

CITIZENSHIP (AMENDMENT) BILL, 2023

(Bill No. 22 of 2023)

**EXPLANATORY STATEMENT OF THE OBJECTS OF AND
REASONS FOR THE BILL**

The object of this Bill is to amend the Citizenship Act in order to —

- (i) Make adjustments to the conditions required for gaining Seychellois citizenship by naturalisation and registration; and
- (ii) Make provisions relating to the register of naturalisation and registration, in order to provide greater transparency and accountability in respect of the grant of citizenship by naturalisation and registration.

Dated this 1st day of November, 2023.

**ERROL FONSEKA
MINISTER FOR INTERNAL AFFAIRS**

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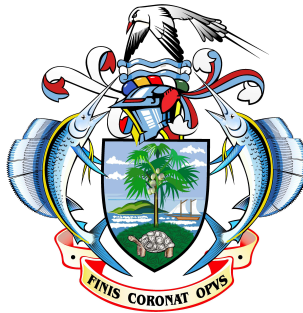
ARRANGEMENT OF SECTIONS

SECTIONS

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4. Amendment of section 5A
5. Repeal of section 5B
6. Repeal of section 5C
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CITIZENSHIP (AMENDMENT) BILL, 2023

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A BILL

FOR

AN ACT TO AMEND THE CITIZENSHIP ACT, CAP 30.

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Citizenship (Amendment) Act, 2023.

Amendment of section 2

2. Section 2 of the Citizenship Act, Cap 30 which is in this Act referred to as the “principal Act” is amended —

- (a) by repealing the definition of “legal resident” and substituting it with the following new definition —

““legal resident” means a person residing in Seychelles under a permit issued under the Immigration Decree, excluding a visitor's permit;”

- (b) by inserting in the appropriate alphabetical sequence, the following new definitions —

““Citizenship Eligibility Committee” means the committee established under section 9A;

“passport sized photograph” means a photograph or other image of a person's face and shoulders;

“register” means the register of citizens by naturalisation and registration which is maintained and kept by the Citizenship Officer under section 9(1);”

Repeal and replacement of section 5

3. Section 5 of the principal Act is repealed and substituted with the following new section —

“Citizenship for distinguished service or under special circumstances

5.(1) The President may, upon the recommendation of the Citizenship Eligibility Committee and with the consent of that person, grant citizenship by registration to a person who has done signal honour or rendered distinguished service to Seychelles, or where the person is otherwise meritorious.

(2) The President may grant citizenship to a person, not otherwise entitled to or eligible for citizenship, if that person is a surviving spouse of a deceased citizen.

(3) The President shall not grant citizenship to a person pursuant to subsection (2), unless is the President is satisfied that the person —

- (a) has been a legal resident for an aggregate period of 2 years or more;
- (b) would have, if not for the death of his or her spouse, celebrated at least 15 years of marriage at that time he or she lodges the application;
- (c) has lived together with the spouse for a period of not less than 5 years prior to his or her death;
- (d) has not re-married at the time of making an application for citizenship;
- (e) has not been absent from Seychelles for a continuous period exceeding 1 year without the prior written permission of the Minister;
- (f) obtains at least 80 per cent marks in 1 of the 3 national languages in a citizenship qualifying examination prescribed under this Act; and
- (g) has not been sentenced to a term of imprisonment of 1 year or more for an offence punishable under any law of Seychelles.”

Amendment of section 5A

4. Section 5A of the principal Act is amended by repealing paragraph (ii) and substituting it with the following —

- “(ii) he or she has not been sentenced to a term of imprisonment of 1 year or more for an offence punishable under any laws of Seychelles,”

Repeal of section 5B

5. Section 5B of the principal Act is repealed.

Repeal of section 5C

6. Section 5C of the principal Act is repealed.

Amendment of section 6

7. Section 6 of the principal Act is amended in subsection (3)(a) —
- (a) by repealing the words “10 years” and substituting them with the words “15 years”; and
 - (b) by repealing the words “a period of at least 5 years” and substituting them with the words “an aggregate period of 2 years”.

Amendment of section 7

8. Section 7 of the principal Act is amended by inserting after subsection (3) the following new subsection —

“(3A) The oath of allegiance may be taken collectively or individually as directed by the Citizenship Officer.”

Amendment of section 9

9. Section 9 of the principal Act is amended —
- (a) by renumbering section 9 as 9(1);
 - (b) in the renumbered 9(1), by repealing the semicolon after the word “naturalisation” and substituting it with a comma,

and after the comma inserting the words “the date and number of their registration or naturalisation, and their permanent addresses’.

- (c) by inserting after subsection (1), the following new subsections —

“(2) The register shall be kept in the custody of the Citizenship Officer at the principal office of the Department of Immigration.

(3) The Citizenship Officer may keep a secure electronic system for the maintenance of the register and may grant any person access to the register.

(4) The Citizenship Officer shall publish in the Gazette and a local daily newspaper, within thirty (30) days of their registration or naturalisation as citizen, the names, permanent addresses and recent passport sized photographs of all persons who have become citizens by registration or naturalisation, and the date of their registration or naturalisation.

(5) A person may, during official hours of business, inspect the register free of charge or obtain an extract of the register by paying a fee as prescribed by regulations.”.

Amendment of section 17

10. Section 17 of the principal Act is amended as follows —

- (a) by repealing in paragraph (d), the full stop after the words “Supreme Court” and substituting it with a semicolon and after the semicolon inserting the word “and”; and
- (b) by inserting after paragraph (d) the following new paragraph —
- “(e) be accompanied by a recent passport sized photograph.”.