
Fifth Session Third Parliament Trinidad and Tobago
25 Elizabeth II



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R. No. 11 of 1976 (259)

TRINIDAD AND TOBAGO

Act No. 11 of 1976

[L.S.]

C. D. of Constitution ~~119/76~~ (299)
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AN ACT to re-enact and revise certain laws respecting
citizenship of the Republic of Trinidad and Tobago.

[Assented to 26th April, 1976]

BE IT ENACTED by the Queen's Most Excellent Majesty, ^{Enactment}
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:—

1. This Act may be cited as the Citizenship of the ^{Short title}
Republic of Trinidad and Tobago Act, 1976.

PRELIMINARY

Interpretation

2. (1) In this Act—

“alien” means a person who is not a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland;

“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;

“certificate of naturalisation” means a certificate of naturalisation issued under this Act;

“the Commonwealth” and “Commonwealth country” means Trinidad and Tobago, any country to which section 18 of the Constitution applies and any dependency of any such country;

“Commonwealth citizen” means a citizen of any country to which section 18 of the Constitution applies, and includes a citizen of Trinidad and Tobago;

“the Constitution” means the Constitution of the Republic of Trinidad and Tobago set out in the Schedule to the Constitution of the Republic of Trinidad and Tobago Act, 1976;

“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;

“foreign country” means a country other than the Republic of Ireland that is not part of the Commonwealth;

“the former Constitution” means the Trinidad and Tobago Constitution set out in the Second Schedule to the Trinidad and Tobago (Constitution) Order-in-Council, 1962;

“Minister” means the member of the Cabinet to whom responsibility for the subject of citizenship is assigned;

“minor” means a person who has not attained the age of eighteen years;

“responsible parent”, in relation to a child means the father, save that 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;

“service under the Government” means service, whether within or outside Trinidad and Tobago, under the Government or under an authority of the Government.

(2) For the purposes of this Act, a person shall be—

- (a) of full age, if he attains the age of eighteen years; and
- (b) of capacity, if he is not mentally ill, within the meaning of the Mental Health Act, No. 30 of 1975, 1975.

(3) A person born out of wedlock and legitimated by the subsequent marriage of his parents shall, as from the date of the marriage, 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 instead make the prescribed declaration concerning that citizenship.

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

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

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

4. A law in force in Trinidad and Tobago on 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 I

ACQUISITION OF CITIZENSHIP

Citizenship by descent

5. (1) The Minister shall cause a child born outside Trinidad and Tobago of a citizen of Trinidad and Tobago by descent to be registered as a citizen of Trinidad and Tobago upon receipt of the prescribed application made—

- (a) by the responsible parent or the guardian of such child before the child attains the age of twelve years; or
- (b) by the child within one year of his attaining full age within the meaning of section 2 or the law of the country of which he is a citizen.

(2) Nothing in subsection (1) applies to a child of a person who became a citizen of Trinidad and Tobago by virtue of that subsection.

Citizenship on adoption

6. 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

7. (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 the prescribed application for registration to the Minister 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 duties 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 President 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, 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.

8. (1) The Minister may cause the minor child born outside Trinidad and Tobago of a citizen of Trinidad and Tobago to be registered as a citizen of Trinidad and Tobago upon receipt of the prescribed application made 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.

9. (1) Any woman who on the 31st August, 1962 was or had been married to a person—

Marriage to citizen
of Trinidad and
Tobago.

- (a) who became a citizen of Trinidad and Tobago by virtue of section 10 of the former Constitution; or
- (b) who having died before the 31st August, 1962 would but for his death have become a citizen of Trinidad and Tobago by virtue of that section,

shall be entitled, upon making the prescribed application and, upon taking the oath of allegiance, to be registered as a citizen of Trinidad and Tobago.

(2) Any woman who between the 30th August, 1962 and the commencement of this Act married a person who at the date of the marriage was or who later became a citizen of Trinidad and Tobago shall be entitled, upon making the prescribed application and upon taking the oath of allegiance to be registered as a citizen of Trinidad and Tobago.

