

[Chap1501]CHAPTER 15:01

MALAWI CITIZENSHIP

ARRANGEMENT OF SECTIONS

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28 of 1966

37 of 1967

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22 of 1992

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An Act to repeal and replace the Malawi Citizenship Act, 1964, so as to make provision, consequent upon the enactment of a Republican form of Constitution in Malawi, for the acquisition of citizenship of Malawi by birth or descent, or by registration in certain cases; to regulate the manner and circumstances in which aliens may be naturalized as citizens of Malawi and in which citizens of Malawi may renounce or be deprived of their citizenship; and to make provision for certain other matters relating to citizenship of Malawi and for matters incidental thereto and connected therewith

[6TH JULY 1966]

PART I

PRELIMINARY

[Ch1501s1]1. Short title

This Act may be cited as the Malawi Citizenship Act.

[Ch1501s2]2. Interpretation

22 of 1992 (1) In this Act, unless the context otherwise requires—

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

“British protected person” means a person who is a British protected person for the purpose of the British Nationality Act, 1948, of the United Kingdom; 11 & 12 Geo. 6, c. 56

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

“Commonwealth country” means Malawi, any other country for the time being included in the First Schedule, and any colony, protectorate, trust territory, or other dependency of any such country;

“foreign country” means any country that is not a Commonwealth country;

“Malawi consulate” means an office of a diplomatic or consular officer of the Government of Malawi where a register of births or residents is kept or, where there is no such office, such office as may be prescribed;

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

“oath of allegiance” means the oath prescribed in the Second Schedule.

(2) A person shall, for the purposes of this Act, be of full age if he has attained the age of 21 years or if, being a woman under that age, she has been married, and shall be of full capacity if he or she is not of unsound mind.

(3) (a) Any reference in this Act to the national status of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the national status of the father at the time of the father's death.

(b) Where the death referred to in paragraph (a) occurred before the 6th July, 1966, and the birth occurred after the 5th July, 1966, the national status that the father would have had if he had died on the 6th July, 1966, shall be deemed to be his national status at the time of his death.

(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) Where after the commencement of this Act a newborn infant is found abandoned within Malawi that infant shall, unless the contrary is shown, be deemed to have been born within Malawi of parents possessing citizenship of Malawi.

(6) Where an Oath of Allegiance is required to be taken under this Act, any person may, instead of taking the oath, make a solemn Affirmation in the form of the oath hereby appointed, substituting the words "solemnly, sincerely and truly declare and affirm" for the word "swear", and omitting the words "so help me God".

PART II

CITIZENSHIP BY BIRTH AND DESCENT

[Ch1501s3]3. Citizens on 5th July, 1966

Every person who on the 5th day of July, 1966, was under any existing law a citizen of Malawi, shall continue to be a citizen of Malawi after that date.

[Ch1501s4]4. Citizenship by birth

5 of 1971, 22 of 1992 Every person born in Malawi after the 5th day of July, 1966, shall become a citizen of Malawi on the date of his birth if one of his parents is a citizen of Malawi:

Provided that this subsection shall not apply to a person whose father is a citizen of a country with which Malawi is at war and the birth occurs at a place then under occupation by the enemy.

[Ch1501s5]5. Citizenship by descent

22 of 1992 A person born outside Malawi after the 5th day of July, 1966, shall become a citizen of Malawi on the date of his birth if his father or mother is a citizen of Malawi by birth.

PART III

DUAL CITIZENSHIP

[Ch1501s6]6. Dual citizenship of persons of full age not permitted

(1) No citizen of Malawi, being a person of full age and capacity, shall be entitled to be also a citizen of any other country.

(2) A citizen of Malawi, being a person of full age and capacity, who is also to his own knowledge a citizen of any other country, shall be liable to deprivation of citizenship of Malawi in accordance with section 24.

(3) For the purposes of subsection (2) such knowledge shall be presumed from the possession by that person of a passport or document of the like nature of any country, or the exercise in relation to any other country of any other right or privilege accorded exclusively to citizens of that country.

[Ch1501s7]7. Dual citizenship of minors

(1) Any person who upon the attainment of twenty-one years of age is a citizen of Malawi and also, to his own knowledge, a citizen of some other country shall upon his twenty-second birthday cease to be a citizen of Malawi unless before that day he has—

(a) taken an oath of allegiance in the form specified in the Second Schedule; and

(b) made a declaration in writing in the form specified in the Third Schedule of his intention to retain citizenship of Malawi; and

(c) made a declaration in writing in the form specified in the Fourth Schedule renouncing, so far as it lies within his power, citizenship of that other country, and

(d) made a declaration in writing in the form specified in the Fifth Schedule of his intention to reside permanently in Malawi.

(2) For the purposes of subsection (1) section 6 (2) shall apply.

[Ch1501s8]8. Acquisition of other citizenship by voluntary act

A citizen of Malawi, being a person of full age and capacity, who acquires by voluntary act other than marriage the citizenship of some country other than Malawi shall cease, on the day upon which he acquires such other citizenship, to be a citizen of Malawi.

[Ch1501s9]9. Acquisition of other citizenship by marriage

A citizen of Malawi, being a woman, who acquires by marriage the citizenship of some country other than Malawi shall cease on the first anniversary of the date of that marriage to be a citizen of Malawi unless, before that anniversary, she has made a declaration in writing—

(a) in the form specified in the Third Schedule, of her intention to retain citizenship of Malawi; and

(b) in the form specified in the Fourth Schedule, renouncing, so far as it lies within her power, citizenship of that other country.

[Ch1501s10]10. Acquisition of other citizenship by any other means

(1) A citizen of Malawi, being a person of full age, who acquires by any means other than by voluntary act or by marriage the citizenship of some country other than Malawi shall cease on the first anniversary of the date of such acquisition to be a citizen of Malawi unless, before that anniversary, he has made a declaration in writing—

(a) in the form specified in the Third Schedule, of his intention to retain citizenship of Malawi; and

(b) in the form specified in the Fourth Schedule, renouncing so far as it lies within his power citizenship of that other country.

(2) A citizen of Malawi who is not of full age who acquires by any means other than by voluntary act or by marriage the citizenship of some country other than Malawi shall upon his twenty-second birthday cease to be a citizen of Malawi unless before that day he had made the declaration required by subsection (1).

[Ch1501s11]11. Period allowed for exercise of option as to citizenship

The following provisions shall apply in relation to the period prescribed in section 7, 9 or 10 whereby, at the expiration of the specified period a person shall cease to be a citizen of Malawi unless he has complied with the further provisions of such section—

(a) Where any person to whom section 7, 9, or 10 applies is of unsound mind at the beginning of the period prescribed by the section, or becomes of unsound mind during that period, the period prescribed shall be reckoned from the date upon which that person ceases to be of unsound mind;

(b) Where the Minister, or any public officer so authorized by the Minister, is satisfied that any person to whom section 7, 9 or 10 applies, failed by reason of any circumstances not attributable to such person's own misconduct, default or wilful neglect, within the period prescribed by the relevant section to comply with that section, he may direct that such longer period shall be allowed in relation to that person as will permit that person an opportunity of complying with that section.

PART IV

CITIZENSHIP BY REGISTRATION AND NATURALIZATION

[Ch1501s12]12. Commonwealth citizens

(1) Every person who under the Constitution, or under this Act is a citizen of Malawi, or under any enactment for the time being in force in any country to which this section applies is a citizen of that country shall, by virtue of that citizenship, have the status of a Commonwealth citizen.

(2) Every person who under the British Nationality Act, 1948, of the United Kingdom, is a citizen of the United Kingdom and Colonies, a British protected person, a British subject, or a British subject without citizenship shall, by virtue of that status, have the status of a Commonwealth citizen. 11 & 12 Geo. 6, c. 56

(3) The countries to which this section applies shall be those Commonwealth countries for the time being listed in the First Schedule.

