



BELIZE

**BELIZEAN NATIONALITY ACT
CHAPTER 161**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
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CHAPTER 161

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CHAPTER 161

BELIZEAN NATIONALITY

[23rd November, 1981]

CAP. 127A,
R. E. 1980-1990.
1 of 1981.
15 of 1985.
10 of 1998.
15 of 1998.

PART I

Preliminary

1. This Act may be cited as the Belizean Nationality Act. Short title.

PART II

Citizenship of Belize

- Status. 2.-(1) With effect from the appointed date, there shall be a status to be known as “citizen of Belize”.
- (2) A person shall be or become entitled to the status of a citizen of Belize in one of the following ways only-
- (a) by right of descent as provided by this Act;
- (b) by virtue of registration as provided by this Act.
- (3) In any context in which a distinction is drawn according as that status is based on descent or registration, a citizen of Belize is referred to as “citizen by descent” or “citizen by registration”; and the status of such citizen is in the like context referred to as “citizenship by descent” or “citizenship by registration”.
- Citizenship and nationality. 3. A citizen of Belize may, for any purpose in Belize, describe his nationality by the use of the expression “Citizen of Belize”.

PART III

Citizenship by Descent

- Citizenship by descent in the case of persons born before the appointed date. 15 of 1985. 4.-(1) Subject to the other provisions of this Part, every person born in Belize immediately before Independence Day shall become a citizen of Belize on Independence Day.
- (2) Every person who, immediately before Independence Day, is a citizen of the United Kingdom and Colonies-

- (a) having become such a citizen under the British Nationality Act 1948 by virtue of his having been naturalised in Belize as a British subject before that Act came into force; or 11 & 12 Geo. 6 cap. 56 (U.K.)
- (b) having while resident in Belize become such a citizen by virtue of his having been naturalised or registered under that Act,

shall become a citizen of Belize on Independence Day.

(3) Every person born outside Belize before Independence Day shall become a citizen of Belize on Independence Day, if his father or mother becomes, or would but for his death or the renunciation of his citizenship have become, a citizen of Belize by virtue of subsection (1) or (2) of this section. 15 of 1985.

(4) Every person born outside Belize before Independence Day shall become a citizen of Belize on Independence Day if one of his grandparents becomes, or would but for his death or renunciation of his citizenship have become, a citizen of Belize by virtue of subsection (1) or (2) of this section. 15 of 1985.

(5) Every woman shall become a citizen of Belize on Independence Day if immediately before Independence Day she is married to a person who becomes, or but for his death or the renunciation of his citizenship would have become, a citizen of Belize by virtue of subsection (1), (2), (3) or (4) of this section. 15 of 1985.

5.-(1) Subject to the other provisions of this Part, a person born in Belize on or after the appointed date shall have the status of a citizen of Belize. Citizenship by descent in the case of persons born on or after the appointed date.

(2) Subject to the other provisions of this Part, a person born outside Belize on or after the appointed date shall have the status of a citizen of Belize by descent if at the time of his birth his father or mother is a citizen of Belize.

(3) The provisions of subsection (1) of this section shall not apply to any person if at the time of his birth-

- (a) neither of his parents is a citizen of Belize and his father or mother possesses such immunity from suit and legal process as is accorded to the envoy of a foreign sovereign power accredited to Belize; or
- (b) his father or mother is a citizen of a country with which Belize is at war and the birth occurs in a place then under occupation by that country.

Certificate of citizenship of Belize in case of doubt.

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

(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.

Foundlings.

7. Every person first found in Belize as a newly born deserted infant of unknown and unascertainable parentage shall, until the contrary is proved, be deemed to have the status of a citizen of Belize by descent.

Resumption of citizenship by descent.

8.-(1) Any person who ceases under section 17 to be a citizen of Belize by descent may at any time thereafter make application to the Minister for a declaration that such person has resumed the status of a citizen of Belize by descent; and the Minister may make the declaration for which the application is made-

15 of 1985.

- (a) if that person renounces citizenship of any other country of

which he is a citizen, in accordance with the law in force in that behalf in that other country; and

(b) if that person is, and intends to continue to be, ordinarily resident in Belize.

(2) Where a declaration is made in relation to any person under subsection (1), that person shall, with effect from such date as may be specified in the declaration, again have the status of a citizen of Belize by descent.

(3) Any person who makes or has made an application under subsection (1) may, in his application or by subsequent letter, make a request for the grant to any minor child of that person of the status of a citizen of Belize by descent; and if in any such case a declaration under subsection (1) is made in relation to that person, each minor child specified in the declaration shall have the status of a citizen of Belize by descent.

