

CITIZENSHIP

AN ACT TO MAKE PROVISION FOR CITIZENSHIP OF SRI LANKA AND FOR MATTERS CONNECTED THEREWITH.

Act Nos,

18 of 1948
40 of 1950
13 of 1955
45 of 1987
15 of 1993
43 of 1993
16 of 2003

[15th November , 1948]

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

PART I

CITIZENSHIP OF SRI LANKA

Status.

[2, 16 of 2003]

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 has possessed of the aforesaid status is hereinafter referred as a "Citizen of Sri Lanka".

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 ".

PART II

CITIZENSHIP BY DESCENT

Citizenship by descent in the born before the appointed date.

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.

Citizenship by

5.

descent in the case of persons born on or after the appointed date.

[3, 16 of 2003]

(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" if at the time of his birth either of his parents is or was a citizen of 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 if at the time of his birth either of his parent is or was a citizen of Sri Lanka and if, within one year from the date of birth, or within such further period as the Minister may for good 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.

Eligibility of person born prior to the date of commencement of this Act.

[4, 16 of 2003]

5A.

(1) Any person who was born within or outside Sri Lanka after the appointed date but prior to the date of commencement of this Act and:

(a) whose mother only was at the time of his birth a citizen of Sri Lanka and he is over twenty two years of age , or

(b) neither of whose parents was at the time of his birth a citizen of Sri Lanka but at least one of his parents subsequently becomes a citizen of Sri Lanka , and shall be eligible to obtain the status of a citizen of Sri Lanka in accordance with the succeeding provisions of this section

(2) A person referred to in subsection (1) who is a citizen of any other country and who desires to acquire Sri Lankan citizenship and renounce citizenship of that other country may make an application to the Minister for a declaration that he has acquired the status of a citizen of Sri Lanka if he renounces citizenship of such other country, in accordance with the law in force in that behalf in that other country and he is and intends continue ordinarily resident in Sri Lanka, and the Minister may make the declaration for which the application is made

(3) A person referred to in subsection (1) who is a citizen of any other country and who desires to acquire Sri Lankan citizenship also retain citizen of that other country may make an application to the Minister for a declaration to the effect that he has acquired the status of citizen of Sri Lanka notwithstanding the fact that he is and continues to be a citizen of that other country and the Minister may make the declaration for which the application is made, if he is satisfied that the making of such declaration would in all the circumstances of the case, be of benefit to Sri Lanka.

(4) When a declaration is made under this section, the Minister shall specify the date with effect from which such person shall have acquired the status of a citizen of Sri Lanka.

(5) The provisions of subsection (7) of section 19 shall, mutatis mutandis, apply to a person who has acquired the status of a citizen of Sri Lanka by virtue of the preceding provisions of this section.

(6) The provisions of section 26 of the principal enactment relating to the payment of fees, shall, mutatis mutandis, apply to the application of a person under this section.

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.

Issue of Certificate of citizenship on application made.

[5, 16 of 2003]

6A.

(1) Any person who is a citizen of Sri Lanka by virtue of the provisions of section 5. may if he so desires, apply to the Controller of Immigration and Emigration for a Certificate of citizenship. The application shall be substantially in the Form set out in Schedule A hereto.

(2) The Controller shall upon being satisfied of the status of the applicant, issue to the applicant, within sixty days of the receipt of the application, a Certificate, substantially in the Form set out in Schedule B hereto.

(3) Where such Certificate is to be issued in relation to a minor child, the application for the same may be made on behalf of such minor child, by either parent.

(4) No person shall require the production of a Certificate referred to in subsection (2) for any purpose and an affidavit shall be accepted as prima facie evidence of the facts stated therein.

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.

[6, 16 of 2003]

9. Repealed.

Posthumous persons

[7, 16 of 2003]

10. Any reference in this Part to the status or description of the father or mother of a person at the time of that person's birth shall, in regard to a person born after the death of his father or mother, be deemed to be a reference to the status or description of the father or mother at the time of the father's or mother'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 or mother had died on or after that date shall be deemed to be the status or description applicable to him at the time of his death.

PART III

CITIZENSHIP BY REGISTRATION

Persons entitled to registration as citizens.

[8, 16 of 2003]

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-

(ii) is a person, either of whose parents was a citizen of Sri Lanka, 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 either of whose parents, having been a citizen of Sri Lanka 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

(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.

