

CHAPTER 248

CITIZENSHIP*

Acts Nos. 18 of 1948,
40 of 1950,
13 of 1955. AN ACT TO MAKE PROVISION FOR CITIZENSHIP OF SRI LANKA AND FOR MATTERS CONNECTED THEREWITH.

[15th November, 1948.]

Short title. 1. This Act may be cited as the Citizenship Act.

PART II

PART I

CITIZENSHIP BY DESCENT

CITIZENSHIP OF SRI LANKA

Status. 2. (1) With effect from the appointed date, there shall be a status to be known as "the status of a citizen of Ceylon", and, with effect from the 22nd day of May, 1972, to be known as "the status of a citizen of Sri Lanka".

(1A) Every person who immediately prior to the 22nd day of May, 1972, was a citizen of Ceylon shall, on and after that date, be entitled to be, and to be called, a citizen of Sri Lanka.

(2) A person shall be or become entitled to the status of a citizen of Sri Lanka in one of the following ways only :—

- (a) by right of descent as provided by this Act;
- (b) by virtue of registration as provided by this Act or by any other Act authorizing the grant of such status by registration in any special case of a specified description.

(3) Every person who is possessed of the aforesaid status is hereinafter referred to as a "citizen of Sri Lanka".* In any context in which a distinction is drawn according as that status is based on descent or registration,* a citizen of Sri Lanka is referred to as "citizen by descent"* or "citizen by registration" * ; and the status of such citizen is in the like context referred to as "citizenship by descent"* or "citizenship by registration".*

Citizenship and nationality, 3. A citizen of Sri Lanka may, for any purpose in Sri Lanka, describe his nationality by the use of the expression "Citizen of Sri Lanka".

4. (1) Subject to the other provisions of this Part, a person born in Sri Lanka before the appointed date shall have the status of a citizen of Sri Lanka by descent, if —

- (a) his father was born in Sri Lanka, or
- (b) his paternal grandfather and paternal great grandfather were born in Sri Lanka.

(2) Subject to the other provisions of this Part, a person born outside Sri Lanka before the appointed date shall have the status of a citizen of Sri Lanka by descent, if—

- (a) his father and paternal grandfather were born in Sri Lanka, or
- (b) his paternal grandfather and paternal great grandfather were born in Sri Lanka.

5. (1) Subject to the other provisions of this Part, a person born in Sri Lanka on or after the appointed date shall have the status of a citizen of Sri Lanka by descent if at the time of his birth his father is a citizen of Ceylon or Sri Lanka.

(2) Subject to the other provisions of this Part, a person born outside Sri Lanka on or after the appointed date shall have the status of a citizen of Sri Lanka by descent if at the time of his birth his father is a citizen of Ceylon or Sri Lanka and if, within one year from the date of birth, or within such further period as the Minister may for good

* See also Article 26 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

cause allow, the birth is registered in the prescribed manner—

- (a) at the office of a consular officer of Sri Lanka in the country of birth, or
- (b) at the office of the Minister in Sri Lanka.

Certificate of citizenship of Sri Lanka by descent in case of doubt.

6. Upon application made in that behalf in the prescribed manner, the Minister may, in his discretion, grant, in the prescribed form, a certificate of citizenship of Sri Lanka by descent to a person with respect to whose status as a citizen of Sri Lanka by descent a doubt exists ; and a certificate issued under this section to any person shall be conclusive evidence that that person was a citizen of Sri Lanka by descent on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

Foundlings.

7. Every person first found in Sri Lanka as a newly born deserted infant of unknown and unascertainable parentage shall, until the contrary is proved, be deemed to have the status of a citizen of Sri Lanka by descent.

Resumption of citizenship by descent.

8. (1) Any person who ceases under section 19 or section 20 to be a citizen of Sri Lanka by descent may at any time thereafter make application to the Minister for a declaration that such person has resumed the status of a citizen of Sri Lanka by descent ; and the Minister may make the declaration for which the application is made—

- (a) if that person renounces citizenship of any other country of which he is a citizen, in accordance with the law in force in that behalf in that other country ; and
- (b) if that person is, and intends to continue to be, ordinarily resident in Sri Lanka.

