

Naturalization Act, 1926

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Comments This is a consolidation of Act No. VII of 1926 with amendments made up to 8 September 1958.

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An Act to consolidate and amend the law relating to the naturalization in Pakistan of aliens resident therein

WHEREAS it is expedient to consolidate and mend the law relating to the naturalization in Pakistan of aliens resident therein;

It is hereby enacted as follows:-

1. Short title, extent and commencement.

- (1) This Act may be called the Naturalization Act, 1926.
- (2) It extends to the whole of Pakistan.
- (3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. Definitions.

In this Act, unless there is anything repugnant in the subject or context,-

- (a)
- (b) "certificate of naturalization" means a certificate of naturalization granted under this Act; and
- (c) "minor" means, notwithstanding anything in the Majority Act, 1875. any person who has not completed his age of twenty one years.

3. Grant of certificate of naturalization.

- (1) The Central Government may grant a certificate of naturalization to any person who makes an application in this behalf and satisfies the Central Government-

- (a) that he is not a minor;
- (b) that he is neither a citizen of Pakistan nor a subject of any state of which a citizen of Pakistan is prevented by or under any law from becoming a subject by naturalizations;
- (c) that he has resided in Pakistan throughout the period of twelve months immediately preceding the date of the application, and has, during the seven years immediately preceding the said period of twelve months, resided in Pakistan for a period amounting in the aggregate to not less than four years;
- (d) that he is of good character;
- (e) that he has an adequate knowledge of a language which has been declared by the Central Government, by notification in the official Gazette, to be one of the principal vernaculars of Pakistan; and
- (f) that he intends, if the application is granted, to reside in Pakistan or to enter or continue in the service of the State in Pakistan:

Provided that nothing in clause (c) or clause (f) shall apply in the case of woman who was a citizen of Pakistan previously to her marriage to a person not a citizen of Pakistan and whose husband has died or whose marriage has been dissolved.

(2) Nothing in this section shall be deemed to prevent the grant of a certificate of naturalization to any person to whom a certificate of naturalization has been issued under the Indian Naturalization Act, 1852.

4. Contents and form of application.

- (1) Every application for a certificate of naturalization shall be in writing and shall state, to the best of the knowledge and belief of the applicant,-
- (a) his age;
 - (b) his place of birth;
 - (c) his place of residence;
 - (d) his profession, trade, of occupation;
 - (e) full particulars regarding his qualifications in respect of the matters referred to in clauses (a) to (f) of sub-section (1) of section 3;
 - (f) whether he has at any time previously applied for the grant of a certificate of naturalization under the British Nationality and Status of Aliens Act, 1914, or the Indian Naturalization Act, 1852, or this Act.
 - (g) whether any such application has been rejected;
 - (h) whether any such certificate has been granted to him; and
 - (f) whether any such certificate granted to him has been revoked or whether he has been deprived of his citizenship under the Pakistan Citizenship Act, 1951.

(2) Every such application shall be signed by the applicant and shall be accompanied by an affidavit sworn by him verifying that the statements contained therein are true to the best of his knowledge and belief.

(3) The Central Government shall satisfy itself as to the truth of the statements contained in the application, and for this purpose may cause to be made such further inquiry, if any, and may require such further evidence, if any, either by affidavit or otherwise as it thinks necessary.

5. Grant of certificate.

(1) If the Central Government is satisfied that the applicant is qualified under section 3 for the grant of a certificate of naturalization and is otherwise a fit person for the grant of such certificate, it may grant a certificate reciting the qualifications of the applicant for such grant and conferring upon him all the rights, privileges and capacities of naturalization under this Act, except such rights, privileges or capacities, if any as may specifically be withheld by the certificate.

(2) Any such certificate may, if the applicant so requests, include the name of any minor child of the applicant, not being by birth a citizen of Pakistan who was born before the date of the certificate and is for the time being resident in Pakistan and under the control of the applicant; and shall grant to any child so included all the rights, privileges and capacities of naturalization under this Act, except such rights, privileges or capacities, if any, as may specifically be withheld by the certificate.

(3) The grant of a certificate of naturalization shall be in the absolute discretion of the Central Government, and no appeal shall lie from any refusal to grant any such certificate or to in any such grant any particular right, privilege or capacity.

6. Oath of allegiance.

Every person to whom a certificate of naturalizations has been granted shall, within thirty days from the date of the grant thereof take and subscribe the following oath, namely:-

"I, A. B., do hereby swear (or affirm) that I will be faithful and bear true allegiance to the Constitution of Pakistan".

Provided that the Central Government may extend the time allowed under this section in any case in which it is satisfied that failure to take and subscribe the oath within that time was due to sufficient cause.

