

Citizenship Act of 2000
Citizenship Act, 2000

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THE FIVE HUNDRED AND NINETY-FIRST ACT OF THE PARLIAMENT OF THE REPUBLIC OF GHANA ENTITLED THE CITIZENSHIP ACT, 2000

AN ACT to consolidate with amendments the law relating to citizenship of Ghana; to state in respect of citizenship by birth the legal conditions applicable at the given points in time; to bring the law in conformity with the Constitution as amended and to provide for related matters.

DATE OF ASSENT: 29th December 2000

BE IT ENACTED by Parliament as follows -

PART I - EXISTING CITIZENSHIP; CITIZENSHIP BY BIRTH

Continuation of existing citizenship

1. Every person who on the coming into force of the Constitution was a citizen of Ghana by law shall continue to be a citizen of Ghana.

Ascertainment of the law applicable to citizenship by birth

2. For ease of ascertaining the law on Ghanaian citizenship by birth, the applicable provisions are in this Part restated.

Persons born before 6/3/57

(1) A person born before 6th March 1957 is a citizen of Ghana by birth if

(a) he was born in Ghana and at least one of his parents or grandparents was born in Ghana; or (b) he was born outside Ghana and one of his parents was born in Ghana.

Person born on or after 6/3/57 but before 22/8/69

4. (1) A person born on or after 6th March 1957 and before 22nd August 1969 is a citizen of Ghana by birth if –

(a) he was born in or outside Ghana and either of his parents, and also one at least of his grandparents or great-grandparents, was born in Ghana; or

(b) in the case of a person born in Ghana neither of whose parents was born in Ghana, at least one of his grandparents was born in Ghana.

(2) A person is not a citizen of Ghana for the purposes of subsection (1) of this section if at the time of his birth the parent, grandparent or great-grandparent through whom the citizenship is claimed has lost his citizenship of Ghana.

(3) A person born on or after 6th March 1957 and before 22nd August 1969 is a citizen of Ghana by birth if –

(a) he was born in Ghana and at the time of his birth either of his parents was a citizen of Ghana by registration or naturalization; or

(b) he was born outside Ghana and at the time of his birth both of his parents were citizens of Ghana by registration or naturalization.

Person born on or after 22/ 8/69 - Constitution 1969

5. A person is a citizen of Ghana by birth if he was born in or outside Ghana on or after 22nd August 1969 and before 24th September 1979 and at the date of his birth either of his parents was a citizen of Ghana.

Persons born on or after 24/9/79 - Constitution 1979

6. A person born on or after 24th September 1979 and before 7th January 1993 is a citizen of Ghana by birth if- (a) he was born in Ghana and at the date of his birth either of his parents or one grandparent was a citizen of Ghana; or (b) he was born outside Ghana and at the date of his birth either of his parents was a citizen of Ghana.

Persons born on or after 7/1/93 - Constitution 1992

7. A person is a citizen of Ghana by birth if he was born on 7th January 1993 or born after that date in or outside Ghana and at the date of his birth either of his parents or one grandparent was or is a citizen of Ghana.

Foundlings

8. A child of not more than seven years of age found in Ghana whose parents are not known shall be presumed to be a citizen of Ghana by birth.

PART II- ACQUISITION OF GHANAIAN CITIZENSHIP OTHERWISE THAN BY BIRTH

Adopted children

9. A child of not more than sixteen years of age neither of whose parents is a citizen of Ghana who is adopted by a citizen of Ghana shall, by virtue of the adoption, be a citizen of Ghana.

Citizenship by registration

10. (1) A citizen of age and capacity of any approved country may upon an application, and with the approval of the President, be registered as a citizen of Ghana if he satisfies the Minister that - (a) he is of good character;

(b) he is ordinarily resident in Ghana;

(c) he has been so resident throughout the period of five years or such shorter period as the Minister may in the special circumstances of any particular case accept, immediately before the application; and

(d) he can speak and understand an indigenous language of Ghana.

(2) A person who is not a citizen and is or was married to a citizen may, upon an application in the prescribed manner, be registered as a citizen.

(3) Subsection (2) applies to an applicant who was married to a person who was a citizen at the time of the death of that person.

(4) Where the marriage of a person registered as a citizen under subsection (2) is dissolved, the person shall continue to be a citizen unless the citizenship is renounced.

(5) A child of the marriage of a person registered as a citizen under subsection (2) shall continue to be a citizen unless the child renounces the citizenship.

(6) Where upon an application for registration under subsection (2) it appears to the Minister that the marriage had been entered into primarily for the purpose of obtaining the registration, the Minister shall request the applicant to establish that the marriage was entered into in good faith. (7)

In the case of a man seeking registration, subsection (1) applies only if the applicant is permanently resident in Ghana.

(8) A person shall not be registered as a citizen unless he has taken the oath of allegiance.

Registration of children

11. The Minister shall register as a citizen of Ghana a child of any person who becomes a citizen of Ghana by registration or naturalization upon application of the parent or guardian of the child.

Effective date of registration as citizen

12. (1) a person registered under section 10 or 11 is a citizen by registration from the date stated on the certificate of registration (2) The date stated on the certificate of registration shall be the date of the taking of the oath of allegiance.

Naturalization

13. (1) The Minister may with the approval of the President grant a certificate of naturalization to a person of age and capacity who satisfies the Minister that he is qualified under section 14 of this Act for naturalization.

(2) A person to whom a certificate of naturalization is granted under subsection (1) shall take the oath of allegiance and become a citizen by naturalization from the date on which the oath of allegiance is taken.

Qualification for naturalization

14. (1) Subject to subsection (2) of this section, a person qualifies for naturalization if

(a) he has resided in Ghana throughout the period of twelve months immediately preceding the date of the application;

(b) during the seven years immediately preceding the period of twelve months, he has resided in Ghana for periods amounting in the aggregate to not less than five years;

(c) he is of good character as attested to in writing by two Ghanaians being notaries public, lawyers, or senior public officers;

(d) he has not been sentenced to any period of imprisonment in Ghana or anywhere for an offence recognised by law in Ghana;

(e) he is able to speak and understand an indigenous Ghanaian language;

(f) he is a person who had made or who is capable of making a substantial contribution to the progress or advancement in any area of national activity;

(g) he is a person who has been assimilated into the Ghanaian way of life or who can easily be so assimilated;

(h) he intends to reside permanently in Ghana in the event of a certificate being granted to him; and

(i) he possessed a valid residence permit on the date of his application.