(2) Where a declaration is made in relation to any person under subsection (1), that person shall, with effect from such date as may be specified in the declaration, again have the status of a citizen of Sri Lanka by descent.

(3) Any person who makes or has made an application under subsection (1) may,

in his application or by subsequent letter, make a request for the grant to any minor child of that person of the status of a citizen of Sri Lanka by descent ; and if in any such case a declaration under subsection (1) is made in relation to that person, each minor child specified in the declaration shall have the status of a citizen of Sri Lanka by descent.

(4) The Minister may refuse to make a declaration under subsection (1) in relation to any person on grounds of public policy ; and such refusal shall be final and shall not be contested in any court, but without prejudice to the power of the Minister subsequently to make such a declaration in relation to that person.

(5) The Minister may in his discretion exempt any person from the requirements of paragraph (a) of subsection (1) of this section, and make a declaration under that subsection notwithstanding that such person does not comply with the said requirements.

9. (1) Any reference to father, paternal grandfather, or paternal great grandfather in any of the provisions of this Part relating to citizenship by descent shall, in regard to a person born out of wedlock and not legitimated, be deemed to be a reference to mother, maternal grandfather, or maternal great grandfather respectively.

Persons born out of wedlock.

(2) A person shall be deemed, for the purposes of this section, to have been legitimated if his parents married each other subsequent to his birth.

10. Any reference in this Part to the status or description of the father of a person at the time of that person's birth shall, in regard to a person born after the death of his father, be deemed to be a reference to the status or description of the father at the time of the father's death ; and where that death occurred before, and the birth occurs on or after the appointed date, the status or description which would have been applicable to the father had he died on or after that date shall be deemed to be the status or description applicable to him at the time of his death.

Posthumous persons

PART III

CITIZENSHIP BY REGISTRATION

Persons entitled to registration as citizens.

11. (1) This section shall apply to any applicant for registration as a citizen of Sri Lanka who has the following qualifications: -

- (a) that the applicant is of full age and of sound mind :
- (b) that the applicant-
 - (i) is a person whose mother is or was a citizen of Ceylon or Sri Lanka by descent or would have been a citizen of Ceylon or Sri Lanka by descent if she had been alive on the appointed date, and who, being married, has been resident in Sri Lanka throughout a period of seven years immediately preceding the date of the application, or, being unmarried, has been resident in Sri Lanka throughout a period of ten years immediately preceding the date of the application, or
 - (ii) is a person, whose father was a citizen of Ceylon or Sri Lanka by descent, and who would have been a citizen of Ceylon or Sri Lanka under subsection (2) of section 5 if his birth had been registered in accordance with the provisions of that subsection, or
 - (iii) is a person whose father, having been a citizen of Ceylon or Sri Lanka by descent whether at or before the time of the birth of that person, ceased under section 20 to be a citizen of Ceylon or Sri Lanka; and
- (c) that the applicant is, and intends to continue to be, ordinarily resident in Sri Lanka.

(2) Subject to the other provisions of this Part, a person to whom this section applies shall—

- (a) if he has the qualification set out in sub-paragraph (i) of paragraph (b) of subsection (1) of this section, be registered as a citizen of Sri Lanka on his making application in that behalf to the Minister in the prescribed manner, or
- (b) if he has the qualification set out in sub-paragraph (ii) or sub-paragraph (iii) of the aforesaid paragraph (b), be so registered on his making such application, unless the Minister decides to disallow such application on grounds of public policy.

(3) The Minister's refusal, under subsection (2) (b) of this section, to allow the application of any person for registration as a citizen of Sri Lanka shall be final and shall not be contested in any court.

12. (1) Subject to the other provisions of this Part, no person who is the spouse, or the widow or widower, of a citizen of Ceylon or Sri Lanka by descent or registration, shall be registered as a citizen of Sri Lanka under this Act, except in accordance with the succeeding provisions of this section.

Registration of spouse, widow or widower of citizen of Ceylon or Sri Lanka.