(4) The Minister may by order published in the Gazette add the name of a country to, or delete the name of a country from, the list of Commonwealth countries referred to in subsection (3).

[Ch1501s13]13. Registration of Commonwealth citizens

(1) Subject to subsection (2), any Commonwealth citizen, being a person of full age and capacity, on making application therefor in the manner prescribed by section 28, may be registered as a citizen of Malawi if he satisfies the Minister—

(a) that he is ordinarily resident in Malawi, and has been so resident for a period of five years; and

(b) that he has an adequate knowledge of a prescribed vernacular language or of the English language; and

(c) that he is of good character; and

(d) that he would be a suitable citizen of Malawi.

(2) A person shall not be registered as a citizen of Malawi under this section unless, at the time of application, he makes a declaration in writing—

(a) of his willingness to take an oath of allegiance in the form specified in the Second Schedule;

(b) of his willingness to renounce any other nationality or citizenship he may possess; and

(c) of his intention to continue to reside permanently in Malawi.

[Ch1501s14]14. Registration of citizens of certain African states

(1) Subject to subsection (2), a person of a class to which this section applies, being a person of full age and capacity, on making application therefor to the Minister in the manner prescribed by section 28, may be registered as a citizen of Malawi if he satisfies the Minister in respect of all the requirements specified in section 13 (1) (a), (b), (c) and (d).

(2) A person shall not be registered as a citizen of Malawi under this section unless at the time of application he makes a declaration in writing in respect of all the matters specified in section 13 (2) (a), (b) and (c).

(3) The Minister may, where he is satisfied that it is desirable so to do, by order published in the Gazette declare that citizens or residents, or any class of citizens or residents, of any State or territory, or any part thereof, on the continent of Africa shall be persons of a class to which this section applies.

[Ch1501s15]15. Registration of persons with close connexion with Malawi

(1) Subject to subsections (2) and (3), any person who satisfies the Minister that he has a close connexion with Malawi (as defined in subsection (2)) and who is not otherwise qualified under this Act to be registered as a citizen of Malawi may be so registered on making application therefor to the Minister in the manner prescribed by section 28:

Provided that a person who has not attained the age of 21 years (other than a woman who is or has been married) may not himself make an application under this section, but an application may be made on his behalf by his parents or guardian.

(2) For the purposes of subsection (1), a person has a close connexion with Malawi if, and shall not be regarded as having such a connexion unless, he satisfies the Minister that—

- (a) (i) he was born in Malawi; or
 - (ii) that he has been ordinarily resident in Malawi for a period of not less than 20 years; or
 - (iii) that he is permanently resident in Malawi and was born in Malawi or in Mozambique north of the Zambesi River and that both his parents were born in either Mozambique north of the Zambesi River or in Malawi; and
- (b) in addition he fulfils all the requirements specified in section 13 (1) (a), (b), (c) and (d).

(3) A person of full age shall not be registered as a citizen of Malawi under this section unless at the time of application he makes a declaration in writing in respect of all the matters specified in section 13 (2) (a), (b) and (c).

(4) Registration under this section, in accordance with the proviso to subsection (1), shall not exempt any person from compliance with the requirements, of section 7, relating to dual citizenship.

[Ch1501s16]16. Registration of wives of Malawi citizens

(1) Subject to subsection (2), any woman, being a person of full capacity, who has been married to a citizen of Malawi or to a person who would but for his death have become a citizen of Malawi on 6th July, 1966, may be registered as a citizen of Malawi, notwithstanding that she is an alien, on making

application therefor to the Minister in the manner prescribed by section 28, if she satisfies the Minister that she fulfils all the requirements specified in section 13 (1) (a), (b), (c) and (d).

(2) A woman shall not be registered as a citizen of Malawi under this section unless at the time of application she makes a declaration in writing—

(a) of her willingness to take an oath of allegiance in the form specified in the Second Schedule; and

(b) or citizenship she may possess; and

(c) in the case of a woman who is widowed, divorced or separated from her husband, of her intention to continue to reside permanently in Malawi.

[Ch1501s17]17. Registration of minor children of Malawi citizens

(1) Subject to subsections (2) and (3), the minor child of any citizen of Malawi may, upon application made in the manner prescribed by section 28 by a parent or guardian of that child, be registered as a citizen of Malawi, provided the Minister is satisfied that the minor child—

(a) is ordinarily resident in Malawi; and

(b) has an adequate knowledge of a prescribed vernacular language or the English language; and

(c) is of good character; and

(d) would be a suitable citizen of Malawi.

(2) A minor child shall not be registered as a citizen of Malawi under this section unless at the time of application the parent or guardian making application on the child's behalf makes on his own behalf a declaration in writing of his intention to continue to reside permanently in Malawi.

(3) Registration under this section shall not exempt a minor child, who after registration as a citizen of Malawi retains under the law of some other country citizenship of that country, from compliance with the requirements of section 7, relating to dual citizenship.

[Ch1501s18]18. Registration of stateless persons

(1) Subject to subsection (2) a person shall be entitled on making application therefor in the manner prescribed by section 28 to be registered as a citizen of Malawi if he satisfies the Minister—

(a) that he is and always has been stateless; and

(b) that he was born within Malawi or that one of his parents was a citizen of Malawi at the time when he was born; and

(c) that he is ordinarily resident in Malawi, and has been so resident for a period of three years immediately preceding the application; and

(d) that he has neither been convicted of an offence, or detained for behaviour, prejudicial to public security, nor has been sentenced to imprisonment for a term of five years or more on any criminal charge.

(2) A person shall not be registered as a citizen of Malawi under this section unless, at the time of application, he makes a declaration in writing—

(a) of his willingness to take an oath of allegiance in the form specified in the Second Schedule; and

(b) of his intention to continue to reside permanently in Malawi.

(3) Subsection (1) shall apply to persons born before as well as to persons born after the commencement of this Act, and paragraph (b) of that subsection shall apply to persons born illegitimate as well as to persons born legitimate.

(4) A person who has not attained the age of 21 years (other than a woman who is or has been married) may not himself make an application under this section, but an application may be made on his behalf by his parent or guardian.

[Ch1501s19]19. Conferment of citizenship in special circumstances

Notwithstanding any other provisions in this Act contained the Minister may, in such special circumstances as he in his discretion thinks fit, confer upon any person citizenship of Malawi, and thereupon that person shall become a citizen of Malawi.

[Ch1501s20]20. Effect of registration

(1) Subject to subsection (2), any person registered as a citizen of Malawi under this Act shall become a citizen of Malawi by registration on the date on which he is so registered.

(2) If a person of full age who is registered as a citizen of Malawi under this Act other than a person upon whom citizenship has been conferred in accordance with section 19 does not produce to such officer as the Minister may appoint in that behalf, within three months of being so registered, or within such further period as the Minister or such officer may allow, evidence sufficient to satisfy such officer—

(a) that he has renounced any other nationality or citizenship which he may have possessed; and

(b) that he has taken an oath of allegiance in the form specified in the Second Schedule; and

(c) if the circumstances of the case so require, that he has made a declaration, in the form specified in the Fifth Schedule, of his intention to reside permanently in Malawi, the registration of that person as a citizen of Malawi shall be cancelled and he shall be deemed never to have been so registered.

[Ch1501s21]21. Naturalization of aliens

(1) Subject to subsection (2), any alien, being a person of full age and capacity, on making application therefor to the Minister in the manner prescribed in section 28, may be granted a certificate of naturalization as a citizen of Malawi if he satisfies the Minister—

(a) that he is ordinarily resident in Malawi and has been so resident for a period of seven years immediately preceding the application; and

(b) that he has an adequate knowledge of a prescribed vernacular language or of the English language; and

(c) that he is of good character; and

(d) that he is financially solvent; and

(e) that he would be a suitable citizen of Malawi.