(2) The Minister may in such special circumstances as he thinks fit and with the approval of the President

(a) allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned for the purposes of subsection (1)(a) of this section as though it had immediately preceded the date of the application;

(b) allow residence in an approved country to be reckoned for the purposes of subsection (1)(b) of this section as if it has been residence in Ghana; and

(c) allow periods of residence earlier than seven years before the date of the application to be

reckoned in computing the aggregate period mentioned in subsection (1)(b) of this section.

(3) The Minister, in other special circumstances as he thinks fit and with the approval of the President, may modify, vary or waive any one of the qualifications for naturalization set out in this section except the qualification specified in subsection 1(e) of this section.

Gazette publication

15. The Minister shall publish in the Gazette within three months of any application, registration or grant of a certificate of naturalization, the names, particulars and other details of a person who (a) applies to be registered as a citizen;
 (b) has been registered as a citizen;
 (c) applies for the grant of a certificate of naturalization;
 (d) has been granted a certificate of naturalization as a citizen.

PART III - DUAL CITIZENSHIP, RENUNCIATION AND DEPRIVATION OF CITIZENSHIP

Dual citizenship

16. (1) A citizen of Ghana may hold the citizenship of any other country in addition to his citizenship of Ghana.

(2) Without prejudice to article 94(2)(a) of the Constitution, no citizen of Ghana shall qualify to be appointed as a holder of any office specified in this subsection if he holds the citizenship of any other country in addition to his citizenship of Ghana

- (a) Chief Justice and Justices of the Supreme Court;
- (b) Ambassador or High Commissioner;
- (c) Secretary to the Cabinet;
- (d) Chief of Defence Staff or any Service Chief;
- (e) Inspector-General of Police;
- (f) Commissioner, Custom, Excise and Preventive Service;
- (g) Director of Immigration Service;
- (h) Commissioner, Value Added Tax Service;
- (i) Director-General, Prisons Service;
- (j) Chief Fire Officer;
- (k) Chief Director of a Ministry;
- (l) The rank of a Colonel in the Army or its equivalent in the other security services; and
- (m) Any other public office that the Minister may by legislative instrument prescribe.

(3) A citizen of Ghana who

(a) Loses his Ghanaian citizenship as a result of the acquisition or possession of the citizenship of another country shall on the renunciation of his citizenship of that country become a citizen of Ghana;

(b) acquires the citizenship of another country in addition to his Ghanaian citizenship shall notify in writing the acquisition of the additional citizenship to the Minister in such form and such manner as may be prescribed.

(4) A citizen of Ghana who is also a citizen of any other country shall whilst in Ghana be subject to the laws of Ghana as any other citizen

(5) A citizen who has lost his citizenship as a result of the law in Ghana, which prohibited the holding of dual citizenship by a Ghanaian may on an application to the Minister, be issued with a certificate of citizenship, which shall be effective from the date of issue.

(6) A certificate issued under subsection (5) shall specify whether the citizenship is by birth, adoption, registration or naturalization.

Renunciation of Ghanaian citizenship

17. (1) if any citizen of Ghana of age and capacity who is also a citizen of another country makes a declaration of renunciation of citizenship of Ghana, the Minister shall cause the declaration to be registered; and upon the registration, that person shall cease to be a citizen of Ghana.

(2) Where the law of a country requires a person who marries a citizen of that country to renounce the citizenship of his own country by virtue of that marriage, a citizen of Ghana who is deprived of his citizenship of Ghana by virtue of that marriage shall, on the dissolution of that marriage, become a citizen of Ghana.

Deprivation of citizenship

18. The High Court may on an application by the Attorney-General for the purpose, deprive a person who is a citizen of Ghana, otherwise than by birth or adoption of that citizenship on the ground

(a) that the activities of that person are inimical to the security of the State or prejudicial to the public morality or the public interest; or

(b) that the citizenship was acquired by fraud, misrepresentation or any other improper or irregular practice.

PART IV - MISCELLANEOUS PROVISIONS

Posthumous children

19. A reference in this Act to the citizenship status of the parent of a person at the time of the birth of that person shall, in relation to a person born after the death of the parent, be construed as a reference to the citizenship status of the parent at the time of the parent's death.

Certificate of citizenship in doubtful cases

20. The Minister may, on an application made by or on behalf of any person with respect to whose citizenship of Ghana a doubt exists under Part I of this Act, certify that the person is a citizen of Ghana and a certificate issued under this section shall be prima facie evidence that the person was such as a citizen at the date indicated in the certificate, but without prejudice to any evidence that he was such a citizen at an earlier date.

Evidence

21. (1) A document purporting to be a notice, certificate, order or declaration or an entry in a register, or a subscription to an oath of allegiance, given, granted or made under this Act shall be received in evidence.

(2) The evidence may be given by the production of a certified true copy of the document by the person.

(3) An entry in a register made under this Act shall be received as evidence of the matter stated in the entry.

Offences

22. Any person who for the purpose of procuring anything to be done or not to be done under this Act makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, commits an offence and is liable on summary conviction to a fine of not less than ₵500,000 and not exceeding ₵5 million or a term of imprisonment not exceeding 12 months or to both.

Regulations

23. The Minister may by legislative instrument make Regulations for- (a) procedures relating to use of travel documents by holders of dual citizenship; (b) form and manner of notification of acquisition of dual citizenship; (c) fees chargeable in respect of anything to be done under this Act; and (d) generally for giving full effect to the provisions of this Act.

Interpretation

24. (1) In this Act unless the context otherwise requires- "approved country" means any country declared by or under the authority of the President to be an approved country by a legislative instrument; "child" means a person who has not attained the age of eighteen years; "Minister" means the Minister responsible for the interior; "prescribe" means prescribed by legislative instrument under this Act.

(2) A reference in this Act to Ghana in relation to a birth or residence before 6th March 1957 shall be read as a reference to the territories comprised in Ghana on that date.

(3) For the purposes of this Act, 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 in that country.

(4) For the purposes of this Act, a person is of age if he has attained the age of eighteen years and is of capacity if he is of sound mind.