(2) A person who desires to be registered as a citizen of Sri Lanka under this section shall send an application in the prescribed form and manner to the prescribed officer.

(3) After the receipt of the application under subsection (2), the prescribed officer shall send the application to the Minister, if he is satisfied that the applicant has the following qualifications :—

- (a) that the applicant has the qualifications specified in paragraphs (a) and (c) of subsection (1) of section 11;
- (b) that the applicant has been resident in Sri Lanka throughout a period of one year immediately preceding the date of the application of such applicant; and

(c) that the applicant is the spouse, or the widow or widower, of a citizen of Ceylon or Sri Lanka by descent or registration.

(4) The Minister may refuse an application sent to him under subsection (3), if he is satisfied that it is not in the public interest to grant the application.

(5) Where the Minister grants an application for registration made under this section by any person, such person shall be registered as a citizen of Sri Lanka.

(6) The Minister's refusal under subsection (4) of this section to allow the application of any person for registration as a citizen of Sri Lanka shall be final and shall not be contested in any court.

Registration, as citizens, of persons to whom section 11 or 12 do not apply.

13. (1) Subject to the other provisions of this Part, a person to whom section 11 or section 12 does not apply may, on his making application in that behalf to the Minister in the prescribed manner, be registered as a citizen of Sri Lanka if the Minister is satisfied—

(a) that he is a person who has rendered distinguished public service or is eminent in professional, commercial, industrial, or agricultural life, and

(b) that he is, and intends to continue to be, ordinarily resident in Sri Lanka.

(2) The number of persons registered as citizens of Sri Lanka under this section shall not exceed twenty-five in any year.

(3) The Minister's refusal under this section to allow the application of any person for registration as a citizen of Sri Lanka shall be final and shall not be contested in any court.

Minor children of applicants for registration as citizens of Sri Lanka.

14. (1) Where an applicant for registration as a citizen of Sri Lanka has any minor child, he may in his application or by subsequent letter make a request for the inclusion of the name of that child in the certificate of registration which may be granted to him under this Part.

(2) Where a request as aforesaid is made by an applicant under section 11 or section 12 or section 13, the Minister may, subject to the other provisions of this Part, comply with the request if the applicant is registered as a citizen of Sri Lanka.

15. (1) Save as provided in section 11, a person who has ceased to be a citizen of Sri Lanka shall not be granted citizenship by registration.

Persons who are not to be granted citizenship by registration.

(2) A person who is a citizen of any country other than Sri Lanka under any law in force in that country shall not be granted citizenship by registration unless he renounces citizenship of that country in accordance with that law.

(3) The Minister may in his discretion exempt any person from the provisions of subsection (2) of this section; and nothing in that subsection shall prevent the registration as a citizen of Sri Lanka of any person so exempted.

16. There shall be kept and maintained in the prescribed form, a register of persons who are granted citizenship by registration.

Register.

17. The Minister shall grant, in the prescribed form, a certificate of registration as a citizen of Sri Lanka to every person who is registered under section 11 or section 12 or section 13 and, where he decides to comply with a request made by that person under section 14, shall include in the certificate the name of every minor child to whom the request relates.

Certificates of registration.

18. (1) An alien to whom a certificate of registration as a citizen of Sri Lanka is granted shall, on subscribing the prescribed oath or affirmation of allegiance and the prescribed oath or affirmation of citizenship, have the status of a citizen of Sri Lanka by registration as from the date of that certificate.

Effect of certificates of registration.

(2) A minor child whose name is included in a certificate of registration as a citizen of Sri Lanka shall have the status of a citizen of Sri Lanka by registration as from the date of that certificate.

PART IV

Loss OF CITIZENSHIP

Renunciation of citizenship of Sri Lanka.

19. If a citizen of Sri Lanka of full age and of sound mind makes a declaration of renunciation of citizenship of Sri Lanka in the prescribed manner, the Minister shall cause the declaration to be registered, and, upon registration thereof, the declarant shall cease to be a citizen of Sri Lanka :

Provided however that the Minister may withhold registration of such declaration if it is made during the continuance of any war in which Sri Lanka is engaged and if, by the operation of any law enacted in consequence of that war, the declarant is deemed for the time being to be an enemy.

