

CHAPTER 4.**REGISTRATION AND NATURALIZATION**

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An Act to make provision for acquisition of citizenship of the Republic, for the loss and renunciation of that citizenship, for citizenship by registration, and for matters relating thereto.

Commencement:	14 March 1984
Source:	P.L. 1984-04
	P.L. 1986-33
	P.L. 1989-37
	P.L. 1989-53
	P.L. 1989-68
	P.L. 1991-119
	P.L. 1991-120
	P.L. 1994-97
	P.L. 1995-137
	P.L. 2001-30
	P.L. 2002-54
	P.L. 2002-70

PART I- PRELIMINARY§401. **Short title.**

This Chapter may be cited as the Citizenship Act 1984. [P.L. 1984-4, §1.]

§402. Interpretation.

(1) In this Chapter:

- (a) “child” means a person who is not of full age;
- (b) “citizen” means a citizen of the Republic.

(c) “Minister” means the Minister to whom the functions of, and responsibility for the administration of the Citizenship Act 1984 has been assigned by the President unless expressly stated otherwise.

(2) For the purposes of this Chapter:

- (a) a person is of “full age” if he has attained the age of eighteen (18) years; and
- (b) a person is of full capacity if he is:

- (i) not a mentally disordered or defective person; or
- (ii) so found and not discharged as sane, under the provisions of any law of any country relating to mental treatment. [P.L. 1984-4, §2.][amended by P.L. 2001-30, §2(A).]

PART II- CITIZENSHIP BY NATURALIZATION**§403. Citizenship by naturalization; general.**

(1) A person of full age and full capacity may apply in the prescribed manner to the Cabinet to be naturalized as a citizen.

(2) Where, on the application made pursuant to subsection (1) of this Section and as a result of such inquiries (if any) as the Cabinet may cause to be made, the Cabinet is satisfied that the person making the application:

(a) was (on the date of the application) and has been, during the period of seven (7) years immediately prior to the date of application, ordinarily resident in the Republic;

(b) is domiciled in the Republic;

(c) is of good character, based upon available evidence, including the recommendations of the Ministry responsible for the administration of citizenship matters and the local government Council of the community in which he has been resident or intends to reside;

(d) unless prevented by physical or mental disability, is able to speak and understand Marshallese sufficiently for normal conversational purposes;

(e) has an understanding and respect for the customs and traditions of the Republic;

(f) has the means of support for himself and his dependents;

(g) has a reasonable knowledge and understanding of the Constitution of the Marshall Islands and the rights, privileges, responsibilities and duties of citizenship;

(h) subject to Section 412 of this Chapter, has renounced in the prescribed manner any other citizenship which he may possess; and

(i) has taken and subscribed, in the prescribed manner, the prescribed oath of allegiance; then the Cabinet, in its discretion, may grant the application, but otherwise shall refuse it.

(j) has taken and passed written test as may be prescribed by the Minister;

(3) Where an applicant requests that any child of his named in the application become a citizen by naturalization, the child shall become a citizen by naturalization, when, pursuant to the application, the applicant becomes a citizen by naturalization; provided, there is included in the

application a statement by the other parent or legal guardian (if any) that he or she also wishes the child to become a citizen.

(4) When an application under subsection (1) of this Section is granted, the Cabinet shall cause to be issued to the applicant and to any child who becomes or will become a citizen pursuant to subsection (3) of this Section a certificate of naturalization in the prescribed form.

(5) A person to whom a certificate of naturalization is issued becomes naturalized as a citizen from the date stated in the certificate.

(6) For the purposes of this Section, the date of an application is the date on which it is lodged with the Clerk of the Cabinet.

(7) For the purposes of determining the period of residence of any person in the Republic, any period during which the person was not legally in the Republic as an immigrant shall be disregarded.

(8) Where a person applying under this Section is a person who has lost or renounced his citizenship of the Republic, any period of residence in the Republic before he lost or renounced his citizenship shall be disregarded for the purpose of determining his period of residence in the Republic. [P.L. 1984-4, §4; amended by P.L. 1989-53, §2 renumbering this Section to §3.]