Repeal and savings

25. (1) The Ghana Nationality Act, 1971 (Act 361) as amended by the-

(a) Ghana Nationality (Amendment) Decree, 1972 (N.R.C.D. 134)

(b) Ghana Nationality (Amendment) Decree, 1978 (S.M.C.D. 172); and

(c) Ghana Nationality (Amendment) Decree, 1979 (A.F.R.C.D. 42) Is hereby repealed.

(2) Notwithstanding the repeal in subsection (1) of this section any Regulations made under Act 361 or continued in force under that Act and in force immediately before the coming into force of this Act shall continue in force until amended or revoked under this Act.

(3) The repeal of the enactments specified in subsection (1) does not affect the validity of any action taken under any of the enactments before the repeal.

(4) Any person who immediately before the coming into force of this Act is a citizen by adoption, registration or naturalization acquired validly under any enactment before the coming into force of this Act shall continue to hold the citizenship subject to the Constitution and the provisions of this Act.

Date of Gazette notification: 5th January 2001

IMMIGRATION REGULATIONS, 2001

ARRANGEMENT OF REGULATIONS

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SCHEDULES

IMMIGRATION REGULATIONS, 2001

IN EXERCISE of the powers conferred on the Minister responsible for the interior by section 55 of the immigration Act, 2000, (Act 573) these Regulations are made this 19th day of July 2001.

Examination and condition of entry

1. (1) an immigration officer may for the purposes of the Act interview persons entering Ghana or applying for permission or renewal of permission to enter Ghana.

(2) Form A in the Schedule (Disembarkation) shall be used for the purposes of section 2 (1) of the Act.

Persons to produce passport

2. (1) A person

(a) entering or leaving Ghana; or

(b) Applying for permission or renewal of permission to be or remain in Ghana shall produce that person's passport to the immigration officer for inspection and stamping where necessary.

(2) A foreign national shall at any time when so requested by an immigration officer of the rank of Inspector or above, produce that national's passport for inspection.

Visa and entry permits

3. (1) A foreign national, except one from an ECOWAS country, entering Ghana shall have stamped or affixed in that national's passport a visa valid from the date on which the foreign national enters Ghana.

(2) A foreign national who is an exempted person shall not be required to have a visa for entry into

Ghana.

(3) A foreign national shall not be required to have a visa or entry permit if that national is in possession of travel documents issued by the Government of Ghana.

Emergency entry visa

4. (1) A foreign national who seeks to enter Ghana and who appears before an immigration officer without a visa shall in accordance with section 4(3) and 4(4) of the Act be granted emergency visa if the immigration officer is satisfied that the foreign national.

(a) is not a prohibited immigrant;

(b) is in possession of a valid passport or travel document;

(c) is proceeding from a country

(i) where Ghana has no diplomatic mission or consulate; or

(ii) where Ghana has a representative, but the entry into the Ghana is being sought for an emergency assignment;

(d) has had an application for emergency visa filed on the foreign national's behalf by that national's host with the Director of Immigration indicating

(i) personal details including nationality, place of residence in Ghana, occupation or business to be followed or undertaken while in Ghana;

(ii) particulars of passport;

(iii) proposed date of arrival;

(iv) purpose of visit and duration of stay;

(v) a statement to the effect that the applicant will not undertake or participate in any activity which might offend the religious beliefs of any section of the community;

(vi) in the case of a passenger passing through Ghana, the route to be followed; and

(vii) an undertaking by the applicant to return any pass granted the applicant;

(e) has had a security furnished by bond, deposit or a letter of guarantee by the person who guarantees the foreign national's visit.

(2) An emergency visa granted under sub-regulation (1) shall be valid for fourteen days from the date of issue.

(3) For the purposes of an emergency assignment referred to in sub-regulation (1) © (ii) the following additional conditions shall be satisfied:

(a) the distance between the place of abode of the applicant and the Ghana Consular office should be such that the impromptu nature of the applicant's journey could not make it possible for the applicant to travel to the office for a visa;

(b) the applicant is proceeding to Ghana at a short notice for business transactions;

(c) the applicant is a guest of the Government or a member of a delegation which is coming to Ghana at the instance of the Government of Ghana or any agency of the Government at short notice;

or

(d) the entry permit of the applicant who is a person resident in Ghana has expired while the applicant was outside Ghana.

Re-entry visa

5. A foreign national who is lawfully in Ghana and who seeks to leave Ghana temporarily, shall, for the purpose of section 5 (1) of the Act, apply to the Director of Immigration for a re-entry visa indicating in the application the following:

(a) the reason for wishing to re-enter Ghana;

(b) the proposed length of stay in Ghana;

(c) whether or not the foreign national is in possession of a valid return and onward ticket, and (d) evidence of sufficient funds.

Transit visa

6. (1) an immigration officer may issue a transit visa to a person who intends to pass through Ghana in transit.

(2) A transit visa shall be for a period determined by the immigration officer but shall not exceed forty-eight hours.

(3) A transit visa shall be subject to the condition that the person shall not undertake or follow any occupation for reward.

Transit passengers

7. (1) Where a passenger who arrives in Ghana in transit without entry visa applies for leave to enter the country for the purpose of seeing places of interest, an immigration officer may, subject to the payment of the prescribed fee, grant the passenger a transit permit to enter the country provided that the passenger

(a) is in possession of a return or onward ticket; and

(b) provides evidence of adequate funds, for the purposes of the transit visa

(2) A transit permit, granted to any person under sub-regulation (1) shall be for a maximum period of forty-eight hours

(3) A transit permit is granted only at air and seaports.

Visitor's visa

8. (1) In any situation where a transit visa, a residence permit, an indefinite residence or a right of abode status referred to in regulation 6,9,10,11 and 13 respectively is inapplicable, the immigration officer may grant a visitor's visa.

(2) A visitor's visa shall be subject to the condition that the person to whom it is granted shall not undertake or follow any occupation for reward, except such as may be specified in the visa.

(3) A visitor's visa shall be for a period determined by the immigration officer but shall not exceed two months or in the case of a national of an ECOWAS country three months as provided in the ECOWAS Treaty.

Residence permit

9. (1) The Director of Immigration may grant a residence permit to a foreign national who intends to remain in Ghana for a substantial period.

(2) A residence permit is subject to the condition that the person to whom it is granted shall not undertake any employment or engage in any business, trade or profession except as may be specified in the permit.