(3) A woman who at the date of commencement of this Act is married to, or who after that date marries, a person who is or becomes a citizen of Trinidad and Tobago shall be entitled, upon making the prescribed application and upon taking the oath of allegiance to be registered as a citizen of Trinidad and Tobago.

(4) A person who is a citizen of a country other than Trinidad and Tobago shall not be entitled to be registered as a citizen of Trinidad and Tobago under subsection (1), (2) or (3) unless he renounces his citizenship of that other country and registers the prescribed declaration of his intention concerning residence or employment.

Acquisition of
citizenship by a
husband of a citizen

10. Without prejudice to the operation of sections 7 and 12, the husband of a citizen is entitled upon making the prescribed application and upon taking the oath of allegiance, to be registered as a citizen of Trinidad and Tobago if he satisfies the requirements of section 7 or 12, as the case may be (other than as to residence) and—

- (a) in the case of a person to whom section 7 applies, 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 immediately preceding the date of his application;
- (b) in the case of a person to whom section 12 applies, he has resided in Trinidad and Tobago throughout the period of seven years immediately preceding the date of his application.

11. (1) A citizen of Trinidad and Tobago shall cease ^{Dual citizenship} to be such a citizen if he acquires the citizenship of another country by voluntary act other than marriage.

(2) A citizen of Trinidad and Tobago by birth or descent who ceases to be a citizen by reason of the voluntary acquisition of citizenship of another country shall reacquire citizenship of Trinidad and Tobago if he renounces his citizenship of the other country and registers the prescribed declaration of his intention concerning residence and employment.

(3) Any person who ceases to be a citizen of Trinidad and Tobago under the former Constitution by reason of his failure to renounce his citizenship of another country shall, if the citizenship of that other country was acquired involuntarily or by marriage, be deemed not to have ceased to be a citizen by reason of such failure; and, unless he has since acquired citizenship of a foreign country by voluntary act other than marriage, or he has otherwise lost his citizenship under section 14, he shall continue to be a citizen under this Act.

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

- (a) that he has the qualifications specified in paragraphs (a) and (b) of subsection (1) of section 7,
- (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

13. 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 2

LOSS OF CITIZENSHIP

Deprivation of citizenship

14. (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) 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.

(4) 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.

(5) The powers, rights and privileges of a committee appointed under subsection (4) 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. Ch. 7. No. 2

15. (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 that person, while a citizen of Trinidad and Tobago, and of full age and capacity voluntarily claimed and exercised—

(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,

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

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 (3), (4) and (5) of section 14 apply, *mutatis mutandis*, in relation to an order that it is proposed to be made under subsection (1).

Renunciation of
citizenship

16. (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.

Retention of
citizenship after
renunciation in
special case

17. Where a person who is not a citizen or national of any other country renounces his citizenship of Trinidad and Tobago but has not become a citizen or national of another country within six months of the renunciation, he shall be deemed to have remained and shall continue to be a citizen of Trinidad and Tobago notwithstanding the renunciation.

PART 3

ACQUISITION AND LOSS OF RESIDENT STATUS

Grant of resident
status to former
citizens by birth

18. A citizen of Trinidad and Tobago by birth who ceases to be a citizen by reason of the voluntary acquisition of citizenship of another country is, upon making the prescribed application, entitled to be granted by the Minister the status of a resident for the purposes of the Immigration Act, 1969, and the provisions of that Act shall apply accordingly.

19. A person who—

- (a) is a citizen of a country other than Trinidad and Tobago; and
- (b) at the date of the commencement of this Act is married to or after that date marries a woman who is or becomes a citizen of Trinidad and Tobago,

Grant of resident
status to the
husband of a citizen

is upon making the prescribed application, entitled to be granted by the Minister the status of a resident for the purposes of the Immigration Act, 1969 and the provisions of that Act shall, subject to sections 20 and 21, apply accordingly.

20. (1) A person who becomes a resident of Trinidad and Tobago by virtue of section 19 and who the Minister is satisfied is or has been—

Loss of resident
status

- (a) engaged in activities detrimental to the security of Trinidad and Tobago; or
- (b) an habitual criminal,

shall be deemed to have lost the status of a resident at the time of engaging in such activities or of becoming an habitual criminal.