Restrictions against dual citizenship of persons who are citizens by descent.

20. (1) Where a person born before the appointed date is a citizen of Ceylon by descent and is also on that date a citizen of any other country, that person shall—

(a) on the 31st day of December, 1952, or

(b) on the day on which he attains the age of twenty-two years,

whichever day is in his case the later, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

(2) Where a person is a citizen of Ceylon or Sri Lanka by descent and that person, by operation of law, is at the time of his birth or becomes thereafter, also a citizen of any other country, that person shall—

(a) on the 31st day of December, 1952, or

(b) on the day immediately succeeding the date of the expiration of a period of twelve months from the date on which he so becomes a citizen of that other country, or

(c) on the day on which he attains the age of twenty-two years,

whichever day is in his case the latest, cease to be a citizen of Sri Lanka, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

(3) A person who, under subsection (2) of section 5, is a citizen of Sri Lanka by descent but whose father is or was a citizen of Ceylon or Sri Lanka by registration, shall, on the day on which he attains the age of twenty-two years, cease to be a citizen of Sri Lanka, unless before that day he transmits to the Minister in the prescribed manner and form a declaration of retention of citizenship of Sri Lanka-

(4) In the case of any person to whom the provisions of any of the preceding subsections apply, the Minister may in his discretion direct that those provisions shall apply in that case subject to the modification that the reference therein to the age of twenty-two years shall be construed as a reference to such higher age as may be specified in the direction.

(5) A person who is a citizen of Sri Lanka by descent shall cease to be a citizen of Sri Lanka if he voluntarily becomes a citizen of any other country.

(6) Where a person who, having been exempted from the requirements of paragraph (a) of subsection (1) of section 8, resumes the status of a citizen of Sri Lanka by descent by virtue of a declaration under that subsection, that person shall, on the day immediately succeeding the date of the expiration of a period of three months (or such longer period as the Minister may for good cause allow) from the date of the declaration, cease to be a citizen of Sri Lanka, unless he earlier complies with the requirements of the aforesaid paragraph (a).

21. (1) A person who is a citizen of Sri Lanka by registration shall cease to be a citizen of Sri Lanka if he voluntarily becomes a citizen of any other country.

Restrictions against dual citizenship of persons who are citizens by registration.

(2) Where a person who is registered as a citizen of Sri Lanka thereafter becomes, by operation of law, also a citizen of any other

country, that person shall—

- (a) on the day immediately succeeding the date of the expiration of a period of three months (or such longer period as the Minister may for good cause allow) from the date on which he so becomes a citizen of that other country, or
- (b) on the day on which he attains the age of twenty-two years,

whichever day is in his case the later, cease to be a citizen of Sri Lanka, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

(3) Where any person—

- (a) who, having been exempted from the provisions of subsection (2) of section 15, is registered under this Act as a citizen of Sri Lanka, or
- (b) who is registered under the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949*, as a citizen of Ceylon or Sri Lanka,

continues after such registration to be a citizen of any other country, that person shall—

- (i) on the day immediately succeeding the date of the expiration of a period of three months (or such longer period as the Minister may for good cause allow) from the date of his registration as a citizen of Ceylon or Sri Lanka, or
- (ii) on the day on which he attains the age of twenty-two years,

whichever day is in his case the later, cease to be a citizen of Ceylon or Sri Lanka, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

22. In any case where any person purports to renounce citizenship of any country for the purpose of acquiring, retaining or resuming, under any provision of this Act, the status of a citizen of Sri Lanka, and it is found at any time that the renunciation was not in accordance with or not effective under the law in force in that behalf in such other country, that person shall be deemed never to have acquired, retained or resumed, under that provision, the status of a citizen of Sri Lanka; and if the Minister makes a declaration to that effect in any such case, the declaration shall be final and shall not be contested in any court.

Cases of invalid or ineffective renunciations of foreign citizenship.