(3) A residence permit shall in the first instance be for a period not exceeding four years and may be extended.

(4) A person granted four years residence permit in the first instance may subsequently apply for an extension of the residence permit for a further period and the Director may, if satisfied that the person

(a) has fulfilled all the conditions subject to which the previous permit was granted; and

(b) has not abused any privilege granted that person under the previous permit; grant an extension of the permit for a period not exceeding four years.

(5) The Director may issue a residence permit to the spouse, or other dependants of a person to whom a residence permit has been issued (referred to as the principal holder) subject to the condition that the person to whom it is issued shall not undertake or follow any occupation for reward.

(6) A residence permit granted to a principal holder's dependant shall be for a period not exceeding the period applicable to the principal holder's permit or the residue of the principal holder's permit.

(7) An application for residence permit must be made in Form B in the Schedule to these Regulations.

(8) A residence permit for the purposes of sub-regulation (5), shall be as in Form C in the Schedule.

Indefinite residence status

10. (1) A foreign national who wishes to be considered for the grant of indefinite residence status shall, in accordance with section 14 of the Act, submit an application to the Director as in the Form D in the Schedule to these Regulations

(2) On receipt of the application, the Director shall after investigations submit recommendation to the Minister for consideration.

(3) Where an application is approved, the Director shall make the necessary endorsement in the passport of the applicant.

Indefinite residence for foreign spouse

11. A foreign spouse who wishes to remain in Ghana indefinitely shall submit an application as in Form D in the Schedule and shall attach to the application a marriage certificate as evidence of being a spouse and satisfy conditions spelt out under section

16 (1) of the Act, namely that the foreign spouse

(a) has resided in Ghana throughout the period of twelve months immediately preceding the date of the application;

(b) has immediately preceding the period of the twelve months, resided in Ghana for an aggregate period of not less than two years;

(c) has not been convicted of an offence and sentenced to imprisonment for a period of twelve or more;

(d) intends to reside permanently in Ghana upon the grant of the status

(e) is in possession of a valid residence permit on the date of the application.

Loss of indefinite residence status by foreign spouse

12. A foreign spouse who loses an indefinite residence status for any reason and who applies to the Director for reinstatement must prove that the reason for the loss of the status related to (a) continuous academic pursuit or medical care, or (b) any other cause or matter that may be satisfactory to the Director

Application for right of abode

13. (1) A person who wishes to be considered for the grant of right of abode shall submit an application as in Form E in the Schedule to the Minister through the Director.

(2) A Ghanaian national who by the acquisition of another nationality cannot hold a Ghanaian nationality because of the laws governing the acquired nationality and who wishes to be granted right of abode shall not be required to produce documentary evidence of financial standing.

(3) A person of African descent in the Diaspora who wishes to be considered for the grant of right of abode, shall be subject to a verification process which requires among other things

(a) an attestation by two Ghanaians who are notaries public, lawyers, senior public officers or other class of person approved by the Minister to the effect that the applicant is of good character and that they have known the applicant personally for a period of at least five years;

(b) a declaration by the applicant to the effect that the applicant has not been convicted of any criminal offence and been sentenced to imprisonment for a term of twelve months or more;

(c) production by the applicant of documentary evidence of financial standing;

(d) the applicant satisfying the Minister that the applicant is capable of making a substantial

contribution to the development of Ghana; and

(e) that the applicant has attained at least the age of eighteen years.

(4) An applicant for right of abode shall submit the application in person

(5) For the purposes of verification under sub-regulation (3), the applicant must have resided in the country (a) throughout the period of twenty-four months immediately preceding the date of the application; and (b) during the seven years immediately preceding the period of twenty-four months referred to in paragraph (a), for a period amounting in the aggregate to not less than five years.

Security for repatriation expenses

14. (1) Where a person seeking entry is required to furnish security in accordance with section 4(4) of the Act, in respect of that person's repatriation expenses, the immigration officer may require

(a) a bond for the sum determined in the terms set out in Form F in the Schedule;

(b) a deposit of the sum determined with the immigration officer; or

(c) a letter of guarantee as in Form G in the Schedule for the sum determined.

(2) The sum determined in this regulation shall be a sum equivalent to the cost of sending the foreign national and dependants of the national from a suitable place in Ghana. (a) to the country of origin; or (b) at the discretion of the Director to some other country into which that foreign national and dependants of that person may be admitted; in addition to any further sum that may be required for any other related purpose.

(3) Where a person furnishes security by deposit; (a) the immigration officer shall give that person a receipt for the sum deposit, and (b) when the person leaves Ghana permanently, or is repatriated the immigration officer shall return the sum deposited or the balance remaining after deduction of the deportation expenses to the person who made the deposit.

(4) A bond or guarantee furnished by way of security under the Act or these Regulations may be called in by the Director on behalf of the Republic.

Notice given by Director

15. A notice issued by the Director under section 20 of the Act in relation to

(a) revocation of a permit on grounds of fraudulent misrepresentation concealment or any other illegal practices;

(b) revocation of a permit on grounds that conditions governing the permit has been broken

(c) imposition of fresh conditions in relation to a permit shall be as in Form H.

Employment of foreign nationals

16. (1) An employer who wishes to apply for a work permit for a person employed by that employer shall submit an application through the Director, who upon investigation shall submit a report to the Immigrant Quota Committee for consideration and approval.

(2) A permit to employ a foreign national shall be as in Form I in the Schedule.

Notification to the Committee

17. (1) **The forms to be used by**

(a) an employer under section 30(1) and (2) of the Act;

(b) an employee in notifying the Committee that the employee has commenced or ceased to work for the employer shall be as in Forms J,K,L,M,N. in the Schedule

(2) The form of the annual return required by section 31 (1) of the Act shall be as in Form O in the Schedule.

Penalty for illegal employment

18. (1) A person shall not employ a foreigner except in accordance with the provisions of the Act.

(2) Any body corporate which employs a foreigner in breach of the provisions of section 31 of the Act shall pay to the Immigration Service a penalty in the sum of five million cedis and any

individual who fails to comply with the provisions of section 31 shall pay a penalty in the sum of one million cedis.

(3) A body corporate which or an individual who fails to pay the prescribed penalty within seven days commits an offence and is liable on summary conviction to a fine of 500 penalty units.