(4) The Minister may refuse to make a declaration under subsection (1) in relation to any person on grounds of public policy; and such refusal shall be final, but without prejudice to the power of the Minister subsequently to make such a declaration in relation to that person.

9. Any reference in this Part 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 21st of September 1981, and the birth occurred on or after that date, the national status that the father would have had if he had died on that date shall be deemed to be his national status at the time of his death.

Posthumous persons.

PART IV

Citizenship by Registration

Persons entitled to registration as citizens.

10.-(1) This section shall apply to any applicant for registration as a citizen of Belize who has the following qualifications-

- (a) that the applicant is of full age and of sound mind;
- (b) that the applicant is a person who is ordinarily resident in Belize and has been so resident for a period of five years immediately preceding the date of the application; and
- (c) that the applicant is, and intends to continue to be, ordinarily resident in Belize.

(2) Subject to the other provisions of this Part, a person to whom this section applies may, if he has the qualification set out in subsection (1) of this section, be registered as a citizen of Belize on his making application in that behalf to the Minister in the prescribed manner:

15 of 1998.

Provided that the provisions of subsections (1) and (2) of this section shall not apply to an economic citizen as defined in section 12 of this Act.

(3) Without prejudice to the generality of subsection (2) of this section, the Minister may refuse to register as a citizen of Belize any person referred to in that subsection if he is satisfied that the applicant-

- (a) is not of good character; or
- (b) has been convicted by a competent court in any country of a criminal offence for which he was sentenced to death or has been detained under a sentence of imprisonment of twelve months or more imposed on him on his conviction of a crimi-

nal offence by such a court, and in either case, has not received a free pardon in respect of the offence; or

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

(4) The Minister's refusal, under subsection (3) of this section, to allow the application of any person for registration as a citizen of Belize shall be final.

11.-(1) Subject to the other provisions of this Part, no person who is the spouse, or the widow or widower, of a citizen of Belize by descent or registration shall be registered as a citizen of Belize under this Act, except in accordance with the succeeding provisions of this section.

Registration of spouse, widow or widower of citizen of Belize.

(2) A person who desires to be registered as a citizen of Belize under this section shall send an application in the prescribed form and manner to the prescribed officer.

(3) After the receipt of the application under subsection (2), the prescribed officer shall send the application to the Minister, if he is satisfied that the applicant has the following qualifications-

- (a) that the applicant has the qualifications specified in para-

graph (a) and (c) of subsection (1) of section 10;

- (b) that the applicant has been resident in Belize throughout a period of one year immediately preceding the date of the application of such applicant; and
- (c) that the applicant is the spouse, or the widow or widower, of a citizen of Belizean by descent or registration.

10 of 1998.

(4) For the purpose of the residency requirement specified in subsection (3) (b) above, if any applicant marries a Belizean citizen, such applicant shall be deemed to have been legally resident in Belize from the date of such marriage, notwithstanding that he might have entered Belize illegally.

(5) The Minister may, in his discretion, refuse an application sent to him under subsection (3) on any of the grounds specified in subsection (3) (a), (b) or (c) of section 10.

(6) Where the Minister grants an application for registration made under this section by any person, such person shall be registered as a citizen of Belize.

(7) The Minister's refusal under subsection (5) of this section to allow the application of any person for registration as a citizen of Belize shall be final:

15 of 1998.

Provided that the provisions of this section shall not apply to an economic citizen as defined in section 12 of this Act.

Grant of citizenship to persons for their substantial contribution to Belize.

12. For the purposes of this Act:-

- (a) "economic citizen" means a person who-
 - (i) has, to the satisfaction of the Minister, made a

substantial contribution to the economy and/or well-being of Belize, or who has rendered distinguished service to Belize, and who is not entitled to be registered under any of the other provisions of this Act;

- (ii) is of full age and sound mind; and
 - (iii) is of good character;
- (b) “dependent” in relation to an economic citizen, means-
- (i) the father and mother as well as the father-in-law and mother-in-law of the economic citizen who are incapacitated or unable to work;
 - (ii) the minor children of the economic citizen; and
 - (iii) the adult children of the economic citizen who are dependent on the economic citizen for their livelihood and are below thirty years of age.

(2) Economic citizenship shall be granted by registration upon application to the Minister, in the same manner as an application under section 11 of this Act, and the same fee shall be payable for a certificate under this section.

