

## **Citizenship of Zimbabwe Amendment Bill, 2003**

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### **MEMORANDUM**

This Bill will amend the Citizenship of Zimbabwe Act [*Chapter 4:01*] so as to provide for the exemption from renunciation of foreign citizenship requirement provided in section 9 of the Act. The Bill stipulates the circumstances in which a person may be exempted. In more detail the individual clauses provide as follows:

#### **Clause 1**

This clause sets out the Bill's short title.

#### **Clause 2**

Section 9 of the Citizenship of Zimbabwe Act provides for prohibition of dual citizenship and also requires a person with dual citizenship to renounce his foreign citizenship so as to retain Zimbabwean citizenship. This clause seeks to exempt persons of Southern African Development Community (SADC) parentage who may be citizens of those countries by descent from compliance with section 9. Many of these persons may be rendered stateless if they were to be denied their Zimbabwean citizenship status. The majority of these people have been permanently resident in Zimbabwe since birth, hence the need for special treatment. This clause also seeks to exempt from compliance with section 9, persons born in a SADC country, whose parents were born in Zimbabwe and migrated to such country for the purposes of employment. This special treatment also emanates from the recognition of our political, economic and social affinity with SADC countries and the need to maintain equality, reciprocity and good neighbourliness in our foreign relations with the region.

#### **Clause 3**

Subsection (4) of section 20 of the Citizenship of Zimbabwe Act provides for circumstances which can be treated by a court as *prima facie* evidence of foreign citizenship. However, this provision is affected by subsection (1) of section 25 of the Civil Evidence Act [*Chapter 8:01*] which deals with foreign law. Clause 3 seeks to exclude the application of subsection (1) of section 25 of the Civil Evidence Act in proceedings involving the question of citizenship.

**Presented by the Minister of Home Affairs**

### **BILL**

To amend the Citizenship of Zimbabwe Act [*Chapter 4:01*].

ENACTED by the President and the Parliament of Zimbabwe.

#### **1 Short title**

This Act may be cited as the Citizenship of Zimbabwe Amendment Act, 2003.

#### **2 New section inserted after section 9 of Cap. 4:01**

The Citizenship of Zimbabwe Act [*Chapter 4:01*] (hereinafter called "the principal Act") is amended by the insertion after section 9 of the following section—

##### **"9A Exemption from renunciation requirement**

(1) In this section—

**"SADC country"** means a country which is a member of the Southern African Development Community established in terms of the Treaty signed at Windhoek in the Republic of Namibia on the 17th August, 1992.

- (2) A person shall be exempt from having to renounce his citizenship of a SADC country in order to retain his citizenship of Zimbabwe, as required by subsection (3), (4), (5), (6) or (7) of section nine, if—
- (a) he was born in Zimbabwe and—
- (i) one of his parents was born in a SADC country and entered Zimbabwe on or before the 18th of April, 1980, for the purposes of employment as a general labourer, farm labourer, mine worker or domestic employee, and from the date of such entry until the date of birth of the person referred to in this section such parent has continuously resided in Zimbabwe; and
  - (ii) he has continuously resided in Zimbabwe since the date of his birth except for any temporary absence in any of the circumstances specified in subsection (2) of section thirteen; and
  - (iii) he has not at any time after the date of his birth acquired any foreign citizenship or foreign passport, whether voluntarily or otherwise, or enjoyed the protection of any foreign country;
- or
- (b) he was born in a SADC country and—
- (i) one of his parents was born in Zimbabwe and left Zimbabwe on or before the 18th of April, 1980, for the purposes of employment in a SADC country as a general labourer, farm labourer, mine worker or domestic employee, and such parent was resident in that country at the date of birth of the person referred to in this section; and
  - (ii) he is permanently resident in Zimbabwe at the time of making an application in terms of subsection (3); and
  - (iii) he has not at any time after the date of his first entry into Zimbabwe acquired any other foreign citizenship or other foreign passport, whether voluntarily or otherwise, or enjoyed the protection of any foreign country.
- (3) A person referred to in subsection (2) may at any time apply to the Registrar, in the prescribed form and manner, for confirmation of his status as a citizen of Zimbabwe and the Registrar shall, if he is satisfied that the applicant fulfils the conditions described in that subsection, issue a certificate confirming his status as a citizen of Zimbabwe.”.

### **3 Amendment of section 20 of Cap. 4:01**

Section 20 of the principal Act is amended by the insertion after subsection (4) of the following subsection—

“(5) Notwithstanding anything contained in subsection (1) of section 25 of the Civil Evidence Act [*Chapter 8:01*], if in any proceedings referred to in subsection (4) the Registrar-General produces a document purporting to be a copy of any written law of a foreign country which shows that any person is, by virtue of that law, a citizen of that country, it shall be presumed, unless it is shown to the contrary, that that person is a citizen of that country.”.