Returns to passengers

19. (1) Where a vessel or an aircraft takes passengers on board in the country, the master, owner or agent of the vessel or the person in charge of the aircraft shall before the departure of the vessel or the aircraft, give to the immigration officer the name and place of destination of each person on board. (2) Where a vessel or an aircraft arrives at any port or place in the country with passengers on board who intend to disembark, the master of the vessel or the person in charge of the aircraft shall give to the immigration officer the name and place of embarkation of each person on board.

Forms to be completed on leaving

20. Form P in the Schedule shall be used for the purpose of section 10(2) of the Act which provides for the examination of a person appearing before the immigration officer and the completion of a prescribed form by that person.

Exempted persons

21. (1) Where an immigration officer is satisfied that a person entering Ghana

(a) is a citizen of Ghana or

(b) is a foreigner who is not a prohibited immigrant and is

(i) under sixteen years of age;

(ii) a member of the diplomatic or consular service of a foreign country who is duly accredited to the Republic by the government of the country concerned;

(iii) an official of an international organization who is entitled to diplomatic privileges by or under the provisions of any enactment;

(iv) a person granted diplomatic status by the Republic;

(v) a person in the employment of the Republic;

(vi) the wife of a person in paragraphs (ii) to (v); (vii) a member of the armed forces of a friendly power entering Ghana on duty by permission of the Ghana Government; or

(viii) a person in respect of whom the Minister has granted a waiver under section 51 of the Act; that person shall be permitted to enter and remain in the country.

(2) Where a person who has been permitted to enter the country under sub-regulation (1) ceases, while in the country, to possess the qualifications by virtue of which the provisions of sub-regulation (1) apply to that person, that person shall be required to appear before an immigration officer as though that person were entering the country for the first time.

Interpretation

22. In these Regulations unless the context otherwise requires "Act" means the Immigration Act, 2000, (Act 573) "ECOWAS" means the Economic Community of West African States "permit" includes a visa.

Revocation

23. The Aliens Regulation, 1963 (LI 265) as amended by

(a) Aliens (Amendment) Regulations, 1967 (L.I. 553)

(b) Aliens (Amendment) Regulations, 1974 (L.I. 970)

(c) Aliens (Amendment) Regulations, 1977 (L.I. 1103)

(d) Aliens (Amendment) Regulations, 1981 (L.I. 1266)

(e) Aliens (Amendment) Regulations, 1994 (L.I. 1581)

Is hereby revoked.

SCHEDULE OF FORMS FORM A

GHANA IMMIGRATION SERVICE (DISEMBARKATION CARD FOR FOREIGN NATIONALS ONLY)

(regulation 1 (2)) (FRONT)

Note: Employment without Work Permit is prohibited

- 1. Surname Mr./Mrs./Miss
- 2. First name (s)
- 3. Date of birth
- 4. Place of birth
- 5. Nationality
- 6. Passport number
- 7. Place and date of issue of passport
- 8. Occupation
- 9. Place of embarkation
- 10. Flight/Ship/Car No.....
- 11. Overseas address
- 12. Purpose of visit (as indicated down)
- 13. Residential address in Ghana
- 14. Postal address in Ghana

Signature Date

Business affairs Official trip

Holiday-Tourism Mission official

Visit family Others

(Reverse)

FOR OFFICIAL USE ONLY

Immigration Official Stamp

Signature of officer

FORM A1 GHANA IMMIGRATION SERVICE (DISEMBARKATION FOR GHANAIAAN ONLY)

(regulation 1 (2))

1. Surname Mr/Mrs/Miss
2. First Name(s)
3. Place & date of birth
5. Date of issue.....
6. Place of issue
7. Occupation
8. Place of embarkation.....
9. Flight/Ship/Car/No
10. Home address

Date Signature

Reverse

OFFICIAL USE ONLY

IMMIGRATION POST STAMP

REMARKS

FORM B APPLICATION FOR RESIDENCE PERMIT (regulation 9 (7))

1. Name (in Capital) Mr./Mrs./Miss
2. Previous Name (If any)
3. Nationality Place and Date of Birth.....
4. Passport No:..... (a) Place and Date of Issue
- (b) Date of Entry
5. Address in Ghana (In Full): (a) Postal
(Office/Business) Tel:..... (b) Residential (H/No.)
..... Tel:.....
6. Address Overseas:..... Tel:.....
7. Educational Qualification: Occupation.....

8. (a) Duration of Present Contract
(c) Commencement date of contract.....
(d) Expiry date of contract:.....

9. How long resident in Ghana.....

10. (a) Date of First arrival in Ghana
(b) Date if last arrival in Ghana

11. Proposed length of stay in Ghana

12. Marital Status

13. Name of Spouse Nationality

14. Educational qualification Occupation

15. Name of children under 18

- 1. 4.
- 2. 5.
- 3. 6.

I solemnly declare that the above particulars given by me are true in substance and in fact.

..... Date Signature Thumbprint

FORM C

RESIDENCE PERMIT (regulation 9 (8))

Permitted to reside in Ghana as wife/dependant of

Valid to

No occupation or business for reward permitted

Security

FORM D APPLICATION FROM FOR INDEFINITE RESIDENCE STATUS (regulations 10 and 11)

1. Name in full Mr/Mrs/Ms

2. Previous names (if any)
3. Nationality
4. Passport/Travel Certificate No..... Place && Date of Issue
5. Address (in full) in Ghana Tel. No.....
- (a) Postal (office/Business)
-
- (b) Residential (Street & H/No.)..... Tel. No.....
6. Address (overseas)
-
7. Name & Address of Spouse/sponsor(relationship)
-
-
8. Profession
9. Occupation
10. Source of Income/Business
- (a) Net Income per annum
11. How long Resident in Ghana
- (a) Date of issue of last Residence Permit.....
- (b) Date of Expiry of last Residence permit
12. Date of first Residence permit in Ghana
13. Name of Character referees in Ghana
14. (a) Address (Postal)
- Tel No.....
- (c) Profession
- (d) Residential Address Tel No.
2. (a) Address (Postal)
- Tel No.
- (b) Professional
- © Residential Address Tel No.....

14. Apart from present nationality do you hold any other? Yes No If yes state which and since when
..... (Passport details of the other nationality)

15. Do you hold residence status in any country apart from Ghana? Yes No If Yes give details
.....

16. Do you own Immovable property owned in Ghana? Yes No If YES (Location: Address)
.....

17. Have you ever been convicted? Yes No If YES, state where and when
.....

I solemnly declare that the above particulars give by me are true in substance and in fact.

