Mauritius

Mauritius Citizenship Act

Act 45 of 1968

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Mauritius Citizenship Act
Contents

Part I – Preliminary 1
1. Short title 1
2. Interpretation 1
Part II – Acquisition of citizenship 2
3. Citizenship on adoption 2
4. Citizenship by incorporation of territory 2
5. Registration of Commonwealth citizens 2
6. Registration of minor children 2
7. Registration of other persons 2
8. Effect of registration 3
9. Naturalisation 3
10. Effect of certificate of naturalisation 3
Part III – Loss of citizenship 4
11. Deprivation of citizenship 4
12. Exercise of rights abroad 5
13. Effect of Order 5
14. Dual nationality and resumption of citizenship 5
15. Resumption of Mauritian citizenship 6
Part IV – Miscellaneous 6
16. Certificate of citizenship 6
17. Minister's decision final 6
18. Registers 7
19. Evidence 7
20. Offences 7
21. Regulations 7
22. Amendment of First Schedule 8
First Schedule (Sections 2 and 14) 9
Second Schedule (Section 2 (2) (d)) 10

Mauritius

Mauritius Citizenship Act

Act 45 of 1968

Commenced on 14 December 1968

[This is the version of this document at 30 June 2017.]

Part I – Preliminary

1. Short title

This Act may be cited as the Mauritius Citizenship Act.

2. Interpretation

(1) In this Act—

"**alien**" means a person who is not a Commonwealth citizen or a British protected person;

"**British protected person**" means a person who is a British protected person for the purposes of the British Nationality Acts 1948 to 1965 (UK);

"**Commonwealth**" means Mauritius and the countries specified in the First Schedule and includes any of their dependencies;

"**Commonwealth citizen**" means—

(a) a citizen of Mauritius or any country specified in the First Schedule;

(b) a Commonwealth citizen by virtue of section 25 (2) of the Constitution;

"**consulate of Mauritius**" means the office of a consular officer of the Government of Mauritius or, where there is no such office, such office as may be designated by the Minister;

"**foreign country**" means a country which is not part of the Commonwealth and includes a dependency of that country;

"**Minister**" means the Minister to whom responsibility for the subject of internal affairs is assigned.

(2) For the purposes of this Act—

(a) a person shall be of full age if he has attained the age of 18 and of full capacity if he is not of unsound mind;

(b) a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or in that country, as the case may be;

(c) —

(d) where a person is required to renounce the nationality or citizenship of a country but under the law of that country he is not permitted so to do, he shall make on oath, before the Master and Registrar, a declaration in the form set out in the Second Schedule; and

(e) a new born child found abandoned within Mauritius shall, unless the contrary is shown, be deemed to have been born within Mauritius.

[S. 2 amended by Act 46 of 1992; Act 24 of 1995.]

Part II – Acquisition of citizenship

3. Citizenship on adoption

Where under any enactment relating to the adoption of children, an adoption order is made in respect of a minor who is not a citizen of Mauritius, and the adoptor, or in the case of a joint adoption the male adoptor, is a citizen of Mauritius, the minor shall become a citizen of Mauritius as from the date of the order.

4. Citizenship by incorporation of territory

Where any territory becomes part of Mauritius, the President may by Order specify the persons who shall be citizens of Mauritius by reason of their connection with that territory and those persons shall become citizens of Mauritius as from the date specified in the Order.

[S. 4 amended by Act 48 of 1991.]

5. Registration of Commonwealth citizens

(1) Subject to this section, the Minister may cause any Commonwealth citizen, being a person of full age and capacity, to be registered as a citizen of Mauritius where he makes application in the prescribed manner and satisfies the Minister that—

(a) he is of good character;

(b) he has an adequate knowledge of the English language, or any other language current in Mauritius, and of the responsibilities of a citizen of Mauritius;

(c) he has resided in Mauritius for a continuous period of 5 years, or such shorter period (not being less than 12 months) as the Minister may in the special circumstances of any particular case accept, immediately preceding the date of his application; and

(d) he intends, if registered, to continue to reside in Mauritius.

(2) A person to whom this section applies shall not be registered under this section unless he first renounces any other citizenship which he may possess.

(3) Notwithstanding subsection (1), the Minister may cause any Commonwealth citizen to be registered as a citizen of Mauritius if he is satisfied that it is in the public interest so to do.

6. Registration of minor children

(1) The Minister may cause the minor child of a citizen of Mauritius to be registered as a citizen of Mauritius upon application made in the prescribed manner by the parent or guardian of the child.

(2) The Minister may, in such special circumstances as he thinks fit, cause any minor to be registered as a citizen of Mauritius.

7. Registration of other persons

(1) Subject to subsections (2) and (3) and such other conditions as may be prescribed, any person, whether of full age or capacity, who is, under sections 21 and 24 of the Constitution, entitled to be registered as a citizen of Mauritius, shall be so registered on making an application to that effect to the Minister in the prescribed manner.

(2) Where a non-citizen is or was married to a citizen of Mauritius, he may be registered as a citizen of Mauritius if he satisfies the Minister that he has lived with his spouse under the same conjugal roof in Mauritius for a period of not less than 4 years immediately preceding the date of his application for registration.

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(3) Where, in relation to an application for registration under this section, the Minister is satisfied that it is in the interests of national security or public policy not to grant the application, he may, in his absolute discretion and without giving any reason, refuse to register the applicant as a citizen of Mauritius.

[S. 7 amended by Act 46 of 1992; Act 24 of 1995.]

8. Effect of registration

A person registered under section 5, 6 or 7 shall be a citizen of Mauritius by registration as from the date on which he is registered.

