Constitution of Lesotho, 1993

CHAPTER IV CITIZENSHIP

37. Persons who are citizens on the coming into operation of the Constitution

Every person who immediately before the coming into operation of this Constitution is a citizen of Lesotho under the Lesotho Citizenship Order 1971 shall, on the coming into operation of this Constitution and subject to any provision made in or under this Chapter, continue to be a citizen of Lesotho.

38. Persons born in Lesotho after the coming into operation of the Constitution

(1) Subject to the provisions of subsections (2) and (3), every person born in Lesotho after the coming into operation of this Constitution shall become a citizen of Lesotho.

(2) Save as provided in subsection (3), a person shall not become a citizen of Lesotho by virtue of this section if at the time of his birth neither of his parents is a citizen of Lesotho, and -

(a) one or both of his parents possesses such immunity from suit and legal process as is accorded to the envoy of a foreign sovereign power accredited to Lesotho; or

(b) one or both of his parents is an enemy alien and the birth occurs in a place then under occupation by the enemy.

(3) A person born in Lesotho on or after the coming into operation of this Constitution who is disqualified to become a citizen of Lesotho by virtue of subsection (2) of this section shall become a citizen of Lesotho if he would otherwise become stateless.

39. Persons born outside Lesotho after the coming into operation of the Constitution

A person born outside Lesotho after the coming into operation of this Constitution shall become a citizen of Lesotho at the date of his birth, if at that date either of his parents is a citizen of Lesotho otherwise than by descent.

40. Marriage to Lesotho citizen

(1) Any woman who, immediately before the coming into operation of this Constitution, is or has been married to a person -

(a) who continues to be a citizen of Lesotho by virtue of section 37 of this Constitution; or

(b) who, having died before the coming into operation of this Constitution would, but for his death, have continued to be a citizen of Lesotho by virtue of that section,

shall be entitled, upon making application and upon taking the oath of allegiance, to be registered as a citizen of Lesotho.

(2) Any woman who, after the coming into operation of this Constitution, marries a citizen of Lesotho shall be entitled, upon making application and upon taking the oath of allegiance, to be registered as a citizen of Lesotho.

41. Dual citizenship

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

(2) A citizen of Lesotho shall cease to be such a citizen if -
(a) having attained the age of twenty-one years, he acquires the citizenship of some country other than Lesotho 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 Lesotho and has not, by the specified date, renounced his citizenship of that other country, taken the oath of allegiance and made and registered such declaration of his intentions concerning residence as may be prescribed.

(3) A woman who -

(a) becomes a citizen of Lesotho by registration under the provisions of section 40 of this Constitution; and

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

shall cease to be a citizen of Lesotho upon the specified date unless she has renounced the citizenship of that other country, taken the oath of allegiance, and made and registered such declaration of her intentions concerning residence as may be prescribed.

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

(5) In this section, "the specified date" means, in respect of a person to whom subsection (1) or (2)(b) or (3), as the case may be, refers, such date as may be specified in relation to that person by or under an Act of Parliament.

42. Powers of Parliament

(1) Parliament may make provision for the acquisition of citizenship of Lesotho by persons who are not eligible or who are no longer eligible to become citizens of Lesotho under the provisions of this Chapter.

(2) Parliament may make provision for depriving of his citizenship of Lesotho any person other than a person who became or becomes

(a) a citizen of Lesotho by virtue of having been born in Lesotho; or

(b) a citizen of Lesotho by descent,

unless he would thereby become stateless.

(3) Parliament may make provision for the renunciation by any person of his citizenship of Lesotho.

43. Interpretation

(1) In this Chapter -

"alien" means a person who is not a citizen of Lesotho;

"prescribed" means prescribed by or under any Act of Parliament.

(2) in this Chapter, references to a citizen by descent are references to a person who is a citizen of Lesotho by virtue of section 39 of this Constitution or of section 23(2) or 26 of the Constitution of Lesotho of 1966 or of section 6 of the Lesotho Citizenship Order 1971.

(3) For the purposes 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.
(4) Any reference in this Chapter to the national status of the parent of a person at the time of that person's birth shall, in relation to a person born after the death of either parent be construed as a reference to the national status of that parent at that parent's death, and where that death occurred before the coming into operation of this Constitution, and the birth occurred after the coming into operation of this Constitution the national status that the parent would have had if he or she had died on the coming into operation of this Constitution shall be deemed to be his or her national status at the time of his or her death.