..... Date Signature/Thumbprint

Attachments: (a) Two (2) current passport -size photographs (b) Introductory letter form sponsor (c) Photocopies of marriage/birth certificate (if applicable) (d) Attestation by two (2) character referees

OFFICIAL USE ONLY To be filled by schedule officer Recommendation:

FORM E APPLICATION FOR RIGHT OF ABODE (regulation 13)

- 1. Name in full Mr/Mrs/Ms
- 2. Previous names (if any)
- 3. Nationality
- 4. Passport/Travel Certificate No..... Place && Date of Issue
- 5. Address (in full) in Ghana Tel. No..... (c) Postal (office/Business)
- (d) Residential (Street & H/No.)..... Tel. No.....
- 6. Address (overseas)
-
- 7. Name & Address of Spouse/sponsor(relationship)
-
-
- 8. Profession
- 9. Occupation
- 10. Source of Income/Business (e) Net Income per annum
- 11. How long Resident in Ghana (a) Date of issue of last Residence Permit..... (f) Date of Expiry of last Residence permit
- 12. Date of first Residence permit in Ghana
- 13. Name of Character referees in Ghana
- 14. (a) Address (Postal)
- Tel No..... (g) Professional Address
- (h) Residential Address
- Tel No. 2. (a) Address (Postal)
-
- (b) Professional Address
- Tel No..... © Residential Address Tel No.....
- 14. Apart from present nationality do you hold any other? Yes No If yes state which and since when (Passport details of the other nationality)
- 15. Do you hold residence status in any country apart from Ghana? Yes No If Yes give details
- 16. Any Immovable property owned in Ghana? Yes No If YES (Location: Address)
-
- 17. Have you ever been convicted? Yes No If YES, state where and when
-

..... Date Signature/Thumbprint

Attachments: (a) Two (20) current passport-size photographs (b) Introductory letter from sponsor (c) Photocopies of marriage/birth certificate (if applicable) (d) Attestation by two (2) character referees)

OFFICIAL USE ONLY To be filled by Schedule officer

Recommendation:

FORM F BOND FOR SECURITY (regulation 14 (1) (a))

Be it known to all men by these presents that we Of and of are bound to the Government of Ghana in the sum of (¢.....) to be paid to the Director of Immigration on behalf of the Government of Ghana; to which payment we bind ourselves, each and every one of us jointly and severally for our heirs executors and administrators jointly and severally;

Sealed with our seals this day of

At

The condition of this obligation is that if at the time

Of leaves Ghana, any deportation expenses or repatriation Expenses (within the meaning of those expressions as used in the Immigration Act, 2000. (Act 573) incurred by the Government of Ghana in connection with that person and that person and that person's dependants (if any) leaving Ghana have been paid to the Government, then this obligation shall be void, otherwise it shall be and remain in full force.

Signed, sealed and delivered by the above-named

And in the presence of

(Witness) (Signatures and seals of obligators)

FORM G LETTER OF GUARANTEE (regulation 14 (1))

Address

Date I/We hereby guarantee that I/we will bear all the deportation or repatriation expenses (as defined in the Immigration Act, 2000 (Act 573)) in respect Of Of And the dependants of the within name In the event of the said Being deported or otherwise required to leave Ghana; and that in the event of the Government paying any

of the said expenses I/we guarantee that we shall re-imburse the government.

(Signed)

FORM H NOTICE GIVEN BY DIRECTOR (regulation 15)

Address

Dated..... You are hereby informed that your permit to remain in Ghana has expired/been revoked (or that you have broken the conditions subject to which your permit was granted in that) You are therefore warned that you should leave Ghana within days from the date of this notice unless you are issued with a fresh permit to remain in Ghana under section 23 of the Immigration Act, 2000, (Act 573).

Signed

To

FORM 1 (regulation 16 (2)) PERMIT TO EMPLOY A FOREIGN NATIONAL

..... of is hereby licensed to employ foreigner(s) in the capacity of and Foreigner(s) in the capacity of (etc)

Date

Note - the attention of the beneficiary is drawn to the provisions of the Immigration Act, 2000 (Act 573) under which he is required to -

(a) notify the Director of Immigration within seven days, of having begun or ceased to employ a foreigner; (b) submit an annual return not later than 14th January in every year giving details of foreigners employed by the employer.

FORM J

NOTICE BY EMPLOYER OF COMMENCEMENT OF EMPLOYMENT OF FOREIGN NATIONAL (regulation 17 (1))

Address

Dated.....

I/We of Being authorized to

Employ Foreign national(s) permit No..... hereby give

Notice that I/we have commenced to employ Of as from
..... in the capacity of

(Signed).....

To the Director of Immigration Note - This notice must be accompanied by a letter of guarantee in the prescribed form unless that letter has already been furnished.

FORM K

NOTICE BY FOREIGN EMPLOYEE OF COMMENCEMENT OF EMPLOYMENT

(regulation 17 (1))

Address

Dated

I..... of being of Nationality

Hereby give notice that I have commenced work for Of As

From in the capacity of

Signed

To the Director of Immigration

FORM L NOTICE BY EMPLOYER THAT FOREIGN EMPLOYEE HAS CEASED TO WORK FOR THE EMPLOYER

(regulation 17 (1))

Address

Dated.....

I/We of hereby give notice

That Of..... formerly employed by me/us in the capacity

Of..... left my/our employment on the

Signed

To the Director of Immigration Note - Where the employer has furnished a letter of guarantee in respect of the repatriation expenses of the alien and the dependants of the alien, the employer is required under the Immigration Act, 2000 (Act 573) and the Immigration Regulation to -

- (a) bear the cost of repatriating the alien when the alien leaves the employers employment;
- (b) comply with the directors of the Director as to the arrangement for the repatriation.

FORM M NOTICE BY FOREIGN EMPLOYEE THAT THE EMPLOYEE HAS LEFT THE EMPLOYMENT

(regulation 17 (1))

Address

Date.....

I, the Of.....being of..... nationality hereby give notice that I have ceased to be employed by Of

As form

Signed.....

