

Sierra Leone:

The Citizenship Act of 1973

PART I - PRELIMINARY

1. Interpretation

(1) In this Act, unless a contrary intention appears-

"Act" means Act of Parliament;

"alien" means a person who is not a Commonwealth citizen or a citizen of the Republic of Ireland;

"certificate of naturalisation" means a certificate of naturalisation granted under this Act;

"Commonwealth" means the Commonwealth as defined in subsection (3) of section 12 of this Act, and any dependency of any country names therein;

"father" includes a natural, but not an adoptive father;

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

"the Minister" means the member of Cabinet charged with responsibility for matters relating to citizenship;

"person of negro African descent" means a person whose father and father's father are or were negroes of African origin;

"Sierra Leone Consulate" means an office of a consular officer of the Government of Sierra Leone or any other office as may be prescribed for the purposes of this Act;

(2) For the purpose of this Act, a person born aboard a registered or 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.

(3) A person shall, for the purpose of this Act, be of full age if he has attained the age of twenty-one years, and of full capacity if he is not of unsound mind.

(4) 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.

PART II - CITIZENSHIP BY BIRTH

2. Citizenship by birth

Every person who, having been born in Sierra Leone before the nineteenth day of April, 1971, or who was resident in Sierra Leone on the eighteenth day of April, 1971, and not the subject of any other State shall, on the nineteenth day of April, 1971, be deemed to be a citizen of Sierra Leone by birth:

Provided that-

(a) his father or his grandfather was born in Sierra Leone; and

(b) he is a person of negro African descent;

3. Citizenship by birth in Sierra Leone

Every person born in Sierra Leone on or after the nineteenth day of April, 1971, in the circumstances set out in section 2, shall be

deemed to be a citizen of Sierra Leone by birth.

4. Citizenship by birth outside Sierra Leone

Every person born or resident outside Sierra Leone on or before the eighteenth day of April, 1971, and who, but for such birth or residence outside Sierra Leone would be a citizen of Sierra Leone by virtue of section 2, shall, on the nineteenth day of April 1971, be deemed to be a citizen of Sierra Leone by birth.

5. Citizenship by descent

Every person born outside Sierra Leone on or after the nineteenth day of April 1971, of a father who was or would but for his death have been a citizen of Sierra Leone by virtue of sections 2, 3 and 4, is a citizen of Sierra Leone by birth.

6. Other category of citizenship

Every person whose mother is or was a citizen of Sierra Leone by virtue of sections 2,3, 4 and 5 and who does not or did not acquire the citizenship of another State shall be deemed to be a citizen of Sierra Leone by birth.

PART III - CITIZENSHIP BY NATURALIZATION

7. Citizenship by naturalization of married women

Every woman who is not a Sierra Leonean and who is or has been married to a Sierra Leone citizen, may, on application being made by her in the manner prescribed, be granted a certificate of naturalization.

8. Citizenship by naturalization of other persons

(1) Every person of negro African descent born in Sierra Leone after the eighteenth day of April, 1971, may on application being made by him in the manner prescribed, be granted a certificate of naturalization:

Provided that a person shall not be granted a certificate by virtue of this section if at the time of his birth -

(a) neither of his parents was a citizen of Sierra Leone and his father possessed such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Sierra Leone; or

(b) his father was an enemy alien and the birth occurred in a place then under occupation of the enemy.

(2) Every person of full age and capacity, either of whose parents is a person of negro African descent who is resident in Sierra Leone and has been continuously so resident for a period of not less than eight years may, on application in the prescribed manner being made by him that he is qualified for naturalization under the Second Schedule, be granted a certificate of naturalization.

(3) Every person of full age and capacity, neither of whose parents is a person of negro African descent, who is resident in Sierra Leone and has been continuously so resident for a period of not less than fifteen years may, on application being made by him in the manner prescribed, be granted a certificate of naturalization if he satisfies the Minister that he is qualified for naturalization under the provisions set forth in the Third Schedule.

