

CITIZENSHIP (AMENDMENT) ACT, 1984

No. 17



of 1984

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 4 of Act 25 of 1982
3. Amendment of section 7 of principal Act
4. Insertion of new section 7A in principal Act
5. Amendment of section 9 of principal Act
6. Substitution of new section 12 of principal Act
7. Substitution of new section 15 of principal Act

An Act to amend the Citizenship Act, 1982.

Date of Assent: 30.4.84.

Date of Commencement: 4.5.84.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Citizenship (Amendment) Act, 1984. Short title
2. Section 4 of the Citizenship Act, 1982, (hereinafter referred to as "the principal Act") is hereby amended by substituting for subsection (1) thereof the following new subsection — Amendment of section 4 of Act 25 of 1982
“(1) A person born in Botswana shall be a citizen of Botswana by birth and descent if, at the time of his birth, —
(a) his father was a citizen of Botswana; or
(b) in the case of a person born out of wedlock, his mother was a citizen of Botswana.”.
3. Section 7 of the principal Act is hereby amended by substituting for the full stop at the end thereof a colon and adding thereto, immediately after the colon, the following proviso — Amendment of section 7 of principal Act
“Provided that the Minister shall not cause a child to be registered as a citizen of Botswana under this section if the Minister is satisfied that the child, being sufficiently mature to have formed a character, is not of good character.”.

Insertion
of
new section
7A in
principal
Act

4. The principal Act is hereby amended by inserting therein, immediately after section 7 thereof, the following new section —

“Registration
of
person
under
twenty-one
years
whose
father or,
in the
case of
an
illegitimate
person,
whose
mother is
a citizen

7A. The Minister may cause a person under twenty-one years old whose father is a citizen of Botswana or, in the case of a person born out of wedlock, whose mother is a citizen of Botswana to be registered as a citizen of Botswana upon application made in the prescribed manner:

Provided that the Minister shall not cause a person to be registered as a citizen of Botswana under this section if the Minister is satisfied that the person, being sufficiently mature to have formed a character, is not of good character.”.

Amendment
of
section 9
of
principal
Act

5. Section 9 of the principal Act is hereby amended by substituting for the words “section 7 or 8”, which appear therein, the words “section 7, 7A or 8”.

Substitution
of new
section 12
of
principal
Act

6. The principal Act is hereby amended by substituting for section 12 thereof the following new section —

“Naturali-
zation of
married
woman

12. (1) The Minister may at any time grant a certificate of naturalization to a woman who is married to a citizen of Botswana or was married to a citizen of Botswana and has not since remarried and who satisfies the Minister that she is otherwise qualified under subsection (2) for naturalization in terms of this section, and that woman shall, on taking the oath of allegiance, be a citizen of Botswana by naturalization from the date on which the certificate is granted.

(2) Subject to subsection (1), the qualifications for naturalization in terms of this section for any woman shall be that —

- (a) she is resident in Botswana on the date of her application for a certificate of naturalization and has been resident in Botswana for a continuous period of or for periods amounting in the aggregate to not less than two and half years;
- (b) she has, not later than fifteen months immediately before the date of her application for a certificate of naturalization, lodged with the Minister a written declaration of her intention to make such an application;
- (c) she is of good character;

- (d) she has sufficient knowledge of the Setswana language and such other language as may be prescribed; and
- (e) she intends, in the event of a certificate of naturalization being granted her, to reside in Botswana.

(3) Where an applicant for naturalization in terms of this section has not been resident in Botswana as required by subsection (2) (a), the Minister may, pending the fulfilment of the residence requirement, grant the applicant a certificate of temporary citizenship on such terms and conditions as may be prescribed.

(4) Section 11 (3), (4) and (5) shall apply, with all necessary modifications, in the case of an application for the grant of a certificate of naturalization under this section."

7. The principal Act is hereby amended by substituting for section 15 thereof the following new section —

*Deprivation of citizenship

15. The Minister may by order deprive a person of citizenship of Botswana if he is satisfied that that person —

- (a) has, by a voluntary and formal act other than marriage, acquired citizenship of another country;
- (b) being a citizen of Botswana by registration or naturalization, —
 - (i) obtained such registration or naturalization by means of fraud, false representation or concealment of any material fact, whether on his own part or on the part of some other person;
 - (ii) has failed, on being so required by the President or the Minister, as the case may be, to renounce, within a specified time, his citizenship of any other country;
 - (iii) has shown himself by act or speech to be disloyal or disaffected towards Botswana;
 - (iv) 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 knowledge carried on in such a manner as to assist an enemy in those hostilities;
 - (v) has, within 5 years immediately after so becoming a citizen of Botswana, been

Substitution of new section 15 of principal Act

- sentenced in any country to imprisonment for a term of not less than 3 years; or
- (vi) has been resident outside Botswana for a continuous period of 7 years and during that period has not given notice in writing to the Minister of his intention to retain his citizenship of Botswana:

Provided, however, that the 7 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 so to do; or

- (c) being a citizen of Botswana by registration, has failed, on being so required by the President or the Minister, as the case may be, to take the oath of allegiance.”.

PASSED by the National Assembly this 9th day of April, 1984.

G.M. BASELE,
Acting Clerk of the National Assembly.