

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Nationality and citizenship of Ghana.
4. Citizens of the United Kingdom and Colonies and British protected persons born in Ghana.
5. Citizens of the United Kingdom and Colonies and British protected persons whose parents were born in Ghana.
6. Citizenship by virtue of marriage.
7. Citizenship by birth.
8. Citizenship by descent.
9. Commonwealth citizenship by virtue of citizenship of Ghana and certain other countries.
10. Limitation of criminal liability of Commonwealth citizens.
11. Registration of certain persons as citizens.
12. Registration of minors.
13. Effect of registration as a citizen.
14. Naturalisation of aliens.
15. Renunciation of citizenship by reason of dual citizenship or nationality.
16. Deprivation of citizenship on naturalisation in a foreign country or failure to renounce other nationality or citizenship.
17. Deprivation of citizenship of citizens by registration and naturalised persons.
18. Denial of citizenship of Ghana when naturalised in a foreign country.

GHANA

Section

- 20. Decision of Governor-General or Minister to be final.
- 21. Certificate of citizenship in cases of doubt.
- 22. Evidence.
- 23. Offences.
- 24. Regulations.
- 25. Repeal of Cap. 272 and Ord. No. 22 of 1952.

Schedule

- 1. Sections 11 and 14.
- 2. Section 14.

1957 No. 1.

Assented to in Her Majesty's Name and on Her Majesty's behalf this 10th day of May, 1957.

C. N. ARDEN-CLARKE
Governor-General.

AN ACT relating to Ghana Nationality and Citizenship.

[11th May, 1957.]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Ghana in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

1. This Act may be cited as the Ghana Nationality and Citizenship Act, 1957.

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;

“British protected person” means any person who under any enactment for the time being in force in any country mentioned in subsection (3) of section 9 of this Act is a British protected person or a protected person of that country;

“certificate of naturalisation” means a certificate of naturalisation granted under this Act;

“child” includes a child born out of wedlock and the expressions “father”, “mother” and “parent” shall be construed accordingly;

“foreign country” means a country other than Ghana, a country mentioned in subsection (3) of section 9 of this Act, a mandated territory, a trust territory, a state or territory which is declared by Her Majesty by Order in Council to be a protectorate or protected state for the

purposes of the British Nationality Act, 1948, of the United Kingdom Parliament, the new Hebrides and Canton Island;

"Ghana consulate" means an office of a consular officer of the Government of Ghana where a register of births is kept, or, where there is no such office, such office as may be prescribed;

"Gold Coast" shall have the meaning assigned to it in and for the purposes of the Gold Coast (Constitution) Order in Council, 1954;

"Minister" means the Minister responsible for citizenship;

"minor" means a person who has not attained the age of twenty-one years.

(2) Any reference in this Act to Ghana in relation to birth or residence before the commencement of the Ghana Independence Act, 1957, shall be read and construed as including a reference to the Gold Coast.

(3) References in this Act to any country mentioned in sub-section (3) of section 9 of this Act, shall include references to the dependencies of that country.

(4) 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, as the case may be, in that country.

(5) A person shall for the purposes of this Act 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.

(6) For the purposes of this Act a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

(7) The Interpretation Ordinance shall apply to the interpretation of this Act, as it applies to the interpretation of an Ordinance.

PART II

NATIONALITY AND CITIZENSHIP OF GHANA

3. (1) A citizen of Ghana may, for any purpose in Ghana, describe his nationality by the use of the expression "citizen of Ghana" or "Ghanaian citizen", or by the use of the expression "national of Ghana" or "Ghanaian national".

(2) For the purposes of this Act, the expressions "national of Ghana" and "Ghanaian national" shall have the same meaning as the expressions "citizen of Ghana" and "Ghanaian citizen" respectively.

Nationality and citizen ship of Ghana.

PART III

ACQUISITION OF CITIZENSHIP ON COMMENCEMENT OF ACT

4. (1) Subject to the provisions of this section every person born in Ghana, whether before or after the commencement of the Ghana Independence Act, 1957, who immediately before the date of commencement of this Act was a citizen of the United Kingdom and Colonies or a British protected person shall be a citizen of Ghana:

Citizens of the United Kingdom and Colonies and British protected persons born in Ghana.

Provided that a person shall not be such a citizen by virtue of this section if none of his parents or grandparents was born in Ghana.

(2) A person who becomes a citizen of Ghana by virtue of the provisions of this section shall be deemed for the purposes of section 8 of this Act to be a citizen of Ghana by birth.

