

**THE MAURITIUS CITIZENSHIP ACT 1968**

**Act No. 45 of 1968**

*I assent,*

*13th December, 1968.*

A. L. WILLIAMS,  
*Governor-General.*

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**An Act to provide for the acquisition, deprivation and renunciation of the citizenship of Mauritius and for matters connected therewith or incidental thereto**

[14th December, 1968]

WHEREAS the Constitution of Mauritius set out in the Schedule to the Mauritius Independence Order, 1968, contain certain provisions relating to citizenship of Mauritius including provisions for the acquisition of citizenship by birth or descent;

AND WHEREAS under the said Constitution the Parliament of Mauritius has been vested with certain powers to make provision for the acquisition, deprivation and renunciation of and other matters relating to citizenship;

AND WHEREAS it is expedient to provide for the acquisition of citizenship by registration, naturalization and otherwise, for the deprivation and renunciation of citizenship and for other matters relating to citizenship generally:

BE IT THEREFORE ENACTED by the Parliament of Mauritius, as follows

PART I

PRELIMINARY

**Short title.**

1. This Act may be cited as the Mauritius Citizenship Act, 1968.

**Interpretation.**

2. (1) In this Act, unless the context otherwise requires—

“alien” means a person who is not a Commonwealth citizen or a British protected person;

“appointed day” means the 12th of March, 1968;

“British protected person” means a person who is a British protected person for the purposes of the British Nationality Acts, 1948 to 1965, of the United Kingdom;

“the Commonwealth” means Mauritius and any country mentioned in the First Schedule to this Act and includes any dependency of such country;

“Commonwealth citizen” means a citizen of Mauritius or of any country specified in the First Schedule to this Act and every person who is a Commonwealth citizen by virtue of subsection (2) of section 25 of the Constitution;

“the Constitution” means the Constitution of Mauritius as set out in the Schedule to the Mauritius Independence Order, 1968;

“consulate of Mauritius” means the office of a consular officer of the Government of Mauritius or, where there is no such office, such office as may be designated by the Minister;

“foreign country” means a country which is not part of the Commonwealth and includes a dependency of that country

“Minister” means the Minister responsible for Internal Affairs;

“minor” means a person who has not attained the age of twenty one years;

“responsible parent” in relation to a child means the father, or where the father is dead, or where the custody of the child

has been awarded to the mother by a court of competent jurisdiction, the mother.

(2) For the purposes of this Act—

- (a) a person shall be of full age if he has attained the age of twenty-one years and of full capacity if he is not of unsound mind;
- (b) 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;
- (c) any reference to the father of a person shall, in relation to a person born out of wedlock and not acknowledged by his father, be construed as a reference to the mother of that person;
- (d) where a person is required to renounce the nationality or citizenship of a country but under the law of that country he is not permitted so to do, he may make such declaration concerning that nationality or citizenship as may be approved by the Minister;
- (e) a new-born infant found abandoned within Mauritius shall, unless the contrary is shown, be deemed to have been born within Mauritius.

ACQUISITION OF CITIZENSHIP  
PART II

**Citizenship on adoption.**

3. Where under a law in force in Mauritius relating to the adoption of children an adoption order is made in respect of a minor who is not a citizen of Mauritius, then, if the adopter, or— in the case of a joint adoption the male adopter, is a citizen of Mauritius, the minor shall become a citizen of Mauritius as from the date of the order.

**Citizenship by incorporation of territory.**

4. If any territory becomes a part of Mauritius the Governor-General may by Order published in the *Gazette* specify the persons who shall be citizens of Mauritius by reason of their connection with that territory and those persons shall become citizens of Mauritius as from such date as may be specified in the Order.

**Registration of Commonwealth citizens.**

- 5.(1) Subject to the provisions of this section, the Minister may cause any Commonwealth citizen, being a person of full age and capacity, to be registered as a citizen of Mauritius who makes application therefor in the prescribed manner and satisfies the Minister—

- (a) that he is of good character;
- (b) that he has an adequate knowledge of the English language

or any other language current in Mauritius and of the responsibilities of a citizen of Mauritius;

(c) that he has resided in Mauritius throughout the period of five years, or such shorter period (not being less than twelve months) as the Minister may in the special circumstances of any particular case accept, immediately preceding the date of his application;

(d) that he intends, if registered, to continue to reside in Mauritius.

(2) A person to whom this section applies shall not be registered under this section unless he first renounces any other citizenship which he may possess.

