

ACT 591
CITIZENSHIP ACT, 2000

ARRANGEMENT OF SECTIONS

Existing Citizenship, Citizenship by Birth

1. Continuation of existing citizenship.
2. Ascertainment of the law applicable to citizenship by birth.
3. Persons born before 6/3/57.
4. Persons born on or after 6/3/57 but before 22/8/69.
5. Persons born on or after 22/8/69—Constitution 1969.
6. Persons born on or after 24/9/79—Constitution 1979.
7. Persons born on or after 7/1/93—Constitution 1992.
8. Foundlings.

Acquisition of Ghanaian Citizenship other than by Birth

9. Adopted children.
10. Citizenship by registration.
11. Registration of children.
12. Effective date of registration as citizen.
13. Naturalisation.
14. Qualification for naturalisation.
15. *Gazette* publications.

Dual Citizenship, Renunciation and Deprivation of Citizenship

16. Dual citizenship.
17. Renunciation of Ghanaian citizenship.
18. Deprivation of citizenship.

Miscellaneous Provisions

19. Posthumous children.
20. Certificate of citizenship in doubtful cases.
21. Evidence.
22. Offences.
23. Regulations.
24. Interpretation.
25. Repeal and savings.

ACT 591
CITIZENSHIP ACT, 2000(1)

AN ACT to consolidate with amendments the law relating to the citizenship of Ghana, to state in respect of citizenship by birth the legal conditions applicable at the given points in time, to bring the law in conformity with the Constitution and to provide for related matters.

Existing Citizenship, Citizenship by Birth

1. Continuation of existing citizenship

A person who on the coming into force of the Constitution was a citizen of Ghana by law shall continue to be a citizen of Ghana.

2. Ascertainment of the law applicable to citizenship by birth

For ease of ascertaining the law on Ghanaian citizenship by birth, the applicable provisions are restated in sections 1 to 8.

3. Persons born before 6/3/57

A person born before 6th March, 1957 is a citizen by birth if that person

- (a) was born in Ghana and at least one of the parents or grandparents was born in Ghana, or
- (b) was born outside Ghana and one of the parents was born in Ghana.

4. Persons born on or after 6/3/57 but before 22/8/69

(1) A person born on or after 6th March, 1957 and before 22nd August, 1969 is a citizen by birth if that person

- (a) was born in or outside Ghana and either of the parents, and also one at least of the grandparents or great-grandparents, was born in Ghana, or
- (b) in the case of a person born in Ghana neither of whose parents was born in Ghana, at least one of the grandparents was born in Ghana.

(2) A person is not a citizen for the purposes of subsection (1), if at the time of the birth the parent, grandparent or great-grandparent through whom the citizenship is claimed has lost the citizenship of Ghana.

(3) A person born on or after 6th March, 1957 and before 22nd August, 1969 is a citizen by birth if that person

- (a) was born in Ghana and at the time of the birth either of the parents was a citizen by registration or naturalisation, or
- (b) was born outside Ghana and at the time of the birth both of the parents were citizens by registration or naturalisation.

5. Persons born on or after 22/8/69—Constitution 1969

A person is a citizen by birth if that person was born in or outside Ghana on or after 22nd August, 1969 and before 24th September, 1979 and at the date of the birth either of the parents was a citizen.

6. Persons born on or after 24/9/79—Constitution 1979

A person born on or after 24th September, 1979 and before 7th January, 1993 is a citizen by birth if that person

- (a) was born in Ghana and at the date of the birth either of the parents or one grandparent was a citizen, or
- (b) was born outside Ghana and at the date of the birth either of the parents was a citizen.

7. Persons born on or after 7/1/93—Constitution 1992

A person is a citizen by birth if that person was born on 7th January, 1993 or born after that date in or outside Ghana and at the date of the birth either of the parents or one grandparent was or is a citizen.

8. Foundlings

A child of not more than seven years of age found in Ghana whose parents are not known shall be presumed to be a citizen by birth.

Acquisition of Ghanaian Citizenship other than by Birth

9. Adopted children

A child of not more than sixteen years of age neither of whose parents is a citizen who is adopted by a citizen becomes by virtue of the adoption, a citizen of Ghana.

10. Citizenship by registration

(1) A citizen of age and capacity of an approved country may on an application, and with the approval of the President, be registered as a citizen if the Minister is satisfied on the application that, that person

- (a) is of good character,
- (b) is ordinarily resident in Ghana,
- (c) has been so resident throughout the period of five years or a shorter period that the Minister may in the special circumstances of a particular case accept, immediately before the application, and
- (d) can speak and understand an indigenous language of Ghana.

(2) A person who is not a citizen and is or was married to a citizen may, on an application in the prescribed manner, be registered as a citizen.