(2) An alien shall not be granted a certificate of naturalization as a citizen of Malawi under this section unless at the time of application he makes a declaration in writing in respect of all the matters specified in section 13 (2) (a), (b) and (c).

[Ch1501s22]22. Effect of naturalization

(1) Subject to subsection (2), an alien to whom a certificate of naturalization as a citizen of Malawi is granted under this Act shall become a citizen of Malawi by naturalization from the date of the grant of the certificate.

(2) If a person to whom a certificate of naturalization as a citizen of Malawi has been granted under this section does not produce to such officer as the Minister may appoint in that behalf, within three months of such certificate being granted, or within such further period as the Minister or such officer may allow, evidence sufficient to satisfy such officer—

(a) that he has renounced any other nationality or citizenship which he may have possessed; and

(b) that he has taken an oath of allegiance in the form specified in the Second Schedule; and

(c) that he has made declaration, in the form specified in the Fifth Schedule of his intention to reside permanently in Malawi,

the naturalization of that person as a citizen of Malawi shall be cancelled and he shall be deemed never to have been so naturalized.

PART V

RENUNCIATION AND DEPRIVATION OF CITIZENSHIP

[Ch1501s23]23. Renunciation of citizenship

(1) If any citizen of Malawi of full age and capacity, who is a citizen of any other country, or who satisfies the Minister that he will become a citizen of any other country, makes a declaration in the form set forth in the Sixth Schedule of his renunciation of citizenship of Malawi, the Minister may cause the declaration to be registered and, upon its being so registered that person shall cease to be a citizen of Malawi:

Provided that if a person who has made a declaration of renunciation in accordance with this section does not become a citizen of any other country as aforesaid within three months of the date of his making such declaration of renunciation, he shall be deemed to be, and to have remained, a citizen of Malawi, notwithstanding the making by him of such declaration:

Provided further that forthwith upon his being restored to citizenship of Malawi, any such person shall take an oath of allegiance in the form specified in the Second Schedule, and if that person declines, neglects or omits to take the said oath of allegiance his citizenship of Malawi shall not be restored to him.

(2) The Minister may refuse to register any such declaration of renunciation of citizenship of Malawi if it is made during any war in which Malawi is engaged or if, in his opinion, it is otherwise contrary to public policy to register the declaration.

[Ch1501s24]24. Deprivation of citizenship of persons who exercise certain rights in other countries

The Minister may by order deprive any citizen of Malawi, other than a citizen of Malawi by birth or descent, of his citizenship if the Minister is satisfied that that person has at any time while a citizen of Malawi and of full age and capacity voluntarily claimed and exercised in any other country any right available to him under the law of that country, being a right accorded exclusively to its own citizens, and that it is not conducive to the public good that he should continue to be a citizen of Malawi.

[Ch1501s25]25. Deprivation of citizenship in other cases

(1) Subject to this section, the Minister may by order deprive of his citizenship any citizen of Malawi, other than a citizen of Malawi by birth or descent, if he is satisfied that such citizenship was acquired, wholly or partially, by means of or as a result of fraud, false representation or the concealment of any material fact.

(2) Subject to this section, the Minister may by order deprive of his citizenship any citizen of Malawi other than a citizen of Malawi by birth or descent, if he is satisfied that that citizen—

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

(b) has, during any war in which Malawi was engaged, unlawfully traded or communicated with any 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 seven years after becoming naturalized, been sentenced in any country to imprisonment for a term of not less than twelve months; or

(d) has been ordinarily resident outside Malawi for a continuous period of seven years and during that period has not registered annually in the prescribed manner with a Malawi diplomatic or consular office abroad, or has not notified the Minister in writing of his intention to retain his citizenship of Malawi.

(3) 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 Malawi.

(4) 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 make, and of his right to, an inquiry under this section; and, if that person applies for an inquiry, the Minister shall refer the case to a committee of inquiry consisting of a chairman, being a person possessing judicial experience, appointed by the Minister and of such other members appointed by the Minister as he thinks proper.

[Ch1501s26]26. Effect of renunciation or deprivation

(1) A citizen of Malawi who is deprived of his citizenship by an order of the Minister under this Act shall, upon making of the order, cease to be a citizen of Malawi.

(2) The renunciation by any person of his Malawi citizenship or the deprivation of any person's Malawi citizenship under this Act shall not affect the liability of that person for any offence committed by him before the renunciation or deprivation of his citizenship.

[Ch1501s27]27. Restoration of citizenship

(1) Subject to subsection (2), the Minister, may, if he considers it desirable on taking into account all the circumstances of a case, restore citizenship of Malawi to a person who has lost such citizenship whether voluntarily by a declaration of renunciation of citizenship under section 23, or involuntarily by reason of Part III of this Act.

(2) If a person to whom restoration of citizenship of Malawi has been granted under this section does not produce to such officers as the Minister may appoint in that behalf, within three months or within such further period as the Minister or such officer may allow, evidence sufficient to satisfy such officer—

(a) that he has renounced any other nationality or citizenship which he may have possessed; and

(b) that he has taken an oath of allegiance in the form specified in the Second Schedule, (notwithstanding that such person may at some previous time already have taken the oath of allegiance or made a declaration of renunciation or other citizenship), the restoration of citizenship of Malawi to that person shall be cancelled.

PART VI

SUPPLEMENTAL

[Ch1501s28]28. Manner of making applications

Every application under this Act—

- (a) shall be made to the Minister;
- (b) shall be accompanied by the prescribed fee (if any);
- (c) where the form of any such application is prescribed, shall be made in such form, with such variations as the circumstances require and the Minister accepts;
- (d) shall be supported by such evidence of the statements made therein as may be prescribed under this Act or as the Minister may require; and
- (e) shall be verified by a declaration made before a magistrate or commissioner for oaths.

[Ch1501s29]29. Decision of Minister to be final

The Minister shall not be required to assign any reason for the grant or refusal of any application under this Act and the decision of the Minister on any such application shall not be subject to appeal to or review in any court.

[Ch1501s30]30. Certificate of citizenship in cases of doubt

The Minister may in such cases as he thinks fit, on the application of any person with respect to whose citizenship of Malawi a doubt exists, whether on a question of fact or law, certify that that person is a citizen of Malawi, 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.

[Ch1501s31]31. Renunciation of citizenship of other countries

Where, under this Act, a person is required to renounce the nationality or citizenship of any country other than Malawi and the law of that country makes no provision for the renunciation of

nationality or citizenship, that person shall make the declaration specified in the Third Schedule, or the declaration specified in the Fourth Schedule, as the circumstances of the case may require, and a person who makes any such declaration shall be treated as having complied with any such requirement.

[Ch1501s32]32. Evidence

(1) Every document purporting to be a notice, certificate, order or declaration, or any entry in a register, or subscription of an oath of allegiance or declaration of renunciation, 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 document of the kind mentioned in subsection (1) 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.

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

[Ch1501s33]33. Offences

(1) Any person who, for the purpose of procuring any thing 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 to a fine of £500 and to imprisonment for three years.

(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 citizenship, naturalization or registration shall be liable to a fine of £100 and to imprisonment for six months.

