

## ARRANGEMENT OF SECTIONS

### Part I—Preliminary

#### *Section*

1. Short title and commencement.
2. Interpretation.
3. References in existing laws to British subject to be construed as reference to Commonwealth citizen.

### Part II—Acquisition of Citizenship

4. Citizenship on adoption.
5. Registration of Commonwealth citizens, citizens of the Republic of Ireland and British protected persons.
6. Registration of minor children.
7. Naturalisation.
8. Effect of certificate of naturalisation.

### Part III—Loss of Citizenship

9. Deprivation of citizenship.
10. Deprivation of citizenship on the exercise of certain rights in other countries or failure to renounce other citizenship.
11. Renunciation of citizenship.

### Part IV—Miscellaneous

12. Certificate of citizenship in case of doubt.
13. Form of oath.
14. Evidence.
15. Offences.
16. Regulations.

### The Schedule

---

---

1st Session First Legislature Trinidad and Tobago

11 Elizabeth II

---

---



TRINIDAD AND TOBAGO

**Act No. 11 of 1962**

[L.S.]

AN ACT relating to citizenship of Trinidad and Tobago.

[Assented to 30th August, 1962]

WHEREAS it is proposed that, upon the relinquishment <sup>Preamble</sup> by Her Majesty's Government in the United Kingdom of responsibility for the Government of Trinidad and Tobago, the Constitution will contain certain provisions relating to citizenship of Trinidad and Tobago including provisions for the acquisition of citizenship by birth and by descent :

And Whereas under the said Constitution it will be within the competence of the Parliament of Trinidad and Tobago to make laws for the acquisition and termination of and other matters relating to citizenship :

And Whereas it is considered expedient to provide for the acquisition of citizenship by registration, naturalisation and otherwise, for the termination of citizenship and for other matters relating to citizenship generally with the intent that such provisions will come into operation simultaneously with the coming into operation of the proposed constitutional provisions :

Enactment

NOW, THEREFORE, BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same as follows :

## PART I

### PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the *Trinidad and Tobago Citizenship Act, 1962*.

(2) This Act shall come into operation on the 31st day of August, 1962.

Interpretation

2. (1) In this Act,

- (a) "alien" means a person who is not a Commonwealth citizen, a British protected person nor a citizen of the Republic of Ireland ;
- (b) "British protected person" means a person who is a British protected person for the purposes of the British Nationality Act, 1948 of the United Kingdom ;
- (c) "certificate of naturalisation" means a certificate of naturalisation issued under this Act ;
- (d) "the Commonwealth" has the meaning assigned to it by the Constitution, and "Commonwealth country" shall be construed accordingly ;
- (e) "Commonwealth citizen" means a person who under the Constitution has the status of a Commonwealth citizen ;
- (f) "the Constitution" means the constitutional laws of Trinidad and Tobago ;

- (g) "consulate of Trinidad and Tobago" means an office of a consular officer of the Government or where there is no such office such office as may be prescribed ;
- (h) "foreign country" means a country (other than the Republic of Ireland) that is not part of the Commonwealth ;
- (i) "Minister" means the Minister to whom responsibility for matters relating to citizenship has been assigned ;
- (j) "minor" means a person who has not attained the age of twenty-one years ;
- (k) "responsible parent" in relation to a child means the father, or where the father is dead, or where the custody of the child has been awarded to the mother by a court of competent jurisdiction, or where the child was born out of wedlock and is not legitimated by the subsequent marriage of his parents, "responsible parent" means the mother ;
- (l) "service under the Government" means service, whether within Trinidad and Tobago, under the Government or under an authority of the Government ;

(2) For the purposes of this Act, a person shall be of full age if he attains the age of twenty-one years and of capacity if he is not of unsound mind.

(3) A person born out of wedlock and legitimated by the subsequent marriage of his parents shall, as from the date of the marriage or of the commencement of this Act, whichever is later, be treated for the purposes of this Act as if he had been born legitimate.

(4) A person shall be deemed for the purposes of this Act to have been legitimated by the subsequent marriage of his parents if by the law of the place where his father was domiciled at the time of the marriage the marriage operated immediately or subsequently to legitimate him, and not otherwise.

(5) Where a person is required to renounce the citizenship of a country but under the law of that country he is not permitted so to do, he may make such declaration concerning that citizenship as may be prescribed.

References in existing laws to British subject to be construed as references to Commonwealth citizen

Existing laws to have effect in relation to citizens of the Republic of Ireland as if they were Commonwealth citizens.

3. (1) A reference to a British subject in any law in force in Trinidad and Tobago on the commencement of this Act shall be construed as a reference to a Commonwealth citizen.

(2) A law in force in Trinidad and Tobago on the date of the commencement of this Act and any enactment which, although passed or made before that date, comes into operation on or after that date shall have effect in relation to citizens of the Republic of Ireland who are not Commonwealth citizens in like manner as they have effect in relation to Commonwealth citizens.

