

The Constitution of Zimbabwe Amendment (No. 20) Act, 2013

CHAPTER 3: CITIZENSHIP

35. Zimbabwean citizenship

1. Persons are Zimbabwean citizens by birth, descent or registration.
2. All Zimbabwean citizens are equally entitled to the rights, privileges and benefits of citizenship and are equally subject to the duties and obligations of citizenship.
3. All Zimbabwean citizens are entitled to the following rights and benefits, in addition to any others granted to them by law—
 - a. to the protection of the State wherever they may be;
 - b. to passports and other travel documents; and
 - c. to birth certificates and other identity documents issued by the State.
4. Zimbabwean citizens have the following duties, in addition to any others imposed upon them by law—
 - a. to be loyal to Zimbabwe;
 - b. to observe this Constitution and to respect its ideals and institutions;
 - c. to respect the national flag and the national anthem; and
 - d. to the best of their ability, to defend Zimbabwe and its sovereignty.

36. Citizenship by birth

1. Persons are Zimbabwean citizens by birth if they were born in Zimbabwe and, when they were born—
 - a. either their mother or their father was a Zimbabwean citizen; or
 - b. any of their grandparents was a Zimbabwean citizen by birth or descent.
2. Persons born outside Zimbabwe are Zimbabwean citizens by birth if, when they were born, either of their parents was a Zimbabwean citizen and—
 - a. ordinarily resident in Zimbabwe; or b. working outside Zimbabwe for the State or an international organisation
3. A child found in Zimbabwe who is, or appears to be, less than fifteen years of age, and whose nationality and parents are not known, is presumed to be a Zimbabwean citizen by birth.

37. Citizenship by descent

Subject to section 36(2), persons born outside Zimbabwe are Zimbabwean citizens by descent if, when they were born—

- a. either of their parents or any of their grandparents was a Zimbabwean citizen by birth or descent; or
- b. either of their parents was a Zimbabwean citizen by registration; and the birth is registered in Zimbabwe in accordance with the law relating to the registration of births.

38. Citizenship by registration

1. Any person who has been married to a Zimbabwean citizen for at least five years, whether before or after the effective date, and who satisfies the conditions prescribed by an Act of Parliament, is entitled, on application, to be registered as a Zimbabwean citizen.

2. Any person who has been continuously and lawfully resident in Zimbabwe for at least ten years, whether before or after the effective date, and who satisfies the conditions prescribed by an Act of Parliament, is entitled, on application, to be registered as a Zimbabwean citizen. 3. A child who is not a Zimbabwean citizen, but is adopted by a Zimbabwean citizen, whether before or after the effective date, is entitled, on application, to be registered as a Zimbabwean citizen.

39. Revocation of citizenship

1. Zimbabwean citizenship by registration may be revoked if—

a. the person concerned acquired the citizenship by fraud, false representation or concealment of a material fact; or

b. during a war in which Zimbabwe was engaged, the person concerned unlawfully traded or communicated with an enemy or was engaged in or associated with any business that was knowingly carried on so as to assist an enemy in that war.

2. Zimbabwean citizenship by birth may be revoked if---

a. the citizenship was acquired by fraud, false representation or concealment of a material fact by any person; or b. in the case of a person referred to in section 36(3), the person's nationality or parentage becomes known, and reveals that the person was a citizen of another country.

3. Zimbabwean citizenship must not be revoked under this section if the person would be rendered stateless.

40. Retention of citizenship despite marriage or dissolution of marriage

Zimbabwean citizenship is not lost through marriage or the dissolution of marriage.

41. Citizenship and Immigration Board

An Act of Parliament must provide for the establishment of a Citizenship and Immigration Board consisting of a chairperson and at least two other members, appointed by the President, to be responsible for—

a. granting and revoking citizenship by registration;

b. permitting persons, other than citizens, to reside and work in Zimbabwe, and fixing the terms and conditions under which they may so reside and work; and

c. exercising any other functions that may be conferred or imposed on the Board by or under an Act of Parliament.

42. Powers of Parliament in regard to citizenship

An Act of Parliament may make provision, consistent with this Chapter, for—

a. procedures by which Zimbabwean citizenship by registration may be acquired;

b. the voluntary renunciation of Zimbabwean citizenship;

c. procedures for the revocation of Zimbabwean citizenship by registration;

d. the restoration of Zimbabwean citizenship;

e. the prohibition of dual citizenship in respect of citizens by descent or registration; and

f. generally giving effect to this Chapter.

43. Continuation and restoration of previous citizenship

1. Every person who, immediately before the effective date, was a Zimbabwean citizen continues to be a Zimbabwean citizen after that date. 2. Every person who was born in Zimbabwe before the effective date is a Zimbabwean citizen by birth if—

- a. one or both of his or her parents was a citizen of a country which became a member of the Southern African Development Community established by the treaty signed at Windhoek in the Republic of Namibia on the 17th August, 1992; and
- b. he or she was ordinarily resident in Zimbabwe on the effective date.