

# REPUBLIC OF NAURU

## NAOERO CITIZENSHIP ACT 2005

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# REPUBLIC OF NAURU

(No. 10 of 2005)

## AN ACT

To define who is a Nauruan and who can apply to be a Nauruan and to allow Nauruans to hold more than one citizenship of another country other than Nauru and for repealing the Nauruan Community Act 1956-1997.

(Certified: 30<sup>th</sup> December 2005 )

**Enacted** by the Parliament of Nauru as follows :-

### Short Title

1. This Act may be cited as the *Naoero Citizenship Act 2005*.

### Commencement

2. This Act shall come into force upon certification by the Speaker.

### Definitions

3. (1) In this Act, unless the context otherwise requires;

"child" when referring to the child of a Nauruan includes an adopted child adopted according to written law but excludes the child of a citizen investor;

"citizenship" includes nationality;

"citizen investor" means a person granted Nauruan citizenship under the provisions of Sections 5(6), 5(7), 5(8)(a) and 5(8)(c) of the *Nauruan Community Act 1956-1997*;

"Nauruan" means a Nauruan Citizen as defined in Section 4.

(2) For the purposes of this Act, a person is ordinarily resident in Nauru if the person satisfies Cabinet that ;

(a) he or she has a home in Nauru;

- (b) that Nauru is his or her permanent abode notwithstanding that he or she is temporarily absent from Nauru; or
- (c) that he or she has evidenced an intention to return to Nauru notwithstanding extended absence.

### **Nauruan Citizen**

4. For the purposes of the laws in force in Nauru the following persons are citizens of Nauru;

- (a) Persons deemed to be a Nauruan citizen pursuant to Part VIII of the Constitution.
- (b) Persons who were admitted as members of the Nauruan Community or granted citizenship after 31<sup>st</sup> January 1968, whether by the Nauru Local Government Council or the Cabinet.
- (c) A child of a Nauruan.
- (d) Persons admitted as a Nauruan under this Act.

### **Application to be a Nauruan**

5. (1) Subject to Article 74 of the Constitution, a person who
- (a) has attained the age of twenty years; and
  - (b) is of good character; and
  - (c) is and has been married to a Nauruan for over ten years; and
  - (d) during the continuation of the marriage at least consecutive 3 years have been spent as a resident in Nauru;
- is eligible to apply for admission to be a Nauruan.
- (2) An application for admission to be a Nauruan shall be made in writing to the Secretary for Justice and shall
- (a) set out the full name, address and age of the applicant;
  - (b) set out the facts which the applicant claims make him or her eligible for admission (including any information required by Regulations);
  - (c) contain a declaration stating that the applicant fulfils the requirements as provided in subsection (1) or subsection 9(1); and
  - (d) attach at least two references attesting to the applicant's good character.
- (3) If the Secretary for Justice is satisfied that the application meets the requirements of the Act and that any investigations made of the references and antecedents of the applicant are satisfactory,

he shall forward the application to the Cabinet for consideration accompanied by such comment as he considers necessary or appropriate.

(4) If the Secretary for Justice considers that the application does not comply with the requirements of the Act the application shall be refused and returned to the applicant with a statement of the reasons for its rejection.

(5) If Cabinet is satisfied that the application should be granted, Cabinet may –

- (a) admit the applicant to be a Nauruan;
- (b) notify the applicant that the application has been granted;
- (c) publish in the Gazette notice that the applicant has been granted Nauruan citizenship.

(6) If Cabinet does not accept the recommendation of the Secretary for Justice the application shall be returned to the Secretary for such action as may be required by the terms of the rejection.

(6) A decision made under this section –

- (a) is a final and conclusive decision; and
- (b) cannot be challenged, appealed against, reviewed, quashed or called in question in any court.

### **Renunciation of Nauruan Citizenship**

6. (1) Any person wishing to renounce their Nauruan Citizenship may do so by declaration, such declaration must be in writing and witnessed by two persons as prescribed by Regulations, and if the Regulations provide a form for such declaration that form must be used.

