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REPUBLIC OF ZAMBIA

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SUBSIDIARY LEGISLATION

CITIZENSHIP OF ZAMBIA

THE CITIZENSHIP OF ZAMBIA REGULATIONS

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56 of 1977

Act No.

13 of 1994

38 of 1997

PART I PRELIMINARYPART I

PRELIMINARY

1. These Regulations may be cited as the Citizenship of Zambia Regulations.*Title

2. In these Regulations, unless the context otherwise requires-Interpretation

"Board" means the Citizenship Board established by section three of the Act;

"Chief Immigration Officer" shall have the meaning assigned thereto in the Immigration and Deportation Act;Cap. 123

"Citizenship Office" means the office of the Citizenship Officer;

"Citizenship Officer" means the person appointed under regulation 3 to be a Citizenship Officer;

"immigration officer" shall have the meaning assigned thereto in the Immigration and Deportation Act;Cap. 123

"Secretary" means the secretary of the Board;

"senior government officer" means any officer in the service of the Government who is in receipt of a salary exceeding K2,500 per annum.

3. (1) There shall be a Citizenship Officer who shall be a public officer.Appointment and duties of Citizenship Officer

(2) A Citizenship Officer shall, subject to the orders and directions of the Board, carry out the duties imposed upon him by these Regulations.

PART II APPLICATION FOR REGISTRATION AS A CITIZEN OF ZAMBIAPART II

APPLICATION FOR REGISTRATION AS A CITIZEN OF ZAMBIA

4. Every application made in accordance with this Part shall be addressed to the Citizenship Officer who shall, on receipt thereof and after ensuring that the application is duly and properly made as required by these Regulations, lodge the same with the secretary for consideration by the Board.Making of applications

5. Every applicant for registration as a citizen of Zambia under Article 6 of the Constitution shall publish in the Gazette and in two consecutive issues of a newspaper registered under the Printed Publications Act and circulating in his area of residence, a notice of intention to apply for registration as a citizen of Zambia in Form 1 in the First Schedule:Advertisement of intention to apply for registration.

Cap. 1

Cap. 161

Provided that the Board may in writing exempt any person or by statutory order exempt any class of persons from compliance with the provisions of this regulation.

6. Obsolete.

7. Obsolete.

8. Obsolete.

9. An application for registration as a citizen of Zambia under Article 6 of the Constitution shall be in Form 5 in the First Schedule.Registration under the Constitution.

Cap. 1

10. An application made by the parent or guardian of any person not of full age who is the child of a citizen of Zambia under subsection (1) of section twelve of the Act shall be in Form 6 in the First Schedule.Registration under section 12 (1) of Act

11. An application for registration as a citizen of Zambia made under subsection (3) of section sixteen of the Act shall be in Form 7 in the First Schedule.Registration under section 16 (3) of Act

12. Upon registration of a person as a citizen of Zambia a certificate of registration in Form 8 in the First Schedule shall be issued by the Board and signed by the Citizenship Officer.Certificate of registration

13. (1) Where any person registered as a citizen of Zambia is required to renounce his citizenship of any country other than Zambia, to take the oath of allegiance or to register a declaration of intention concerning his residence in Zambia, the certificate of registration issued in respect of such person may, subject to the provisions relating to extension of time contained in the Act, be withdrawn at the expiration of a period of three months following his registration unless such person has earlier renounced the citizenship of that other country, taken the oath of allegiance and registered such declaration of intention concerning his residence in Zambia as may be required.Withdrawal of certificate of registration

(2) Where under the law of any country a person cannot renounce his citizenship, a person required to renounce the citizenship of such country may, in lieu of renunciation, subscribe and attest a declaration in the form prescribed herein to the effect that he does not have any claim to that other citizenship.

(3) Where an extension of time within which any person is required to make a renunciation of citizenship or take the oath of allegiance has been granted pursuant to the provisions relating to extension of time contained in the Act,

the Citizenship Officer shall endorse the fact of such extension on the certificate of registration.