#### **Registration of minor children.**

6.(1) The Minister may cause the minor child of a citizen of Mauritius to be registered as a citizen of Mauritius upon application made in the prescribed manner by the responsible parent or the guardian of such child.

(2) The Minister may, in such special circumstances as he thinks fit, cause any minor to be registered as a citizen of Mauritius.

#### **Registration of women**

7.(1) Subject to the provisions of subsection (2) of this section, any woman whether of full age or capacity, who is, by virtue of the provision of sections 21 and 24 of the Constitution entitled to be registered as a citizen of Mauritius shall be so registered on making application therefor to the Minister in the prescribed manner.

(2) A woman to whom this section applies shall not be registered under this section unless she first renounces any nationality or citizenship which she may possess and, if she is an I alien or a British protected person, takes the prescribed oath or affirmation of allegiance.

#### **Effect of registration.**

8. A person registered under the provisions of section 5, 6 or 7 of this Act shall be a citizen of Mauritius by registration as from the date on which he is registered.

#### **Naturalization of aliens and British protected persons.**

9. (1) Subject to the provisions of this section, the Minister may grant a certificate of naturalization to any alien or British protected person of full age and capacity who makes application therefor in the prescribed manner and satisfies the Minister—

(a) that he is of good character;

- (b) that he has an adequate knowledge of the English language or any other language current in Mauritius and of the responsibilities of a citizen of Mauritius;
  - (c) that he has resided in Mauritius throughout the period of twelve months immediately preceding the date of his application;
  - (d) that during the seven years immediately preceding the said period of twelve months he has resided in Mauritius for periods amounting to not less than five years;
  - (e) that he intends in the event of a certificate being granted to him to continue to reside in Mauritius.
- (2) The Minister may, in such cases as he thinks fit—
- (a) allow a continuous period of twelve months ending not later than six months before the date of the application to be reckoned for the purpose of paragraph (c) of subsection (1) of this section as if it had immediately preceded that date; and
  - (b) allow periods of residence earlier than the seven years preceding the date of the application to be reckoned in computing the aggregate period mentioned in paragraph (d) of subsection (1) of this section.
- (3) The Minister may accept a continuous period of residence of not less than two years in lieu of the qualification in respect of residence specified in paragraphs (c) and (d) of subsection (1) of this section in the case of—
- (a) a male person who is or has been married to a citizen of Mauritius or
  - (b) a person who has invested in Mauritius a sum of not less than three hundred thousand rupees.
- (4) An alien or British protected person shall not be granted a certificate of naturalization under this section unless he first renounces the nationality or citizenship of any other country which he may possess and takes the prescribed oath or affirmation of allegiance.

**Effect of certificate of naturalization.**

10. A person to whom a certificate of naturalization has been granted under the provisions of section 9 of this Act shall become a citizen of Mauritius by naturalization as from the date on which that certificate is granted.

PART III

Loss of CITIZENSHIP

**Deprivation of citizenship on grounds of fraud etc., disloyalty and**

**absence.**

- 11.(1) A citizen of Mauritius who became such by registration or naturalization under this Act shall cease to be a citizen of Mauritius if he is deprived of that citizenship by an order of the Minister made under this section.
- (2) Subject to the provisions of this section, the Minister may by order deprive of his citizenship any citizen of Mauritius who became such by registration or naturalization under this Act if he is satisfied that the registration or certificate of naturalization in relation to such citizen, was obtained by means of fraud, false representation or the concealment of any material fact.
- (3) Subject to the provisions of this section, the Minister may by order deprive of his citizenship any citizen of Mauritius who became such by registration or naturalization under this Act if the Minister is satisfied that that citizen-
- (a) has shown himself by act or speech to be disloyal or disaffected towards Her Majesty; or
- (b) has, during any war in which Mauritius was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business that was to his knowledge carried on in such manner as to assist an enemy in that war; or
- (c) has within five years after his registration or naturalization under this Act been sentenced in any country to imprisonment for a term of not less than twelve months:

Provided that the Minister shall not deprive any person of his citizenship on this ground if it appears to him that that person would thereupon become stateless.

