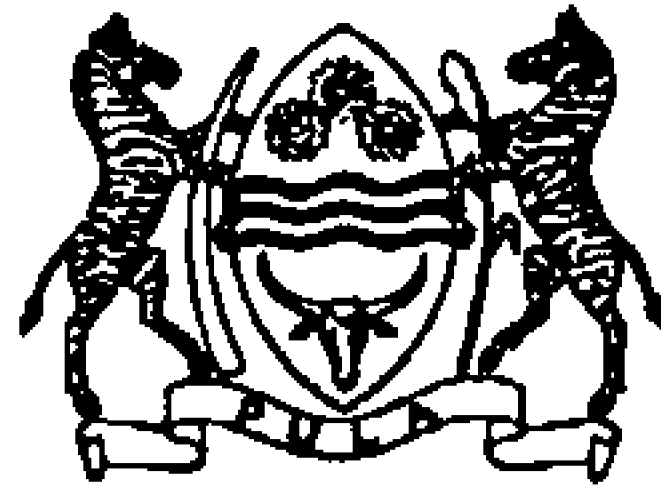


CITIZENSHIP (AMENDMENT) ACT, 1995

No. 14



of 1995

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Amendment of sections 4 and 5 of Cap. 01:01
3. Amendment of section 6 of the Act
4. Amendment of section 8 of the Act
5. Amendment of section 12 of the Act
6. Amendment of section 13 of the Act

An Act to amend the Citizenship Act

ENACTED by the Parliament of Botswana.

Date of Assent: 18.8.95.

Date of Commencement: 30.11.82.

1. This Act may be cited as the Citizenship (Amendment) Act, 1995, and shall be deemed to have come into operation on 30th November, 1982.

Short title and
commencement

2. Sections 4 and 5 of the Citizenship Act (in this Act referred to as "the Act") are hereby amended by substituting for the provisions of those two sections, the following new provisions —

Amendment of
sections 4
and 5 of
Cap. 01:01

"Citizenship
by birth

4. (1) A person born in Botswana shall be a citizen of Botswana by birth if, at the time of his birth, his father or mother was a citizen of Botswana.

(2) A person born before the commencement of this Act shall not be a citizen by virtue of this section unless he was a citizen at the time of such commencement.

Citizenship
by descent

5. (1) A person born outside Botswana shall be a citizen of Botswana by descent if, at the time of his birth, his father or mother was a citizen of Botswana.

(2) A person born before the commencement of this Act shall not be a citizen by virtue of this section unless he was a citizen at the time of such commencement."

Amendment
of section 6
of the Act

3. Section 6 of the Act is amended by substituting for the words "the male adopter" which appear therein, the words "one of the adopters".

Amendment
of section 8
of the Act

4. Section 8 of the Act is amended by substituting for that section the following new provision —

"Registration
of a minor
child of
citizen

8. The minister may cause a person under 21 years, if he was not a citizen of Botswana by birth or descent and whose father or mother has become a citizen of Botswana, to be registered as a citizen of Botswana upon application made in the prescribed manner by the father or the mother, as the case may be.

Amendment
of section 12
of the Act

5. Section 12 of the Act is hereby amended by substituting for paragraph (e) of subsection (1) thereof, the following provision—
"(e) he has sufficient knowledge of the Setswana language or any language spoken by any tribal community in Botswana; and".

Amendment
of section 13
of the Act

6. Section 13 of the Act is hereby amended by substituting for that section, the following new provision —

"Naturalization
of foreign
spouse

13. (1) The Minister may at any time grant a certificate of naturalization to a foreign spouse who is married to a citizen of Botswana and, has not since remarried and who satisfied the Minister that he is otherwise qualified under subsection (2) for naturalization in terms of this section, and that spouse 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 subsections (1) and (3), the qualifications for naturalization in terms of this section for any foreign spouse shall be that —

(a) he is resident in Botswana on the date of his 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 five years;

- (b) he has, not later than two and a half years immediately before the date of his application for a certificate of naturalization, lodged with the Minister a written declaration of his intention to make such an application;
 - (c) he is of good character;
 - (d) he has sufficient knowledge of the Setswana language or any language spoken by any tribal community in Botswana;
 - (e) he intends, in the event of a certificate of naturalization being granted to him, to reside in Botswana.
- (3) The Minister may, in the special circumstances of any particular case, waive or accept a shorter period of the resident requirements mentioned in subsection (2) (a) and (b).
- (4) Section 12(3), (4) and (5) shall apply, with such modifications as may be considered necessary in the case of an application for the grant of a certificate of naturalization under this section.”

PASSED by the National Assembly this 9th day of August, 1995.

C.T. MOMPEI,
Clerk of the National Assembly.