To the Director of Immigration

FORM N NOTICE BY SELF-EMPLOYMED FOREIGN NATIONAL THAT NATIONAL HAS CEASED TO CARRY ON THE PREVIOUS TRADE, BUSINESS OR PROFESSION

(regulation 17 (1))

Address:.....

Date.....

I,of.....being of..... nationality hereby give notice that I have ceased to carry on my occupation as.....as from.....

Signed.....

To the Director of Immigration

FORM O

ANNUAL RETURN BY PERSON LICENSED TO EMPLOY FOREIGN NATIONAL(S)

(regulation 17 (2))

I/We hereby certify that on 1st January the following aliens were in our employment in Ghana;

Name Address Capacity which employed since when employed

Signed

To the Director of Immigration

FORM P

EXAMINATION FORM

(regulation 21)

Ref. No.....

Name:..... a.k.a.....

Date of Birth:..... Passport/Travel Document No.....

Date of Arrival/Departure:..... Time:..... Flight No:.....

Nature of offence:.....

.....

Brief facts of the case:.....

.....

Decision taken by officer:.....

.....

..... Name of officer Signature

Date

ALHAJ MALIK AL-HASSAN YAKUBU Minister responsible for the Interior

Date of Gazette notification: 20th July, 2001

Entry into force:

CITIZENSHIP REGULATIONS, 2001

ARRANGEMENT OF REGULATIONS

Regulations

1. Notification of citizenship of an adopted child
2. Oath of allegiance and adopted child
3. Application for citizenship by registration
4. Application for citizenship by naturalization
5. Submission of application
6. Oath of allegiance
7. Issue of certificates
8. Investigation of application of citizenship
9. Evidence in support of application
10. Dual citizenship
11. Certificate of dual citizenship
12. Use of travel documents by dual nationals
13. Renunciation of citizenship
14. Deprivation of citizenship
15. Registers to be kept
16. Variation of forms
17. Certification of copies
18. Attestation
19. Fees
20. Interpretation
21. Revocation

SCHEDULES

CITIZENSHIP REGULATIONS, 2001

IN exercise of the powers conferred on the Minister responsible for the Interior by section 23 of the Citizenship Act, 2000 (Act 591) these Regulations are made this 19th day of July 2001.

Notification of citizenship of an adopted child

1. (1) A citizen who has adopted a child of not more than sixteen years of age neither of whose parents is Ghanaian shall notify the Minister of the adoption.
- (2) The notification may be made in or outside Ghana but shall be in accordance with the consular practice of the Ministry of Foreign Affairs.
- (3) The notification may be made whether the adoption order for the foreign child was made in Ghana or elsewhere.
- (4) The notification shall be as in Form 1 set out in Schedule I.

Oath of allegiance and adopted child 2.

- (1) Subject to regulation 6, an adopted child who is sixteen years and above shall take the oath of allegiance.
- (2) The adoptive parent shall be present at the oath taking ceremony unless the parent has been excused by the Minister or by a person authorized by the Minister.
- (3) An adopted child under twelve years of age shall not be required to take the oath of allegiance.
- (4) The date of acquisition of citizenship by the adopted child shall be the date of the court order.

Application for citizenship by registration

3. (1) An application for citizenship by registration under sections 10 (1), (2), (3) and 11 of the Act shall be as set out in Forms 2, 3 or 4 of Schedule I.

(2) The application shall be signed or marked by the applicant but where the applicant under section 11 is a child, the application shall be signed or marked by the parents or guardian of the child.

Application for citizenship by naturalization

4. An application for citizenship by naturalisation under section 13 of the Act shall be in the Form 5 set out in Schedule I.

Submission of application

5. Applications under these Regulations shall be submitted to the Minister or to a person authorized by the Minister.

Oath of allegiance

6. (1) The oath of allegiance to be taken under the Act shall be as provided in Schedule II. (2) The oath of allegiance shall be endorsed on the certificate of citizenship to which it relates by the Minister or a person authorized by the Minister. (3) No certificate shall be issued to an applicant unless the oath has been endorsed.

Issue of certificates

7. (1) The Minister shall issue a certificate of registration or naturalization as in Form 6,7 or 8 in Schedule I if satisfied that the conditions under the Act have been complied with. (2) A certificate of citizenship in case of doubt issued by the Minister under section 20 of the Act shall be as set out in Form 9 of Schedule I.

Investigation of application of citizenship

8. (1) An application for the acquisition of citizenship upon its submission shall be referred by the Minister to the Ghana Immigration Service for investigation. (2) The Ghana Immigration Service shall submit a report on the investigation with recommendations to the Minister.

Evidence in support of application

9. (1) An applicant for the acquisition of citizenship by registration or naturalization shall bear the burden of proving that the qualifications for the registration or naturalization under the Act have been complied with. (2) An applicant for naturalization shall satisfy the Minister that residence prior to the application was in accordance with the Immigration Act, 2000 (Act 573)

Dual citizenship

10. (1) A citizen who holds the citizenship of any other country in addition to the citizenship of Ghana shall register as a dual national in Ghana. (2) The registration as a dual citizen in accordance with section 16(3) (b) of the Act shall be in Form 10 as set out in Schedule I.

Certificate of dual citizenship

11. The certificate of dual citizenship issued by the Minister under subsection (5) of section 16 of the Act shall be as in Form 11 set out in the Schedule I.

Use of travel documents by dual nationals

12. (1) A citizen who holds the citizenship of another country in addition to the citizenship of Ghana shall-

(a) shall be issued with a Ghana passport or travel documents;

(b) be permitted to remain in the country without limitation if the person entered the country on a Ghana passport; and

(c) leave Ghana on the same passport that the person used to enter the country.

(2) A dual national commits an offence when a Ghana passport is used by the person interchangeably with the passport of another country to deceive an immigration officer and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding one year or to both.

Renunciation of citizenship

13. (1) A declaration of renunciation of citizenship of a foreign country made under section 16(3)(a) of the Act, shall be as set out in Form 12 in Schedule I. (2) A declaration of renunciation of citizenship made under section 17(1) and (2) of the Act shall be as set out in Form 13 in Schedule I.

Deprivation of citizenship

14. (1) Where a person who is a citizen otherwise than by birth, is deprived of citizenship by a High Court, the Court may order that any person in possession of a certificate of registration or naturalization relating to the deprived person deliver the certificate to the Minister for cancellation within such time as the Court may specify. (2) A person who fails to comply with an order of the Court under this regulation commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding six months or to both.

