

Act No. 3 of 2007



Tonga

**NATIONALITY (AMENDMENT)
ACT 2007**



NATIONALITY (AMENDMENT) ACT 2007

Act No. 3 of 2007

AN ACT TO AMEND THE NATIONALITY ACT

I assent,
George Tupou V
14 August 2007

BE IT ENACTED by the King and Legislative Assembly of Tonga in the Legislature of the Kingdom as follows:

1

This Act may be cited as the Nationality (Amendment) Act 2007.

2

The Nationality Act (CAP. 59), as amended, is in this Act referred to as the Principal Act.

3

The Principal Act is amended, in the English version only, by deleting the word “alien” wherever it appears and substituting it with the word “non-Tongan”.

4

Section 2 of the Principal Act is repealed and replaced with the following —

“Person deemed to be Tongan subjects

- 2 The following persons shall be deemed to be Tongan subjects —
- (a) any person born in Tonga to a Tongan Parent;
 - (b) any person born abroad of a Tongan father;
 - (c) any person born abroad of a Tongan mother;
 - (d) any non-Tongan who marries a Tongan provided that he —
 - (i) lodges a written declaration with the Minister of Foreign Affairs that he wishes to assume Tongan nationality; and
 - (ii) takes the oath of allegiance prescribed by this Act; and
 - (e) any person naturalized under this Act.”

5

The Principal Act is amended by deleting sections 3 to 7.

6

Section 14 of the Principal Act is amended by deleting the words “King Taufa’ahau Tupou IV” and substituting with “the King”.

7

The Principal Act is amended by adding a new section 17 as follows —

“17 Savings

- (1) Any person who ceased to be a Tongan subject prior to the enactment of the Nationality (Amendment) Act 2006, may apply to the Minister responsible for Immigration for a certificate of re-admission to Tongan nationality in the manner to be prescribed by regulations.
- (2) The requirements of section 8(1)(a) and (c) as to residence in the Kingdom shall not apply to an applicant for a certificate of re-admission.
- (3) The Minister responsible for Immigration shall have the discretion as to granting or with holding of a certificate of re-admission.
- (4) A certificate of re-admission shall not be issued until the applicant has taken the oath of allegiance.

- (5) Sections 11, 12 and 13 shall apply to a person to whom a certificate of re-admission has been granted, as if the grant is of a certificate of naturalization.”

Passed by the Legislative Assembly this 12th day of June 2007.