[Ch1501s34]34. Regulations

The Minister may make regulations—

- (a) for prescribing any matter which is to be prescribed under this Act;
- (b) for the registration of anything required or authorized 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 authorized to be given to any person under this Act;
- (e) for the cancellation of the registration of, and the cancellation or amendment of certificates of naturalization relating to, persons deprived of citizenship under this Act, and for requiring such certificates of registration to be delivered up for those purposes;

(f) for the registration of the births and deaths of persons of any class or description born or dying elsewhere than in Malawi, and for annual registration at Malawi diplomatic or consular offices abroad;

(g) for enabling the births and deaths of citizens of Malawi born or dying in any country in which the Government of Malawi has for the time being no diplomatic or consular representative to be registered by persons serving in the diplomatic, consular or other foreign service of any country which by arrangement with the Government of Malawi, has undertaken to represent that Government's interest in that country, or by a person authorized in that behalf by the Minister, and for the registration thereby of citizens of Malawi ordinarily resident outside Malawi;

(h) prescribing forms;

(i) providing for the imposition and recovery of fees, in respect of any application made to the Minister 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, authorized to be made, granted or taken 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 under this Act;

(j) for matters incidental to and connected with the matters mentioned in the preceding paragraphs of this section.

[Ch1501s35]35. Delegation of powers

The Minister may, by Order made under his hand and published in the Gazette, delegate to any public officer such powers or duties as are conferred upon him by this Act as may appear to him to be expedient or desirable.

[Ch1501s36]36. Saving

All certificates, renunciations, declarations, orders or oaths purported to be granted, made or taken pursuant to the Malawi Citizenship Act, 1964 (now repealed) or any Regulations purported to be made thereunder, shall be of as full force and effect as if they were granted, made or taken in accordance with the corresponding provisions of this Act. 2 of 1964(M)

FIRST SCHEDULE ss. 2 and 12, G.N. 56/1968, 170/1968, 216/1970

COMMONWEALTH COUNTRIES

The following shall be Commonwealth countries for the purposes, of this Act—

AustraliaMaltaBarbadosMauritiusBotswanaNew
ZealandCanadaNigeriaCeylonPakistanCyprusRhodesiaFijiSierra
LeoneGambiaSingaporeGhanaSwazilandGuyanaTanzaniaIndiaTrinidad and
TobagoJamaicaUgandaKenyaUnited Kingdom of GreatLesotho Britain and Northern
IrelandMalaysiaZambia

SECOND SCHEDULE ss. 2, 7, 13, 16, 18, 20, 22, 23 and 27

OATH OF ALLEGIANCE

I,, swear that I will be faithful and bear true allegiance to the Republic of Malawi, and that I will preserve, protect and defend the Constitution of Malawi, as by law established. So help me God.

THIRD SCHEDULE ss. 7, 9, 10 and 31

DECLARATION OF INTENTION TO RETAIN CITIZENSHIP OF MALAWI

I, (full name in block capitals), do solemnly and sincerely declare—

1. That I was born at inDelete as applicable.* Malawi/ (insert name of country and am of or over the age of 21 years.

2. That I am a citizen of Malawi by Delete as applicable.*birth/descent/registration/naturalization and am also a national of (insert name of country) by Delete as applicable.*birth/descent/registration/naturalization/marriage.

3. That as I am desirous of retaining my status as a citizen of Malawi I hereby renounce so far as it lies within my power my status as a citizen/national of (insert name of country) and any claim I have to the protection of that country.

.....

Signature of Applicant

Declared at, this day of, 19..... before me.

.....

Delete as applicable.*Magistrate /Commissioner for Oaths

FOURTH SCHEDULE ss. 7, 9, 10 and 31

DECLARATION OF RENUNCIATION OF CITIZENSHIP OF ANOTHER COUNTRY

I, (full name in block capitals), do solemnly and sincerely declare—

1. That I was born at in (insert name of country) and am of or over the age of 21 years.

2. That I have been granted Malawi citizenship by Delete as applicable.*registration/naturalization on condition that I renounce my citizenship/ nationality of (insert name of country).

3. I hereby renounce so far as it lies within my power my status as a citizen/national of (insert name of country) and any claim I have to the protection of that country.

.....

Signature of Applicant

Declared at, this day of, 19, before me.

.....

Delete as applicable.* Magistrate/Commissioner for Oaths

FIFTH SCHEDULE ss. 7 and 22

DECLARATION OF INTENTION TO RESIDE PERMANENTLY IN MALAWI

I, (full name in block capitals), do solemnly and sincerely declare—

1. That I am of or over the age of 21 years.

2. Delete paragraphs or words not applicable.* That so far as it lies within my power, I have renounced my citizenship/nationality of (insert name of country) and intend to reside permanently in Malawi.

OR

That although I have renounced my citizenship/nationality of (insert name of country) and intend my domicile of choice to be Malawi it may be necessary in the course of my employment as / as self-employed to be absent from time to time from Malawi.

.....

Signature of Applicant

Declared at, this day of, 19 before me.

.....

Delete paragraphs or words not applicable.* Magistrate/Commissioner for Oaths

SIXTH SCHEDULE s. 23

DECLARATION OF RENUNCIATION OF CITIZENSHIP OF MALAWI

1. I, (full name and address in block capitals) of am of full age and legal capacity and I was born at (place) in (country) on the day of, 19.....

2. I Delete whichever is inapplicable.*am/Delete whichever is inapplicable.*am not/Delete whichever is inapplicable.* have been formerly/Delete whichever is inapplicable.*have not been formerly married.

3A. I am a Delete whichever is inapplicable.*citizen/national of under the law of that country.

OR

3B. I intend to become a Delete whichever is inapplicable.*citizen/national of after renouncing my citizenship of Malawi.

4. I hereby renounce my citizenship of, and divest myself of my allegiance to Malawi, and enjoyment of its protection.

I, the above-named do solemnly and sincerely declare that the foregoing particulars stated in this Declaration are true and correct in all respects, and I make this solemn Declaration conscientiously believing the same to be true in all respects.

.....

Signature of Declarant

Made and subscribed before me this day of, 19

.....

Delete whichever is inapplicable.* Magistrate or Commissioner for Oaths

SUBSIDIARY LEGISLATION

MALAWI CITIZENSHIP (PRESCRIBED LANGUAGES) REGULATIONS

under s. 34

G.N. 222/1966

206/1968

1. Citation

These Regulations may be cited as the Malawi Citizenship (Prescribed Languages) Regulations.

2. Prescribed languages

The vernacular languages prescribed for the purposes of section 13 (1) (b), section 17 (1) (b) and section 21 (1) (b) of the Act shall be any one or more of the languages named in the Schedule.

SCHEDULE

Chichewa

Chitumbuka

Chiyao

Chinkhonde

Chitonga

MALAWI CITIZENSHIP (FORMS AND FEES) REGULATIONS

under s. 34

G.N. 221/1966

1. Citation

These Regulations may be cited as the Malawi Citizenship (Forms and Fees) Regulations.

2. Forms

The forms set out in the First Schedule shall be used for the purposes for which they are designed with such variations as the circumstances of a particular case may require.

3. Supporting evidence

Every application shall be supported by such evidence of the statements made therein as may be required on the application form or in the Malawi Citizenship Act.

4. Fees

The fees set out in the Second Schedule shall be paid for the matters respectively specified therein:

Provided that the Deputy Chief Immigration Officer may in his discretion refund fees if an application cannot be considered.

FIRST SCHEDULE

FORM A

GOVERNMENT OF MALAWI

MALAWI CITIZENSHIP ACT

(Cap. 15:01)

APPLICATION BY A COMMONWEALTH CITIZEN OR

A DECLARED CITIZEN OR RESIDENT FOR REGISTRATION AS

A CITIZEN OF MALAWI

(UNDER SECTION 13 OR 14)

PART I

APPLICATION

1. I,

of

hereby apply for registration as a citizen of Malawi under section 13/14Delete whichever is inapplicable.* of the Malawi Citizenship Act on the grounds that I am a citizen/residentDelete whichever is inapplicable.* of, of full age and capacity, and that—Full names and address in block capitals

(a) I am ordinarily resident in Malawi, and have been so resident for a period of five years; and (b) I have an adequate knowledge of a prescribed vernacular language/of the English languageDelete whichever is inapplicable.*; and(c) I am of good character; and (d) I would be a suitable citizen of Malawi.Dated at this day of 19

Signature of Applicant

PART II

PARTICULARS RELATING TO APPLICATION

2. Full names

.....