5. (1) Every person born outside Ghana who, immediately before the commencement of this Act, was a citizen of the United Kingdom and Colonies or a British protected person shall, if at least one of his parents was born in Ghana and was immediately before the date of commencement of this Act or at his death if occurring prior to that date a citizen of the United Kingdom and Colonies or a British protected person, be a citizen of Ghana.

Citizens of the United Kingdom and Colonies and British protected persons whose parents were born in Ghana.

(2) A person who becomes a citizen of Ghana by virtue of the provisions of this section shall be deemed for the purposes of sections 8 and 11 of this Act to be a citizen of Ghana by descent.

6. A woman who immediately before the date of commencement of this Act was by virtue of her marriage a citizen of the United Kingdom and Colonies or a British protected person (whether by registration or by operation of the law) shall, if the person to whom she has been married becomes or would but for his death have become a citizen of Ghana under the provisions of section 4 or 5 of this Act, on that date herself become such a citizen.

Citizenship by virtue of marriage.

PART IV

CITIZENSHIP BY BIRTH OR DESCENT

7. Subject to the provisions of this section, every person born in Ghana after the commencement of this Act shall be a citizen of Ghana by birth:

Citizenship by birth.

Provided that a person shall not be such a citizen by virtue of this section if at the time of his birth—

(a) neither of his parents is a citizen of Ghana and his father possesses such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Her Majesty ; or

(b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

8. A person born outside Ghana after the commencement of this Act shall be a citizen of Ghana by descent if at the time of his birth—

(a) his father is a citizen of Ghana otherwise than by descent; or

(b) his mother is a citizen of Ghana by birth.

PART V
COMMONWEALTH CITIZENSHIP

9. (1) Every person who under this Act is a citizen of Ghana or who under any enactment for the time being in force in any country mentioned in subsection (3) of this section is a citizen of that country, shall, by virtue of that citizenship, have also the status of a Commonwealth citizen.

(2) In any law in force in Ghana other than this Act, references to a British subject shall be read and construed as references to a Commonwealth citizen.

(3) The following are the countries hereinbefore referred to—that is to say, the United Kingdom and Colonies, Canada, Australia, New Zealand, the Union of South Africa, India, Pakistan, Southern Rhodesia and Ceylon.

10. A Commonwealth citizen who is not a citizen of Ghana shall not be guilty of an offence against the laws of Ghana by reason of anything done or omitted in any country mentioned in subsection (3) of section 9 of this Act or in any foreign country, unless—

(a) the act or omission would be an offence if he were an alien; and

(b) in the case of an act or omission in any country mentioned in subsection (3) of section 9 of this Act it would be an offence if the country in which the act was done or the omission made were a foreign country.

PART VI
CITIZENSHIP BY REGISTRATION AND NATURALISATION

11. (1) Subject to the provisions of subsection (4) of this section, a citizen of any country mentioned in subsection (3) of section 9 of this Act, or a British protected person, being a person of full age and capacity, on making application therefor to the Minister in the prescribed manner, may with the approval of the Governor-General be registered as a citizen of Ghana if he satisfies the Minister that he is of good character and has a sufficient knowledge of a language indigenous to and in current use in Ghana and that he is ordinarily resident in Ghana and has been so resident in Ghana, whether before or after the commencement of the Ghana Independence Act, 1957, throughout the period of five years, or such shorter period as the Minister may in the special circumstances of any particular case accept, immediately preceding his application.

(2) Subject to the provisions of subsection (4) of this section any person of full age and capacity born outside Ghana one of whose parents was at the time of his birth a citizen of Ghana by descent may with the approval of the Governor-General, on making application therefor to the Minister in the prescribed manner, be registered as a citizen of Ghana.

(3) Subject to the provisions of subsection (4) of this section, a woman who has been married to a citizen of Ghana may with the approval of the Governor-General on making application therefor to the Minister in the prescribed manner, be registered as a citizen of Ghana whether or not she is of full age and capacity.

(4) A person shall not be registered as a citizen of Ghana under this section unless and until he has made a declaration in writing of his willingness to renounce any other nationality or citizenship he may possess and has taken an oath of allegiance in the form specified in the First Schedule to this Act.

12. (1) The Minister may with the approval of the Governor-General cause the minor child of any citizen of Ghana to be registered as a citizen of Ghana upon application made in the prescribed manner by a parent or guardian of the child.

(2) The Minister, in such special circumstances as he thinks fit, may with the approval of the Governor-General cause any minor to be registered as a citizen of Ghana.