(3) Subsection (2) applies to an applicant who was married to a person who was a citizen at the time of the death of that person.

(4) Where the marriage of a person registered as a citizen under subsection (2) is dissolved, that person shall continue to be a citizen unless the citizenship is renounced.

(5) A child of the marriage of a person registered as a citizen under subsection (2) shall continue to be a citizen unless the child renounces the citizenship.

(6) Where on an application for registration under subsection (2) it appears to the Minister that the marriage had been entered into primarily for the purpose of obtaining the registration, the Minister shall request the applicant to establish that the marriage was entered into in good faith.

(7) In the case of a man seeking registration, subsection (1) applies only if the applicant is permanently resident in Ghana.

(8) A person shall not be registered as a citizen unless that person has taken the oath of allegiance.

11. Registration of children

The Minister shall register as a citizen a child of a person who becomes a citizen by registration or naturalisation on application of the parent or guardian of the child.

12. Effective date of registration as citizen

(1) A person registered under section 10 or 11 is a citizen by registration from the date stated on the certificate of registration.

(2) The date stated on the certificate of registration shall be the date of the taking of the oath of allegiance.

13. Naturalisation

(1) The Minister may, with the approval of the President, grant a certificate of naturalisation to a person of age and capacity who satisfies the Minister as being qualified under section 14 for naturalisation.

(2) A person to whom a certificate of naturalisation is granted under subsection (1) shall take the oath of allegiance and become a citizen by naturalisation from the date on which the oath of allegiance is taken.

14. Qualification for naturalisation

(1) Subject to subsection (2), a person qualifies for naturalisation if that person

- (a) has resided in Ghana throughout the period of twelve months immediately preceding the date of the application;
- (b) during the seven years immediately preceding the period of twelve months, has resided in Ghana for periods amounting in the aggregate to not less than five years;
- (c) is of good character as attested to in writing by two Ghanaians who are notaries public, lawyers, or senior public officers;
- (d) has not been sentenced to a period of imprisonment in Ghana or anywhere for an offence recognised by law in Ghana;
- (e) is able to speak and understand an indigenous Ghanaian language;
- (f) is a person who has made or who is capable of making a substantial contribution to the progress or advancement in an area of national activity;

- (g) is a person who has been assimilated into the Ghanaian way of life or who can easily be so assimilated;
 - (h) intends to reside permanently in Ghana in the event of a certificate being granted; and
 - (i) possessed a valid residence permit on the date of the application.
- (2) The Minister may, in special circumstances and with the approval of the President
- (a) allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned for the purposes of subsection (1) (a) as though it had immediately preceded the date of the application;
 - (b) allow residence in an approved country to be reckoned for the purposes of subsection (1) (b) as if it has been residence in Ghana; and
 - (c) allow periods of residence earlier than seven years before the date of the application to be reckoned in computing the aggregate period mentioned in subsection (1) (b).
- (3) The Minister, in other special circumstances and with the approval of the President, may modify, vary or waive any one of the qualifications for naturalisation set out in this section except the qualification specified in subsection (1) (e).

15. Gazette publications

The Minister shall publish in the *Gazette* within three months of an application, registration or grant of a certificate of naturalisation, the names, particulars and any other details of a person who

- (a) applies to be registered as a citizen,
- (b) has been registered as a citizen,
- (c) applies for the grant of a certificate of naturalisation, or
- (d) has been granted a certificate of naturalisation as a citizen.

Dual Citizenship, Renunciation and Deprivation of Citizenship

16. Dual citizenship

- (1) A citizen may hold the citizenship of any other country in addition to the citizenship of Ghana.
- (2) Without prejudice to article 94 (2) (a) of the Constitution, a citizen does not qualify to be appointed as a holder of an office specified in this subsection if the citizen holds the citizenship of any other country in addition to the citizenship of Ghana:
- (a) Chief Justice and Justices of the Supreme Court;
 - (b) Ambassador or High Commissioner;
 - (c) Secretary to the Cabinet;
 - (d) Chief of Defence Staff or any Service Chief;
 - (e) Inspector-General of Police;
 - (f) Commissioner, Custom, Excise and Preventive Service;
 - (g) Director of Immigration Service;

- (h) Commissioner, Value Added Tax Service;
- (i) Director-General, Prisons Service;
- (j) Chief Fire Officer;
- (k) Chief Director of a Ministry;
- (l) the rank of a Colonel in the Army or its equivalent in the other security services; and
- (m) any other public office that the Minister may, by legislative instrument, prescribe.

(3) A citizen who

- (a) loses the Ghanaian citizenship as a result of the acquisition or possession of the citizenship of another country shall on the renunciation of the citizenship of that country become a citizen of Ghana;
- (b) acquires the citizenship of another country in addition to the Ghanaian citizenship shall notify in writing the acquisition of the additional citizenship to the Minister in the prescribed form and manner.