(4) A certificate of renunciation or a declaration in lieu thereof, as the case may be, shall be registered at the Citizenship Office.

14. The oath of allegiance required to be taken under the Constitution shall be subscribed and attested in Form 9 in the First Schedule and shall be registered at the Citizenship Office. Oath of allegiance.
Cap. 1

15. A declaration in lieu of renunciation made under subsection (5) of section nineteen of the Act shall be in Form 10 in the First Schedule and shall be registered at the Citizenship Office. Declaration in lieu of renunciation

16. Where a person wishes to make an application or declaration under any of these Regulations and the form referred to in the regulation is, in the opinion of the Board, unsuitable to the particular case, the Board may authorise the application or declaration to be in some other form. Alternative forms for application

17. The following languages commonly used by the indigenous inhabitants of Zambia are hereby prescribed for the purposes of paragraph (d) of subsection (2) of section sixteen of the Act, namely: Bemba, Kaonde, Lozi, Lunda, Luvale, Nyanja and Tonga. Prescription of languages

18. (1) No evidence other than the evidence prescribed in this regulation shall be accepted by the Board in support of any application made under the Act: Evidence in support of application

Provided that the Board may, where the circumstances of any particular case so warrant, in its discretion accept evidence other than the evidence prescribed in this regulation.

(2) In any application made under the Act-

(a) any statement concerning particulars of birth shall be supported by a birth certificate issued in respect of such birth or an affidavit of the date and place of such birth;

(b) any statement concerning particulars of marriage shall be supported by a marriage certificate issued in respect of such marriage;

(c) any statement concerning particulars of citizenship shall be supported by a passport, a certificate of registration, a national registration card, a birth certificate, or an affidavit of the date and place of birth, issued or, as the case may be, made on the grounds of such citizenship.

(3) Every application for registration as a citizen made under Article 6 of the Constitution shall include a certificate of status as an established resident issued by the Chief Immigration Officer under the Immigration and Deportation Act, or as the case may be, a certificate of residence issued in the same manner. Cap. 1

Cap. 122

(4) Every application submitted in accordance with regulation 9 shall be sponsored by four persons who are citizens of Zambia and at least two of whom

shall be persons from the following category, that is to say: a member of the National Assembly; a senior government officer; a magistrate; a legal practitioner; a bank official; a municipal councillor; the chairman of a township council; the chairman of a rural council; an ordained minister of religion; or a medical practitioner.

(5) Every application, declaration, or oath of allegiance required to be made by or under these Regulations shall have no effect unless it is made in the presence of, or administered by, a magistrate or a commissioner for oaths and signed by that magistrate or commissioner for oaths.

(6) Any certificate, declaration, or affidavit issued or, as the case may be, sworn before the advocate of the applicant shall not be valid for the purposes of these Regulations.

PART III LOSS OF CITIZENSHIP

LOSS OF CITIZENSHIP

19. A declaration of renunciation of Zambian citizenship shall be in Form 11 in the First Schedule and shall be registered at the Citizenship Office. Renunciation of citizenship

20. (1) Where it is proposed to make an order under section twenty-two of the Act depriving a person of his citizenship of Zambia, the notice required to be given to such person by subsection (6) of that section may be given—Procedure for deprivation of citizenship

(a) in any case where that person's whereabouts are known, by causing the notice to be delivered to him personally or by sending it to him by registered post;

(b) in any case where that person's whereabouts are not known, by sending it to his last known address.

(2) Where the Board has given notice as aforesaid and the person to whom it is given has the right, on making application therefor, to an inquiry under subsection (7) of section twenty-two of the Act, the application shall be made—

(a) if that person is in Zambia at the time when the notice is given to him, within seven days from the giving of the notice;

(b) in any other case, within such time, not being less than seven days from the giving of the notice, as the Board may determine:

Provided that the Board may in special circumstances at any time extend the time within which the application may be made.

(3) Any notice given in accordance with the provisions of this regulation shall, in any case in which the person to whom it is given has the right, on making application therefor, to an inquiry under subsection (7) of section twenty-two of the Act, include a statement of the time within which such application must be made.

