

Zambia

Citizenship of Zambia Act, 2016

## Citizenship of Zambia Regulations, 2017

Statutory Instrument 50 of 2017

Legislation as at 30 June 2017

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# Zambia

## Citizenship of Zambia Act, 2016

# Citizenship of Zambia Regulations, 2017

## Statutory Instrument 50 of 2017

Published in Government Gazette on 30 June 2017

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**Commenced on 30 June 2017**

*[This is the version of this document as it was from 30 June 2017 to 31 December 2021.]*

In exercise of the powers contained in section 45 of the Citizenship of Zambia Act, 2016, the following Regulations are made:

### 1. Title

These Regulations may be cited as the Citizenship of Zambia Regulations, 2017.

### 2. Interpretation

In these Regulations, unless the context otherwise requires—

“**citizenship office**” means the office of the Chief Passports and Citizenship Officer;

“**immigration officer**” has the meaning assigned to the term in the Immigration and Deportation Act, 2010;

*[Act No. 18 of 2010]*

“**law enforcement officer**” means—

- (a) a police officer of or above the rank of inspector;
- (b) a passports and citizenship officer; or
- (c) an immigration officer;

“**residence permit**” has the meaning assigned to the term in the Immigration and Deportation Act, 2010;

*[Act No. 18 of 2010]*

“**senior government officer**” means a public officer at management level; and

“**spouse permit**” has the meaning assigned to the term in the Immigration and Deportation Act, 2010.

*[Act No. 18 of 2010]*

### 3. Notice of intention to apply for citizenship by registration

A person who intends to apply for citizenship by registration under Article 37 of the Constitution shall publish in the *Gazette* and in two consecutive issues of a daily newspaper circulating in the person’s area of residence, a notice of the person’s intention in Form I set out in the First Schedule.

*[Cap. 1]*

#### **4. Application for citizenship by registration**

A person who has complied with regulation 3 shall apply to the Board for citizenship by registration in Form II set out in the First Schedule upon payment of the application fee specified in the Second Schedule.

#### **5. Request for additional information**

The Board may, in relation to an application for citizenship by registration, request an applicant to submit additional information in Form III set out in the First Schedule.

#### **6. Grant or rejection of application for citizenship by registration**

- (1) The Board shall, within six months of the receipt of an application for citizenship by registration, grant or reject the application.
- (2) The Board shall reject an application for citizenship by registration that does not meet the requirements of the Constitution and the Act.
- (3) Where the Board rejects an application for citizenship, the Board shall inform the applicant, in writing, of the rejection and the reasons therefor, within seven days of the rejection.
- (4) The Board shall, where an application for citizenship by registration is granted, register the applicant in accordance with section 23 of the Act.

#### **7. Certificate of citizenship by registration**

The Board shall, upon registration of an applicant in accordance with regulation 6(4), issue the applicant with a certificate of citizenship by registration in Form IV set out in the First Schedule.

#### **8. Notice of citizenship by adoption**

- (1) A citizen who is the adoptive parent or legal guardian of a child who, before being adopted, was not a citizen, shall within thirty days of the adoption notify the Board of that child's becoming a citizen by adoption in Form V set out in the First schedule.
- (2) The Board shall register an adopted child notified in terms of subregulation (1) as a citizen within twenty-one working days of receipt of the notification.

#### **9. Notice of acquisition of citizenship of another country**

- (1) A citizen who acquires the citizenship of another country shall notify the Board of the acquisition of that citizenship in Form VI set out in the First Schedule.
- (2) The Board shall cause to be entered in the register of citizens who hold dual citizenship, the names of a citizen who acquires the citizenship of another country.

#### **10. Bestowal of citizenship**

- (1) A person who ceased to be a citizen as a result of acquiring the citizenship of another country may apply to the Board for bestowal of the citizenship in Form VII set out in the First Schedule.
- (2) An applicant for bestowal of citizenship under this regulation may, where the applicant is abroad, lodge the application for bestowal of citizenship with the Zambian mission in the country of that applicant's residence or where there is no Zambian mission in that country, in the nearest country where there is a Zambian mission.
- (3) The Board shall cause to be entered in the register of citizens who hold dual citizenship or another appropriate register, the names of a person on whom citizenship is bestowed under this regulation.

- (4) The Board shall issue an applicant under this regulation with a certificate of bestowal of citizenship in Form VIII set out in the First Schedule.

## 11. Oath of allegiance

A person who is granted citizenship by registration shall take an oath of allegiance in Form IX set out in the First Schedule and lodge the oath with the citizenship office.