Registers to be kept

15. The Minister shall cause to be maintained registers of persons

- (a) who become citizens by registration or naturalization,
- (b) who become citizens by renunciation of their citizenship of a foreign country and their declaration to reside the country;
- (c) who renounce their citizenship;
- (d) who are deprived of their citizenship by the Court.

Variation of forms

16. The Minister may permit the forms contained in Schedule I to be varied to meet the circumstances of any particular case, subject to the observance of the requirements of the Act.

Certification of copies

17. A document may be certified to be a true copy of a document by a written statement signed by the Minister or a person authorized by the Minister.

Attestation

18. (1) Applications under the Act shall be signed or marked in the presence of a sponsor listed in sub-regulation (2) (2) Applications for citizenship by registration or naturalisation shall be supported by supported by two sponsors (a) one of whom shall be a judge of the Superior Court of Judicature namely the Supreme Court, Court of Appeal, High Court or Regional Tribunal; and (b) one of the following (i) a medical practitioner; (ii) an accountant; (iii) a legal practitioner; (iv) a head of a recognised educational institution (v) a senior officer in the public service not below the rank of an assistant director; or (w) a commissioned officer of the Armed Forces not below the rank of a Lieutenant Colonel; (3) The sponsors of an application shall complete Form 14 set out in Schedule I.

Fees

19. (1) The fees payable under these Regulations shall be as provided in Schedule III. (2) The amount specified in column 2 shall be paid in respect of the matter specified in column 1 of that Schedule.

Interpretation

20. In these Regulations unless the context otherwise requires; "Act" means the Citizenship Act, 2000 (Act 591) "citizen" means a citizen of Ghana; "Minister" means the Minister responsible for the Interior;

Revocation

21. The following instruments are hereby revoked Ghana Nationality Regulations, 1972 (L.I. 747); Ghana Nationality (Amendment) Regulations 1972 (L.I. 759) Ghana Nationality (Amendment) Regulations, 1994 (L.I. 1583)

SCHEDULE I Regulation 1

FORM 1

(Section 9 of Act 591)

NOTIFICATION OF CITIZENSHIP OF AN ADOPTED CHILD

PHOTOGRAPH OF CHILD

1. Notice is given in respect of (full name) of BLOCK LETTERS

..... (address) a child of not more than sixteen years who was not a citizen of Ghana, and adopted by

..... (name of adopter)

2. Place and date of child's birth.....

3. Place and date of birth of child's parents:

Father

Mother

4. Nationality of child's parents: Father

.....

Mother

5. Child was citizen of (country) by birth/descent /registration (delete in applicable words). 6. Particulars of adoption order

..... (i) (date of order) (ii)(court of jurisdiction) (iii)

..... (details of adoption order)

.....

7. Usual signature of child 1,

..... (name of adopter) of

..... (address) declare that

..... (name of child) is my adopted son/daughter.

..... Signature or mark of adopter

Made this day of, 20.....

FORM 2

Regulation 3(1) (Section 10(1) of Act 591)

APPLICATION FOR REGISTRATION AS A CITIZEN OF GHANA

(By a citizen of an approved country resident in Ghana)

PHOTOGRAPH OF APPLICANT

1. I, (full name) of BLOCK LETTERS

..... (address) BLOCK LETTERS

having been resident in Ghana during the last five years, apply for registration as a citizen of Ghana.

2. I am of good character and am able to speak and understand a Ghanaian language, namely (name of language) 3. Place and date of birth

..... 4. Place and date of birth of parents: Father Mother

..... 5. (To be completed by married applicants only) Name of spouse Place and date of birth of spouse

..... Nationality of spouse now or at time of death Is the marriage still subsisting? Yes/No

6. Applicant is a citizen of (approved country) by birth/decent/registration/naturalization/marriage. (Delete inapplicable words). 7. Date of first arrival in Ghana 8. Particulars of all subsequent periods of absence from Ghana: (i)

..... (ii)

..... (iii)

..... (iv)

..... (Insert date, countries visited and reason for journey) 9. Particulars of properties owned in Ghana: (i)

..... (ii)

..... (iii)

..... (iv)

..... 10. Particulars of properties owned in Ghana: (i)

..... (ii)
..... 11. Particulars of all
criminal proceedings taken against the applicant at any time and in any country
.....
.....
.....

12. (To be answered only where the applicant has previously renounced or been deprived of Ghanaian citizenship) (a) Circumstances under which the applicant renounced or was deprived of Ghanaian citizenship

..... (b) Reasons for present application

..... 13. I,
..... (name of applicant) do solemnly and sincerely declare that the particulars stated in this application are true, and I make this solemn declaration honestly.

..... Signature or mark of Applicant

Made and subscribed this day of 20

Before me (Signature)

Circuit Judge/Chairman Community Tribunal/Commissioner for Oaths/Head of Ghana Mission or Consulate abroad) (Delete inapplicable words)

FORM 3

APPLICATION FOR REGISTRATION AS A CITIZEN OF GHANA

Regulation 3(1) (Section 10(2) and 10(3) of Act 591)

(By a person who is or has been married to a citizen of Ghana, or a person who but for the death of a spouse would have become a citizen of Ghana)

PHOTOGRAPH OF APPLICANT

1. I, (full name) BLOCK LETTERS of (address) BLOCK LETTERS being a person who is or has been married to a citizen of Ghana or a person who but for his or her death would have become a citizen of Ghana, apply for registration as a citizen of Ghana.

2. Place and date of marriage

3. Place and date of birth

4. Previous name

5. Applicant is a citizen of (country) by birth/descent/registration/naturalization/marriage. (Delete inapplicable words).

6. Name of spouse

7. Place and date of birth of spouse 8. Husband's or wife's present address (or last address if deceased)

..... 9. Nationality of spouse now or at time of death 10. How spouse's nationality was acquired: by birth/descent/registration/naturalization. (Delete inapplicable words).

11. (a) Is the marriage still subsisting? Yes/No (b) If marriage is terminated state reason
.....

12. Particulars of all previous marriages
.....
.....

13. (To be answered only where the applicant has previously renounced or been deprived of Ghanaian citizenship) (a) Circumstances under which the applicant renounced or was deprived of

Author: Parliament