21. Where an order has been made depriving a person of his citizenship of Zambia, his name shall be removed from the register of citizens and, if required by notice in writing given by the Board, such person or any other person who is

in possession of the relevant certificate of registration shall deliver up the same to such person and within such time as may be specified in the notice, and the said certificate shall be cancelled. Surrender of certificate of registration

PART IV MISCELLANEOUS PART IV

MISCELLANEOUS

22. The Board shall maintain the following registers, that is to say:

- (a) a register of citizens by registration;
- (b) a register of persons who have renounced citizenship;
- (c) a register of persons who have been deprived of citizenship or whose citizenship has ceased under any provision of the Act;
- (d) a register of declarations of intent to retain Zambian citizenship made under paragraph (c) of subsection (3) of section twenty-two of the Act, and of any registrations made under the same provision. Registers

23. (1) The registration required to be made with a Zambia consulate by paragraph (c) of subsection (3) of section twenty-two of the Act and the declaration required by the aforesaid provision to be made by notice in writing to the Board, shall be made by means of a letter addressed to a Zambia consulate or the Board, as the case may be, stating the name and address of the citizen to whom it relates, the date and number of the certificate of registration, the date of his last registration or declaration, as the case may be, and his intention of retaining his citizenship. Registration of intention to remain Zambian

(2) The letter shall be despatched so as to reach the Zambia consulate or the Board, as the case may be, not later than the seventh anniversary of the date of the applicant's departure from Zambia or, in the case of a subsequent registration or declaration, not later than the seventh anniversary of the date of the last registration or declaration.

(3) Every registration received by a Zambia consulate shall be registered at that consulate and every declaration received by the Board shall be registered at the Citizenship Office.

24. A certificate of citizenship to be given in cases of doubt pursuant to subsection (1) of section twenty-four of the Act shall be in Form 12 in the First Schedule and shall be signed by the Citizenship Officer with the approval of the Board in each case. Certificate in cases of doubt

25. A document may be certified to be a true copy of a document for the purpose of subsection (2) of section twenty-five of the Act by means of a statement in writing to that effect signed by the Citizenship Officer. Certified copies of documents

26. Where it appears to the Citizenship Officer, an immigration officer or a police officer that reasonable grounds exist for believing that any passport or national registration card was wrongfully obtained or is wrongfully possessed, it shall be lawful for the Citizenship Officer, such immigration officer or police officer, to impound the said passport or registration card pending the conclusion of any investigation which may be commenced in relation

thereto. Impounding of certain documents

27. (1) Subject to the other provisions of this regulation, the fees specified in the Second Schedule shall be payable to the Citizenship Officer in respect of the matters specified therein. Prescribed fees

(2) Of the fee payable in respect of the grant of a certificate of registration, 10 fee units shall be payable on the application for such certificate and the balance shall be payable upon the receipt of a decision to grant a certificate, where such a decision is made:

Provided that where a husband and wife apply at the same time for certificates and are residing together at the time of the applications and at the time of receipt of the decision to grant certificates (where such a decision is made), the balance shall be payable in respect of one certificate only.

(3) The Board may, in respect of any person or class of persons, waive or reduce any fee payable under these Regulations.

(4) Any fee which is required to be paid under these Regulations and which is paid in accordance therewith shall in no circumstances be refunded.

(As amended by Act No. 13 of 1994)

FIRST SCHEDULE

PRESCRIBED FORMS

FORM 1

(Regulation 5)

Zambia Coat of Arms

THE CITIZENSHIP OF ZAMBIA ACT

NOTICE OF INTENTION TO APPLY FOR REGISTRATION

NOTICE IS HEREBY GIVEN that

of

(present address)

is applying to the Board for registration as a citizen of the Republic of Zambia, and that any person who knows any reason why registration should not be granted should send a written and signed statement of such reason to the Citizenship Officer, P.O. Box 104, Lusaka, within twenty-eight days from the date of this publication.