3. Address

..... 4. Place and date of birth 5. Profession or occupation 6. Present nationality or citizenship 7. Date of entry in Malawi to take up ordinary residence 8. Present Passport: Issued at

No. 9. (a) Marital status (never married, now married, widowed, divorced)

.....
(b) If divorced give place and date of decree

..... 10.
(a) Name of wife or husband

.....
(b) Address (if dead, give place and date of death)

..... (c)
Nationality (if dead, give nationality at time of death)

..... 11. (a)
Father's full name

.....
living/dead Delete whichever is inapplicable.* (b) Address (if dead, give last address)

..... (c)
Nationality (if dead, give nationality at time of death)

..... 12. (a)
Mother's full name

.....
living/dead Delete whichever is inapplicable.* (b) Address (if dead, give last address)

..... (c)
Nationality (if dead, give nationality at time of death)

..... 13.
Evidence submitted of citizenship of Commonwealth country or evidence submitted

of declared citizenship or residence

.....

..... 14. Evidence submitted of previous residence in Malawi

..... 15. Languages known

..... 16. Particulars of any criminal proceedings taken against the applicant at any time in

any country

.....

.....

.....

PART III

CERTIFICATES OF SPONSORS

Full names and address in block capitals 17. I,

of

being a citizen of Malawi otherwise than by naturalization, hereby certify that the applicant herein is a person known to me and of good character, that in my opinion he would be a suitable citizen of Malawi and that the particulars in this application are correct in all respects to the best of my knowledge and belief. I am not the legal practitioner or agent of the applicant. I have known the applicant for months/years.Delete whichever is inapplicable.*

Dated at this day of 19.....

.....

Witness to signature.....

Signature of SponsorAddress

.....Occupation

.....Occupation

.....

(NOTE.—The sponsor in the case of paragraph 17 must be an Administrative Officer, Legal Practitioner, Bank Official, Member of a District Council, Municipal Council or Town Council, Magistrate, Mayor, Member of Parliament, Minister of Religion, Notary Public, Physician or Surgeon.)

Full names and address in block capitals 18. I,

of

being a citizen of Malawi otherwise than by naturalization, hereby certify that the applicant herein is a person known to me and of good character, that in my opinion he would be a suitable citizen of Malawi and that the particulars in this application are correct in all respects to the best of my knowledge and belief. I am not the legal practitioner or agent of the applicant. I have known the applicant for months/years.Delete whichever is inapplicable.*

Dated at this day of 19.....

.....

Witness to signature.....

Signature of SponsorAddress

.....Occupation

.....Occupation

.....

(NOTE.—The sponsor in the case of paragraph 18 need not be in a class mentioned in the note to paragraph 17.)

PART IV

DECLARATION BY APPLICANT

19. I,

do solemnly and sincerely declare—Full names in block capitals

- (a) that to the best of my knowledge and belief the particulars stated in this application are true and correct in all respects; and
- (b) that I shall inform the Minister immediately if, before the registration herein applied for is granted, any particular given herein requires amendment; and
- (c) that I am willing to—

 - (i) take the Oath of Allegiance to the Republic of Malawi; and
 - (ii) renounce any other nationality or citizenship I may possess; and (d) that I intend to continue to reside permanently in Malawi.....

Signature of Applicant Declared at this day of 19.....Before me,

Magistrate / Commissioner for Oaths

FORM B

GOVERNMENT OF MALAWI

MALAWI CITIZENSHIP ACT

(Cap. 15:01)

APPLICATION BY A PERSON HAVING A CLOSE CONNEXION

WITH MALAWI FOR REGISTRATION AS A CITIZEN OF MALAWI

(UNDER SECTION 15)

PART I

APPLICATION

Full names and address in block capitals 1. I,

of

hereby apply for registration as a Citizen of Malawi under section 15 of the Malawi Citizenship Act on the grounds that— (X the appropriate)

I was born in Malawi;I have been ordinarily resident in Malawi for a period of not less than 20 years;I am permanently resident in Malawi and was born in Malawi /in Mozambique north of the Zambesi river and that both my parents were born in either Mozambique north of the Zambesi river or in Malawi,Delete whichever is inapplicable.*

and that I am not otherwise qualified under the Malawi Citizenship Act to be registered as a citizen of Malawi, and on the further grounds that— (a) I am ordinarily resident in Malawi, and have been so resident for a period of five years; and (b) I have an adequate knowledge of a prescribed vernacular language/of the English languageDelete whichever is inapplicable.*; and (c) I am of good character; and (d) I would be a suitable citizen of Malawi.Dated at this day of 19.....

Signature of Applicant

PART II

PARTICULARS RELATING TO APPLICATION

2. Full names

..... 3. Address

..... 4. Place and date of birth

..... 5. Profession or occupation

..... 6. Present nationality or citizenship

.....

..... 7. Date of entry in Malawi to take up ordinary residence

..... 8. Present Passport:
Issued at No. 9. (a) Marital status (never married, now married, widowed, divorced)

.....
(b) if divorced give place and date of decree

..... 10.
(a) Name of wife or husband

.....
(b) Address (if dead, give place and date of death)

.....
(c) Nationality (if dead, give nationality at time of death)

..... 11.
(a) Father's full name

.....
living/dead.Delete whichever is inapplicable.* (b) Address (if dead, give last address)

.....
(c) Nationality (if dead, give nationality at time of death)

..... 12.
(a) Mother's full name

.....
living/dead.Delete whichever is inapplicable.* (b) Address (if dead, give last address)

.....
(c) Nationality (if dead, give nationality at time of death)

..... 13.
Evidence submitted of applicant's claim to his and his parents' place of birth, as

appropriate 14. Evidence submitted
of previous residence in Malawi

..... 15. Languages known

..... 16. Particulars of any
criminal proceedings taken against the applicant at any time in

any country

.....
.....
.....

PART III

CERTIFICATES OF SPONSORS

Full names and address in block capitals 17. I,

of

being a citizen of Malawi otherwise than by naturalization hereby certify that the applicant herein is a person known to me and of good character, that in my opinion he would be a suitable citizen of Malawi and that the particulars in this application are correct in all respects to the best of my knowledge and belief. I am not the legal practitioner or agent of the applicant. I have known the applicant for months/years.Delete whichever is inapplicable.*

Dated at this day of 19.....

.....

Witness to signature.....

Signature of SponsorAddress

.....Occupation

.....Occupation

.....

(NOTE.—The sponsor in the case of paragraph 17 must be an Administrative Officer, Legal Practitioner, Bank Official, Member of a District Council. Municipal Council or Town Council, Magistrate, Mayor, Member of Parliament, Minister of Religion, Notary Public, Physician or Surgeon.)

Full names and address in block capitals 18. I,

of

being a citizen of Malawi otherwise than by naturalization, hereby certify that the applicant herein is a person known to me and of good character, that in my opinion he would be a suitable citizen of Malawi and that the particulars in this application are correct in all respects to the best of my knowledge and belief. I am not the legal practitioner or agent of the applicant. I have known the applicant for months/years.Delete whichever is inapplicable.*

Dated at this day of 19.....

.....

Witness to signature.....

Signature of SponsorAddress

.....Occupation

.....Occupation

.....

(NOTE.—The sponsor in the case, of paragraph 18 need not be in a class mentioned in the note to paragraph 17.)