23. A person who is a citizen by registration shall cease to be a citizen of Sri Lanka if that person resides outside Sri Lanka for five consecutive years/ or more, exclusive of any period during which that person—

Residence outside Sri Lanka for five consecutive years.

- (a) is employed abroad as an officer in the service of the Government of Sri Lanka, or
- (b) is abroad as a representative of the Government of Sri Lanka, or
- (c) being the spouse or minor child of a citizen of Sri Lanka who is abroad in any of the capacities specified in paragraphs (a) and (b) of this section, resides abroad with that citizen, or
- (d) resides abroad on a holiday or for reasons of health, or
- (e) is a student at an educational institution abroad, or
- (f) resides abroad with a spouse who is a citizen of Sri Lanka by descent, or
- (g) is abroad for any prescribed purpose.

24. (1) Where the Minister is satisfied that a person who is a citizen of Sri Lanka by registration -

Declaration by Minister of loss of citizenship in specified circumstances.

- (a) has been convicted of an offence under this Act, or

• See List of enactments omitted from the Revised Edition.

- (b) has been convicted of any offence under Chapter VI of the Penal Code; or
- (c) was registered as a citizen of Sri Lanka by means of fraud, false representation, or the concealment of material circumstances or by mistake; or
- (d) has, within five years after the date of registration as a citizen of Ceylon or Sri Lanka, been sentenced in any court to imprisonment for a term of twelve months or more; or
- (e) has, since the date of his becoming a citizen of Ceylon or Sri Lanka by registration, been for a period of not less than two years ordinarily resident in a foreign country of which he was a national or citizen at any time prior to that date, and has not maintained a substantial connexion with Sri Lanka; or
- (f) has taken an oath or affirmation of, or made a declaration of, allegiance to a foreign country; or
- (g) has so conducted himself that his continuance as a citizen of Sri Lanka is detrimental to the interests of Sri Lanka,

the Minister may by order declare that such person shall cease to be such a citizen, and thereupon the person in respect of whom the order is made shall cease to be a citizen of Sri Lanka by registration.

(2) Before the Minister makes any order in relation to a person to whom paragraph (g) of subsection (1) of this section applies, he shall refer that person's case for inquiry by one or more persons appointed by him, with such qualifications as may be prescribed. The person or persons who have been authorized to make an inquiry under the preceding provisions of this section shall, as soon as the inquiry is completed, make a written report to the Minister. He shall not make any order under subsection (1) of this section without carefully considering such report.

(3) Where a person ceases to be a citizen of Sri Lanka under subsection (1) of this section, the Minister may by order direct that all or any of the persons specified in the following paragraphs shall cease to be citizens of Sri Lanka, and thereupon they shall cease to be citizens:—

- (a) all or any of the minor children of such person who have been included in the certificate of registration issued to him at the time of his registration, and
- (b) the spouse, widow or widower of such person, if such spouse, widow or widower was registered under this Act.

PART V

MISCELLANEOUS

25. Any person who, for the purpose of Offence. procuring anything to be done or not to be done under this Act, makes any statement which he knows to be false in a material particular shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding three months.

26. Every person to whom a certificate Fees. under this Act is granted shall, in respect of that certificate, pay, in the prescribed manner, a fee according to the prescribed rates.

27. (1) The Minister may make Regulations. all such regulations as may be necessary for giving effect to the provisions of this Act, and in particular for prescribing any matter which is stated or required to be prescribed.

(2) No regulation made by the Minister shall have effect until it has received the approval of Parliament and notification of such approval is published in the Gazette.

28. (1) In this Act, unless the context Interpretation. otherwise requires—

"alien" means a person who is not a citizen of Sri Lanka by descent;

"appointed date" means the 15th day of November, 1948;

" consular officer of Sri Lanka " includes an Ambassador, a High Commissioner, a Commissioner, a representative, or a Trade Commissioner, of Sri Lanka;

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

" prescribed " means prescribed by regulation made under this Act.

(2) For the purposes of this Act a person of full age is a person who has attained the age of twenty-one years.