



**CONSTITUTION (AMENDMENT) (DUAL
CITIZENSHIP) BILL 2017**

(NO. 9 OF 2017)



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A

BILL

Entitled

AN ACT TO AMEND THE CONSTITUTION TO ALLOW FOR DUAL
CITIZENSHIP

ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS.

CONSTITUTION (AMENDMENT) (DUAL CITIZENSHIP) BILL 2017

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CONSTITUTION (AMENDMENT) (DUAL CITIZENSHIP) BILL 2017

OBJECTS AND REASONS

The object of this Bill is remove the Constitutional prohibition on dual citizenship and to clarify that holding dual citizenship prevents a person from being a member of Parliament. This will facilitate the return and reintegration of Solomon Islander citizens by birth or ancestry who lost their citizenship by reason of marriage, forced labour or naturalisation in another nation. It will also allow naturalised Solomon Islands citizens to regain or retain their birth nationality. The policy to allow citizenship of more than one country is an exponentially growing trend in the 21st century. It provides social, economic, family, employment and study opportunities by providing ease of movement between country of origin and country of residence for eligible persons.

HON. MANASSEH SOGAVARE
PRIME MINISTER

**CONSTITUTION (AMENDMENT) (DUAL CITIZENSHIP)
BILL 2017**

1 Short title

This Act may be cited as the *Constitution (Amendment) (Dual Citizenship) Act 2017*.

2 Commencement

This Act commences on the day appointed by the Minister by notice in the *Gazette*.

3 Repeal of section 23

Section 23 of the Constitution is repealed.

4 Amendment of section 49

Section 49(1)(a) of the Constitution is amended by inserting the following after "state":

“, including by holding citizenship of a country other than Solomon Islands;”

CONSTITUTION (AMENDMENT) (DUAL CITIZENSHIP) BILL 2017

EXPLANATORY MEMORANDUM

Section 1 provides for the short title of the Act.

Section 2 provides for the commencement of the Act. The Act commences on a date appointed by the Minister by notice in the Gazette.

Section 3 repeals section 23 of the Constitution. Section 23 prevents a Solomon Islands citizen from holding dual citizenship by specifying that a Solomon Islands citizen who is a national of another country ceases to be a Solomon Islands citizen unless he or she renounces nationality of the other country.

Section 4 amends section 49 to clarify that holding citizenship of a foreign country is an acknowledgement of allegiance to a foreign power, and is therefore a factor that disqualifies a person from membership of Parliament.

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his capacity as the officer for the time being administering the Government of the former protectorate of the Solomon Islands, be construed as a reference to that officer.

(6) Every person who becomes a citizen of Solomon Islands on Independence Day by virtue of subsection (2) of this section shall receive a certificate of his acquisition of such citizenship as soon as practicable after Independence Day.

Persons entitled to be registered as citizens after Independence Day

21.—(1) Every person who immediately before Independence Day possessed any of the qualifications specified in subsection (3) of the preceding section and who within the prescribed period has made, or been included in, an application to the Government for citizenship of Solomon Islands containing the information specified in subsection (4) of the preceding section shall be registered as a citizen of Solomon Islands.

(2) For the purposes of subsection (1) of this section, “the prescribed period” means the period beginning on Independence Day and expiring two years thereafter:

Provided that the Minister responsible for citizenship matters may extend that period in respect of such applications or classes of application where the applicant was, by reason of his absence from Solomon Islands or other reasonable cause, unaware of his right to apply, as he may think fit.

Persons born on or after Independence Day

22. Every person born on or after Independence Day, whether within or outside Solomon Islands, shall become a citizen of Solomon Islands at the date of his birth if at that date either of his parents is, or would but for his death have been, a citizen of Solomon Islands.

Avoidance of dual nationality

23.—(1) Subject to the provisions of subsection (2) of this section, any citizen of Solomon Islands who is a national of some other country shall cease to be a citizen of Solomon Islands at the expiry of two years after the date on which he acquired citizenship of Solomon Islands or attained the age of eighteen years, whichever is the later, or such longer period as may be prescribed by Parliament, unless before the expiry of that period he has renounced or lost the nationality of that other country or, if the law of that other country does not permit him to renounce that nationality, made such declaration as may be prescribed.

(2) Any person who, being aged eighteen years or more, acquired citizenship of Solomon Islands by virtue of section

20(2) or 21 of this Constitution and who is a national of some other country shall cease to be a citizen of Solomon Islands at the expiry of six months after the date on which he acquired citizenship of Solomon Islands or such longer period as may be prescribed by Parliament, unless before the expiry of that period he has renounced or lost the nationality of that other country or, if the law of that other country does not permit him to renounce that nationality, made such declaration as may be prescribed.

24.—(1) Every person who under this Chapter or any other law is a citizen of Solomon Islands or under any enactment for the time being in force in any country to which this section applies is a citizen of that country shall, by virtue of that citizenship, have the status of a Commonwealth citizen.

Commonwealth
citizens

(2) Every person who is a British subject without citizenship under the British Nationality Act 1948, who continues to be a British subject under section 2 of that Act or is a British subject under the British Nationality Act 1965 shall, by virtue of that status, have the status of a Commonwealth citizen.

(3) Save as may be otherwise provided by Parliament, the countries to which this section applies are Australia, The Bahamas, Bangladesh, Barbados, Botswana, Canada, Cyprus, Fiji, The Gambia, Ghana, Grenada, Guyana, India, Jamaica, Kenya, Lesotho, Malawi, Malaysia, Malta, Mauritius, Nauru, New Zealand, Nigeria, Papua New Guinea, Seychelles, Sierra Leone, Singapore, Southern Rhodesia, Sri Lanka, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Uganda, The United Kingdom and Colonies, Western Samoa and Zambia.

25. Parliament may make provision—

Powers of
Parliament

(a) for the acquisition of citizenship of Solomon Islands by persons who are not eligible or who are no longer eligible to become citizens of Solomon Islands by virtue of the provisions of this Chapter;

(b) for the deprivation and renunciation of citizenship of Solomon Islands held by any person who has attained the age of eighteen years.

26.—(1) In this Chapter—

Interpretation

“British protected person” means a person who is a British protected person for the purposes of the British Nationality Act 1948;

“indigenous Solomon Islander” means any person who is

48. Subject to the provisions of the next following section, a person shall be qualified for election as a member of Parliament if, and shall not be so qualified unless—

- (a) he is a citizen of Solomon Islands; and
- (b) he has attained the age of twenty-one years.

Qualifications
for membership

49.—(1) No person shall be qualified for election as a member of Parliament who—

- (a) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
- (b) holds, or is acting in, any public office;
- (c) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law for the time being in force in any part of the Commonwealth;
- (d) is certified to be insane or otherwise adjudged to be of unsound mind under any law for the time being in force in Solomon Islands;
- (e) is under sentence of death imposed on him by a court in any part of the world, or is under a sentence of imprisonment (by whatever name called) for a term of, or exceeding, six months, other than a sentence in lieu of a fine, but including a suspended sentence, imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court;
- (f) is disqualified from membership of Parliament or from registration as an elector or from voting at elections under any law for the time being in force in Solomon Islands relating to offences connected with elections; or
- (g) holds, or is acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election to Parliament or the compilation or revision of any electoral register for that purpose.

Disqualifications
from
membership

(2) For the purpose of paragraph (e) of the preceding subsection two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms.

50. A member of Parliament shall vacate his seat—

- (a) on a dissolution of Parliament;
- (b) if he resigns his seat by writing under his hand addressed to the Speaker;

Vacation of seats
by members