(2) For the purposes of paragraph (b) of subsection (1), an habitual criminal is a person who—

- (a) is not less than thirty years of age;
- (b) has been convicted of an indictable offence punishable with imprisonment for two years or more and has been convicted on or at least three previous occasions since the age of seventeen, of offences similarly punishable; and
- (c) was on at least two of those occasions sentenced to imprisonment or has at least on one occasion been sentenced to be detained at the Youth Training Centre or any other similar Institution.

21. (1) The Minister, if he is satisfied that a person who became a resident by virtue of section 19 is a person to whom this section applies, may declare in writing under his hand that such person has lost his resident status from such time as the Minister shall specify in such declaration.

Declaration of loss
of resident status

(2) The persons to whom this section applies are—

- (a) homosexuals or persons convicted of living on the earnings of prostitutes or homosexuals;
- (b) persons who have brought or have attempted to bring into Trinidad and Tobago or who have procured or attempted to procure prostitutes or other persons for the purpose of prostitution or for homosexual or other immoral purposes;
- (c) persons who are engaged or at any time have been engaged in any unlawful giving, using, inducing other persons to use, distributing, selling, offering or exposing for sale, buying, trading or trafficking in any drug;
- (d) persons who are or have been at any time before or after the commencement of this Act advocates of the overthrow by force or violence of the established Government of Trinidad and Tobago or any other country, or of all forms of law, or who advocate the assassination of public officials or who advocate or teach the unlawful destruction of property or who are or have been members of or affiliated to any organisation which entertains and preaches any of the doctrines and practices specified in this paragraph;
- (e) persons concerning whom there are reasonable grounds for believing that they engage in espionage, sabotage or any other subversive activity of any kind whatsoever directed against Trinidad and Tobago or detrimental to the security of Trinidad and Tobago;
- (f) persons who have been reasonably suspected of engaging in treasonable activities against the State or of assisting enemies of the State in time of war.

(3) For the purposes of paragraph (c) of subsection (2) "drug" means any substance included in the Schedule to the Narcotic Control Ordinance, 1961 or anything that contains any substance included in that Schedule, and includes any hallucinogenic drug or any drug producing hallucinations if misused. Ord. 27—1961

PART 4

MISCELLANEOUS

22. The Minister may in such cases as he thinks fit, upon receipt of the prescribed application, grant a certificate of citizenship 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 representation or concealment of any material particular, 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. Certificate of citizenship in cases of doubt

23. 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. Form of oath

24. (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. Evidence

(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) 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.

Offences

25. A person who, for the purpose of procuring anything to be done or not to be done in connection with the provisions of this Act 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.

Regulations

26. (1) The Minister may by regulations make provisions generally for the carrying out of this Act or any of the provisions of Chapter 2 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) the cancellation of the registration of, and the cancellation of certificates of registration or naturalisation relating to persons deprived of citizenship, and for requiring such certificates to be delivered up for those purposes;
- (f) providing for the issue of a certificate of registration or naturalisation to any person registered or naturalised as a citizen;
- (g) 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 subject to negative resolution of Parliament, within forty days of the making of such regulations.

(3) Such regulations may contain provisions for imposing on any person contravening the regulations, a fine recoverable on summary conviction of five hundred dollars or imprisonment for six months.

27. The Trinidad and Tobago Citizenship Act, 1962 is repealed.

^{“Repeal}
Act No. 11
of 1962

28. This Act shall come into operation on a date to be fixed by Proclamation of the Governor-General published in the *Gazette*.

^{Commence-}
ment

THE SCHEDULE

(Section 23)

OATH OF ALLEGIANCE

I, A.B., do swear that I will be faithful and bear true allegiance to Trinidad and Tobago 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

I, A.B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Trinidad and Tobago 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 2nd day
of April, 1976.

J. E. CARTER
Clerk of the House

Passed in the Senate this 30th day of March, 1976.

R. L. GRIFFITH
Clerk of the Senate