FORM 5

(Regulation 9)

Zambia Coat of Arms

THE CITIZENSHIP OF ZAMBIA ACT

APPLICATION FOR REGISTRATION AS A CITIZEN OF ZAMBIA

(Under Article 6 of the Constitution)

PART I-APPLICATION

1. I,
of

do state that-

- (a) I am of full age and capacity/a woman who is or has been married;
- (b) I am ordinarily resident in Zambia and I have been so resident for a continuous period of not less than ten years immediately preceding this application;
- (c) I am of good character and I have an adequate knowledge of the English/
..... language (as prescribed);
- (d) In the event of this application being granted I intend to continue to reside in Zambia/to enter or continue in the service of the Government, and to renounce any other citizenship which I possess;
- (e) I have not been refused registration as a citizen within the period of five years immediately preceding this application.

2. My intention to apply for registration was published in the Gazette dated and in two issues of

(state name of paper)
dated.....and....., which is a newspaper circulating in my area of residence.

3. I hereby apply to be registered as a citizen of Zambia.

Declared at this day of, 19.....

Signature

PART II-PARTICULARS OF APPLICANT

4. Place and date of birth of applicant
5. Nationality at birth
6. Nationality if now different
7. Address in Zambia
8. Occupation
9. State if single, married, widowed or divorced
10. Father's full name and address (if living)
11. Father's nationality
(if dead, give nationality at time of death)
12. Mother's full name and address (if living)
13. Mother's nationality
(if dead, give nationality at time of death)
14. Date of any previous application for registration
15. If original name has been changed, give particulars
16. If nationality has changed since birth, give particulars
17. If now of no nationality, give circumstances in which nationality was lost
18. Give particulars of all criminal proceedings taken against the applicant at any time and in any country
19. If married, give date and place of marriage
20. Husband's full name or wife's full name before marriage

21. If husband or wife is dead, give place and date of death

22. If marriage is dissolved, give date and place

23. Give particulars of legitimate children:

Full name of
each child Date of
birth

Place of birth Where now
resident

24. Give details of previous residence in Zambia:

From (date) To (date) Address Years Months

(NOTE-Any period spent as an inmate of a prison or mental institution or any period spent as a visitor to this country or under a temporary residence permit does not count as residence.)

PART III-CERTIFICATES OF SPONSORS

25. I,
of
being a citizen of Zambia hereby certify that the applicant herein is a person known to me and is of good character; that in my opinion he would be a suitable citizen of Zambia; and that the particulars in Part II of this application are correct to the best of my knowledge and belief. I am not the solicitor or agent of the applicant and I have known him for
..... years.

Dated this day of
....., 19.....

.....
.....

Witness to Signature Signature of Sponsor

Designation

26. I,
of
being a citizen of Zambia hereby certify that the applicant herein is a person known to me and is of good character; that in my opinion he would be a suitable citizen of Zambia; and that the particulars in Part II of this application are correct to the best of my knowledge and belief. I am not the solicitor or agent of the applicant and I have known him for years.

Dated this day of
....., 19.....
.....
.....

Witness to Signature Signature of Sponsor

Designation

(NOTE-The sponsor in the case of paragraphs 25 and 26 must be a Member of the National Assembly, a Senior Government Officer, a Magistrate, a Legal Practitioner, a Bank Official, a Municipal Councillor, a Chairman of a Township or a Rural Council, an ordained Minister of Religion or a Medical Practitioner, being a citizen of Zambia himself.)

27. I,
of
being a citizen of Zambia hereby certify that the applicant herein is a person known to me and is of good character; that in my opinion he would be a suitable citizen of Zambia; and that the particulars in Part II of this application are correct to the best of my knowledge and belief. I am not the solicitor or agent of the applicant and I have known him for years.

.....
.....
Witness to Signature Signature of Sponsor

28. I,
being a citizen of Zambia hereby certify that the applicant herein is a person known to me and is of good character; that in my opinion he would be a suitable citizen of Zambia; and that the particulars in Part II of this application are correct to the best of my knowledge and belief. I am not the solicitor or agent of the applicant and I have known him for years.

.....
.....