- (4) Subject to the provisions of this section, the Minister may by order deprive of his citizenship any citizen of Mauritius, of full age and capacity, who became such by registration or naturalization under this Act if he is satisfied that that person has been ordinarily residence in another country or other countries for a continuous period of five years and during that period-
- (a) has not been at any time in the service of the Government of Mauritius or of an international Organisation of which Mauritius was a member; or
- (b) has not registered in the prescribed manner at a consulate of Mauritius his intention to retain his citizenship of Mauritius; or
- (c) has not given notice in writing to the Minister of his intention to retain his citizenship of Mauritius:

Provided that the Minister shall not deprive any person of his citizenship of Mauritius on this ground if it appears to him that that person would thereupon become stateless.

(5) Before making an order under this section the Minister shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and, if the order is proposed to be made on any of the grounds specified in subsection (2) of this section, of his right to an enquiry under this section.

(6) A notice under the last preceding subsection may be given-

- (a) in a case in which the address of the person concerned is known, by causing the notice to be delivered to him personally or by sending it to him at that address by registered post;
- (b) in a case where that person's address is not known, by sending it to his last known address and in such other manner, if any, as the Minister may consider fit.

(7) When and as often as it is proposed to make an order on any of the grounds specified in subsection (2) of this section, the Minister shall, if the person against whom the order is proposed to be made so requests, refer the case for enquiry and report to a committee appointed by him for the purpose.

**Deprivation of citizenship on the exercise of certain rights in other countries or failure to renounce other citizenship.**

12.(1) The Minister may by order deprive of his citizenship a citizen of Mauritius who became such by registration or naturalization under this Act if he is satisfied that such citizen has, while of full age and capacity, claimed and exercised-

- (a) in a foreign country; or
- (b) in any other country under the law of which provision is made for conferring on its own citizens rights not available to Commonwealth citizens generally,

any right available to him under the law of that country, being a right accorded exclusively to its own nationals or citizens:

Provided that the Minister shall not deprive any person of his citizenship of Mauritius on this ground if it appears to him that that person would thereupon become stateless.

(2) Where at the time of his registration or naturalization as a citizen of Mauritius under this Act a person was not permitted to renounce his nationality or citizenship of another country under the law of that country but that law was subsequently altered to permit him so to do, the Minister may, by notice in writing given in the manner set out in subsection (6) of the last preceding section,

require that person to renounce his nationality or citizenship of that other country within such period as may be specified by the Minister, and if that person fails to do so within the period specified, the Minister may by order deprive that person of his citizenship of Mauritius.

- (3) Subsections (5), (6) and (7) of the last preceding section shall apply, *mutatis mutandis*, in relation to an order that is proposed to be made under subsection (1) of this section.

**Effect of order.**

13. Upon an order being made under section 11 or 12 of this Act in respect of any person, he shall cease to be a citizen of Mauritius as from the date on which the order is made.

**Renunciation of citizenship by reason of dual nationality or citizenship and resumption of citizenship by married women.**

- 14.(1) If any citizen of Mauritius of full age and capacity who is also-

- (a) a national of a foreign country;
- (b) a citizen of any country specified in the First Schedule to this Act,

makes a declaration of renunciation of his citizenship of Mauritius in the prescribed manner, the Minister shall cause such Declaration to be registered, and thereupon that person shall cease to be a citizen of Mauritius:

Provided that the Minister may withhold registration of any such declaration if it is made during any war in which Mauritius is engaged by a person who is a national of a foreign country.

- (2) A woman of full age and capacity who has ceased to be a citizen of Mauritius upon her marriage and upon making a declaration of renunciation under the preceding subsection shall be entitled to resume her citizenship of Mauritius and to be registered as a citizen if she makes application therefor in the prescribed manner and satisfies the Minister-
- (a) that her marriage has been dissolved, or that she has been separated from or abandoned by her husband or that her husband has died; and
  - (b) that she intends to reside in Mauritius.
- (3) A woman to whom the last preceding subsection applies shall not be entitled to resume her citizenship of Mauritius unless she first renounces any nationality or citizenship which she may possess.
- (4) For the purposes of subsections (1) and (2) of this section any woman who is or has been married shall be deemed to be of full age.

**Deprivation of citizenship on failure to renounce other nationality or citizenship on becoming of age.**

15. Any person being a citizen of Mauritius and also a national or citizen of some other country, who has attained the age of twenty-one on or after the appointed day, shall, within twelve months after he attains that age, renounce the nationality or citizenship of that other Country failing which he shall cease to be a citizen of Mauritius:

Provided that where the Minister is satisfied that any such person was absent from Mauritius during the said period of twelve months he may extend the time within which such person shall renounce the nationality or citizenship of that other country.

