



CITIZENSHIP (AMENDMENT) BILL 2023

(NO. 5 OF 2023)



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A

BILL

Entitled

AN ACT TO AMEND THE CITIZENSHIP ACT 2018

ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS.

CITIZENSHIP (AMENDMENT) BILL 2023

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CITIZENSHIP (AMENDMENT) BILL 2023

1 Short title

This Act may be cited as the *Citizenship (Amendment) Act 2023*.

2 Commencement

This Act commences on a date to be nominated by the Minister by notice in the *Gazette*.

3 Definition

“principal Act” means the *Citizenship Act 2018*.

4 Section 14 amended

The principal Act is amended, in section 14(2)(a) by:

- (a) inserting after the word “citizenship” the following, “as evidenced by an original or certified copy of the birth certificate;” and
- (b) inserting the following after section 14(2)(a):
 - “(aa) is the holder of a valid passport, and provides the original or a certified copy of the same; and
 - (ab) if the holder of a driver’s licence, provides a certified copy of the same; and”, and
- (c) repeal and replace section 14(2)(d) with the following:
 - “(d) is likely to continue to reside in Solomon Islands or to maintain a close and continuing relationship with Solomon Islands as supported by:
 - (i) evidence of economic sustainability, such evidence is inclusive of, but not limited to:
 - (A) a formal employment agreement in the Solomon Islands; or

- (B) record of employment of more than 5 years to the date of the application, in the Solomon Islands; or
 - (C) a valid record of the National Provident Fund contributions for the past 5 years or more, in the Solomon Islands; or
 - (D) financial bank record for sustenance to the satisfaction of the Commission; or
- (ii) evidence that the person has capital properties to maintain a close and continuing relationship with Solomon Islands, such evidence is inclusive of, but not limited to:
- (A) land title registered in the person's name under the Land and Titles Act; or
 - (B) tangible property such as a building registered under the person's name; or
 - (C) land or property development machinery registered under the person's name; or
- (iii) evidence of the person's financial contribution to the economy of the Solomon Islands, such evidence is inclusive of, but not limited to:
- (A) investment in a company registered under the person's name; or
 - (B) a minimum 10% or more share of an Investment Company registered under the person's name; and
- (iv) a person must provide the relevant original or certified documents and any authentic information to satisfy the evidence in section 14(2)(d)(i), section 14(2)(d)(ii) and section 14(2)(d)(iii); and
- (v) the Commission has discretion to accept all or any evidence under section 14(2)(d)(i), section 14(2)(d)(ii) and section 14(2)(d)(iii); and" and

(d) inserting after subsection (7) the following:

“(8) For the avoidance of doubt, this section (Eligibility for citizenship) does not apply to a child under 18 years of a parent or parents who are birth citizens.”

5 Section 16 amended

(a) in subsection (1)(a) by deleting “5 years within the 10 year period” and substituting with “10 years”; and

(b) by inserting a new subsection (3):

“(3) For the avoidance of doubt, this section (Residence requirement) does not apply to a person who was born in Solomon Islands; or is a child of a parent or parents who are birth citizens.”

CITIZENSHIP (AMENDMENT) BILL 2023

EXPLANATORY MEMORANDUM

OBJECTS

The Citizenship (Amendment) Bill 2023 is designed to amend the Citizenship Act 2018 to address deficiencies and limitations identified in the past recent years. Certain provisions were seen as unfair and discriminatory upon children under 18 years of birth citizens. The amendments ensure the Constitutional rights of children born from birth citizens are protected. They are eligible and are automatically entitled to be citizens of Solomon Islands without having to apply through the Solomon Islands Citizenship Commission. The amendments also provide a helpful list of evidence which an applicant (for citizenship) can bring forward to support their 'intention to reside in Solomon Islands or to maintain a close and continuing relationship with Solomon Islands'. Such include evidence of economic stability; of capital properties and of recent past financial contribution to the economy of Solomon Islands.

CONTENT

Clause 1 specifies the short title of the Act.

Clause 2 provides for the commencement of the Act, which is on a date to be nominated by the Minister by notice in the Gazette.

Clause 3 provides that a reference to the "principal Act" is to the Citizenship Act 2018.

Clause 4 amends section 14 of the principal Act by:

- requiring further specific proof of an applicant being 18 years or over, inclusive of a birth certificate, a passport and/or a driver's licence; and
- listing possible material to be provided as evidence of intention to continue residing in Solomon Islands or to maintain a close and continuing relationship with Solomon Islands, such as evidence of the applicant's economic stability; capital properties and financial contribution to the economy of Solomon Islands.
- The Commission has discretion to decide on evidence which are acceptable and sufficient to meet this requirement (intention to continue residing in Solomon Islands).

- The amendments also confirm that the section (Eligibility for citizenship) does not apply to a child under 18 years of a parent or parents who are birth citizens.

Clause 5 amends section 16 (residence requirement) by:

- increasing the 'ordinarily resident' period to qualify for 'residence' from 5 years to 10 years; and
- confirming that the section (Residence requirement) does not apply to a child under 18 years of a parent or parents who are birth citizens.

HON. MANASSEH MAELANGA
MINISTER FOR HOME AFFAIRS

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