13. A person registered under any of the last two foregoing sections shall be a citizen of Ghana by registration as from the date on which he is registered.

14. The Minister, if application therefor is made to him in the prescribed manner by any alien of full age and capacity who satisfies him that he is qualified under the provisions of the Second Schedule to this Act for naturalisation, may with the approval of the Governor-General grant to him a certificate of naturalisation, and the person to whom the certificate is granted shall, on taking an oath of allegiance in the form specified in the First Schedule to this Act, and on making a declaration in writing of his willingness to renounce any other nationality and any claim to the protection of any other country, be a citizen of Ghana by naturalisation as from the date on which that certificate is granted.

PART VII
RENUNCIATION AND DEPRIVATION OF CITIZENSHIP

15. (1) If any citizen of Ghana of full age and capacity who is also—

(a) a citizen of any country mentioned in subsection (3) of section 9 of this Act; or

(b) a national of a foreign country,

makes a declaration in the prescribed manner of renunciation of citizenship of Ghana, the Minister, if he is satisfied that that person is not ordinarily resident in Ghana, shall, and in all other cases, may cause the declaration to be registered; and, upon the registration, that person shall cease to be a citizen of Ghana:

Citizenship by descent.

Commonwealth citizenship by virtue of citizenship of Ghana and certain other countries.

Limitation of criminal liability of Commonwealth citizens.

Registration of certain persons as citizens.

First Schedule. Registration of minors.

Effect of registration as a citizen.

Naturalisation of aliens.

Second Schedule.

First Schedule.

Renunciation of citizenship by reason of dual citizenship or nationality.

Provided that the Minister may withhold registration of any such declaration if in his opinion it is contrary to public policy.

(2) For the purposes of this section any woman who has been married shall be deemed to be of full age.

16. (1) The Minister may by order deprive any person of his Ghana citizenship if the Minister is satisfied that that person has at any time while a citizen of Ghana and of full age and capacity acquired the nationality or citizenship of a foreign country by any voluntary and formal act other than marriage and that it is not conducive to the public good that he should continue to be a citizen of Ghana.

(2) The Minister may require any such citizen of Ghana as is referred to in the last foregoing section of this Act to renounce his nationality or citizenship of any other country within such period as the Minister may specify and in the event of any such person failing to renounce such nationality or citizenship within the time specified the Minister may by order deprive that person of his citizenship of Ghana.

(3) Upon an order being made under this section in respect of any person, he shall cease to be a citizen of Ghana.

17. (1) A citizen of Ghana who is such by registration or naturalisation shall cease to be a citizen of Ghana if he is deprived of that citizenship by an order of the Minister made under this or the next following section.

(2) Subject to the provisions of this section, the Minister may by order deprive any such citizen of his citizenship if he is satisfied that the registration or certificate of naturalisation 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 any citizen of Ghana who is such by naturalisation of that citizenship if he is satisfied that that citizen—

(a) has shown himself by act or speech to be disloyal or disaffected towards Her Majesty or the Government of Ghana; or

(b) has, during any war in which Ghana 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 a manner as to assist an enemy in that war; or

(c) has within five years after becoming naturalised been sentenced in any country to imprisonment for a term of not less than twelve months.

(4) The Minister may by order deprive any citizen by naturalisation of his citizenship of Ghana if he is satisfied that that person has been ordinarily resident in foreign countries for a continuous period of seven years and during that period has not registered annually in the prescribed manner at a Ghana consulate or by notice in writing to the Minister his intention to retain his citizenship of Ghana.

(5) The Minister shall not deprive a person of citizenship under this section unless he is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Ghana.

18. When a naturalised person who was a citizen of any country mentioned in subsection (3) of section 9 of this Act has been deprived of that citizenship on grounds which, in the opinion of the Minister, are substantially similar to any of the grounds specified in subsections (2), (3) and (4) of the last foregoing section, then, if that person is a citizen of Ghana, the Minister may by an order made under this section deprive him of that citizenship, if the Minister is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Ghana.

19. Any reference in this Act to the status or description of either parent of a person at the time of that person's birth shall, in relation to a person born after the death of that parent, be construed as a reference to the status or description of that parent at the time of the parent's death; and where that death occurred before, and the birth occurs after the commencement of this Act, the status or description which would have been applicable to such parent had he or she died after the commencement of this Act shall be deemed to be the status or description applicable to him or her as the case may be at the time of his or her death.

20. The Governor-General or the Minister as the case may be, shall not be required to assign any reason for the grant or refusal of any application under this Act, and the decision of the Governor-General or the Minister on any such application shall not be subject to appeal to or review in any court.

