



CITIZENSHIP (AMENDMENT) ACT, 2013

(Act 11 of 2013)

I assent

A handwritten signature in black ink, appearing to read 'Michel'.

J. A. Michel
President

22nd November, 2013



AN ACT to amend the Citizenship Act (Cap 30).

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Citizenship (Amendment) Act, 2013. Short title

Amendment
of Cap 30

2. The Citizenship Act is hereby amended as follows—

- (a) in section 2 by adding after the definition of “Citizenship Officer”, the following definitions—

“legal resident” means a person residing in Seychelles under a permit issued under the Immigration Decree;

“permanent resident” means a person who holds a permanent residence permit issued under the Immigration Decree.”;

- (b) in section 4 by repealing subsection (3) and substituting therefor, the following subsection—

“(3) A child shall not be registered as a citizen under this section—

- (a) unless the child has been a resident in Seychelles for a period of at least 2 years immediately before the date of making the application; or
- (b) if the child is or has been sentenced with an imprisonment of 1 year or more for an offence punishable under any law of Seychelles.”;

- (c) in section 5—

- (i) by repealing in subsection (1), the words “the President may”, and substituting therefor the words “or the person is otherwise meritorious, the President may, notwithstanding anything in section 9A”;

- (ii) by adding after subsection (2), the following subsection—

“(3) For the purposes of subsection (2) the special circumstances are—

- (i) (a) the person possesses an extraordinary ability in science, arts, education, economics, business, law or sports;
- (b) the person holds a university degree at doctorate, master or bachelor level in an area which is likely to contribute significantly to the development of Seychelles;
- (c) the person has made significant contribution to the development of Seychelles; or
- (d) the person is married to a Seychellois and has one or more children or is unable to have children where the marriage no longer subsists or the spouse is deceased; and

- (ii) the person referred to in paragraph (i) (a) to (d) fulfills the following conditions—

- (a) has been a legal resident for an aggregate period of 15 years or more or permanent resident for a period of 10 years immediately before

making an application, and has been physically present in Seychelles for an aggregate period of at least 13 years;

- (b) has not been absent from Seychelles for a continuous period exceeding 1 year without the prior written permission of the Minister;
- (c) obtains at least 80 per cent of marks in 1 of the 3 national languages in a citizenship qualifying examination conducted in the prescribed manner; and
- (d) has not been sentenced to a term of imprisonment of 1 year or more for an offence punishable under any law of Seychelles.”;

- (d) by inserting, after section 5, the following sections —

“Citizenship to a person having previously renounced Citizenship of Seychelles

5A. A person having previously renounced the citizenship of Seychelles for any social or economic reason and acquired citizenship of another country —

- (i) has returned to, and settled in Seychelles; and
- (ii) he or she fulfills the conditions specified in section 5 (3) (ii) (c) and (d) on an application,

may apply for citizenship in the prescribed manner.

Citizenship to a person who studied and work in Seychelles

5B. Any person who, not being a citizen —

- (a) has lived and studied in Seychelles up to the level of secondary education;
- (b) has returned to work in Seychelles after graduating from a University; and
- (c) has been a permanent resident in Seychelles for a period of at least 5 years,

may, if he or she fulfills the conditions specified in section 5 (3) (ii) (c) and (d), on an application made in the prescribed manner, be registered as a citizen.

Citizenship to an investor

5C. A person who has invested Seychelles rupees equivalent to 1,000,000 United States dollars or more in a business in Seychelles and demonstrably had the means of supporting himself or herself during 11 years of his or her residence in Seychelles, may, if he or she fulfills the conditions specified in section 5 (3) (ii) (c) and (d), on an application made in the prescribed manner, be registered as a citizen.”;

- (e) in section 6 by adding after subsection (2), the following subsection —

“(3) Subject to Article 12 of the Constitution a person shall be eligible to become a citizen by naturalisation where a person —

- (a) has been married to a citizen for a period of at least 10 years and whose marriage is still subsisting and has been living in Seychelles for a period of at least 5 years as a legal resident;
- (b) has not been sentenced to a term of imprisonment for a period of 1 year or more for an offence punishable under any law of Seychelles; and
- (c) obtains at least 80 per cent of marks in 1 of the 3 national languages in a citizenship qualifying examination conducted in the prescribed manner.”;

(f) by inserting after section 9, the following section—

“Citizenship
Eligibility
Committee

9A.(1) The Minister shall, in consultation with the President, constitute a Citizenship Eligibility Committee for the purpose of establishing the eligibility and fitness of applicants for citizenship under this Act.

