Chapter II of the Constitution 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 the provisions of Chapter II of the Constitution; 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 naturalization relating to, persons deprived of citizenship under this Act or under the provisions of Chapter II of the Constitution, and for requiring such certificates to be delivered up for such purposes;
- (g) for the registration by consular officers or other officers in the service of the Government of Jamaica of the births and deaths of persons of any class or description born or dying outside Jamaica;
- (h) for enabling the births and deaths of citizens of Jamaica born or dying in any country in which the Government of Jamaica 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 of Jamaica, has undertaken to represent that Government's interest in that country; or
 - (ii) by a person authorized in that behalf by the Minister;
- (i) prescribing the procedure to be followed in restoring citizenship under section 9A.

5/1993
S. 4 (b)

(2) All Regulations made under this section shall be subject to negative resolution.

Offences.

14.—(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 II of the Constitution 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 on summary conviction before a Resident Magistrate to imprisonment with or without hard labour for a term not exceeding three months.

(2) Any person who fails to comply with any requirements imposed on him by regulations made under this Act with respect to the delivering up of certificates of naturalization, shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding three months.

Application
of section
9 of the
Constitu-
tion.
First
Schedule.
39/1965
S. 2.

15. From and after the 6th August, 1962, the countries to which section 9 of the Constitution applies are those mentioned in the First Schedule :

Provided that the Minister may by order—

- (a) declare that any country specified in the order is a country to which the said section 9 applies or in respect of which the said section shall cease to apply, and thereupon the First Schedule shall be amended accordingly; or
- (b) make such other variation in that Schedule as may be considered appropriate,

so, however, that no such order shall be made unless the draft thereof has been laid before Parliament and approved by resolution of each House of Parliament.

First
Schedule.

FIRST SCHEDULE

(Section 3) L.Nn.
20/1974,
89A/1978,
130G/1983,
272A/1990.

Antigua and Barbuda
 Australia
 Bahamas
 Bangladesh
 Barbados
 Belize
 Botswana
 Brunei
 Canada
 Cyprus
 Dominica
 Fiji
 Ghana
 Grenada
 India
 Kenya
 Kiribati
 Lesotho
 Malawi
 Malaysia
 Malta
 Mauritius
 Nauru
 New Zealand
 Papua, New Guinea
 Republic of Maldives
 Seychelles
 Sierra Leone
 Singapore
 Solomon Islands
 St. Christopher-Nevis
 St. Lucia
 St. Vincent and the Grenadines
 Swaziland
 The Co-operative Republic of Guyana
 The Federation of Nigeria
 The Gambia
 The Republic of Sri Lanka
 The United Kingdom and Colonies
 The United Republic of Tanzania
 Tonga
 Trinidad and Tobago
 Tuvalu
 Uganda
 Vanuatu
 Western Samoa
 Zambia
 Zimbabwe

SECOND SCHEDULE

(Section 6)

Qualifications for Naturalization

1. Subject to the provisions of paragraph 2, the qualifications for naturalization of an alien who applies therefor are—
 - (a) that he has resided in Jamaica 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 Jamaica for periods amounting in the aggregate to not less than four years; and
 - (c) that he is in the opinion of the Minister of good character; and
 - (d) that he intends in the event of a certificate being granted to him to reside in Jamaica.

2. The Minister may, if in the special circumstances of any particular case he thinks fit—
 - (a) 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 sub-paragraph (a) of paragraph 1, as if it had immediately preceded that date;
 - (b) allow residence in any country mentioned in the First Schedule or in a dependency thereof to be reckoned for the purposes of sub-paragraph (b) of paragraph 1;
 - (c) allow periods of residence earlier than eight years before the date of the application to be reckoned in computing the aggregate mentioned in sub-paragraph (b) of paragraph 1.

3. The qualifications for naturalization of a British protected person who applies therefor are—
 - (a) that he is ordinarily resident in Jamaica and has been so resident throughout the period of five years, or such shorter period as the Minister may in the special circumstances of any case accept, immediately preceding his application; and
 - (b) the qualifications specified in sub-paragraphs (c) and (d) of paragraph 1.

THIRD SCHEDULE

(Section 6)

Oath of Allegiance

I,, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors according to law and that I will faithfully observe the laws of Jamaica and fulfil my duties as a citizen of Jamaica.

SO HELP ME GOD

[The inclusion of this page is authorized by L.N. 5/1992]