

Citizenship Act, 2000

Act 591

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THE FIVE HUNDRED AND NINETY-FIRST

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA ENTITLED THE CITIZENSHIP ACT, 2000

AN ACT to consolidate with amendments the law relating to citizenship of Ghana; to state in respect of citizenship by birth the legal conditions applicable at the given points in time; to bring the law in conformity with the Constitution as amended and to provide for related matters.

DATE OF ASSENT: *29th December, 2000*

BE IT ENACTED by Parliament as follows

PART I-EXISTING CITIZENSHIP; CITIZENSHIP BY BIRTH

Continuation of existing citizenship

1. Every person who on the coming into force of the Constitution was a citizen of Ghana by law shall continue to be a citizen of Ghana.

Ascertainment of the law applicable to citizenship by birth

2. For case of ascertaining the law on Ghanaian citizenship by birth, the applicable provisions are in this Part restated.

Persons born before 6/3/57

3. (1) A person born before 6th March 1957 is a citizen of Ghana by birth if
- (a) he was born in Ghana and at least one of his parents or grandparents was born in Ghana; or
 - (b) he was born outside Ghana and one of his parents was born in Ghana

Persons born on or after 6/3/57 but before 22/8/69

4. (1) a person born on or after 6th March 1957 and before 22nd August 1969 is a citizen of Ghana by birth if

- (a) he was born in or outside Ghana and either of his parents, and also one at least of his grandparents or great-grandparents, was born in Ghana; or
- (b) in the case of a person born in Ghana neither of whose parents was born in Ghana, at least one of his grandparents was born in Ghana.

(2) A person is not a citizen of Ghana for the purposes of subsection {1} of this section if at the time of his birth the parent, grandparent or great-grandparent through whom the citizenship is claimed has lost his citizenship of Ghana.

(3) A person born on or after 6th March 1957 and before 22nd August 1969 is a citizen of Ghana by birth if

- (a) he was born in Ghana and at the time of his birth either of his parents was a citizen of Ghana by registration or naturalisation; or
- (b) he was born outside Ghana and at the time of his birth both of his parents were citizens of Ghana by registration or naturalisation.

Persons born on or after 22/8/69 –Constitution 1969

S. A person is a citizen of Ghana by birth if he was born in or outside Ghana on or after 22nd August 1969 and before 24th September 1979 and at the date of his birth either of his parents was a citizen of Ghana.

Persons born on or after 24/9/79-Constitution 1979

6. A person born on or after 24th September 1979 and before 7th January 1993 is a citizen of Ghana by birth if

- (a) he was born in Ghana and at the date of his birth either of his parents or one grandparent was a citizen of Ghana; or
- (b) he was born outside Ghana and at the date of his birth either of his parents was a citizen of Ghana.

Persons born on or after 7/1/93-Constitution 1992

7. A person is a citizen of Ghana by birth if he was born on 7th January 1993 or born after that date in or outside Ghana and at the date of his birth either of his parents or one grandparent was or is a citizen of Ghana.

Foundlings

8. A child of not more than seven years of age found in Ghana whose parents are not known shall be presumed to be a citizen of Ghana by birth.

PART II ACQUISITION OF GHANAIAN CITIZENSHIP OTHERWISE THAN BY BIRTH

Adopted children

9. A Child of not more than sixteen years of age neither of whose parents is a citizen of Ghana who is adopted by a citizen of Ghana shall, by virtue of the adoption, be a citizen of Ghana.

Citizenship by registration

10. (1) A citizen of age and capacity of any approved country may upon an application and with the approval of the President be registered as a citizen Ghana if he satisfies the minister that

- (a) he is of good character~
- (b) he is ordinarily resident in Ghana~
- (c) he has been so resident throughout the period of five years or such shorter period as the Minister may in the special circumstances of any particular case accept immediately before the application; and
- (d) he can speak and understand an indigenous language of Ghana.

- (2) A person who is not a citizen and is or was married to a citizen may, upon an application in the prescribed manner be registered as a citizen.
- (3) Subsection (2) applies to an applicant who as married to a person who was a citizen at the time of the death of that person.
- (4) Where the marriage of a person registered as a citizen under subsection (2) is dissolved, the person shall continue to be a citizen unless the citizenship is renounced.
- (5) A child of the marriage of a person registered as a citizen under subsection (2) shall continue to be a citizen unless the child renounces the citizenship.
- (6) Where upon an application for registration under subsection (2) it appears to that: Minister that the marriage had been entered into primarily for the purpose of obtaining the registration, the Minister shall request the applicant to establish that the marriage was entered into in good faith.
- (7) In the case of a man seeking registration, subsection (1) applies only if the applicant is permanently resident in Ghana.
- (8) A person shall not be registered as a citizen unless he has taken the oath of allegiance.