## PART II

### ACQUISITION OF CITIZENSHIP

Citizenship on adoption

4. Where under a law in force in Trinidad and Tobago relating to the adoption of children, an adoption order is made by a competent court in respect of a minor who is not a citizen of Trinidad and Tobago, then, if the adopter, or in the case of a joint adoption the male adopter, is a citizen of Trinidad and Tobago the minor shall become a citizen of Trinidad and Tobago as from the date of the order.

Registration of Commonwealth citizens, citizens of the Republic of Ireland and British protected persons

5. (1) Subject to this section, the Minister may cause any person of full age and capacity to whom this section applies to be registered as a citizen of Trinidad and Tobago if that person makes an application for registration to the Minister in the prescribed manner and satisfies the Minister—

- (a) that he is of good character ;
- (b) that he has an adequate knowledge of the English language and of the responsibilities of a citizen of Trinidad and Tobago ;
- (c) that he has either resided in Trinidad and Tobago ; or has been in the service of the Government, or has had partly such residence and partly such service, throughout the period of five years, or such shorter period (not being less than twelve months) as the Minister may in the special circumstances of any particular case accept, immediately preceding the date of his application ;
- (d) that he intends, if registered, to continue to reside in Trinidad and Tobago or to enter or continue in the service of the Government.

(2) A person to whom this section applies shall not be registered under this section unless he first renounces any other citizenship that he may possess and, if he is not a Commonwealth citizen, takes the oath of allegiance.

(3) This section applies to a Commonwealth citizen, a citizen of the Republic of Ireland, and to a British protected person.

6. (1) The Minister may cause the minor child of a citizen of Trinidad and Tobago to be registered as a citizen of Trinidad and Tobago upon application made in the prescribed manner by the responsible parent or the guardian of such child. Registration of  
minor children

(2) The Minister, in such special circumstances as may be prescribed, may cause any minor to be registered as a citizen of Trinidad and Tobago.

7. (1) The Minister may grant a certificate of naturalisation to any alien of full age and capacity who makes application therefor in the prescribed manner and satisfies the Minister— Naturalisation

- (a) that he has the qualifications specified in paragraphs (a) and (b) of subsection (1) of section 5 ;
- (b) that he has resided in Trinidad and Tobago throughout the period of twelve months immediately preceding the date of his application;
- (c) that during the seven years immediately preceding the said period of twelve months he has resided in Trinidad and Tobago or has had service under the Government, or has had partly such residence and partly such service, for periods amounting in the aggregate to not less than five years ;
- (d) that he intends in the event of a certificate being granted to him to continue to reside in Trinidad and Tobago or to enter or continue in the service of the Government.

(2) The Minister may, in such cases as he thinks fit—

- (a) allow a continuous period of twelve months ending not later than six months before the date of the application to be reckoned for the purpose of paragraph (b) of subsection (1) as if it had immediately preceded that date ; and

(b) allow periods of residence or of service earlier than the seven years preceding the date of the application to be reckoned in computing the aggregate period mentioned in paragraph (c) of subsection (1).

(3) An alien shall not be granted a certificate under this section unless he first renounces the citizenship of any other country which he may possess and takes the oath of allegiance.

Effect of  
certificate of  
naturalisation

8. A person to whom a certificate of naturalisation has been granted shall become a citizen of Trinidad and Tobago by naturalisation as from the date of the certificate.

### PART III

#### LOSS OF CITIZENSHIP

Deprivation of  
citizenship

9. (1) A citizen of Trinidad and Tobago who became such by registration or naturalisation shall cease to be a citizen of Trinidad and Tobago if he is deprived of that citizenship by an order of the Minister made under this section.

(2) Subject to this section, the Minister may by order deprive such citizen of his citizenship if he is satisfied that the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material particular.

(3) Subject to this section, the Minister may by order deprive any citizen of Trinidad and Tobago who is such by registration or naturalisation of his citizenship if he is satisfied that that person has been ordinarily resident in a foreign country or foreign countries for a continuous period of four years and has not at least once during that period returned to Trinidad and Tobago or registered in the prescribed manner in a consulate of Trinidad and Tobago or by notice in writing to the Minister signified his intention to retain citizenship of Trinidad and Tobago.

(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 be made and, if the order is proposed to be made on any of the grounds specified in subsection (2), of his right to an inquiry under this section.

(5) Whenever it is proposed to make an order on any of the grounds specified in subsection (2), the Minister shall, if the person against whom the order is proposed to be made so requests, refer the case for inquiry and report to a committee appointed by him for the purpose.

(6) The powers, rights and privileges of a committee appointed under subsection (5) are the same as those conferred on a commission under the Commissions of Enquiry Ordinance and the provisions of that Ordinance shall, *mutatis mutandis*, apply in relation to an inquiry under this section and to a person summoned to give evidence at the inquiry.

10. (1) The Minister may by order deprive a citizen of Trinidad and Tobago, who became such by registration or naturalisation, of his citizenship if he is satisfied that such citizen while of full age and capacity voluntarily claimed and exercised—

Deprivation of citizenship on the exercise of certain rights in other countries or failure to renounce other citizenship

(a) in a foreign country ; or

(b) in any other country under the law of which provision is made for conferring on its own citizens rights not available to Commonwealth citizens generally,

any right available to him under the law of that country, being a right accorded exclusively to its own citizens.