(3) Any applicant who is granted citizenship by registration shall be entitled to have the applicant’s spouse and dependents, if any, registered as citizens of Belize at the same time, or at a subsequent time thereafter, notwithstanding the provisions of section 13 of this Act.

(4) Subsection (3) and (4) of section 10 shall apply to an application under this section.

Minor children
of applicants for
registration as
citizens of Belize.

13.-(1) Where an applicant for registration as a citizen of Belize has any minor child, he may in his application or by subsequent letter make a request for the inclusion of the name of that child in the certificate of registration which may be granted under this Part.

(2) Where a request as aforesaid is made by an applicant under section 10 or section 11, the Minister may, subject to the other provisions of this Part, comply with the request if the applicant is registered as a citizen of Belize.

10 of 1998.

(3) Where the Minister is satisfied that an applicant to whom a certificate of registration as a citizen of Belize has been issued under this Act was unable due to any fit and proper cause, at the time of making his application for citizenship, to include the names of his minor children in the application, the Minister may allow the certificate of registration as a citizen of Belize to be amended to include the names of the applicant's minor children, on such terms and subject to the payment of such fee as the Minister may prescribe.

10 of 1998.

(4) Where a minor child, referred to subsection (3) above, has attained the age of eighteen years, and cannot for that reason be included in the parent's certificate of registration, he shall be entitled to apply for Belizean citizenship, irrespective of the residency requirement specified in section 10 (1) (b) or 11 (3) (b), as the case may be.

Persons who are
not granted
citizenship by
registration.
15 of 1985.

14. Save as provided in section 10, a person who has ceased to be a citizen of Belize shall not be granted citizenship by registration.

Register.

15. There shall be kept and maintained in the prescribed form a register of persons who are granted citizenship by registration.

Certificate of
registration.
15 of 1998.

16. The Minister shall grant, in the prescribed form, a certificate of registration as a citizen of Belize to every person who is registered under section 10, section 11 or section 12 and where he decides to comply with a

request made by that person under section 13, shall include in the certificate the name of every minor child to whom the request relates.

17.-(1) A person to whom a certificate of registration as a citizen of Belize is granted shall, on subscribing the prescribed oath of affirmation of allegiance, have the status of a citizen of Belize by registration as from the date of that certificate.

Effect of certificates of registration.

(2) A minor child whose name is included in a certificate of registration as a citizen of Belize shall have the status of a citizen of Belize by registration as from the date of that certificate.

Provided that the provisions of this section shall not apply to an economic citizen as defined in section 12 of this Act.

PART V

Loss of Citizenship

18. If a citizen of Belize of full age and of sound mind makes a declaration of renunciation of citizenship of Belize in the prescribed manner, the Minister shall cause the declaration to be registered; and, upon registration thereof, the declarant shall cease to be a citizen of Belize:

Renunciation of citizenship of Belize.

19. In any case where any person purports to renounce citizenship of any country for the purpose of acquiring, retaining or resuming, under any provision of this Act, the status of a citizen of Belize, and it is found at any time that the renunciation was not in accordance with or not effective under the law in force in that behalf in such other country, that person shall be deemed never to have acquired, retained or resumed, under that provision, that status of a citizen of Belize; and if the Minister makes a declaration to that effect in any such case, the declaration shall be final.

Cases of invalid or ineffective renunciations of foreign citizenship.

Residence
outside Belize for
five consecutive
years.

20. A person who is a citizen by registration shall cease to be a citizen of Belize if that person resides outside Belize for five consecutive years or more, exclusive of any period during which that person -

- (a) is employed abroad as an officer in the services of the Government of Belize; or
- (b) is abroad as a representative of the Government of Belize; or
- (c) being the spouse or minor child of a citizen of Belize who is abroad in any of the capacities specified in paragraphs (a) and (b) of this section, resides abroad with that citizen; or
- (d) resides abroad on a holiday or for reasons of health; or
- (e) is a student at an educational institution abroad; or
- (f) resides abroad with a spouse who is a citizen of Belize by descent; or
- (g) is abroad for any other purpose which may be prescribed by Order by the Minister:

15 of 1998.

Provided that the provisions of this section shall not apply to an economic citizen as defined in section 12 of this Act.

Declaration
of Minister
of loss of
citizenship in
specified
circumstances.