Witness to Signature Signature of Sponsor

(NOTE-The sponsors in the case of paragraphs 27 and 28 need not be in the class mentioned in the note to paragraphs 25 and 26.)

PART IV-DECLARATION BY APPLICANT

29. I,
do solemnly and sincerely declare that to the best of my knowledge and belief the particulars stated in this application are true and I undertake in the event of my registration as a citizen of Zambia to renounce any nationality or citizenship which I possess.

Signature

Declared at this
..... day of, 19.....

*(Magistrate/Commissioner for Oaths)

*Delete whichever is not applicable.

FOR OFFICIAL USE ONLY

Documents produced:

Passport No.

Other documents

FORM 6

(Regulation 10)

Zambia Coat of Arms

THE CITIZENSHIP OF ZAMBIA ACT

APPLICATION FOR REGISTRATION AS A CITIZEN OF ZAMBIA

(Under Section 12 (1) of the Act)

PART I-APPLICATION

1. I,
of
being a parent/guardian of

(name of minor)

do state that-

(a)
..... is not of full age;

(name of minor)

(b) is the child of
.....

(name of minor)

who is a citizen of Zambia.

2. I do hereby apply to have the said

(name of minor)

registered as a citizen of Zambia.

Dated at this
..... day of, 19.....

PART II-PARTICULARS OF MINOR AND PARENT

3. Place and date of birth of minor

(NOTE-The applicant must produce a birth certificate or a sworn affidavit of date and place of birth.)

4. Place and date of *father's/mother's birth

5. Evidence of *father's/mother's citizenship of Zambia

(NOTE-The applicant must produce the father's/mother's birth certificate or a sworn affidavit of date and place of birth or father's/mother's certificate of registration.)

PART III-DECLARATION BY APPLICANT

I,
.....
....., do solemnly and sincerely declare that to the best of my knowledge and belief the particulars stated in this application are true.

Signature of Applicant

Declared at this
..... day of, 19.....

*(Magistrate/Commissioner for Oaths)

*Delete whichever is not applicable.

FOR OFFICIAL USE ONLY

Documents produced:

Birth Certificate No.

Certificate of Registration/Naturalisation No.

Other documents

FORM 7

(Regulation 11)

Zambia Coat of Arms

THE CITIZENSHIP OF ZAMBIA ACT

APPLICATION FOR REGISTRATION AS A CITIZEN OF ZAMBIA

(Under Section 16 (3) of the Act)

PART I-APPLICATION

1. I,
of

do state that-

- (a) I am of full age and capacity/a woman who is or has been married;
- (b) I was born in Zambia before the 25th August, 1973;
- (c) My father was not a citizen at the time of my birth;
- (d) I ceased to be a citizen by reason of my failure to renounce my citizenship by descent.

2. I hereby apply to be registered as a citizen of Zambia.

Dated at this
..... day of,
19.....

Signature

PART II-PARTICULARS OF APPLICANT

3. Place and date of birth of applicant

(NOTE-The applicant must produce his birth certificate or sworn affidavit of date and place of birth.)

4. Place and date of father's birth

PART III-DECLARATION BY APPLICANT

I,
.....
..... do solemnly and sincerely
declare that to the best of my knowledge and belief the particulars stated in

this application are true, and I undertake to produce a certificate of renunciation of my original citizenship as required by law in the event of notification that this application has been granted.

Signature of Applicant

Declared at this
day of, 19.....

*(Magistrate/Commissioner for Oaths)

*Delete whichever is not applicable.

FORM 8

(Regulation 12)

Zambia Coat of Arms

THE CITIZENSHIP OF ZAMBIA ACT

CERTIFICATE OF REGISTRATION

WHEREAS

has applied to the Citizenship Board for a certificate of registration alleging with respect to himself (herself) the particulars set out below, and has satisfied the Board that the conditions set out in the Citizenship of Zambia Act for the grant of a certificate of registration are fulfilled:

NOW, THEREFORE, the Board, in pursuance of the powers conferred upon it by the said Act grants to the said this certificate of registration, and declares that upon taking the Oath of Allegiance within the time and in the manner required by the regulations made in that behalf he (she) shall be a citizen of Zambia as from the date of this certificate.