PART IV

DECLARATION BY APPLICANT

Full names and address in block capitals 19. I,

do solemnly and sincerely declare—

(a) that to the best of my knowledge and belief the particulars stated in this application are true and correct in all respects; and (b) that I shall inform the Minister immediately if, before the registration herein applied for is granted, any particular given herein requires amendment; and

(c) that I am willing to— (i) take the Oath of Allegiance to the Republic of Malawi; and (ii) renounce any other nationality or citizenship I may possess; and (d)

that I intend to continue to reside permanently in Malawi.....

Signature of Applicant Declared at this day of 19.....Before me,

Magistrate / Commissioner for Oaths

FORM C

GOVERNMENT OF MALAWI

MALAWI CITIZENSHIP ACT

(CAP. 15:01)

APPLICATION BY A MARRIED WOMAN FOR REGISTRATION

AS A CITIZEN OF MALAWI(UNDER SECTION 16)

PART I

APPLICATION

1. I,

of

hereby apply for registration as a citizen of Malawi under section 16 of the Malawi Citizenship Act on the grounds that I am of full capacity and that I am or have been married to—Full names and address in block capitals

(X the appropriate)a citizen of Malawi;a person who would but for his death have become a citizen of Malawi on 6th July, 1966,

and on the further grounds that— (a) I am ordinarily resident in Malawi, and have been so resident for a period of five years; and (b) I have an adequate knowledge of a prescribed vernacular language /of the English languageDelete whichever is inapplicable.*; (c) I am of good character; and (d) I would be a suitable citizen of Malawi.Dated at this day of 19.....

Signature of Applicant

PART II

PARTICULARS RELATING TO APPLICATION

2. Full names

..... 3. Address

..... 4. Place and date of birth

..... 5. Profession or occupation

..... 6. Present nationality or citizenship

.....
.....
..... 7. Date of entry in Malawi to take up ordinary residence

..... 8. Present Passport:
Issued at No. 9. (a) Marital status (never
married, now married, widowed, divorced)

.....
(b) if divorced give place and date of decree

..... 10.
(a) Name of husband

.....
(b) Place and date of birth

.....
(c) Present address (if dead, give place and date of death)

.....
(d) Nationality (if dead, give nationality at time of death)

.....
(e) How husband's Malawi Citizenship was acquired (i.e. by birth, descent, registration,
naturalization)

..... 11.
Particulars of any previous marriage

.....
..... (c) Nationality (if dead, give
nationality at time of death)

..... 12.
(a) Father's full name

living/dead.Delete whichever is inapplicable.* (b) Address (if dead, give last address)

.....
(c) Nationality (if dead, give nationality at time of death)

..... 13.
(a) Mother's full name

.....
living/dead.Delete whichever is inapplicable.* (b) Address (if dead, give last address)

.....
(c) Nationality (if dead, give nationality at time of death)

..... 14.
Evidence submitted of marriage

.....
.....
..... 15. Evidence submitted of husband's Malawi citizenship

.....
..... 16. Evidence submitted of previous residence in Malawi

.....
..... 17. Languages known

..... 18. Particulars of any criminal proceedings taken against the applicant at any time in any country

.....
.....

PART III

CERTIFICATES OF SPONSORS

19. I,

of

being a citizen of Malawi otherwise than by naturalization hereby certify that the applicant herein is a person known to me and of good character, that in my opinion he would be a suitable citizen of Malawi and that the particulars in this application are correct in all respects to the best of my knowledge and belief. I am not the legal practitioner or agent of the applicant. I have known the applicant for months/years.Delete whichever is inapplicable.*Full names and address in block capitals

Dated at this day of 19

.....

Witness to signature.....

Signature of SponsorAddress

.....Occupation

.....Occupation

.....

(NOTE.—The sponsor in the case of paragraph 19 must be an Administrative Officer, Legal Practitioner, Bank Official, Member of a District Council, Municipal Council or Town Council, Magistrate, Mayor, Member of Parliament, Minister of Religion, Notary Public, Physician or Surgeon.)

20. I,

of

being a citizen of Malawi otherwise than by naturalization hereby certify that the applicant herein is a person known to me and of good character, that in my opinion he would be a suitable citizen of Malawi and that the particulars in this application are correct in all respects to the best of my knowledge and belief. I am not the legal practitioner or agent of the applicant. I have known the applicant for months/years.Delete whichever is inapplicable.*Full names and address in block capitals

Dated at this day of 19.....

.....

Witness to signature.....

Signature of SponsorAddress

.....Occupation

.....Occupation

.....

(NOTE.—The sponsor in the case of paragraph 20 need not be in a class mentioned in the note to paragraph 19.)

PART IV

DECLARATION BY APPLICANT

21. I,

do solemnly and sincerely declare— (a) that to the best of my knowledge and belief the particulars stated in this application are true and correct in all respects; and (b) that I shall

inform the Minister immediately if, before the registration herein applied for is granted, any particular given herein requires amendment; and (c) that I am willing to— (i) take the Oath of Allegiance to the Republic of Malawi; and (ii) renounce any other nationality or citizenship I may possess; and (d) that I intend to continue to reside permanently in Malawi.....

Signature of Applicant Declared at this day of 19.....Before me,

Magistrate / Commissioner for Oaths

FORM D

GOVERNMENT OF MALAWI

MALAWI CITIZENSHIP ACT

(CAP. 15:01)

APPLICATION OF A MINOR CHILD OF A MALAWI

CITIZEN FOR REGISTRATION AS A CITIZEN OF MALAWI

(UNDER SECTION 17)

PART I

APPLICATION

(Complete either (a) or (b) of this part.) 1. (a) Application by parent of minor child—

I,

of

hereby apply on behalf of my child

..... to whom the following particulars relate for his/herDelete whichever is inapplicable.* registration as a citizen of Malawi under section 17 of the Malawi Citizenship Act on the grounds that he/sheDelete whichever is inapplicable.* is the minor child of a citizen of Malawi and that he/sheDelete whichever is inapplicable.*—Full names and address in block capitals

(i) is ordinarily resident in Malawi; and (ii) has an adequate knowledge of a prescribed vernacular language/the English language;Delete whichever is inapplicable.* and (iii) is of good character; and (iv) would be a suitable citizen of Malawi.Dated at this day of 19.....

Signature of Parent (b) Application by guardian of minor child—

I,
of the guardian of
..... to whom the following particulars relate, who has
no living parent/ whose parent or parents are living and resident in,Delete
whichever is inapplicable.*am duly authorised by a court of competent jurisdiction/by the minor child's
father (or mother in the event of his death)Delete whichever is inapplicable.* whose authority or
consent is attached, and I hereby apply on behalf of said for his/herDelete
whichever is inapplicable.* registration as a citizen of Malawi under section 17 of the Malawi Citizenship
Act on the grounds that he/sheDelete whichever is inapplicable.* is the minor child of a citizen of
Malawi and that he/sheDelete whichever is inapplicable.*—Full names and address in block capitals

(i) is ordinarily resident in Malawi; and (ii) has an adequate knowledge of a
prescribed vernacular language/the English language;Delete whichever is inapplicable.* and (iii)
is of good character; and (iv) would be a suitable citizen of Malawi.Dated at
..... this day of 19.....