(4) Any person under the age of twenty-one years -

(a) whose father or mother was a citizen of Sierra Leone by

naturalization,

(b) born outside Sierra Leone on or after the date on which the father or mother became a citizen as aforesaid,

may, if he desires to acquire citizenship of Sierra Leone, make an application therefor for naturalization under the foregoing provisions of this section.

(5) Any person who has acquired citizenship of Sierra Leone in accordance with the provisions of subsections (2), (3) and (4) or such person's wife and children who have acquired such citizenship by reason of that person himself having so acquired Sierra Leone Citizenship shall not hold the following public offices:

(a) President of the State of Sierra Leone,

(b) Member of any Commission established under the Sierra Leone Constitution,

(c) Ambassador or Diplomatic Representative of Sierra Leone in any foreign country,

(d) Member of the Army or Navy or Air Force or Police Force of Sierra Leone,

(e) Permanent Secretary, Provincial Secretary, Secretary to the President, Secretary to the Vice-President, Secretary to the Prime Minister, Secretary to the Foreign Minister, the Financial Secretary, the Secretary to the Cabinet or the Establishment Secretary,

(f) Member of Parliament or of a Local Authority:

Provided that the restrictions specified under this subsection may be removed by Resolution passed by not less than two-thirds of the Members of Parliament on application being made by that

person in the manner prescribed, after a period of twenty-five years of his acquiring Sierra Leone Citizenship.

9. Conditions precedent to grant of certificate

Notwithstanding anything in this Act contained, no person applying for citizenship under sections 7 and 8 shall be granted a certificate of naturalization unless-

(a)he is of full age and capacity; and

(b)he has renounced, in a manner satisfactory to the Minister, and other citizenship which he possesses; and

(c)he has taken an oath of allegiance to the Republic in accordance with the First Schedule;

(d)he has made and registered a declaration, satisfactory to the Minister, concerning residence and employment; and

(e)he has paid such fees as may be prescribed:

Provided that where a person cannot renounce the citizenship of the other country under the law of that country he may instead make a declaration concerning that other citizenship as will satisfy the Minister that the declarant intended to and has in fact properly renounced that citizenship.

PART IV - DUAL CITIZENSHIP

10. Dual citizenship

No person shall have Sierra Leone citizenship and any other citizenship at one and the same time.

11. Loss of Sierra Leone citizenship by person of dual citizenship

Any person who, upon attaining the age of twenty-one years, is a citizen of Sierra Leone and also a citizen of another country shall cease to be a citizen of Sierra Leone upon his attaining the age of twenty-two years, (or in the case of a person of unsound mind, at such later date as may be prescribed) unless he has complied with paragraphs (a), (b) and (c) of section 9.

PART V - COMMONWEALTH AND FOREIGN CITIZENSHIP

12. Commonwealth citizenship

(1) Every person who is a citizen of Sierra Leone under this Act shall, until he ceases so to be, have the status of a Commonwealth citizen.

(2) The Commonwealth countries to which this section applies are: Australia, Bangladesh, Barbados, Botswana, Canada, Cyprus, Fiji, Gambia, Ghana, Guyana, India, Jamaica, Kenya, Lesotho, Malawi, Malaysia, Malta, Mauritius, Nauru, New Zealand, Nigeria, Sierra Leone, Singapore, Sri Lanka, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Uganda, United Kingdom of Great Britain and Northern Ireland, Western Saoma, Zambia and such other countries as may be prescribed by the President.

13. Taxes, rates, fees, etc.

(1) Notwithstanding any laws to the contrary every person resident in Sierra Leone who is a citizen of a foreign country or a naturalised citizen of Sierra Leone shall pay such rates, taxes, fees, charges and impositions under the Business Registration Act, 1972, the Non-Citizens (Registration, Immigration and Expulsion) Act, 1965, the Pay Roll Tax Act, 1972, the Business Names Registration Act, the Income Tax Act, the Alluvial Diamond Mining Act, and all Rules made thereunder:

Provided that a citizen by naturalization shall pay those taxes, rates, fees, charges and impositions that are applicable to persons of his former nationality.