Registration of children

11. The Minister shall register as a citizen of Ghana a child of any person who becomes a citizen of Ghana registration or naturalisation upon application of the parent or guardian of the child.

Effective date of registration as citizen

12. (1) A person registered under section 10 or 11 is a citizen by registration from the date stated on the certificate of registration

(2) The date stated on the certificate of registration shall be the date of the taking of the oath of allegiance.

Naturalisation

13. (1) The Minister may with the approval of the President grant a certificate of naturalisation to a person of age and capacity who satisfies the Minister that he is qualified under section 14 of this Act for naturalisation.

(2) A person to whom a certificate of naturalisation is granted under subsection (1) shall take the oath of allegiance and become a citizen by naturalisation from the date on which the oath of allegiance is taken.

Qualification for naturalisation

14. (1) Subject to subsection (2) of this section, a person qualifies for naturalisation if

- (a) he has resided in Ghana throughout the period of twelve months immediately preceding the date of the application;
- (b) during the seven years immediately preceding the period of twelve months, he has resided in Ghana for periods amounting in the aggregate to not less than five years;
- (c) he is of good character as attested to in writing by two Ghanaians being notaries public, lawyers, or senior public officers;
- (d) he has not been sentenced to any period of imprisonment in Ghana or anywhere for an offence recognised by law in Ghana;
- (e) he is able to speak and understand an indigenous Ghanaian language;
- (f) he is a person who has made or who is capable of making a substantial contribution to the progress or advancement in any area of national activity;
- (g) he is a person who has been assimilated into the Ghanaian way of life or who can easily be so assimilated;
- (h) he intends to reside permanently in Ghana in the event of a certificate being granted to him; and
- (i) he possessed a valid residence permit on the date of his application.

(2) The Minister, may in such special circumstances as he think fit and with the approval of the President

- (a) allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned for the purposes of subsection (1) (a) of this section as though it had immediately preceded the date of the application;
- (b) allow residence in an approved country to be reckoned for the purposes of subsection (1) (b) of this section as if it has been residence in Ghana; and
- (c) allow periods of residence earlier than seven years before the date of the application to be reckoned in computing the aggregate period mentioned in subsection (1)(b) of this section.

(3) The Minister, in other special circumstances as he thinks fit and with the approval of the President, may modify, vary or waive anyone of the qualifications for naturalisation set out in this section except the qualification specified in subsection I (e) of this section.

Gazette publications

15. The Minister shall publish in the *Gazette* within three months of any application, registration or grant of a certificate of naturalisation', the names, particulars and other details of a person who

- (a) applies to be registered as a citizen;
- (b) has been registered as a citizen;
- (c) applies for the grant of a certificate of naturalisation;
- (d) has been granted a certificate of naturalisation as a citizen.

PART III-DUAL CITIZENSHIP, RENUNCIATION AND DEPRIVATION or CITIZENSHIP

Dual citizenship

16, (1) A citizen of Ghana may hold the citizenship of any other country in addition to his citizenship of Ghana.

(2) Without prejudice to article 94(2)(a) of the Constitution, no citizen of Ghana shall qualify to be appointed as a holder of any office specified in this subsection if he holds the citizenship of any other country in addition to his citizenship of Ghana

- (a) Chief Justice and Justices of the Supreme Court;
- (b) Ambassador or High Commissioner;
- (c) Secretary to the Cabinet;
- (d) Chief of Defence Staff or any Service Chief;
- (e) Inspector-General of Police;
- (f) Commissioner, Custom, Excise and Preventive Service;
- (g) Director of Immigration Service;
- (h) Commissioner, Value Added Tax Service;
- (i) Director-General, Prisons Service;
- (j) Chief Fire Officer;
- (k) Chief Director of a Ministry;
- (l) the rank of a Colonel in the Army or its equivalent in the other security services; and
- (m) any other public office that the Minister may by legislative instrument prescribe.