Signature of Guardian

PART II

PARTICULARS RELATING TO APPLICATION

2. Full names of minor child

..... 3. Address

..... 4. Place and date of
birth

..... 5. Profession or
occupation

..... 6. Present nationality or
citizenship

..... 7. Date of entry in
Malawi to take up ordinary residence

..... 8. Present Passport:
Issued at No. 9. (a) Marital status (never
married, now married, widowed, divorced)

.....
(b) if divorced give place and date of decree

..... 10.
(a) Name of wife or husband

.....
(b) Address (if dead, give place and date of death)

.....
(c) Nationality (if dead, give nationality at time of death)

..... 11.
(a) Father's full name

.....
living/dead.Delete whichever is inapplicable.* (b) Address (if dead, give last address)

.....
(c) Nationality (if dead, give nationality at time of death)

..... 12.
(a) Mother's full name

.....
living/dead.Delete whichever is inapplicable.* (b) Address (if dead, give last address)

.....
(c) Nationality (if dead, give nationality at time of death)

..... 13.
Evidence submitted of guardianship (if applicable)

.....
..... 14. Details of minor child's residence in Malawi
and other countries since birth—

.....
Malawi (with addresses)DatesFromToYearsMonths

Other countries (with addresses)

15. Minor's knowledge of English/the prescribed vernacular language of Delete whichever is inapplicable.* is slight/fair/good/excellent>Delete whichever is inapplicable.* 16. Particulars of any criminal proceedings taken against the applicant at any time in any country

PART III

CERTIFICATES OF SPONSORS

17. I, of being a citizen of Malawi otherwise than by naturalization, hereby certify that the applicant herein is a person known to me and of good character, that in my opinion he would be a suitable citizen of Malawi and that the particulars in this application are correct in all respects to the best of my knowledge and belief. I am not the legal practitioner or agent of the applicant. I have known the applicant for months/years>Delete whichever is inapplicable.*Full names and address in block capitals

Dated at this day of 19.....

Witness to signature.....

Signature of SponsorAddress

.....Occupation

.....Occupation

.....

(NOTE.—The sponsor in the case of paragraph 17 must be an Administrative Officer, Legal Practitioner, Bank Official, Member of a District Council, Municipal Council or Town Council, Magistrate, Mayor, Member of Parliament, Minister of Religion, Notary Public, Physician or Surgeon.)

18. I,

of being a citizen of Malawi otherwise than by naturalization hereby certify that the applicant herein is a person known to me and of good character, that in my opinion he would be a suitable citizen of Malawi and that the particulars in this application are correct in all respects to the best of my knowledge and belief. I am not the legal practitioner or agent of the applicant. I have known the applicant for months/years.Delete whichever is inapplicable.*Full names and address in block capitals

Dated at this day of 19.....

.....

Witness to signature.....

Signature of SponsorAddress

.....Occupation

.....Occupation

.....

(NOTE.—The sponsor in the case of paragraph 18 need not be in a class mentioned in the note to paragraph 17.)

PART IV

DECLARATION BY PARENT OR GUARDIAN

19. I,

do solemnly and sincerely declare—Full names and address in block capitals

(a) that to the best of my knowledge and belief the particulars stated in this application are true and correct in all respects; and (b) that I shall inform the Minister immediately if, before the registration herein applied for is granted, any particular given herein requires amendment; and (c) that I intend to continue to reside permanently in Malawi.....

Signature of Parent / Guardian Declared at this day of 19.....

Magistrate / Commissioner for Oaths

FORM E

GOVERNMENT OF MALAWI

MALAWI CITIZENSHIP ACT

(Cap. 15:01)

APPLICATION BY A STATELESS PERSON FOR

REGISTRATION AS A CITIZEN OF MALAWI

(UNDER SECTION 18)

PART I

APPLICATION

1. I,

of hereby apply for registration as a citizen of Malawi under section 18 of the Malawi Citizenship Act on the grounds that—Full names and address in block capitals

(a) I am and always have been stateless; and (b) I was born within Malawi/one of my parents was a citizen of Malawi at the time when I was born;Delete whichever is inapplicable.* and (c) I am ordinarily resident in Malawi, and have been so resident for a period of three years immediately preceding this application; and (d) I have neither been convicted of an offence, or detained for behaviour, prejudicial to public security, nor have been sentenced to imprisonment for a term of five years or more on any criminal charge.Dated at this day of 19.....

Signature of Applicant

PART II

PARTICULARS RELATING TO APPLICATION

2. Full names

..... 3. Address

..... 4. Place and date of birth

..... 5. Profession or occupation

..... 6. Date of entry in Malawi to take up ordinary residence 7. (a) Marital status (never married, now married, widowed, divorced)

..... (b) If divorced give place and date of decree

..... (a) Name of wife or husband

8.

.....
(b) Address (if dead, give place and date of death)
.....
..... (c)
Nationality (if dead, give nationality at time of death)

..... 9.
(a) Father's full name

living/deadDelete whichever is inapplicable.* (b) Address (if dead, give last address)
.....
..... (c)
Nationality at time of applicant's birth

..... 10.
(a) Mother's full name

living/deadDelete whichever is inapplicable.* (b) Address (if dead, give last address)
.....
..... (c)
Nationality at time of applicant's birth

..... 11.
Evidence submitted of statelessness

.....
..... 12. Evidence submitted of place of birth or
citizenship of parents at time of birth

.....
..... 13. Evidence submitted of previous residence in
Malawi

..... 14. Particulars of any
criminal or detention proceedings taken against the applicant at any time in any country

PART III

CERTIFICATES OF SPONSORS

15. I,

of being a citizen of Malawi otherwise than by naturalization, hereby certify that the applicant herein is a person known to me and of good character, that in my opinion he would be a suitable citizen of Malawi and that the particulars in this application are correct in all respects to the best of my knowledge and belief. I am not the legal practitioner or agent of the applicant. I have known the applicant for months /years.Delete whichever is inapplicable.*Full names and address in block capitals

Dated at this day of 19.....

.....

Witness to signature.....

Signature of SponsorAddress

.....Occupation

.....Occupation

.....

(NOTE.—The sponsor in the case of paragraph 15 must be an Administrative Officer, Legal Practitioner, Bank Official, Member of a District Council, Municipal Council or Town Council, Magistrate, Mayor, Member of Parliament, Minister of Religion, Notary Public, Physician or Surgeon.)

16. I,

of being a citizen of Malawi otherwise than by naturalization, hereby certify that the applicant herein is a person known to me and of good character, that in my opinion he would be a suitable citizen of Malawi and that the particulars in this application are correct in all respects to the best of my knowledge and belief. I am not the legal practitioner or agent of the applicant. I have known the applicant for months / years. Delete whichever is inapplicable.*Full names and address in block capitals

Dated at this day of 19.....

.....

Witness to signature.....

Signature of SponsorAddress

.....Occupation

.....Occupation

.....

(NOTE.—The sponsor in the case of paragraph 16 need not be in a class mentioned in the note to paragraph 15.)

PART IV

DECLARATION BY APPLICANT

17. I,

do solemnly and sincerely declare—Full names and address in block capitals

- (a) that to the best of my knowledge and belief the particulars stated in this application are true and correct in all respects; and
- (b) that I shall inform the Minister immediately if, before the registration herein applied for is granted, any particular given herein requires amendment; and
- (c) that I am willing to take the Oath of Allegiance to the Republic of Malawi; and
- (d) that I intend to continue to reside permanently in Malawi.....

Signature of Applicant Declared at this day of 19.....Before me,

Magistrate / Commissioner for Oaths

FORM F

GOVERNMENT OF MALAWI

MALAWI CITIZENSHIP ACT

(Cap. 15:01)

APPLICATION BY AN ALIEN FOR NATURALIZATION

AS A CITIZEN OF MALAWI

(UNDER SECTION 21)

PART I

APPLICATION

1. I,

of hereby apply for naturalization as a citizen of Malawi under section 21 of the Malawi Citizenship Act on the grounds that I am an alien of full age and capacity and that—Full names and address in block capitals

(a) I am ordinarily resident in Malawi and have been so resident for a period of seven years immediately preceding this application; and (b) I have an adequate knowledge of a prescribed vernacular language/of the English language;Delete whichever is inapplicable.* and (c) I am of good character; and (d) I am financially solvent; and (e) I would be a suitable citizen of Malawi.Dated at this day of 19

Signature of Applicant

PART II

PARTICULARS RELATING TO APPLICATION

2. Full names
.....

..... 3. Address
.....

