



REPUBLIC OF NAURU

NAOERO CITIZENSHIP BILL 2017

No. of 2017

A Bill for an Act to repeal the *Naoero Citizenship Act 2005* and to make provision with respect to the status of Nauruan citizenship and for related purposes

Certified: []

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Enacted by the Parliament of Nauru as follows:

PART 1- PRELIMINARY

1 Short title

This Act may be cited as the *Naoero Citizenship Act 2017*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Definitions

(1) In this Act:

'child of a Nauruan' includes a child adopted under the Adoption Act 1965;

'citizen' refers to a citizen of the Republic of Nauru;

'Court' means the Supreme Court;

'honorary citizenship' means citizenship granted by the Cabinet to a foreign individual whom the Cabinet considers deserving of distinction;

'Minister' for the purposes of this Act shall be the Minister for Justice and Border Control;

'Nauruan' for the purposes of this Act means a citizen of the Republic of Nauru as defined in section 4;

'Nauruan Community' shall only include:

- (a) persons who were or were deemed to be aboriginal natives of the Republic by virtue of institutions, customs and usages of the aboriginal natives of the Republic;
- (b) Pacific islanders married before 1 January 1954 to persons who were or were deemed to be aboriginal natives of the Republic by virtue of institutions, customs and usages of the aboriginal natives of the Republic;
- (c) Pacific islanders who were admitted to the Nauruan community before 31 January 1968; and
- (d) persons whose either or both parents fall within subparagraphs (a), (b) and (c) above.

'Pacific islander' means:

- (a) a person who was ordinarily resident in the Republic and is a descendant of the aboriginal natives of an island or archipelago in the Pacific ocean other than:
 - (i) the Republic;
 - (ii) an island or archipelago which appertains geographically to Asia, the Americas, Australia, New Zealand, India or Japan;
- (b) a person partly descended from those aboriginal natives who followed, adhered to or adapted the customs of those aboriginal natives before residing in the Republic but does not include a Nauruan;

'Register' means the Register of Nauruan citizens established and maintained by the Secretary under section 5;

'Secretary' means the Secretary for Justice and Border Control;

- (2) For the purposes of this Act, a person is ordinarily a resident of the Republic if he or she:
 - (a) is domiciled in the Republic;
 - (b) has a permanent domicile in the Republic, despite he or she being temporarily absent from the Republic; or
 - (c) has evidence to indicate his or her intention to return to the Republic despite his or her extended absence.

PART 2 – CITIZENS OF THE REPUBLIC

4 Persons who are citizens

For the purposes of the laws in force in the Republic, the following persons are citizens:

- (a) persons who on 31 January 1968 were included in one of the classes of persons who constituted the Nauruan community as prescribed in Article 71 of the Constitution;
- (b) persons born on or after 31 January 1968 whose one or both parents were members of the:
 - (i) Nauruan community; or
 - (ii) citizens;
- (c) persons born on or after 31 January 1968 of a marriage between a citizen and a Pacific islander and neither parent had exercised any

rights within 7 days after the birth of that person to determine that such person is not a citizen;

- (d) a person born in the Republic on or after 31 January 1968 is a citizen if, at the date of his or her birth, he or she would not but for the provisions of Article 73 of the Constitution, have the nationality of any country;
- (e) persons who were admitted or recognised as members of the Nauruan community after 31 January 1968;
- (f) persons granted citizenships under any former laws of the Republic; and
- (g) persons granted citizenships under this Act.

PART 3 - CITIZENSHIP REGISTER

5 Citizenship Register

- (1) The Secretary shall be responsible for establishing and maintaining a Register of citizenships under this Act.
- (2) The Register shall contain the details of the:
 - (a) grant of citizenships;
 - (b) deprivation of citizenships; and
 - (c) renunciation of citizenships.
- (3) For the purposes of subsection (2), the Register shall contain the following details of a person:
 - (a) name;
 - (b) address;
 - (c) age;
 - (d) gender;
 - (e) in case of children, the details of the legal guardian;
 - (f) date of granting, deprivation or renunciation of citizenship; and
 - (g) in case of the granting of citizenship:
 - (i) the date of the conferment of the certificate of citizenship; and
 - (ii) when the oath of allegiance or affirmation is taken or made.