(2)The Minister may, upon application being made to him, direct that any naturalised person shall pay such taxes, rates, fees, charges and impositions as are paid by a citizen by birth if in his opinion it will be conducive to the public good to do so.

PART VI - RENEWAL OF PREVIOUS CITIZENSHIP

14. Previous Citizenship

(1)Every person who, before the date of coming into operation of this Act, was a citizen of Sierra Leone by naturalization or registration may, on application being made by him in the prescribed manner within the period of three months after the coming into operation of this Act (or within such later period as the President may prescribe) have such citizenship conferred on him as is consistent with the provisions of this Act, unless the Minister sees reason to the contrary.

(2)Any person who fails or neglects to renew his citizenship, as provided in subsection (1) shall be deemed to have renounced his Sierra Leone citizenship

PART VII - RENUNCIATION AND DEPRIVATION OF CITIZENSHIP

15. Renunciation of citizenship

(1)Where any citizen of Sierra Leone who is of full age and capacity makes a declaration renouncing his citizenship of Sierra Leone, the Minister shall, if he is satisfied that the person is, or on ceasing to be a citizen of Sierra Leone, will become-

(a) a citizen of a Commonwealth country, or of the Republic of Ireland; or

(b) a national of a foreign country,

cause the declaration to be registered, and thereupon that person shall cease to be a citizen of Sierra Leone:

Provided that the Minister may withhold registration of such declaration if he is satisfied-

(i) that the person is ordinarily resident in Sierra Leone; or

(ii) that the person has acquired such rights or interest in Sierra Leone as the Minister considers to be inconsistent with an alien nationality; or

(iii) that the registration would otherwise be contrary to the public good.

(2) For the purposes of this section, any woman who is or has been married shall be deemed to be of full age, and of full capacity if she is not of unsound mind.

16. Deprivation of citizenship of persons acquiring foreign citizenship

The Minister may, by Order, deprive any person, who is a citizen by naturalization, of his citizenship if he is satisfied that such person, being at the time of full age and capacity, has at any time while a citizen of Sierra Leone -

(a) acquired the nationality or citizenship of a foreign country by any voluntary or formal act other than marriage; or

(b) voluntarily claimed and exercised in a foreign country or in any other country where there is in force any law conferring rights not available to Sierra Leone citizens generally any right under the

law of that country being a right available only to citizens of that country, and that it would not be conducive to the public good that he should continue to be a citizen of Sierra Leone.

17. Deprivation of citizenship of disloyal or convicted persons

The Minister may, by Order, deprive any citizen of Sierra Leone who is a citizen by naturalization of his citizenship if he satisfied that such person -

(a) has shown himself by act or speech to be disloyal to the Republic or its Government; or

(b) has, during any war in which Sierra Leone is engaged, knowingly and unlawfully traded or dealt with the enemy or engaged in or associated with any business carried on in such manner as to assist the enemy in that war; or

(c) has, within seven years of his becoming a citizen of Sierra Leone, been sentenced in any country to imprisonment for a term of not less than twelve months for an offence involving fraud or dishonesty.

18. Deprivation of citizenship of persons acquiring residence in foreign countries

The Minister may, if he is satisfied that it would be for the public good to do so, by Order, deprive any person who is a citizen of Sierra Leone by naturalization of his citizenship if that person has been ordinarily resident in a foreign or foreign countries for a continuous period of seven years and has not, during that period, registered annually in the prescribed manner at a Sierra Leone Consulate, or notified the Minister in writing of his intention to retain his Sierra Leone citizenship.

19. Cessation of citizenship

Upon the Minister making an Order under the provisions of sections 16, 17 and 18, the person against whom the Order is made shall cease to be a citizen of Sierra Leone.