7. Effect of grant of certificate and taking of oath.

(1) No certificate of naturalization shall have effect until the person to whom it is granted has taken and subscribed the oath prescribed by section 6, but upon the taking and subscribing of such oath such person, and any child of any such person who has been included in the certificate under subsection (2) of section 5, shall be deemed to be citizens of Pakistan and be entitled to all the rights, privileges and capacities of a citizen of Pakistan born within Pakistan except such rights, privileges or capacities, if any, as may have been withheld from them respectively by the certificate, and shall within Pakistan be subject to all the obligations, duties and liabilities of a citizen of Pakistan; and the wife of any such person to whom a certificate of naturalization is granted after the commencement of the Indian Naturalization (Amendment) Act, 1935, shall, if not already a citizen of Pakistan, in like manner be so deemed and be so entitled and so subject, if within one year, or such longer period as the Central Government may in special circumstances allow, from the date of the taking and subscribing of such oath by her husband, she makes to the Central Government a declaration that she desires to be deemed to be a citizen of Pakistan, and if she is an alien as defined in the Pakistan Citizenship Act, 1951, obtains a certificate of domicile under that Act, and takes and subscribes the oath prescribed by section 6 of this Act.

(2) When the person to whom a certificate of naturalizations has been granted has taken and

subscribed the oath prescribed by section 6, any wife thereafter married by, and any child thereafter born to, such person shall, if she or he is not a citizen of Pakistan and if such person aforesaid at the date of the marriage or birth, as the case may be, retains any rights, privileges or capacities of a citizen of Pakistan under this Act, be entitled, subject, in the case of wife, to her making to the Central Government a declaration as provided in sub-section (1) and, if necessary, upon obtaining the certificate of domicile and making and subscribing the oath as further provided in that sub-section, to the same rights, privileges and capacities, and be subject to the same obligations, duties and liabilities to which such person aforesaid was at that date entitled and subject.

8. Revocation of certificate.

(1) Where the Central Government is satisfied that a certificate of naturalization granted under this Act, or the Indian Naturalization Act, 1852, was obtained by false representation or fraud or by concealment of material circumstances, or that the person to whom the certificate has been granted has shown himself by act or speech to be disloyal to Pakistan, the Central Government shall, by order in writing, revoke the certificate.

(2) Without prejudice to the forgoing provision, the Central Government shall, by order in writing, revoke such a certificate of naturalization as aforesaid in any case in which it is satisfied that the person to whom the certificate was granted:-

(a) has, during any war in which Pakistan is engaged unlawfully traded or communicated with the enemy, or with a subject of an enemy state, or been engaged in, or associated with, any business which is to his knowledge carried on in such a manner as to assist the enemy in such war; or

(b) has, within five years of the date of the grant of the certificate, been sentenced by any Court in Pakistan or in His Majesty's dominions to transportation or to imprisonment for a term of not less than twelve months, or to pay a fine of not less than one thousand rupees; or

(c) was not of good character at the date of the grant of the certificate; or

(d) has since the grant of the certificate been, for a period of not less than, seven years, ordinarily resident out of Pakistan otherwise than as a representative of a citizen of Pakistan, or of a Pakistan firm or company or a Pakistan institution, or in the service of a Government in Pakistan or in the armed forces of Pakistan, and has not maintained substantial connection with Pakistan; or

(e) remains, according to the law of a state at war with Pakistan, a subject of that state; and that the continuance of the certificate is not conducive to the public good.

(4) The Central Government may, if it thinks fit, before making an order under this section, refer the case for such inquiry as is hereinafter specified, and, in any case to which sub-section (1) or clause (a), clause (c) or clause (e) of sub-section (2) applies, the Central Government shall, by notice given to, or sent by post to the last known address of, the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and, if the holder so claims in accordance with the notice, the Central Government shall refer the case for inquiry accordingly.

(5) An inquiry under this section shall be held by such person or persons and in such manner as the Central Government may direct in each case.

(6) Where a certificate is revoked under this section, the revocation shall have effect from such date as may be directed by the Central Government, and thereupon the certificate shall be given up and cancelled; and any person who, without reasonable cause the burden of proving which shall lie upon him fails to give up his certificate within one month from the aforesaid date, shall be punishable with fine, which may extend to one thousand rupees.

(7) For the purposes of this section, any person who has acquired any of the rights, privileges or capacities of naturalization under sub-section (2) of section 5 or sub-section (2) of section 7 by reason of the grant to his parent of a certificate of naturalization, may, after he has attained majority, be deemed to be a person to whom a certificate of naturalization has been granted.