(2) The Declaration shall be addressed to Cabinet.

(3) Cabinet shall upon receiving the Declaration publish notice of it in the Gazette.

(4) Upon publication, the person ceases to be a Nauruan.

### **Dual Citizenship**

7. A Nauruan may hold the citizenship of one or more countries other than Nauru.

### **Application of another citizenship**

8. Subject to regulations, a Nauruan who applies for the citizenship of another country does not, by reason only of such application or the granting of the application, lose Nauruan citizenship.

### **Involuntary loss of Nauruan citizenship**

9. (1) A person who has been a Nauruan citizen but who has ceased to be a Nauru, other than a person who ceased to be a Nauruan pursuant to Section 9 of the Nauruan Community Act 1956-1997, may apply to be a Nauruan..
- (2) Such application shall be made and determined in accordance with Section 5(2).

### **Savings for Citizen Investors**

10. (1) Subject to Section 11, a Citizen Investor shall retain his or her citizenship in accordance with the terms and conditions in force at the time of its grant and any regulations made under this Act.
- (2) A regulation made under subsection (1) may extend the reasons described in Section 11 for which citizenship of a Citizen Investor may be revoked.

### **Depriving a person of Nauruan citizenship**

11. (1) Where Cabinet is satisfied that a citizen investor or a person granted citizenship under Section 5 –
- (a) has shown himself by act or speech to be disaffected towards the Republic of Nauru;
  - (b) has, during the war or warlike operations in which the Republic of Nauru is or has been involved, traded or communicated with an enemy of the Republic of Nauru or has been engaged in or associated with a business which was, to his knowledge, carried on in such a manner as to assist such an enemy in the war or warlike operations;
  - (c) has become a Nauruan by means of fraud, false representation or the concealment of some material circumstances;
  - (d) was not, at the date at which he became a Nauruan, of good character; or
  - (e) has, before or after the commencement of this Section, been convicted of an offence, in Nauru or another country, which

is punishable by sentence of death or imprisonment for not less than 6 months or a fine of not less than \$5,000, and has not received a free pardon,  
the Cabinet may order that that person shall cease to be a Nauruan and thereupon that person shall cease to be a Nauruan.

- (2) A decision made under this Section –
  - (a) is final and conclusive; and
  - (b) cannot be challenged, appealed against, reviewed, quashed or called in question in any court.

#### **Cabinet may make regulations**

12. Cabinet may make regulations necessary or convenient to give effect to this Act and without limiting the generality thereof may –
- (a) declare Countries of which a Nauruan Citizen cannot obtain citizenship without automatically losing Nauruan citizenship;
  - (b) determine the basis for the depriving of citizenship of a Citizen Investor under Section 11;
  - (c) prescribe forms;
  - (d) prescribe fees.
  - (e) prescribing the criteria to determine an application by or on behalf of a person claiming citizenship under Article 73 or 74 of the Constitution.

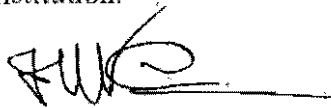
#### **Repeal**

13. *The Nauruan Community Act 1956-1997* is hereby repealed and the Nauru Citizen Investment Board is hereby abolished.

#### **Saving**

14. Notwithstanding Section 13 but subject to this Act, the terms and conditions upon which Nauruan Citizenship was granted under that Act continue to have effect.

I hereby certify that the above is a fair print of a Bill for an Act entitled **Naoero Citizenship Act 2005** which has been passed by Parliament of Nauru and is now presented to the Speaker for his certificate under Article 47 of the Constitution.



Clerk of Parliament  
30th December 2005

Pursuant to Article 47 of the Constitution, **I, VALDON K. DOWIYOGO**, Speaker of Parliament, hereby certify that the **Naoero Citizenship Act 2005** has been passed by Parliament of Nauru.



Speaker  
30th December 2005