

CITIZENSHIP (AMENDMENT) ACT, 2024

No. 23



of 2024

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Amendment of section 2 of Cap. 01:01
3. Substitution of section 4 of the Act
4. Substitution of section 6 of the Act
5. Substitution of section 15 of the Act
6. Substitution of section 16 of the Act
7. Substitution of section 17 of the Act
8. Substitution of section 18 of the Act

An Act to amend the Citizenship Act.

Date of Assent: 29.10.2024

Date of Commencement: ON NOTICE

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Citizenship (Amendment) Act, 2024, and shall come into operation on such a date as the Minister may, by Order published in the *Gazette*, appoint.

Short title and commencement

2. The Citizenship Act is amended in section 2 by inserting the following new definitions in their correct alphabetical order —

Amendment of section 2 of Cap. 01:01

““citizen” includes —

- (a) a person who had acquired Botswana citizenship at the time of independence;
- (b) a person born either in or outside of Botswana to a parent who was a citizen at the time of his or her birth;
- (c) any person registered as an adopted child of a citizen;
- (d) any foundling registered as a citizen on the basis of presumption of birth in Botswana; or
- (e) any person born to a parent who was a citizen of Botswana who subsequently renounced their citizenship of Botswana before that person's birth;

“dual citizen” means a person who is a citizen of Botswana by birth or descent who has acquired the citizenship of another country”;

and

“foundling” means an abandoned child under the age of seven years”.

Substitution of section 4 of the Act

3. The Act is amended by substituting for section 4, the following new section —

"Citizenship by birth

4. (1) A person shall be a citizen of Botswana by birth —

- (a) if at the time of birth, his mother or father was a citizen;
- (b) in the case of a foundling below the age of seven years, and the High Court has made a ruling for the infant to be presumed as a citizen; and
- (c) if at the time of birth, the parent to that person had renounced their citizenship of Botswana by virtue of the law then.

(2) Any person who, with the intention of having citizenship conferred on a child —

- (a) brings a child below the age of five years into Botswana; and
- (b) conspires or unlawfully assists or facilitates a foundling child,

shall be liable to a fine of P50 000 or to imprisonment for a term not exceeding 10 years, or both."

Substitution of section 6 of the Act

4. The Act is amended by substituting for section 6, the following new section —

"Citizenship by settlement

6. A person who is not a citizen of any country, or has no right to any citizenship or nationality and has legally lived as a member of a particular community in Botswana for a continuous period of 20 years, shall on making a declaration in such form as may be prescribed, be entitled to be registered as a citizen of Botswana."

Substitution of section 15 of the Act

5. The Act is amended by substituting for section 15, the following new section —

"Dual citizenship

15. (1) Any person who is a citizen of Botswana and also a citizen of another country, shall upon attaining the age of 18 years, continue to be a citizen, unless by a voluntary and formal act, he or she renounces his or her citizenship of Botswana.

(2) A citizen of Botswana who acquires the citizenship of another country as a consequence of marriage shall remain a citizen of Botswana irrespective of place of residence, unless such a person renounces his or her citizenship by a voluntary and formal act.

(3) Any citizen of Botswana who acquires a foreign citizenship through a formal or voluntary act shall, upon the acquisition of the foreign citizenship notify the Minister of such acquisition within a reasonable time."

Substitution of section 16 of the Act

6. The Act is amended by substituting for section 16, the following new section —

"Renunciation of citizenship by reason of dual citizenship or nationality

16. (1) If any citizen of Botswana of full age and capacity who is also a citizen of another country makes a declaration of renunciation of citizenship of Botswana, the Minister shall, cause a declaration to be registered and, upon such registration, that person shall cease to be a citizen of Botswana.

(2) If any non-citizen of full age and capacity, who has acquired the citizenship of Botswana by registration or naturalisation, makes a declaration of renunciation of his foreign citizenship, he shall become a citizen of Botswana upon —

(a) proof of his renunciation; and

(b) having taken the oath of allegiance to Botswana."

7. The Act is amended by substituting for section 17, the following new section —

"Resumption of citizenship

17. A person who ceased to be a citizen of Botswana on or after 30th September, 1966, may at any time, make a declaration in such form as may be prescribed that he or she wishes to resume citizenship of Botswana and upon registration of the declaration, he or she shall again become the citizen of Botswana."

Substitution of section 17 of the Act

8. The Act is amended by substituting for section 18, the following new section —

"Deprivation of citizenship

18. (1) The President may by Order deprive a person of citizenship of Botswana if he or she is satisfied that the person, being a citizen of Botswana by registration or naturalisation has —

(a) failed, on being so required by the President, to renounce, within a specified time, his or her citizenship of any other country;

(b) acted in a manner contrary to the values and interests of Botswana; or

(c) endangered the peace or security of Botswana.

(2) The President shall not make an Order under subsection (1), if he or she is satisfied that the Order would make a person stateless.

(3) The President may, by Order, deprive a person of the citizenship of Botswana if he or she is satisfied that the person, being a citizen of Botswana by registration, has failed, on being so required by the President to take the oath of allegiance.

(4) The Minister may, by Order, deprive a person of citizenship of Botswana if he or she is satisfied that then person, being a citizen of Botswana by registration or naturalisation —

Substitution of section 18 of the Act

- (a) obtained such registration or naturalisation by means of fraud, false representation or concealment of any material fact, whether on his or her own part or on the part of some other person;
- (b) has failed, on being so required by the Minister, to renounce, within a specified time, his or her citizenship of any other country;
- (c) has shown himself or herself by act or speech to be disloyal or disaffected towards Botswana;
- (d) during any hostilities in which Botswana was or is engaged, unlawfully traded or communicated with any enemy or was or is engaged in or associated with any business which was or is to his or her knowledge carried on in such a manner as to assist an enemy in those hostilities; or
- (e) has been resident outside Botswana for a continuous period of seven years and during that period has not given notice in writing to the Minister of his or her intention to retain his or her citizenship of Botswana:

Provided that the seven year period may not be renewed more than twice unless, it is proved to the satisfaction of the Minister that special circumstances exist for such further renewal after the second renewal, and it is in the public interest to do so.

(5) The Minister may, by Order, deprive a person of the citizenship of Botswana if he or she is satisfied that the person, being a citizen of Botswana by registration or naturalisation, has failed, on being so required by the Minister to take the oath of allegiance.

(6) Any person whose application for citizenship was rejected by the President or Minister may, after 24 months of the rejection, re-apply for consideration.”.

PASSED by the National Assembly on this 20th day of August, 2024.

BARBARA N. DITHAPO,
Clerk of the National Assembly.