9. Effect of revocation of certificate.

(1) Where a certificate is revoked under section 8, the former holder thereof shall cease to be deemed to be a citizen of Pakistan.

(2) On such revocation, the Central Government may, by order in writing, direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be deemed to be citizens of Pakistan; but where no such direction is made, the status of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation;

Provided that no such order shall be made in the case of a wife unless by reason of the acquisition by her husband of a new nationality she has also acquired that nationality;

Provided further that, in the case of a wife who was, or, if the Pakistan Citizenship Act, 1951, had been in force at the date of her birth, would have been, by birth a citizen of Pakistan, no such order as aforesaid shall be made, unless the Central Government is satisfied that, if she had held a certificate of naturalization in her own right, the certificate could properly have been revoked under section 8, and the provisions of that section as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

10. Declaration of alienage.

(1) A declaration of alienage in such manner as may be proscribed by rules made under this Act may be made:-

(a) within one year of his attaining majority, by any child who has acquired any of the rights, privileges or capacities of naturalization under sub-section (1) of section 5, or sub-section (2) of section 7; or

(b) within six months from the date revocation of a certificate under section 8, or of the death of, or of the dissolution of her marriage with, the holder of any such certificate as is there referred to, by the wife of the person whose certificate has been revoked, or who has died, or whose marriage to her has been dissolved, as the case may be.

(2) Where a declaration of alienage has been made in the manner aforesaid, the person making the same, and the wife of any such person, and any children of any such person who are minors and are not by birth citizens of Pakistan, shall cease to be deemed to be citizens of Pakistan:

Provided that the wife of any such person shall not cease to be deemed to be a citizen of Pakistan under this sub-section, unless by reason of the acquisition by her husband of a new nationality she has also acquired, that nationality.

11. Inquiries.

Every person making an inquiry under the orders of the Central Government under sub-section

(3) of section 4, and every person appointed to hold an inquiry under sub-section (5) of section 8, shall be deemed to be a public servant within the meaning of the Pakistan Penal Code, and shall for the purposes of such inquiry have the same powers as are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters:-

- (i) enforcing the attendance of any person and examining him on oath:
- (ii) compelling the production of documents and material object; and
- (iii) issuing commissions for the examination of witnesses; and every such inquiry shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code.

12. Oaths and affidavits.

- (1) All oaths and affidavits for the purposes of this Act shall be sworn before a Magistrate or such other person as may be appointed in this behalf by the Central Government.
- (3) The Magistrate or other person by whom an oath of allegiance is administered under section 6 shall grant to the person making the same a certificate in writing of his having taken and subscribed such oath and of the date of his taking and subscribing the same, and shall forward to the Central Government the oath so taken and subscribed, together with a copy of such certificate.

13. Power to make rules.

- (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-
 - (a) the forms in which certificates of naturalization shall be granted, and the manner in which they shall be recorded;
 - (b) the manner in which declarations of alienage shall be made and recorded;
 - (c) the recording of oaths of allegiance; and
 - (d) the fees which may be imposed for the issue of any certificate, whether of naturalization or otherwise, granted under this Act.

14. Limitation to the grant of naturalization under this Act.

Nothing contained in this Act shall be deemed to entitle to any of the rights, privileges or capacities of a citizen of Pakistan the child of any person who is himself so entitled by reason only of the inclusion of this name in a certificate of naturalization under sub-section (2) of section 5 or of the grant of a certificate of naturalization to his parent.

14-A. Application to certificates granted before separation of Burma and Aden.

The provisions of this Act shall, after the separation of Burma and Aden from India, continue to apply, as respects Pakistan to certificates granted under this Act, or the Indian Naturalization Act, 1852, before the said separation by the Local Governments of Burma and Aden and any such certificates may after the said separation be revoked as respects Pakistan accordingly.

14-B. Application to certificates granted before partition.

The provisions of this Act shall, on or after the fifteenth day of August 1967, continue to apply, as

respects Pakistan, to certificates granted under this Act or under the Indian Naturalization Act, 1852, before that day by the Local Government or Provincial Government of any Province which or any part of which was included in the Dominion of India on that day, and any such certificates my after that day be revoked as respects Pakistan accordingly.

14-C. Validation of certain certificates.

Any certificate granted under the Indian Naturalization Act, 1852, or under this Act before the commencement of the Naturalization (Amendment) Act, 1952, and standing unrevoked as respects Pakistan at the commencement of the last-named Act, shall be deemed to be a certificate of naturalization under this Act as amended by the Naturalization (Amendment) Act, 1952.

15. [Repeals.]

Rsp. By the Repealing Act, 1927 (XII of 1927), S. 2 and Sch.

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