(4) A citizen who is also a citizen of any other country shall whilst in Ghana be subject to the laws of Ghana as any other citizen.

(5) A citizen who has lost the citizenship as a result of the law in Ghana which prohibited the holding of dual citizenship by a Ghanaian may on an application to the Minister be issued with a certificate of citizenship which shall be effective from the date of issue.

(6) A certificate issued under subsection (5) shall specify whether the citizenship is by birth, adoption, registration or naturalisation.

17. Renunciation of Ghanaian citizenship

(1) If a citizen of age and capacity who is also a citizen of another country makes a declaration of renunciation of citizenship of Ghana, the Minister shall cause the declaration to be registered; and on the registration, that person shall cease to be a citizen of Ghana.

(2) Where the law of a country requires a person who marries a citizen of that country to renounce the citizenship of that person's own country by virtue of that marriage, a citizen of Ghana who is deprived of citizenship of Ghana by virtue of that marriage shall, on the dissolution of that marriage, become a citizen of Ghana.

18. Deprivation of citizenship

The High Court may on an application by the Attorney-General for the purpose, deprive a person who is a citizen, otherwise than by birth or adoption of that citizenship on the ground

- (a) that the activities of that person are inimical to the security of the State or prejudicial to the public morality or the public interest, or
- (b) that the citizenship was acquired by fraud, misrepresentation or any other improper or irregular practice.

19. Posthumous children

A reference in this Act to the citizenship status of the parent of a person at the time of the birth of that person shall, in relation to a person born after the death of the parent, be construed as a reference to the citizenship status of the parent at the time of the parent's death.

20. Certificate of citizenship in doubtful cases

The Minister may, on an application made by or on behalf of a person with respect to whose citizenship of Ghana a doubt exists under this Act, certify that that person is a citizen of Ghana and a certificate issued under this section is prima facie evidence that that person was a citizen at the date indicated in the certificate, but without prejudice to any evidence that that person was a citizen at an earlier date.

21. Evidence

(1) A document purporting to be a notice, certificate, an order or a declaration or an entry in a register, or a subscription to an oath of allegiance, given, granted or made under this Act shall be received in evidence.

(2) The evidence may be given by the production of a certified true copy of the document.

(3) An entry in a register made under this Act shall be received as evidence of the matters stated in the entry.

22. Offences

A person who, for the purpose of procuring anything to be done or not to be done under this Act, makes a statement which that person knows to be false in a material particular, or recklessly makes a statement which is false in a material particular, commits an offence and is liable on summary conviction to a fine of not less than twenty-five penalty units and not exceeding two hundred and fifty penalty units or a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

23. Regulations

The Minister may, by legislative instrument, make Regulations for

- (a) the procedures relating to use of travel documents by holders of dual citizenship;
- (b) the form and manner of notification of acquisition of dual citizenship;
- (c) the fees chargeable in respect of anything to be done under this Act; and
- (d) generally for giving full effect to this Act.

24. Interpretation

(1) In this Act, unless the context otherwise requires,

“**approved country**” means a country declared by or under the authority of the President to be an approved country by a legislative instrument;

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

“**citizen**” means a citizen of Ghana;

“**Minister**” means the Minister responsible for the Interior;

“**prescribe**” means prescribed by legislative instrument under this Act.

(2) A reference in this Act to Ghana in relation to a birth or residence before 6th March, 1957 shall be read as a reference to the territories comprised in Ghana on that date.

(3) For the purposes of this Act, a person born aboard a registered ship or aircraft or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or in that country.

(4) For the purposes of this Act, a person is of age if that person has attained the age of eighteen years, is of capacity and is of sound mind.

25. Repeal and savings

(1) The Ghana Nationality Act, 1971 (Act 361) as amended by

- (a) the Ghana Nationality (Amendment) Decree, 1972 (N.R.C.D. 134);
- (b) the Ghana Nationality (Amendment) Decree, 1978 (S.M.C.D. 172); and
- (c) the Ghana Nationality (Amendment) Decree, 1979 (A.F.R.C.D. 42),

is hereby repealed.

(2) Despite the repeal in subsection (1), the Regulations made under Act 361 or continued in force under that Act and in force immediately before the coming into force of this Act shall continue in force until amended or revoked under this Act.

(3) The repeal of the enactments specified in subsection (1) does not affect the validity of an action taken under any of the enactments before the repeal.

(4) A person who immediately before the coming into force of this Act is a citizen by adoption, registration or naturalisation acquired validly under an enactment before the coming into force of this Act shall continue to hold the citizenship subject to the Constitution and the provisions of this Act.

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 29th December, 2000.