§404. Citizenship by naturalization; public benefits.

(1) Any person who may not be eligible for citizenship by naturalization under Section 404 of this Chapter may make application in the prescribed manner to the Cabinet to be naturalized as a citizen, and the Cabinet may in its discretion grant the application if the Cabinet is satisfied that:

(a) either:

- (i) the applicant has rendered distinguished service to the Republic; or
- (ii) conferral of citizenship is otherwise in the public interest; and

(b) the applicant is domiciled in the Republic.

(2) Persons naturalized under this Section may, in the discretion of the Cabinet, not be required to renounce any other citizenship they may possess and may maintain dual citizenship.

(3) The number of persons who shall be naturalized as citizens under this Section shall not exceed five (5) in any one calendar year. [P.L. 1984-4, §5; amended by P.L. 1989-37, §2, adding new subsection (4); amended by [P.L. 1989-53, §2, renumbering this Section to §4; amended by P.L. 1989-68, §2, lowering the fee for a passport from \$200,000 to \$100,000; P.L. 1991-119, §2; P.L. 1991-120, §2(1); amended by P.L. 1995-137, §2][P.L. 2001-30, §2(C) repealed subsection (4) dealing with sale of passports) Oct.18, 2001]

§405. Effect of decision.

Subject to the provisions of Article II of the Constitution of the Marshall Islands, the decision of the Cabinet not to grant an application for citizenship under this Part is final. [P.L. 1984-4, §6; P.L. 1989-53, §2 renumbered this Section to §5.]

PART III -LOSS AND RENUNCIATION OF CITIZENSHIP

§406. Loss of citizenship; general.

A person who has reached full age and is of full capacity is subject to loss of citizenship, after hearing and for cause, upon application by the Minister to the High Court, on the ground that he has obtained the nationality or citizenship of another country by a voluntary act (other than marriage), except with the express approval of the Cabinet. [P.L. 1984-4, §7; P.L. 1989-53, §2 renumbered this Section to §6.]

§407. Loss of citizenship by registration or naturalization.

A person's registration as a citizen pursuant to Article XI, Section 2 of the Constitution of the Marshall Islands, or naturalization under Section 404 or 405 of this Chapter, is subject to cancellation, after hearing and for cause, upon application by the Minister to the High Court, on the ground of:

- (a) concealment of a material fact or willful misrepresentation in applying for registration or naturalization;
- (b) advocacy of the overthrow or alteration of the Government of the Marshall Islands by unlawful means; or
- (c) commission of, or attempt or preparation to commit, an act of espionage, sabotage, or sedition against the Government of the Marshall Islands, or conspiring with or aiding and abetting another to commit such an act. [P.L. 1984-4, §8; P.L. 1989-53, §2 renumbered the Section to §7.]

§408. Renunciation of citizenship.

(1) Subject to subsections (2) and (3) of this Section, a citizen who is of full age and full capacity may, in the prescribed manner, renounce his citizenship.

(2) A person may not renounce his citizenship unless:

- (a) he already holds some other nationality or citizenship; or
- (b) the renunciation is for the purpose of his obtaining some other nationality or citizenship.

(3) During a time of war, citizenship may not be renounced without the prior consent of the Cabinet. [P.L. 1984-4, §9; P.L. 1989-53, §2 renumbered this Section to §8.][P.L. 2002-70 repealed subsection (4).]

PART IV - CITIZENSHIP BY REGISTRATION**§409. Citizenship by Adoption.**

Unless disqualified in the interests of national security or policy pursuant to Article XI, Section 2(3) of the Constitution, any person who is not a citizen of the Marshall Islands may become a citizen by registration if, upon application, the High Court is satisfied that:

- (a) the person was adopted under the laws of the Marshall Islands as a child by a person then a citizen of the Marshall Islands; and
- (b) he has been a resident of the Marshall Islands for a period of not less than five (5) years; and
- (c) if he has attained the age of 18 years, he has taken an oath or made an affirmation of allegiance to the Marshall Islands and has renounced any other citizenship he may possess. [P.L. 1989-53, §2 creating a new §9.]