(2) The composition of the Citizenship Eligibility Committee and terms and conditions of appointment of its members shall be such as the Minister may, in consultation with the President, determine.

(3) Subject to section 5(2), and notwithstanding anything under this Part, the

Minister shall refer all applications for citizenship of Seychelles to the Citizenship Eligibility Committee.

(4) The Citizenship Eligibility Committee shall on receipt of an application under subsection (3), after making such inquiry as it considers appropriate, make its recommendations to the Minister as regard to eligibility and fitness of applicants for citizenship under this Act.

(5) On receipt of the recommendations of the Citizenship Eligibility Committee under subsection (4), the Minister shall consider the recommendations of the Citizenship Eligibility Committee and forward his or her recommendations to the President who shall after taking into consideration the recommendations of the Minister approve the grant of citizenship to the applicant or otherwise.”.

(g) by inserting after section 11, the following sections—

“Deprivation
of citizenship
under certain
circumstances

11A.(1) Without prejudice to section 11, the Minister in consultation with the President, may by an order deprive a person of his or her citizenship obtained by naturalisation or registration under section 5, 5A, 5B or 5C, if the Minister is satisfied that the person—

- (a) has committed an act of treason against the state;
- (b) acts against the security of the state including terrorism, espionage, piracy, joining a

non-Seychellois armed forces without the prior written permission of the Minister;

- (c) has been convicted in any country for an offence involving terrorism, piracy, illegal arms dealing, breaching the United Nations embargos, drugs trafficking, trafficking in persons, organised crime, crimes against humanity or belonging to an extremist group;
- (d) has acted in a way that instigates racial or religious disharmony or dissent or hatred contrary to the spirit of the Constitution of the Republic of Seychelles; or
- (e) has acted disloyally or with disaffection to Seychelles.

(2) Prior to making an order under this Act, the Minister shall give the person against whom the order is proposed to be made a notice in writing informing the person the ground on which it is proposed to be made and of the right of the person to have the case referred for inquiry under subsection (3).

(3) If a person notified under subsection (2) applies for an inquiry within such time and in such manner as may be prescribed, the Minister shall refer the case

for inquiry and report to a Commissioner appointed by the Minister for the purpose.

(4) The powers, rights and privileges of a commissioner appointed under subsection (3) shall be the same as those conferred on a commissioner by the Commissions of Inquiry Act and the provisions of that Act shall, *mutatis mutandis*, apply in relation to an inquiry under this section and to a person summoned to give evidence or giving evidence at the inquiry.

(5) A person shall not be qualified for appointment as a commissioner under subsection (3) unless the person is or has been a Judge of the Court of Appeal, or the Supreme Court.

(6) A person shall not be deprived of the citizenship of Seychelles under this section, if the deprivation of the citizenship would render the person stateless.

(7) A person who has been deprived of the citizenship of Seychelles under this section shall not be eligible to apply again for citizenship of Seychelles under the special circumstances.

(8) A person who has been deprived of the citizenship of Seychelles under this section may, within a period of 30 days from the date of receipt of the order, appeal to the Supreme Court.”;

- (h) in section 16 by repealing in subsection (1) the words and figures “liable on conviction to a fine of R5000 and to imprisonment for twelve months”, and substituting therefor the

words and figures "liable on conviction to a fine not exceeding R100.000 and to imprisonment not exceeding five years":

- (i) in section 18 by repealing in subsection (1) (i) the words and figures "a fine of R5000 and to imprisonment for one year", and substituting therefor the words and figures "a fine not exceeding R100.000 and to imprisonment not exceeding five years".

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 12th November, 2013.



Azarel Ernesta
Clerk to the National Assembly