

PALAU

A BILL FOR AN ACT

To amend Title 13 of the Palau National Code to allow for dual citizenship in conformance with the Seventeenth Amendment to the Constitution of the Republic of Palau, and for other related purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIL ERA KELULAU DO ENACT AS FOLLOWS:

Section 1. Legislative Findings. In the November 2004 General Election, the people of the Republic of Palau approved an amendment to Article III of the Constitution, which established that a person's citizenship in other foreign nations would not disqualify an individual of recognized Palauan ancestry from retaining Palauan citizenship or becoming a citizen of the Republic of Palau. In the November 2008 General Election, the people approved a further amendment to Article III of the Constitution, thereby again changing the law with respect to dual citizenship. The subject amendment states in pertinent part that, "Citizenship of other foreign nations shall not affect a person's Palauan citizenship."

Section 2. Amendment. Title 13 of the Palau National Code is hereby amended as follows:

"Subchapter I

General Provisions

§ 101. Short title. This chapter shall be known as the "Citizenship Act."

§ 102. Definitions. In this chapter:

(a) "Bureau" means the Bureau of Immigration within the Ministry of Justice.

(b) "Naturalization" means the conferring of citizenship upon a person after birth, pursuant to this chapter.

(c) "Of recognized Palauan ancestry" means of Palauan blood as may be determined by sworn documents, testimony or evidence of a type admissible in a court of law.

§ 103. Bureau of Immigration. There is hereby established a Bureau of Immigration within the Ministry of Justice.

§ 106. Documents and copies issued by the Minister of Justice. . . .

Subchapter II

Dual Citizenship Permitted

§ 121. Retention of Palauan citizenship by those who are also citizens of another. A citizen of Palau, who is also a citizen of another nation, shall be entitled to retain his Palauan citizenship and such dual citizenship unless or until citizenship of either country is renounced or otherwise lost.

Subchapter III

Naturalization

§ 131. Jurisdiction to naturalize. . . .

§ 133. Rules. The Minister of Justice shall promulgate rules and regulations pursuant to the Administrative Procedures Act of Chapter 1, Title 6 of this Code, as may be

necessary to effectuate the purposes of this Chapter.

§ 134. Forms. . . .

§ 136. Petition for naturalization; who and when.

(a) An applicant for naturalization shall make and file in the Office of the Clerk of Courts, in duplicate, a sworn petition in writing, signed by the applicant in the applicant's own handwriting if physically able to write, and duly verified by two witnesses, which petition shall be on a form prescribed by the Minister of Justice and shall include averments of all facts which in the opinion of the Minister of Justice may be material to the applicant's naturalization, and required to be proved upon the hearing of such petition.

(b) No person shall file a valid petition for naturalization unless:

(1) he or she shall have attained the age of 18 years and be born of parents, one or both of whom are citizens of Palau or are of recognized Palauan ancestry, and

(2) he or she shall have first filed an application at the Bureau in the form and manner prescribed by the Minister of Justice.

(c) Petitions for naturalization shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court.

§ 137. Investigation of petitioners; preliminary examination; taking testimony; aid of the court. . . .

§ 139. Final hearing to be held in open court; Minister's right to participate; subpoena of witnesses.

(a) Every final hearing upon a petition for naturalization shall be had in open court before a justice thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered into in full upon a record kept for the purpose, and upon such final hearing of such petition the petitioner and the witnesses shall be examined under oath before the court and in the presence of a justice of the court. If the petitioner is prevented by sickness or other disability from being in open court for the final hearing upon a petition for naturalization, such final hearing may be had before a justice of the court at such place as may be designated by the court.

(b) The Attorney General shall have the right to appear before the court in any naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of the petition concerning any matter touching or in any way affecting the petitioner's right to admission to citizenship, and shall have the right to call witnesses, including the petitioner, produce evidence, and be heard in opposition to, or in favor of, the granting of any petition in naturalization proceedings.

(c) The Clerk of Courts shall, if the petitioner requests it within the time fixed by the Court, issue a subpoena for the witnesses named by such petitioner to appear upon the day set for any hearing.

§ 140. Oath of allegiance.

(a) A person who has petitioned for naturalization shall, in order to be and before being admitted to citizenship, take in open court an oath:

(1) to support the Constitution of the Republic;

(2) to defend the Constitution and the laws of the Republic against all enemies; and

(3) to bear true faith and allegiance to the same.

(b) If the petitioner is prevented by sickness or other disability from being in open court, the oath required to be taken by subsection (a) of this section may be taken before a justice of the court at such place as may be designated by the court.

§ 141. Certificate of naturalization; contents. A person admitted to citizenship by the Supreme Court in conformity with the provisions of this subchapter shall be entitled upon such admission to receive from the Clerk of Courts a certificate of naturalization, which shall contain substantially the following information:

(a) number of petition for naturalization;

(b) number of certificate of naturalization;

(c) date of naturalization;

(d) name, place of residence, and personal description of naturalized person, including place of birth, date of birth, sex, marital status, and country of former nationality;

(e) statement that the petitioner has complied in all respects with all of the applicable provisions of the naturalization laws of the Republic, and was entitled to be admitted a citizen of the Republic;

(f) attestation of the Clerk of Courts; and

(g) seal of the Court.

§ 142. Functions and duties of Clerk of Courts. . . .

§ 143. Revocation of naturalization.

(a) It shall be the duty of the Attorney General, upon the showing of good cause, to institute proceedings in the Supreme Court, for the purpose of revoking and setting aside the order admitting a person to citizenship and canceling the certificate of naturalization on the ground that such order and certificate of naturalization were illegally procured or were procured by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate.

(b) The party to whom was granted the naturalization alleged to have been illegally procured or procured by concealment of a material fact or by willful misrepresentation shall, in any such proceedings under subsection (a) of this section, have 60 days personal notice, unless waived by such party, in which to make answer to the petition of the Republic of Palau; and if such naturalized person be absent from the Republic, such notice shall be given either by personal service upon him or by certified mail.

(c) Whenever an order admitting an applicant to citizenship shall be revoked and set aside or a certificate of naturalization shall be canceled, or both, the court shall make an order canceling such certificate and shall send a certified copy of such order to the Minister of Justice and to the Minister of State. A person holding a certificate of

naturalization or citizenship which has been canceled as provided by this section shall upon notice by which the decree of cancellation was made, or by the Minister of Justice, surrender the same to the Minister of Justice.

(d) Nothing contained in this section shall be regarded as limiting, denying or restricting the power of any court, by or in which a person has been naturalized, to correct, reopen, alter, modify, or vacate its judgment or decree naturalizing such person, as may be prescribed by the rules of procedure or statutes governing the jurisdiction of the court to take such action."

Section 3. Effective Date. This Act shall take effect upon its approval by the President of the Republic of Palau, or upon its becoming law without such approval, except as otherwise provided by law.

PASSED: May 08, 2013

Approved this 22nd day of May, 2013

/s/_____

Tommy E. Remengesau, Jr.
President of the Republic of Palau