

Constitution of Botswana 30 September 1966

Chapter III - CITIZENSHIP

Section 20: Persons who become citizens of Botswana on 30th September 1966

(1) Every person who, having been born in the former Protectorate of Bechuanaland, is on 29th September 1966 a citizen of the United Kingdom and Colonies or a British protected person shall become a citizen of Botswana on 30th September 1966.

(2) Every person who, having been born outside the former Protectorate of Bechuanaland, is on 29th September 1966 a citizen of the United Kingdom and Colonies or a British protected person, and is not a citizen of any other country, shall, if his father becomes, or would but for his death have become, a citizen of Botswana in accordance with the provisions of subsection (1) of this section, become a citizen of Botswana on 30th September 1966.

Section 21: Persons born in Botswana on or after 30th September 1966

Every person born in Botswana on or after 30th September, 1966 shall become a citizen of Botswana at the date of his birth:

Provided that a person shall not become a citizen of Botswana by virtue of this section if at the time of his birth:

- (i) neither of his parents is a citizen of Botswana and his father possesses such immunity from suit and legal process as is accorded to the envoy of a foreign sovereign power accredited to Botswana; or
- (ii) his father is a citizen of a country with which Botswana is at war and the birth occurs in a place then under occupation by that country.

Section 22: Persons born outside Botswana on or after 30th September 1966

A person born outside Botswana on or after 30th September 1966 shall become a citizen of Botswana at the date of his birth if at that date his father is a citizen of Botswana.

Provided that a person shall not become a citizen of Botswana by virtue of this section if at the time of his birth he becomes a citizen of any other country.

Section 23: Registration of certain persons born before 30th September 1966

(1) A person born outside the former Protectorate of Bechuanaland before 30th September 1966, who does not become a citizen of Botswana in accordance with Section 20(2) of this Constitution, but whose father becomes, or would but for his death have become, a citizen of Botswana in accordance with Section 20(2) of this Constitution shall be entitled, upon making application before the specified date in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Botswana:

Provided that any person who is under the age of twenty-one years (other than a woman who is or has been married) shall not be competent to make an application for registration under this subsection, but an application may be made on behalf of that person by his parent or guardian.

(2) Any person who, on 30th September 1966, is a citizen of the United Kingdom and Colonies, having become such a citizen by virtue of his having been naturalised or registered under the British Nationality Act 1948 in the former Protectorate of Bechuanaland or whilst in the service of the Bechuanaland Government, shall be entitled, upon making an application before the specified date in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Botswana:

Provided that any person who is under the age of twenty-one years (other than a woman who is or has been married) shall not be competent to make an application for registration under this subsection, but an application may be made on behalf of that person by his parent or guardian.

(3) Any woman who, on 30th September 1966, is or has been married to a person —

(a) who becomes a citizen of Botswana by virtue of subsection (1) or subsection (2) of section 20 of this Constitution; or

(b) who, having died before that date would, but for his death have become, a citizen of Botswana by virtue of that section,

shall be entitled, upon making an application before the specified date in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Botswana.

(3) Any woman who—

(a) on 30th September 1966, is married to a person who becomes entitled to be registered as a citizen of Botswana under subsection (1) or subsection (2) of this section but whose marriage is terminated after that date by death or dissolution and before that person exercises his right to be so registered; or

(b) on 30th September 1966, has been married to a person who becomes or would but for his death have become entitled to be registered as a citizen of Botswana under subsection (1) or subsection (2) of this section but whose marriage has been terminated by death or dissolution before that date,

shall be entitled, upon making an application before the specified date in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Botswana.

(5) In this section, ‘the specified date’ means 1st October 1966, or such later date as may be prescribed by or under an Act of Parliament.

Section 24: Registration of Persons born outside Botswana on or after 30th September 1966

Any person who is born outside Botswana on or after 30th September 1966 and whose father is at the date of such birth a citizen of Botswana shall, if he does not become a citizen of Botswana under section 22 of this Constitution, be entitled, upon application being made on his behalf by his parent or guardian within two years of his birth or with the permission of the Minister at a later date, to be registered as a citizen of Botswana.

Section 25: Registration of Commonwealth citizens and citizens of certain African countries

(1) Any person who -

(a) has attained the age of twenty-one years or is a woman who is or has been married;

(b) is a citizen of any country to which this section applies; and

(c) has been ordinarily resident in Botswana (including the former Protectorate of Bechuanaland) for the period of five years immediately preceding that person's application for registration or for such shorter period as the President may in exceptional circumstances in any particular case direct,

shall be entitled, upon making application in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Botswana.

