

EXTRAORDINARY



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## CITIZENSHIP DECREE 2009

GOVERNMENT OF FIJI  
 (DECREE NO. 7)

In exercise of the powers vested in me as the President and Commander in Chief of the Republic of the Fiji Military Forces, I hereby make the following Decree:

1. This Decree may be cited as the Citizenship Decree 2009 and shall be deemed to come into force on the 10th day of April 2009.

*Retention of existing citizenship*

2. The coming into effect of this Decree does not affect the citizenship of a person who was a citizen immediately before it came into effect.

*Way in which citizenship may be acquired*

3.—(1) Citizenship may be acquired by:

- (a) birth;
- (b) registration; or
- (c) naturalisation.

*Citizenship by birth*

4. Every child born in Fiji on or after the date of commencement of this Decree becomes a citizen at the date of birth unless, at the date of birth:

- (a) a parent of the child has the diplomatic immunity accorded to envoys of foreign sovereign powers accredited to Fiji; and
- (b) neither parent is a citizen.

*Infant found abandoned in Fiji*

5. An infant found abandoned in Fiji is deemed to have been born in Fiji, in the absence of proof to the contrary.

*Citizenship by registration*

6.—(1) A child born outside Fiji on or after the date of commencement of this Decree may become a citizen by registration if, at the date of the child's birth, either parent was a citizen.

(2) A foreign child adopted by a citizen when the child was under the age of 18 may become a citizen by registration.

(3) A child who was under the age of 18 when either parent became a citizen may become a citizen by registration.

(4) An application for registration under subsection (1), (2) or (3) may be made at any time during the child's lifetime and, if he or she is under the age of 18 at the date of the application, may be made on his or her behalf by a parent or guardian.

(5) An application for registration under subsection (1), (2) or (3) made by the child concerned after he or she has reached the age of 18 must not be granted unless he or she has been lawfully present in Fiji for a total of 3 of the 5 years immediately before the application.

(6) An application for citizenship by registration made by an adult who is a citizen of another country must be granted if the person was formerly a citizen of the State.

(7) An application for citizenship by registration made by an adult who is or has been married to a citizen must be granted if the applicant:

- (a) has been lawfully present in Fiji for a total of 3 of the 5 years immediately before the application; and
- (b) complies with such other conditions as a written law prescribes.

*Citizenship by naturalisation*

7.—(1) A person may become a citizen by naturalisation.

(2) A condition of naturalisation is that the person has been lawfully present in Fiji for a total of 3 of the 5 years immediately before the application for naturalisation is made.

*Renunciation of citizenship*

8. A person may renounce his or her citizenship only if he or she:

- (a) has reached the age of 18; and
- (b) has been since birth a citizen of another country or has acquired the citizenship of another country by registration or naturalisation.

*Rights to enter and reside in Fiji*

9. The following persons may enter and reside in Fiji so long as they comply with conditions prescribed by a written law governing entry and residence:

- (a) former citizens;
- (b) a foreign wife or widow or foreign husband or widower of a citizen;
- (c) a child of a citizen.

*Prevention of statelessness and Multiple Citizenship*

10. For the avoidance of doubt:

- (a) a person born in Fiji in the period that began on 28 September 1987 and ended on 24 July 1990 is taken to have become a citizen on the date of birth;
- (b) a person born outside Fiji in the period that began on 28 September 1987 and ended on 6 October 1987 is taken to have become a citizen on the date of birth if his or her father was a citizen on that date and was not himself born outside Fiji; and
- (c) a person born in Fiji in the period that began on 25 July 1990 and ended on the date of commencement of this Decree is taken to have become a citizen on the date of birth if he or she would otherwise be stateless;
- (d) a person who has acquired the citizenship of one or more other countries is not restricted in applying for and being granted citizenship solely by virtue of having acquired the citizenship of one or more other countries.

**DATED** this 14th day of April 2009.

RATU J. I. ULUIVUDA  
President and Commander in Chief  
of the Republic of the Fiji Military Forces