(2) Where at the time of his registration or naturalisation as a citizen of Trinidad and Tobago a person was not permitted to renounce his citizenship of another country under the law of that country but that law was subsequently altered to permit him so to do, the Minister may, by notice in writing, require that person to renounce his citizenship of that other country within such period as may be specified by the Minister, and if that person fails to renounce his citizenship of that other country within the period specified, the Minister may by order deprive that person of his citizenship of Trinidad and Tobago.

(3) Upon an order being made under this section in respect of any person, he shall cease to be a citizen of Trinidad and Tobago.

(4) Subsections (4), (5) and (6) of section 9 apply, *mutatis mutandis*, in relation to an order that it is proposed to be made under subsection (1) of this section.

Renunciation  
of citizenship

11. (1) Subject to this section, if any citizen of Trinidad and Tobago of full age and capacity who is or is about to become a citizen of another country and for that reason makes and registers in the prescribed manner a declaration of renunciation of his citizenship of Trinidad and Tobago upon the registration that person shall cease to be a citizen of Trinidad and Tobago.

(2) Where during any war in which Trinidad and Tobago is engaged, a declaration is made under this section by a person who is or is about to become a citizen of another country, that declaration shall not be registered without the consent of the Minister.

(3) For the purposes of this section a woman who has been married shall be deemed to be of full age.

## PART IV

### MISCELLANEOUS

Certificate of  
citizenship in  
cases of doubt

12. The Minister may, in such cases as he thinks, on application in the prescribed manner, grant a certificate to a person with respect to whose citizenship of Trinidad and Tobago a doubt exists, and a certificate issued under this section is, unless it has been obtained by means of fraud, false representations or concealment of any material fact, conclusive evidence that such person was a citizen of Trinidad and Tobago on the date of the certificate, but without prejudice that he was such citizen at an earlier date.

Form of Oath

13. An oath of allegiance required to be taken under this Act or under the provisions of the Constitution relating to citizenship shall be in the form specified in the Schedule.

Evidence

14. (1) A document purporting to be a notice, certificate, order, authority or declaration or an entry in a register, or subscription of an oath of allegiance, given, granted, issued or made in terms of this Act, or any law relating to nationality or naturalisation in force in Trinidad and Tobago at any time prior to the commencement of this Act shall be received in evidence and shall, unless the contrary is proved, be deemed to have been given, granted, issued or made by or on behalf of the person to whom or on whose behalf it was made.

(2) Any entry in a register made pursuant to any enactment referred to in subsection (1) shall be received as evidence of the matters stated therein.

(3) *Prima facie* evidence of a document referred to in subsection (1) of this section 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.

15. (1) A person who, for the purpose of procuring <sup>Offences</sup> anything to be done or not to be done, knowingly or recklessly makes a statement which is false in a material particular is, without prejudice to any other proceedings that might be taken against him, guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for three months or to both such fine and imprisonment.

(2) Any person who fails to comply with any requirement imposed on him by regulations made under this Act is guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for six months.

16. (1) The Minister may by regulations <sup>Regulations</sup> make provision generally for the carrying out of this Act or of the Constitution and in particular for—

- (a) prescribing anything which is to be prescribed in relation to or in connection with citizenship ;
- (b) the registration of anything required or authorised to be registered ;
- (c) the administration and taking of oaths of allegiance, for the time within which such oaths shall be taken and for the registration of such oaths ;
- (d) the giving of any notice required or authorised to be given to or by any person ;
- (e) for the cancellation of the registration of, and the cancellation of certificates of naturalisation relating to persons deprived of citizenship, and for requiring such certificates to be delivered up for those purposes ;
- (f) for the imposition and recovery of fees in respect of any application made to the Minister in respect of any registration, or the grant of

any certificate, or the taking of any oath of allegiance, authorised to be made granted or taken, and in respect of supplying a certified copy of any notice, certificate, order, declaration or entry given, granted or made and for the application of such fees.

(2) Regulations made under this section shall be laid before the House as soon as may be after they are made, and the House may, within the period of forty days beginning with the day in which such regulations are so laid, by resolution amend or revoke such regulations, and, upon publication of the resolution of the House in the *Royal Gazette*, the regulations shall continue to have effect or shall cease to have effect in accordance with the terms of the resolution, but without prejudice to the validity of anything done thereunder in the meantime or to the making of a new order.

Section 13

#### THE SCHEDULE

##### OATH OF ALLEGIANCE

1. I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, and that I will faithfully observe the laws of Trinidad and Tobago and fulfill my duties as a citizen of Trinidad and Tobago.

So help me God.

##### AFFIRMATION OF ALLEGIANCE WHERE A PERSON IS PERMITTED BY LAW TO AFFIRM

2. I, A.B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law, and that I will faithfully observe the laws of Trinidad and Tobago and fulfill my duties as a citizen of Trinidad and Tobago.

Passed in the House of Representatives this twenty-fourth day of August, 1962.

J. P. OTTLEY  
*Acting Clerk, House of Representatives*

Passed in the Senate this twenty-fifth day of August, 1962.

J. E. CARTER  
*Acting Clerk of the Senate*