21.-(1) Where the Minister is satisfied that a person who is a citizen of Belize by registration-

- (a) has been convicted of an offence under this Act; or
- (b) has been convicted of any offence under Title XIII of the

- Criminal Code; or CAP. 101.
- (c) was registered as a citizen of Belize by means of fraud, false representation, or the concealment of material circumstances or by mistake; or
- (d) has, within five years after the date of registration as a citizen of Belize, been sentenced in any court to imprisonment for a term of twelve months or more; or
- (e) has, since the date of his becoming a citizen of Belize by registration, been for a period of not less than two years ordinarily resident in a foreign country of which he was a national or citizen at any time prior to that date, and has not maintained a substantial connection with Belize; or
- (f) has taken an oath or affirmation of, or made a declaration of, allegiance to a foreign country; or
- (g) has so conducted himself that his continuance as a citizen of Belize is detrimental to the interest of Belize,

the Minister may by Order declare that such person shall cease to be such a citizen and thereupon the person in respect of whom the Order is made shall cease to be a citizen of Belize by registration:

Provided that the provisions of paragraph (e) of subsection (1) above shall not apply to an economic citizen as defined in section 12 of this Act. 15 of 1998.

(2) Before the Minister makes any Order in relation to a person to whom paragraph (g) of subsection (1) of this section applies, he shall refer that person's case for inquiry by one or more persons appointed by him, with such qualifications as may be prescribed. The person or persons who have been authorised to make an inquiry under the preceding provisions of this section

shall, as soon as the inquiry is completed, make a written report to the Minister. He shall not make any Order under subsection (1) of this section without carefully considering such report.

(3) Where a person ceases to be a citizen of Belize under subsection (1) of this section, the Minister may by Order direct that all or any of the persons specified in the following paragraphs shall cease to be citizens of Belize, and thereupon they shall cease to be citizens-

- (a) all or any of the minor children of such person who have been included in the certificate of registration issued to him at the time of his registration; and
- (b) the spouse, widow or widower of such person, if such spouse, widow or widower was registered under this Act.

PART VI

Miscellaneous

- Offence. 22. 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 commits an offence and shall, on conviction after summary trial before a magistrate, be liable to imprisonment for a term not exceeding twelve months.
- Fees. 23. Every person to whom a certificate under this Act is granted shall, in respect of that certificate, pay, in the prescribed manner, a fee according to the prescribed rates.
- Regulations. 24. The Minister may make all such regulations as may be necessary for giving effect to the provisions of this Act and in particular for prescribing any matter which is stated or required to be prescribed.

(2) Regulations made by the Minister under subsection (1) of this section shall be subject to negative resolution.

25. The form of the oath of allegiance to be administered for the purposes of this Act shall be as in the Schedule.

Form of oath.
Schedule.

26.-(1) No person shall be entitled under the provisions of this Act to be a citizen of Belize or be granted citizenship of Belize if such person shows any allegiance to or is a citizen of a country which does not recognise the independence, sovereignty or territorial integrity of Belize:

Special provisions applicable to this Act.
15 of 1985.

Provided that the Minister may in his discretion grant Belizean citizenship to persons falling under this subsection who would otherwise be entitled to such citizenship under the provisions of sections 4 and 5 (2) of this Act.

(2) Where a person born outside Belize is entitled to be a citizen of Belize under the provisions of this Act, the right to Belizean citizenship shall not be deemed to accrue upon the conditions giving rise to such entitlement arising, but the citizenship shall be sought for by the person entitled to or on his behalf and obtained by the grant by the Minister of proper certification affirming his citizenship.

(3) Where a person claiming citizenship by birth, descent or registration makes an application or request for the grant of citizenship the stay of such person in Belize shall not be considered illegal under the provisions of any law for so long and only for so long as such stay is necessary for the disposal of his application. His right of abode or that of his wife or dependants, if any, under the age of eighteen years, shall not be affected pending the disposal of his application.

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

Interpretation.

“appointed day” and “Independence Day” mean the 21st September, 1981;

15 of 1985.

“Minister” means the Minister responsible for citizenship;

“minor child” means a person who has not attained the age of eighteen years, and includes a child born out of wedlock;

“prescribed” means prescribed by regulations made under this Act.

(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.

SCHEDULE

[Section 25]

OATH OF ALLEGIANCE

1. I, A.B., do swear that I will be faithful and bear true allegiance to Belize, Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, and that I will faithfully observe and uphold the Constitution and the laws of Belize and conscientiously fulfill my duties as a citizen of Belize.

So help me God.

AFFIRMATION OF ALLEGIANCE WHERE A
PERSON IS PERMITTED BY LAW TO AFFIRM

2. I, A.B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Belize, Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, and that I will faithfully observe and uphold the Constitution and the laws of Belize and conscientiously fulfill my duties as a citizen of Belize.