"(1) A citizen of Ghana who

- (a) loses his Ghanaian citizenship as a result of the acquisition or possession of the citizenship of another country shall on the renunciation of his citizenship of that country become a citizen of Ghana:
- (b) acquires the citizenship of another country in addition to his Ghanaian citizenship shall notify in writing the acquisition of the additional citizenship to the Minister in such form and such manner as may be prescribed

(4) A citizen of Ghana who is also a citizen of any other country shall whilst in Ghana be subject to the laws of Ghana as any other citizen.

(5) A citizen who has lost his citizenship as a result of the law in Ghana which prohibited the holding of dual citizenship by a Ghanaian may on an application to the Minister be issued with a certificate of citizenship which shall be effective from the date of issue.

(6) A certificate issued under subsection (5) shall specify whether the citizenship is by birth adoption, registration or naturalisation.

Renunciation of Ghanaian citizenship

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

(2) Where the law of a country requires a person who marries a citizen of that country to renounce the citizenship of his own country by virtue of that marriage a citizen of Ghana who is deprived of his citizenship of Ghana by virtue of that marriage shall, on the dissolution of that marriage become a citizen of Ghana

Deprivation of citizenship

18. The High Court may on an application by the Attorney-General for the purpose, deprive a person who is a citizen of Ghana, otherwise than by birth adoption of that citizenship on the ground

- (a) that the activities of that person are inimical to the security of the State or prejudicial to the public morality or the public interest or
- (n) that the citizenship was acquired by fraud, misrepresentation or any other improper or irregular practice

PART IV - MISCELLANEOUS PROVISIONS

Posthumous children

19. A reference in this Act to the citizenship status or the parent of a person at the time of the birth of that person shall, in relation to a person born after the death of the parent, be construed as a reference to the citizenship status of the parent at the time of the parent's death.

Certificate of citizenship in doubtful cases

20. The Minister may on an application by or on behalf of any person with respect to whose citizenship of Ghana doubt exists under Part 1 of this Act, certify that the person is a citizen of Ghana and a certificate issued under his section shall be prima facie evidence that he was such a citizen at an earlier date.

Evidence

21. (1) A document purporting to be a notice certificate order or declaration or an entry in a register or a subscription to an oath of allegiance, given, granted or made under this Act shall be received in evidence

(2) The evidence may be given by the production of a certified true copy document by the person

(3) An entry in a register made under this Act shall be received as evidence of the matters stated in the entry.

Offences

22. Any person who for the purpose of procuring anything to be done or not to be done under this Act makes a statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular commits an offence and is liable on summary conviction to a fine of not less than ₵ and not exceeding ₵ 5 million or term of imprisonment not exceeding 12 months or to both

Regulations

23. The Minister may by legislative instrument make Regulations

- (a) procedures relating to use of travel documents by holders of dual citizenship;
- (b) form and manner or notification of acquisition of dual citizenship
- (c) fees chargeable in respect of anything to be done under this Act
- (d) generally for giving full effect to the provisions of this Act

Interpretation

24. (I) In this Act unless the context otherwise requires

"approved country" means any country declared by or under the authority of the President to be an approved country by a legislative instrument

"child" means a person who has not attained the age of eighteen years:

"Minister" means the Minister responsible for the Interior; "prescribe" means prescribed by legislative instrument under this Act.

(2) A reference in this Act to Ghana in relation to a birth or residence before 6th March 1957 shall be read as a reference to the territories comprised in Ghana on that date.

(3) For the purposes of this Act, a person born aboard a registered ship or aircraft or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft ...as registered or in that country

(4) For the purposes of this Act a person is of age if he has attained the age of eighteen years and is of capacity if he is of sound mind

Repeal and savings

25. (1) The Ghana Nationality Act, 1971 (Act 361) as amended by the-

- (a) Ghana Nationality (Amendment) Decree, 1972 (N.R.C.D. 134);
 - (b) Ghana Nationality (Amendment) Decree, 1978 (S.M.C.O. 172); and
 - (c) Ghana Nationality (Amendment) Decree, 1979 (A.F.R.CD. 42)
- is hereby repealed.

(2) Notwithstanding the repeal in subsection (1) of this section any Regulation. made under, Act 361 or continued in force under that Act and in force immediately before the coming into force of this Act shall continue in force until amended or revoked under this Act.

(3) The repeal of the enactments specified in subsection (1) does not , affect the validity of any action taken under any of the enactments before the repeal

(4) Any person who immediately before the coming into to force of this Act is a citizen by adoption, registration or naturalisation acquired validly under any enactment before coming into force of this Act shall continue to hold the citizenship subject to the Constitution and the provisions of the Act

Date of *Gazette* notification: 5th January 2001