21. The Minister may in such cases as he thinks fit, on the application of any person with respect to whose citizenship of Ghana a doubt exists, whether on a question of fact or law, certify that a person is a citizen of Ghana; and 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 such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

22. (1) Every document purporting to be a notice, certificate, order or declaration, or an entry in a register, or a subscription of an oath of allegiance, given, granted or made under this Act, shall be received in evidence, and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) *Prima facie* evidence of any such document as aforesaid may be given by production of a document purporting to be certified as a true copy thereof by such person and in such manner as may be prescribed.

Deprivation of citizenship on naturalisation in a foreign country or failure to renounce other nationality or citizenship.

Deprivation of citizenship by registration and naturalised persons.

Decision of Governor-General or Minister to be final.

Certificate of citizenship in cases of doubt.

Evidence.

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

23. (1) 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, shall be liable on summary conviction to imprisonment for a term not exceeding six months.

(2) Any person who fails to comply with any requirement imposed on him by regulations made under this Act with respect to the delivering up of certificates of naturalisation shall be liable on summary conviction to a fine not exceeding one hundred pounds.

24. The Governor-General may by regulations make provision generally for carrying into effect the purposes of this Act, and in particular—

- (a) for prescribing anything which under this Act is to be prescribed;
- (b) for the registration of anything required or authorised under this Act to be registered;
- (c) for the administration and taking of oaths of allegiance under this Act, for the time within which oaths of allegiance shall be taken and for the registration of oaths of allegiance

(d) for the giving of any notice required or authorised to be given to any person under this Act;

(e) for the cancellation of the registration of, and the cancellation and amendment of certificates of naturalisation relating to, persons deprived of citizenship under this Act, and for requiring such certificates to be delivered up for those purposes;

(f) for the registration by officers in the service of the Government of Ghana of the births and deaths of persons of any class or description born or dying elsewhere than in Ghana;

(g) for enabling the births and deaths of citizens of Ghana born or dying in any country in which the Government of Ghana has for the time being no diplomatic or consular representatives to be registered by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with the Government of Ghana, has undertaken to represent that Government's interest in that country, or by a person authorised in that behalf by the Governor-General;

(h) for the imposition and recovery of fees in respect of any application made to the Governor-General or the Minister under this Act or in respect of any registration, or the

making of any declaration, or the grant of any certificate, or the taking of any oath of allegiance, authorised to be made, granted or taken by or under this Act, and in respect of supplying a certified or other copy of any notice, certificate, order, declaration or entry, given, granted or made as aforesaid; and for the application of any such fees.

25. The British Nationality Fees Ordinance and the British Nationality (Offences) Ordinance, 1952, are hereby repealed.

Repeal of
Cap. 272
and Ord.
No. 22 of
1952.

SCHEDULES
FIRST SCHEDULE
(Sections 11 and 14)

I, A.B. swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors, according to law and that I will support and uphold the Constitution of Ghana as by law established. So help me God.

SECOND SCHEDULE
(Section 14)

QUALIFICATIONS FOR NATURALISATION

1. Subject to the provisions of the next following paragraph, the qualifications for naturalisation of an alien who applies therefor are—

- (a) that he has resided in Ghana throughout the period of twelve months immediately preceding the date of the application; and
- (b) that during the seven years immediately preceding the said period of twelve months he has resided in Ghana for periods amounting in the aggregate to not less than five years; and
- (c) that he is of good character; and
- (d) that he has sufficient knowledge of a language indigenous to and in current use in Ghana; and
- (e) that he intends in the event of a certificate being granted to him to reside in Ghana.

2. The Minister, if in the special circumstances or any particular case he thinks fit, may with the approval of the Governor-General—

- (a) allow a continuous period of twelve months ending not more than six months before the date of application to be reckoned for the purposes of sub-paragraph (a) of the last foregoing paragraph as though it had immediately preceded that date;

ARRANGEMENT OF SECTIONS

Section.

1. Short title.
2. Amendment of section 2 of Cap. 239.

(b) allow residence in a country other than a foreign country to be reckoned for the purposes of sub-paragraph (b) of the last foregoing paragraph as if it had been residence in Ghana;

(c) allow periods of residence earlier than eight years before the date of application to be reckoned in computing the aggregate mentioned in the said sub-paragraph (b).

This printed impression has been carefully compared by me with the Bill which has passed the National Assembly, and found by me to be a true and correctly printed copy of the said Bill.

K. B. AYENSU

Clerk of the National Assembly.