IN WITNESS WHEREOF I have hereto subscribed my name this day of , 19.....

Citizenship Officer

PARTICULARS RELATING TO APPLICANT

Full name

Address

Profession or occupation

Place and date of birth

Nationality at birth

Marital status

Name of wife or husband

Names and nationalities of parents:

Father

Mother

The Oath of Allegiance was sworn and subscribed before a Magistrate/ Commissioner for Oaths on the

day of, 19.....

Certificate of Renunciation/Declaration in lieu of Certificate of
Renunciation registered on the

..... day of, 19.....

FORM 9

(Regulation 14)

Zambia Coat of Arms

THE CITIZENSHIP OF ZAMBIA ACT

OATH OF ALLEGIANCE

I,

.....
.....

do swear that I will be faithful and bear true allegiance to the President of the Republic of Zambia and that I will preserve, protect and defend the Constitution of Zambia as by law established.

SO HELP ME GOD

Signature

Sworn and subscribed this day of
....., 19.....

*(Magistrate/Commissioner for Oaths)

*Delete whichever is not applicable.

FORM 10

(Regulation 15)

Zambia Coat of Arms

THE CITIZENSHIP OF ZAMBIA ACT

DECLARATION BY A CITIZEN OF A COUNTRY WHOSE LAW
PRECLUDES RENUNCIATION OF CITIZENSHIP

(Under Section 19 (5) of the Act)

1. I,
do state that-

(a) I am of full age and capacity and was born at
.....
on;

(b) I am a citizen of Zambia by *birth/descent/registration;

(c) I am also a citizen/national of
....., and under the law of that
country it is impossible for me to renounce my citizenship of that country;

(d) I hereby divest myself of my allegiance to
..... and enjoyment of the
protection of that country.

2. I,,
do solemnly and sincerely declare that the foregoing particulars stated in this
declaration are true, and I make this solemn declaration conscientiously
believing the same to be true.

(Signed)

Made and subscribed this day of
....., 19....., before me.

(Signed)

*(Magistrate/Commissioner for Oaths)

*Delete whichever is not applicable.

FORM 11

(Regulation 19)

Zambia Coat of Arms

THE CITIZENSHIP OF ZAMBIA ACT

DECLARATION OF RENUNCIATION OF ZAMBIAN CITIZENSHIP

1. I,
of

do state that-

(a) I am of full age and capacity and was born at
.....
on;

(b) I *am/have/have not been married;

(c) I am a *citizen/national of
..... under the law of that
country/I intend to become a citizen/national of
..... after renouncing my citizenship of
Zambia.

2. I hereby renounce my citizenship of Zambia.

3. I,
..... do solemnly and sincerely
declare that the foregoing particulars stated in this declaration are true and I
make this solemn declaration conscientiously believing the same to be true.

(Signed)

.*(Magistrate/Commissioner for Oaths)

*Delete whichever is not applicable.

FORM 12

(Regulation 24)

Zambia Coat of Arms

THE CITIZENSHIP OF ZAMBIA ACT

CERTIFICATE OF CITIZENSHIP

WHEREAS

..... (the applicant) has applied to the Citizenship Board to certify that he/she is a citizen of Zambia;

AND WHEREAS the Board is satisfied that a doubt exists with respect to the applicant's citizenship;

NOW THEREFORE, the Board, in pursuance of the powers conferred upon it by the Citizenship of Zambia Act grants to the said..... this Certificate of Citizenship.

IN WITNESS WHEREOF I have hereto subscribed my name this day of, 19.....

Citizenship Officer

PARTICULARS RELATING TO APPLICANT

Full name

Address

Profession or occupation

Place and date of birth

Nationality at birth

Marital status

Name of wife or husband

Names and nationalities of parents:

Father

Mother

SECOND SCHEDULE

(Regulation 27)

PRESCRIBED FEES

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(As amended by S.I. No. 38 of 1997)