PART IV  
MISCELLANEOUS

**Certificate of citizenship in cases of doubt**

- 16.(1) The Minister may, on application made to him and in such cases as he thinks fit, certify that a person with respect to whose citizenship of 'Mauritius a doubt exists, whether on a question of fact or of law, is a citizen of Mauritius.
- (2) A certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation, or concealment of any material fact, be conclusive evidence that that person was a citizen of Mauritius on the date of the certificate, without prejudice to any evidence that he was such a citizen at an earlier date.

**Minister's discretion not to be questioned and decisions to be final.**

17. The Minister shall not be required to assign any reason for the grant or refusal of any application under this Act the decision on which is at his discretion; and the decision of the Minister on any such application shall not be subject to any appeal or review in an court.

**Registers**

- 18.(1) There shall be kept and maintained in such manner as may be approved by the Minister-
- (a) a register of persons who have become citizens of Mauritius by registration;
  - (b) a register of persons who have become citizens of Mauritius by naturalization;
  - (c) a register of persons who, being citizens of Mauritius, are also nationals or citizens of some other country;
  - (d) a register of persons who, being citizens of Mauritius and nationals or citizens of some other country, have renounced the nationality or citizenship of that other country; and
  - (e) a register of persons who have renounced the citizenship of Mauritius.

- (2) Any citizen of Mauritius, being of full age and capacity, who on the appointed day is also a national or citizen of some other country shall within ninety days of the commencement of this Act, cause himself to be registered in the appropriate register in such manner as may be prescribed.
- (3) The responsible parent or guardian of a citizen of Mauritius" being a minor who on the appointed day is also a national or citizen of some other country shall, within ninety days of the commencement of this Act, cause such minor to be registered in the appropriate register in such manner as may be prescribed.

**Evidence.**

- 19.(1) A document purporting to be a notice, certificate, order, authority or declaration or an entry in a register, or subscription of an oath or affirmation of allegiance, given, granted, issued or made in accordance with the provisions of this Act or any regulations made thereunder, or any law relating to nationality, citizenship or naturalisation in force in Mauritius at any time prior to the commencement of this Act, shall be received in evidence and shall, unless the contrary is proved, be deemed to have been given, granted, issued or made by or on behalf of the person by or on whose behalf it purports to have been given, granted, issued or made.
- (2) Any entry in a register made pursuant to any enactment referred to in the preceding subsection shall be received as evidence of the matters stated therein.

**Offences**

- 20.(1) Any person who, for the purpose of procuring anything to be done or not to be done under this Act or under regulations made thereunder 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, shall be guilty of an offence and be liable, on conviction, to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand rupees.
- (2) Any person who fails to comply with any requirement imposed on him by the provisions of this Act or regulations made thereunder shall be guilty of an offence and be liable, on conviction, to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand rupees.

**Regulations and Rules.**

21. (1) The Minister may make regulations generally for giving effect to the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power such regulations may be made for-

- (a) prescribing anything which is to be prescribed in relation to or in connection with citizenship;
  - (b) the registration of anything required or authorised to be registered;
  - (c) the administration and taking, of oaths or affirmations of allegiance, for the time within which such oaths or affirmations shall be taken;
  - (d) the giving of any notice required or authorised to be given to or by any person;
  - (e) for the cancellation of the registration of, and the cancellation of certificates of naturalization relating to persons deprived of citizenship, and for requiring such certificates to be delivered up for those purposes;
  - (f) for the imposition and recovery of fees in relation to or in connection with citizenship.
- (3) The Minister may make rules for the practice and procedure to be followed in connection with references under this Act to a committee of enquiry and such rules may, in particular, provide for conferring on any such committee any powers, rights or privileges of any court, and for enabling any powers so conferred to be exercised by one or more members of the committee.
- (4) The Regulations set out in the Second Schedule to this Act and the Rules set out in the Third Schedule to this Act shall be deemed to have been made under this Act.

**Amendment of First Schedule.**

22. The Minister may by Order published in the Gazette amend the First Schedule to this Act.

**Consequential amendments.**

23. In any enactment for the time being in force any reference to the British Nationality Act, 1948, shall be construed as a reference to this Act and any reference to a British subject shall be construed as a reference to a Commonwealth citizen.

**Repeal and revocation.**

24. The enactments set out in the Fourth Schedule to this Act are hereby repealed or revoked, as the case may be, to the extent that they apply to Mauritius.