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Bahamas/Haiti: Whether a child born in the Bahamas to non-Bahamian parents, in particular parents from Haiti, automatically acquires Bahamian citizenship
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Children born in the Bahamas to non-Bahamian parents do not automatically acquire Bahamian citizenship (US 11 Mar. 2010, Sec. 4; Fielding et. al 2008, 47; BBC 20 Sept. 2009). Rather, they must apply to become citizens in the year between their 18th and 19th birthday (Fielding et al 2008, 39; Bahamas n.d.; US 11 Mar. 2010, Sec. 4; Bahamas 1973, Art. 7) - a window of opportunity that the United States (US) *Country Reports on Human Rights Practices for 2009* refers to as "narrow" (US 11 Mar. 2010, Sec. 4).

Specifically, *The Constitution of The Commonwealth of The Bahamas*, Chapter II, Article 7 states:

7. (1) A person born in The Bahamas after 9th July 1973 neither of whose parents is a citizen of The Bahamas shall be entitled, upon making application on his attaining the age of eighteen years or within twelve months thereafter in such manner as may be prescribed, to be registered as a citizen of The Bahamas:

Provided that if he is a citizen of some country other than The Bahamas he shall not be entitled to be registered as a citizen of The Bahamas under this Article unless he renounces his citizenship of that other country, takes the oath of allegiance and makes and registers such declaration of his intentions concerning residence as may be prescribed. (Bahamas 1973, Art. 7)

Similarly, a Bahamian newspaper article reports that children born in the Bahamas to a Haitian mother have no right to citizenship until they reach 18 years of age (*The Tribune* 27 Jan. 2010). According to an article published in *The College of The Bahamas Research Journal* - an annual peer-reviewed research journal - the citizenship rules mean children born of Haitian migrants "face the prospect of being stateless" (Fielding et. al 2008, 38). Similarly, a British Broadcasting Corporation (BBC) article reports that many children born in the Bahamas to Haitian parents are "virtually stateless" (20 Sept. 2009).

According to the website of the Department of Immigration of the Bahamas, children of non-Bahamian parents who miss the deadline for their citizenship application, and submit an application after their 19th birthday, may be "considered for naturalization" (Bahamas n.d.).

The Department of Immigration website also states:

Citizenship - Children born in The Bahamas to Non-Bahamian parents (Post Independence)

Favorable consideration will be given to applicants who were born and resided in the Bahamas all their lives, have attained the age of eighteen (18), but before their nineteenth (19) birthday are:

- Knowledgeable about the history and symbols of the Bahamas;
- Able to comprehend and communicate in English;
- Considered to be of good character, without criminal record.

Applications for registration as citizens on behalf of children born in The Bahamas to Non Bahamian parents after July 9th, 1973, who have lived in the country for less than ten (10) years, and do not satisfy certain conditions, may be refused citizenship and granted permanent residence with the right to work instead. (Bahamas n.d.)

Country Reports 2009 states that the documentary requirements for citizenship applications are "difficult," adding that the applications take a long time to process (US 11 Mar. 2010, Sec. 4). A BBC article similarly states that it can take several years for citizenship applications to be processed in the Bahamas (20 Sept. 2009).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

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Additional Sources Consulted

Internet sites, including: Amnesty International (AI), Freedom House, The International Observatory on Statelessness (IOS), Minority Rights Group International (MRG), *The Nassau Guardian*, The NGO Development Foundation, Refugees International, Williams Law Chambers.

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