§410. National Security limitations on citizenship; disqualifications.

(1) No person shall become a citizen by registration pursuant to Article XI, Section 2 of the Constitution of the Marshall Islands unless the High Court is satisfied that the person making the application does not constitute a threat or danger or risk of danger to national security.

(2) In a case where any person applies for citizenship by registration under Article XI, Section 2 of the Constitution of the Marshall Islands, the Cabinet shall, within such time as may be

prescribed by the High Court, submit to that Court a certificate stating whether in the opinion of the Cabinet such person is a fit and proper person to be registered as a citizen in the interests of national security; provided however, that the Cabinet may delegate its power under this Section to the Minister who shall submit the required certificate to the Court. A certificate under the hand of the Cabinet, or the Minister as the case may be, shall be conclusive proof of the matters therein stated and shall not be called in question in any court whether by way of writ or otherwise.

(3) For the purposes of determining the period of residence of any person in the Republic for citizenship by registration under Article XI, Section 2 of the Constitution of the Marshall Islands, any period during which the person was not legally in the Republic as an immigrant shall be disregarded. [P.L. 1984-4, §10; amended by P.L. 1986-33, §2, which completely replaced subsections (1) and (2); amended by P.L. 1994-97, §2]. [P.L. 2002-54 amending subsection (2).]

§411. Dual citizenship.

Subject to Section 412 of this Chapter, no person may become a citizen by registration pursuant to Article XI, Section 2 of the Constitution of the Marshall Islands unless he has renounced any citizenship which he may possess and has taken and subscribed, in the prescribed manner, the prescribed oath of allegiance. [P.L. 1984-4, §11.]

PART V - MISCELLANEOUS

§412. Renunciation of foreign citizenship in certain cases.

(1) If in a case where this Chapter requires an applicant for citizenship to renounce another citizenship or nationality, and either the law of his country of citizenship or nationality prevents him from renouncing, or it is otherwise impracticable for him to renounce, the applicant may instead make a declaration form approved by the Cabinet that:

(a) he intends, when it becomes practicable for him to do so, to renounce that citizenship or nationality;

(b) he will not exercise any privilege or accept any benefit of that citizenship or nationality; and

(c) he regards himself as, and will act in all respects as, a citizen of the Republic alone.

(2) If it becomes practicable for a person to whom subsection (1) of this Section applies to renounce the other citizenship or nationality, the Cabinet may by order require him to do so, and if he fails to do so within a reasonable time fixed by the Cabinet, the Cabinet may, by order, deprive him of his citizenship of the Republic. [P.L. 1984-4, §12.]

§413. Regulations.

The Cabinet may make regulations, not inconsistent with this Chapter, prescribing all matters that are required or permitted by this Chapter to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to this Chapter. The Marshall Islands Administrative Procedure Act 1979, 6 MIRC 1, shall not apply with respect to any regulations promulgated under this Chapter. [P.L. 1984-4, §13; amended by P.L. 1991-120, §2(2).]

§414. Registers.

The Cabinet shall cause to be kept and maintained a register or registers, in such form as it

deems appropriate, in which shall be recorded the particulars:

(a) of any person who becomes a citizen by registration pursuant to Article XI, Section 2 of the Constitution of the Marshall Islands;

(b) of any person who becomes a citizen pursuant to this Chapter;

(c) of any person who has lost or renounced his citizenship under this Chapter;

and

(d) of any declaration as to citizenship status made under Article XI, Section 2 of the Constitution of the Marshall Islands. [P.L. 1984-4, §14.]

§415. Authority of the Attorney-General to act on behalf of the Minister

The Minister may either generally or specially authorize the Attorney General, or in his absence, the Deputy Attorney-General, to perform or discharge any power, duty or function vested in, or imposed or conferred upon, the Minister, by or under this Chapter.” [section 415 added by P.L. 2001-30 Oct. 18, 2001, the heading of this section modified for clarity (Rev.2003)]