..... 4. Place and date of birth
.....

..... 5. Nationality or citizenship at birth 6. Present nationality or citizenship (if now different) 7. Profession or occupation
.....

..... 8. Date of entry in Malawi to take up ordinary residence 9. Present Passport: Issued at
.....

..... No. 10. (a) Marital status (never married, now married, widowed, divorced)
.....

..... (b) If divorced give place and date of decree
.....

..... 11. (a) Name of wife or husband
.....

..... (b) Address (if dead, give place and date of death)
.....

..... (c) Nationality before marriage
.....

..... (d) Present nationality (if dead, give nationality at time of death)
.....

..... 12. (a) Father's full name

.....
living/deadDelete whichever is inapplicable.* (b) Address (if dead, give last address)

.....
(c) Nationality (if dead, give nationality at time of death)

..... 13.
(a) Mother's full name

.....
living/deadDelete whichever is inapplicable.* (b) Address (if dead, give last address)

..... (c) Nationality (if dead, give nationality at time of death)

..... 14. Date of any previous application for registration or naturalization

..... 15. If original name has been changed give particulars

..... 16. If nationality or citizenship has been changed since birth give particulars

..... 17. If now of no nationality or citizenship give circumstances in which nationality or citizenship was lost

..... 18. Give details, with dates, of foreign countries visited during the past eight years

..... 19.
Particulars of applicant's children (if any)—

Full name of every childDate of birthPlace of birthWhere now resident

20. Names of any minor children whom you desire to be registered as citizens of Malawi in the event that this application is approved.....

..... 21. Details of previous residence in Malawi—

AddressDatesYearsMonthsFromTo

22. Evidence submitted of previous residence in Malawi

..... 23. Languages known

..... 24. Bank or other institution which can speak for applicant's financial solvency

..... 25. Particulars of any criminal proceedings taken against the applicant at any time in any country

.....
.....

PART III

CERTIFICATE OF SPONSORS

26. I,

of being a citizen of Malawi, otherwise than by naturalization, hereby certify that the applicant herein is a person known to me and of good character, that in my opinion he would be a suitable citizen of Malawi and that the particulars in this application are correct in all respects to the best of my knowledge and belief. I am not the legal practitioner or agent of the applicant. I have known the applicant for months/years. Delete whichever is inapplicable.*Full names and address in block capitals

Dated at this day of 19.....

.....

Witness to signature.....

Signature of SponsorAddress

.....Occupation

.....Occupation

.....

27. I,

of being a citizen of Malawi, otherwise than by naturalization, hereby certify that the applicant herein is a person known to me and of good character, that in my

opinion he would be a suitable citizen of Malawi and that the particulars in this application are correct in all respects to the best of my knowledge and belief. I am not the legal practitioner or agent of the applicant. I have known the applicant for months/years.Delete whichever is inapplicable.*Full names and address in block capitals

Dated at this day of 19.....

.....

Witness to signature.....

Signature of SponsorAddress

.....Occupation

.....Occupation

.....

(NOTE.—The sponsors in the case of paragraphs 26 and 27 must be an Administrative Officer, Legal Practitioner, Bank Official, Member of a District Council. Municipal Council or Town Council, Magistrate, Mayor, Member of Parliament, Minister of Religion, Notary Public, Physician or Surgeon.)

28. I, being a citizen of Malawi, otherwise than by naturalization, hereby certify that the applicant herein is a person known to me and of good character, that in my opinion he would be a suitable citizen of Malawi and that the particulars in this application are correct in all respects to the best of my knowledge and belief. I am not the legal practitioner or agent of the applicant. I have known the applicant for months/years.Delete whichever is inapplicable.*Full names and address in block capitals

Dated at this day of 19.....

.....

Witness to signature.....

Signature of SponsorAddress

.....Occupation

.....Occupation

.....

29. I, of being a citizen of Malawi, otherwise than by naturalization, hereby certify that the applicant herein is a person known to me and of good character, that in my opinion he would be a suitable citizen of Malawi and that the particulars in this application are correct in all respects to the best of my knowledge and

belief. I am not the legal practitioner or agent of the applicant. I have known the applicant for months/years.Delete whichever is inapplicable.*Full names and address in block capitals

Dated at this day of 19.....

.....

Witness to signature.....

Signature of SponsorAddress

.....Occupation

.....Occupation

.....

(NOTE.—The sponsors in the case of paragraphs 28 and 29 need not be in a class mentioned in the note to paragraphs 26 and 27.)

PART IV

DECLARATION BY APPLICANT

30. I,

do solemnly and sincerely declare—Full names and address in block capitals

(a) that to the best of my knowledge and belief the particulars stated in this application are true and correct in all respects; and (b) that I shall inform the Minister immediately if, before the registration herein applied for is granted, any particular given herein requires amendment; and (c) that I am willing to— (i) take the Oath of Allegiance of the Republic of Malawi; and (ii) renounce any other nationality or citizenship I may possess; and (d) that I intend to continue to reside permanently in Malawi.....

Signature of Applicant Declared at this day of 19.....Before me,

Magistrate / Commissioner for Oaths

FORM G

GOVERNMENT OF MALAWI

MALAWI CITIZENSHIP ACT

(Cap. 15:01)

CERTIFICATE OF REGISTRATION AS A CITIZEN OF MALAWI

Certificate No WHEREAS
.....

of has applied to the Minister under section
..... of the Malawi Citizenship Act to be registered as a citizen of Malawi, and
has satisfied the Minister that the necessary conditions for registration under that Act have been
fulfilled: NOW, THEREFORE, the Minister, in exercise of the powers conferred upon him by the
said Act, hereby grants to the said this certificate of registration as a citizen
of Malawi and declares that subject to section 20 (2) of the said Act, he/she shall be a citizen of Malawi
with effect from the date of this Certificate. IN WITNESS whereof I have hereunto set my hand this
..... day of 19..... at

Minister

FORM H

GOVERNMENT OF MALAWI

MALAWI CITIZENSHIP ACT

Cap. 15: 01

CERTIFICATE OF NATURALIZATION AS A CITIZEN OF MALAWI

Certificate No WHEREAS
.....

of has applied to the Minister under section 21 of the
Malawi Citizenship Act for a certificate of naturalization as a citizen of Malawi, and has satisfied the
Minister that the necessary conditions for naturalization under that Act have been fulfilled: NOW,
THEREFORE, the Minister, in exercise of the powers conferred upon him by the said Act, hereby grants
to the said this certificate of naturalization as a citizen of Malawi and
declares that subject to section 22 (2) of the said Act, he/she shall be a citizen of Malawi with effect
from the date of this certificate. IN WITNESS whereof I have hereunto set my hand this

..... day of 19..... at
.....

Minister

SECOND SCHEDULE reg. 4

Matter in which fee may be taken Fee payable K1. Witnessing by Magistrate or Commissioner for Oaths of declaration by applicant 0502. On application by a Commonwealth citizen or a declared citizen or resident for registration 2003. On application by a person having a close connexion with Malawi for registration 2004. On application by a married woman for registration 2005. On application of a minor child of a Malawi citizen for registration 2006. On application by a stateless person for registration 2007. On application by an alien for naturalization 10008. Witnessing by Magistrate or Commissioner for Oaths of declarations specified in the Third, Fourth, Fifth or Sixth Schedule to the Malawi Citizenship Act (per declaration) 0509. Administering the Oath of Allegiance set out in the Second Schedule to the Malawi Citizenship Act 05010. On application for a Certificate of Citizenship in case of doubt 10011. On application for a certified true copy of any certificate granted or issued under the Malawi Citizenship Act 050