20. Savings of actions

The renunciation of any person of his Sierra Leone citizenship or the deprivation of any person of his Sierra Leone citizenship shall not affect the liability of that person for any offence committed by him, or any action arising against him, before the renunciation or deprivation of his citizenship.

PART VIII - MISCELLANEOUS

21. Posthumous children

Any reference in this Act 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 his death; and where that death occurred before the nineteenth day of April, 1971 and the birth occurred after the eighteenth day of April, 1971 the national status that the father would have had if he died on nineteenth April, 1971, shall be deemed to be his national status at the time of his death.

22. Limitation on naturalization

No person who has acquired citizenship of Sierra Leone by naturalization shall be entitled to be elected to or sit as a member of Parliament.

23. Minister's decision to be final

The Minister shall not be required to assign any reason for the grant or refusal of any application under this Act, and the decision of the Minister on any such application or on any other matter under this Act shall not be challenged in any court.

24. Disposal of doubts as to citizenship

(1) The Minister may, in such cases as he thinks fit, on the application of any person with respect to whose citizenship of Sierra Leone and doubt exists, certify that the person is a citizen of Sierra Leone.

(2) A certificate issued under subsection (1) shall unless it is proved that it was obtained by fraud, false representation or concealment of a material fact, be conclusive evidence that such person was a Sierra Leone citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

25. Documents receivable in evidence

(1) Every document purporting to be a notice, certificate, order or declaration, or any entry in a register or record kept or maintained by the Minister, or any subscription to an oath of allegiance, given, granted or made under this Act shall be receivable 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 on or whose behalf it purports to have been given, granted or made.

(2) A copy of such document, certified by such person and in such manner as may be prescribed, shall be prima facie evidence of that document.

(3) Any entry in a register or record made under this Act shall be

received as evidence of the matters stated in the entry.

26. Offences

(1) Any person who, for the purpose of procuring the doing or the omission of anything under this Act, recklessly or knowingly makes any statement which is false in any material particular, shall be guilty of an offence and liable on conviction, to a fine of five hundred leones or to imprisonment for twelve months or to both such fine and imprisonment.

(2) Any person who fails or refuses or neglects to comply with any requirement imposed on him by Regulations made under this Act with respect to the delivery of certificate of naturalization shall be guilty of an offence and liable, on conviction, to a fine of five hundred leones or to imprisonment for twelve months or to both such fine and imprisonment.

27. Power to make Regulation

The President may, by Regulations, make provisions generally for carrying into effect the provisions of this Act, and in particular:-

(a) for prescribing anything which is to be prescribed under this Act;

(b) for the registration of anything required or authorised under this Act to be registered;

(c) for the administration and taking of Oath of allegiance under this Act, for the time within which such Oath shall be taken and for its registration;

(d) for the giving of any notice required or authorised to be given under this Act;

(e)for the cancellation of the registration of, and the cancellation and amendment of certificate of naturalisation relating to persons deprived of, or who have renounced, citizenship under this Act, and for requiring such certificates to be delivered up for those purposes;

(f)for the registration by officers in the service of the Government of Sierra Leone of the births and deaths of persons of any class or description born or dying elsewhere than in Sierra Leone;

(g)for enabling the births and deaths of citizens of Sierra Leone born or dying in any country in which the Government of Sierra Leone has for the time being no diplomatic or consular representative to be registered by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with the Government of Sierra Leone, has undertaken to represent the Government's interest in that country, or by a person authorised in that behalf by the President;

(h)for the imposition and recovery of fees in respect of any application made to the Minister under this Act or in respect of any matter or action authorised by this Act, and for the application of such fees.

PART IX - REPEALS, SAVINGS AND AMENDMENTS

28. Repeal and Savings

(1)The Sierra Leone Nationality and Citizenship Act, 1962, is hereby repealed.