Registration of
spouse, widow or
widower of citizen
of Ceylon or Sri
Lanka. **12.**

(1) Subject to the other provisions of this Part, no person who is the spouse, or the widow or widower, of a citizen 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.

(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.

Registration as
citizens, of
persons registered
in a Resident
Guest Scheme.
[2, 43 of 1993]

13A.

(1) A person who has been granted a visa or endorsement under Part III of the Immigrants and Emigrants Act valid for a period of five years and has been registered in a Resident Guest Scheme approved by the Government for foreign investors and professionals 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

(i) he has made a substantial contribution to the economic development of the country; or

(ii) he has made a significant contribution to the social and cultural life of the country in the fields of science, education, medicine, archaeology, music, literature, agriculture or entertainment ; and

(b) that he has been resident in Sri Lanka for the prescribed period and is, or 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 two hundred in any year and one thousand in the aggregate.

(3) The fact that a person is registered under a Resident Guest Scheme approved by the Government for foreign investors and professionals shall not be construed as conferring a right on such person to be registered as a citizen of Sri Lanka under this section.

(4) 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.

Persons who are
not to be granted
citizenship by
registration.

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. 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.

(2) 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.

Register.

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

Certificates of

[3, 43 of 1993]

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 or section 13A 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.

Effect of 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.

(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 and special provisions relating to dual citizenship.

[2, 45 of 1987]
[2, 15 of 1993]

19.

(1) 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.

(2) Any person who ceases, under subsection (1) of this section or section 20 or section 21, to be a citizen of Sri Lanka 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, notwithstanding the fact that he is, and continues to be, a citizen of any other country; and the Minister may make the declaration for which the application is made if he is satisfied that the making of such declaration would, in all the circumstances of the case, be of benefit to Sri Lanka.

(3) Any citizen of Sri Lanka may, at any time prior to his ceasing, under subsection (1) of this section or section 20 or section 21, to be a citizen of Sri Lanka, make application to the Minister for a declaration that such person retains the status of a citizen of Sri Lanka from and after a date to be specified in such declaration, notwithstanding the fact that he is, and continues to be, from and after that date a citizen of any other country; and the Minister may make the declaration ; for which application is made, if he is satisfied that the making of such declaration, would, in all the circumstances of the case, be of benefit to Sri Lanka.

(4) Where a declaration is made in relation to any person under subsection (2) or subsection (3), that person' shall, with effect from such date as may be specified in the declaration again have or continue to have, as the case may be, the status of a citizen of Sri Lanka, notwithstanding the fact that he is a citizen also of any other country.

(5) So long as a declaration under subsection (2) or subsection (3), is in force in relation to any person, the provisions of this Act shall not be read and construed as requiring that person to renounce the citizenship of any other country of which he is a citizen.

(6) The provisions of section 23 and section 24 shall not apply to any person in relation to whom a declaration under subsection (2) or subsection (3) has been made.

(7) The Minister may, at any time, revoke a declaration made under subsection (2) or subsection (3) if he is satisfied that the person in relation to whom such declaration was made has so conducted himself that his continuance as a citizen of Sri Lanka will not be of benefit to Sri Lanka.

Restrictions
against dual
citizenship of
persons who are
citizens by
descent.
[9, 16 of 2003]

20.

(8) Every person in relation to whom a declaration is made under subsection (2) or subsection (3) shall pay in the prescribed manner, a fee according to the prescribed rates, in respect of such declaration.

(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.

(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).

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

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.

(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.

Cases of invalid or ineffective renunciations of foreign citizenship. **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.

[10, 16 of 2003] **23.** Repealed.

[11, 16 of 2003] **24.** Repealed.

PART V MISCELLANEOUS

Offence. **25.** Any person who, for the purpose of 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.

Fees.
[3, 15 of 1993] **26.** Every person to whom a certificate under this Act is granted or in relation to whom a declaration is made under subsection (2) or subsection (3) of section 19 shall, in respect of such certificate or declaration, as the case may be, pay in the prescribed manner, a fee according to the prescribed rates.

Regulations. **27.**

(1) The Minister may make 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.

Interpretation.
[12, 16 of 2003] **28.**

(1) In this Act, unless the context 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 eighteen

years ;

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

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

Schedules

See Schedules ,
16 of 2003