## 12. Renunciation of citizenship or citizenship of other country

- (1) A citizen may renounce that citizen's citizenship by making a declaration in Form X set out in the First Schedule and lodge the declaration with the citizenship office.
- (2) The Board shall issue a citizen who has renounced citizenship with a certificate of renunciation in Form XI set out in the First Schedule.
- (3) A person shall, upon being issued with a certificate of renunciation in accordance with subregulation (2), surrender to the citizenship office that person's national registration card or other national identity document for cancellation.
- (4) A citizen who has renounced that citizen's citizenship of another country shall notify the Board of the renunciation in writing and attach a certified copy of the certificate of renunciation or equivalent document issued by that country in respect of the renunciation.
- (5) A citizen referred to in subregulation (4) shall give the notice required under that subregulation—
  - (a) where the citizen is in Zambia, within fourteen days of the renunciation; or
  - (b) where the citizen is abroad, within six months of the renunciation.
- (6) The Board shall cause to be removed from, and entered in, the appropriate register the names of a citizen who renounces that citizen's citizenship or citizenship of another country under this regulation.

## 13. Deprivation of citizenship

- (1) The Board shall, where the Board intends to deprive a citizen of citizenship, give notice of the intention to that citizen in Form XII set out in the First Schedule.
- (2) The notice referred to in subregulation (1) shall, where the location of the citizen to be notified is—
  - (a) known, be delivered to that citizen personally or sent to that citizen by registered post; or
  - (b) not known, sent to that citizen's last known address.
- (3) A citizen notified of the Board's intention to deprive that citizen of citizenship may apply to the Board, in writing for an inquiry provided for in section 28 of the Act—
  - (a) if the citizen is in Zambia at the time of being notified, within seven days from the date of receipt of the notice; or
  - (b) if the citizen is outside Zambia, within fourteen days from the date of receipt of the notice.
- (4) Despite subregulation (3), the Board may in special circumstances extend the time within which an application for an inquiry provided for in section 28 of the Act may be made.
- (5) The Board shall, where the Board deprives a citizen of citizenship, give notice of deprivation to the citizen in Form XIII set out in the First Schedule.
- (6) The Board shall cause the name of a citizen deprived of citizenship to be removed from the applicable register of citizens and entered in the register of persons who have renounced or been deprived of citizenship.

- (7) A person deprived of citizenship or any other person in possession of the national registration card or other national identity document belonging to a person deprived of citizenship shall, as soon as is practicable, deliver the card to the citizenship office for cancellation.

#### **14. Publication of names of persons who cease to be citizens**

The Board shall, as soon as is practicable after a person has ceased to be a citizen, publish a notice of the cessation of that person's citizenship in the *Gazette*.

#### **15. Form of registers**

The register of—

- (a) citizens by registration shall be in Form XIV set out in the First Schedule;
- (b) children presumed to be citizens by birth shall be in Form XV set out in the First Schedule;
- (c) citizens by adoption shall be in Form XVI set out in the First schedule;
- (d) persons who have renounced or been deprived of citizenship shall be in Form XVII set out in the First Schedule; and
- (e) citizens who hold dual citizenship shall be in Form XVIII set out in the First Schedule.

#### **16. Certification of documents**

A passports and citizenship officer may, for purposes of section 44(2) of the Act, certify a document to be a true copy of the original by a written statement to that effect signed by that passports and citizenship officer.

#### **17. Detention of certain documents**

A law enforcement officer may detain a national registration card or other national identity document for a period of not more than twenty-eight days for the purposes of conducting an investigation where the law enforcement officer has reasonable grounds to believe that the national registration card or other national identity document—

- (a) was obtained wrongfully or fraudulently; or
- (b) is wrongfully or fraudulently in the possession of a person.

#### **18. Letter of confirmation**

A holder of a permit issued under the Immigration and Deportation Act, 2010, may apply to the Board, in writing, for a letter confirming that the person has not applied for citizenship.

*[Act No. 18 of 2010]*

#### **19. Prescribed fees**

The fees set out in the Second Schedule are prescribed in respect of the matters specified in that Schedule.

#### **20. Revocation of SI No. 56 of 1977**

The Citizenship of Zambia Regulations, 1977, are revoked.

**First Schedule (Regulations 3, 4, 5, 7, 8, 9, 10, 11, 12, 13 and 15)****Forms***[Editorial note: The forms have not been reproduced.]***Second Schedule (Regulations 4 and 18)****Prescribed fees**

S/N	Item	Fee units
1.	Application for citizenship by registration	1,834
2.	Certificate of citizenship by registration	33,333
3.	Application for bestowal of citizenship	1,000
4.	Certificate of bestowal of citizenship	16,667
5.	Declaration of renunciation of citizenship	3,333
6.	Letter of confirmation	1,000