(2)Subject to the provisions of this Act, any Regulation, Order, Rule or matter made, given or prescribed under the repealed Acts and in force immediately before the coming into operation of this Act shall continue to remain in force with such alterations and

modifications as are necessary to bring it into conformity with the Conditions of this Act.

29. Amendment of Certain Acts

(1) Paragraph (a) of section 1 of the Non-Citizens - (Registration, Immigration and Expulsion) Act, 1965, is hereby amended by the deletion of the definition of the work "citizen" and replacing the same by the following new definition:-

"citizen" means a person who is a citizen of Sierra Leone by virtue of the provisions of any Act relating to citizenship".

(2) Section 1 of the Non-Citizens (Trade and Business) Act, 1969, is hereby amended by the deletion of the definition of the work "citizen" and replacing the same by the following new definition:-

"citizen" means a person who is a citizen of Sierra Leone by virtue of the provisions of any Act relating to citizenship".

(3) Subsection (1) of section 4 of the Interpretation Act, 1971, is hereby amended by the deletion of the definition of the word "native" and replacing the same by the following new definition:-

"native" means a citizen of Sierra Leone who is a member of a race, tribe or community settled in Sierra Leone, other than a race, tribe or community -

(a) which is of European or Asiatic or American origin; or

(b) whose principal place of settlement is in the Western Area.

FIRST SCHEDULE (Sections 7, 8, 9 and 11) - OATH OF ALLEGIANCE

I..... do swear that I will be faithful and bear true allegiance to the Republic according to law, and that I will support and uphold the Constitution of Sierra Leone as by law

established.

So help me God.

SECOND SCHEDULE(Sections 7 & 8)

(1)Subject to the provisions of paragraph (2), the qualifications for naturalisation of an alien who applies therefor and either of whose parents is a person of negro African descent are:-

(a)that he has resided in Sierra Leone throughout the period of twelve months immediately preceding the date of his application; and

(b)that during the seven years immediately preceding the said period of twelve months he has resided in Sierra Leone for periods amounting in the aggregate to not less than five years; and

(c)that he has an adequate knowledge of a language in current use in Sierra Leone; and

(d)that he is of good character; and

(e)that he would be a good citizen of Sierra Leone; and

(f)that he intends, if naturalised, to continue to reside permanently in Sierra Leone.

(2)The Minister, if he in the special circumstances of any particular case thinks fit, may, with the approval of the President:-

(a)allow a continuous period of twelve months ending not more than six months before the date of application to be reckoned for the purposes of sub-paragraph (a) of paragraph (1) as though it had immediately preceded that date;

(b)allow residence in a country other than a foreign country to be reckoned for the purpose of subparagraph (b) of paragraph (1) as

if it had been residence in Sierra Leone;

(c) allow periods of residence earlier than eight years before the date of application to be reckoned in computing the aggregate mentioned in the said sub-paragraph (b).

THIRD SCHEDULE (Section 8 (3))

Subject to the provisions of section 8 the qualifications for naturalization of any person who applies therefor, and neither of whose parents is a person of negro African descent, are as follows:-

(a) that immediately preceding the date of the application he has either-

(i) resided in Sierra Leone for a continuous period of 15 years, or

(ii) resided in Sierra Leone continuously for a period of 12 months and during the 20 years immediately preceding the period of 12 months he has resided in Sierra Leone for periods amounting in the aggregate to not less than 15 years;

(b) that he has an adequate knowledge of a language indigenous to and in current use in Sierra Leone;

(c) that he is of good character;

(d) that he is a person who has made or who is capable of making useful and substantial contribution to the advancement, progress and well-being of Sierra Leone;

(e) that, if according to the law of the country of which he is a citizen or national he is capable of renouncing the citizenship or nationality of that country, he has renounced the citizenship or nationality, and any claim to the protection of any other country;

(f) that he has shown a clear intention of his desire, if naturalised,

to continue to reside permanently in Sierra Leone;

(g)that he has paid such fees as may be prescribed;

(h)that he has made such further declaration as may be prescribed.