(2) This section applies to -

(a) any country to which section 28 of this Constitution applies; and

(b) any other country which is a country in Africa and is for the time being declared by the Minister, by notice published in the Gazette, to be a country which grants to citizens of Botswana a right to obtain citizenship of that country corresponding to that conferred by this section.

Section 26. Woman married to Botswana citizen

(1) Any woman who, after 29th September 1966, marries a person who is or becomes a citizen of Botswana shall be entitled, upon making application in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Botswana.

(2) Any woman who is, on 30th September 1966, married to a man who after that date becomes a citizen of Botswana shall be entitled, upon making application before such date and in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Botswana.

Section 29. Dual citizenship

(1) Any person who, upon the attainment of the age of twenty-one years, is a citizen of Botswana and also a citizen of some country other than Botswana shall, subject to the provisions of this section, cease to be a citizen of Botswana upon the specified date unless he has renounced his citizenship of that other country, taken the oath of allegiance and made such declaration of his intentions concerning residence as may be prescribed by Parliament.

(2) Any person who -

(a) has attained the age of twenty-one years before 30th September 1966 and,

(b) becomes a citizen of Botswana on that day by virtue of the provisions of section 20(1) of this Constitution; and

(c) is immediately after that day also a citizen of some country other than Botswana,

shall, subject to the provisions of this section, cease to be a citizen of Botswana upon the specified date unless he has renounced his citizenship of that other country, taken the oath of allegiance and made such declaration of his intentions concerning residence as may be prescribed by Parliament.

(3) Subject to the provisions of this section a citizen of Botswana shall cease to be a citizen if -

(a) having attained the age of twenty-one years, he acquires the citizenship of some country other than Botswana by voluntary act (other than marriage); or

(b) having attained the age of twenty-one years he otherwise acquires the citizenship of some country other than Botswana and has not, by the specified date, renounced his citizenship of

that other country, taken the oath of allegiance and made such declaration of his intention concerning residence as may be prescribed by Parliament.

(4) A person who, having attained the age of twenty-one years or being a woman who is or has been married -

(a) becomes a citizen of Botswana otherwise than under section 20, 21 or 22 of this Constitution; and

(b) is immediately after the day upon which he becomes a citizen of Botswana also a citizen of some other country,

shall, subject to the provisions of this section, cease to be a citizen of Botswana upon the specified date unless he has renounced the citizenship of that other country, taken the oath the allegiance, and make such declaration of his intentions concerning residence as may be prescribed by Parliament.

(5) For the purposes of this section, where, under the law of a country other than Botswana, a person cannot renounce his citizenship of that other country, he need not make such renunciation that he may instead be required to make such declaration concerning that citizenship as may be prescribed by Parliament.

(6) In this section "the specified date" means -

(a) in relation to a person to whom section (1) of this section refers, the date on which he attains the age of twenty-two years;

(b) in relation to a person to whom subsection (2) of this section refers, 1st October 1968;

(c) in relation to a person to whom subsection 3(b) of this section refers, the expiration of one year after the date on which he acquired the citizenship of the country other than Botswana; and

(d) in relation to a person to whom subsection (4) of this section refers, at the expiration of three months after the date upon which he became a citizen of Botswana, Or, in the case of a person of unsound mind, such later date as may be prescribed by or under an Act of Parliament.

(7) Provision may be made by or under an Act of Parliament for extending beyond the specified date the period in which any person may make a renunciation of citizenship, take an oath or make a declaration for the purposes of this section, and if such provision is made that person shall not cease to be a citizen of Botswana upon the specified date but shall cease to be such a citizen upon the expiration of the extended period if he has not then made the renunciation, taken the oath or made the declaration, as the case may be.

Section 30. Interpretation

(1) In This Chapter -

"the Minister" means the Minister who is for the time being responsible for matters relating to citizenship in Botswana;

"British protected person" means a person who is a British person for the purposes of the British Nationality Act 1948.

(2) For the purpose of this Chapter, 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 was registered or, as the case may be, in that country.

(3) Any reference in this Chapter to the national status of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the national status of the father at the time of the father's death; and where the death occurred before 30th September 1966 and the birth occurred after 29th September 1966 the national status that the father would have had if he had died on 30th September 1966 shall be deemed to be his national status at the time of this death.

(4) An application for registration as a citizen under section 23, 24 or 25 of this Constitution or under any Act of Parliament shall not be made by or on behalf of any person who, under any law in force in Botswana, is adjudged or otherwise declared to be of unsound mind.