9. Naturalisation

(1) Subject to this section, the Minister may grant a certificate of naturalisation to an alien or British protected person of full age and capacity who makes an application in the prescribed manner and satisfies the Minister that—

(a) he is of good character;

(b) he has an adequate knowledge of the English language, or any other language current in Mauritius, and of the responsibilities of a citizen of Mauritius;

(c) he has resided in Mauritius for a continuous period of 12 months immediately preceding the date of his application;

(d) during the 7 years immediately preceding the period of 12 months referred to in paragraph (c), he has resided in Mauritius for aggregate periods amounting to not less than 5 years;

(e) he intends, in the event of a certificate being granted to him, to continue to reside in Mauritius.

(2) The Minister may, in such cases as he thinks fit—

(a) allow a continuous period of 12 months ending not later than 6 months before the date of the application to be reckoned for the purpose of subsection (1) (c) as if it had immediately preceded that date; and

(b) allow periods of residence earlier than the 7 years preceding the date of the application to be reckoned in computing the aggregate periods mentioned in subsection (1) (d).

(3) The Minister may accept a continuous period of residence of not less than 2 years instead of the qualification in respect of residence specified in subsection (1) (c) and (d) where a person has invested in Mauritius a sum of not less than 500,000 US dollars or such other sum as may be prescribed.

(4) An alien or British protected person shall not be granted a certificate of naturalisation under this section unless he first renounces the nationality or citizenship of any other country which he may possess and takes the prescribed oath or affirmation of allegiance.

(5) Notwithstanding this section, the Minister may grant a certificate of naturalisation to an alien or British protected person if he is satisfied that it is in the public interest so to do.

[S. 9 amended by Act 24 of 1995; Act 34 of 1999.]

10. Effect of certificate of naturalisation

A person to whom a certificate of naturalisation has been granted under section 9 shall become a citizen of Mauritius by naturalisation as from the date on which that certificate is granted.

Part III – Loss of citizenship

11. Deprivation of citizenship

(1) A citizen of Mauritius who has acquired citizenship by registration or naturalisation under this Act shall cease to be a citizen of Mauritius if he is deprived of that citizenship by an Order of the Minister made under this section.

(2) Subject to this section, the Minister may, by Order, deprive of his citizenship a citizen of Mauritius who has acquired citizenship by registration or naturalisation where he is satisfied that the registration or certificate of naturalisation in relation to that citizen, was obtained by means of fraud, false representation or the concealment of any material fact.

(3) (a) Subject to paragraphs (b) and (c), the Minister may, by Order, deprive of his citizenship a citizen of Mauritius who has acquired citizenship by registration or naturalisation under this Act where he is satisfied that the citizen—

(i) has shown himself by act or speech to be disloyal or disaffected towards the State or is, or has been declared, a suspected international terrorist under the Prevention of Terrorism Act;

(ii) has, during any war in which Mauritius was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business that was to his knowledge carried on in such manner as to assist an enemy in that war; or

(iii) has within 7 years after his registration or naturalisation under this Act been sentenced in any country to imprisonment for a term of not less than 12 months.

(b) The Minister shall not deprive any person of his citizenship where it appears to him that the person would become stateless.

(c) In the case of a person who is declared a suspected international terrorist as specified in subparagraph (a) (i)—

(i) the Minister may, subject to paragraph (b), deprive him of his citizenship irrespective of the manner in which he acquired both the citizenship of Mauritius and that of another State;

(ii) subsections 5, 6 and 7 shall not apply.

(4) (a) Subject to paragraph (b), the Minister may, by Order, deprive of his citizenship a citizen of Mauritius of full age and capacity, who has acquired citizenship by registration or naturalisation where he is satisfied that the person has been ordinarily resident in another country for a continuous period of 5 years and, during that period, has not—

(i) at any time been in the service of Government of Mauritius or of an international organisation of which Mauritius was a member;

(ii) registered in the prescribed manner at a consulate of Mauritius his intention to retain his citizenship of Mauritius; or

(iii) given notice in writing to the Minister of his intention to retain his citizenship of Mauritius.

(b) The Minister shall not deprive any person of his citizenship of Mauritius where it appears to him that the person would become stateless.

(5) Before making an Order under this section, the Minister shall give the person against whom the Order is proposed to be made notice in writing, informing him of the ground on which it is proposed to be made and, where the Order is proposed to be made on any of the grounds specified in subsection (2), of his right to an inquiry under this section.

(6) A notice under subsection (5) may be given—

(a) where the address of the person is known, by causing the notice to be delivered to him personally or by sending it to him at that address by registered post; or

(b) where the address of the person is not known, by sending it to his last known address and in such other manner as the Minister thinks fit.

(7) Where it is proposed to make an Order on any ground specified in subsection (2), the Minister shall, where the person against whom the order is proposed to be made so requests, refer the case for inquiry and report to a committee appointed by him for the purpose.

[S. 11 amended by s. 34 (4) of Act 2 of 2002 w.e.f. 16 March 2002.]

12. Exercise of rights abroad

(1) (a) Subject to paragraph (b), the Minister may, by Order, deprive of his citizenship a citizen of Mauritius who has acquired citizenship by registration or naturalisation where he is satisfied that the citizen has, while of full age and capacity, claimed and exercised—

(i) in a foreign country; or

(ii) in any other country under the law of which provision is made for conferring on its own citizens' rights not available to Commonwealth citizens generally,

any right available to him under the law of that country, being a right granted exclusively to its own nationals or citizens.

(b) The Minister shall not deprive any person of his citizenship of Mauritius where it appears to him that the person would become stateless.

(2) Where, at the time of his registration or naturalisation as a citizen of Mauritius under this Act, a person was not permitted to renounce his nationality or citizenship of another country under the law of that country but that law was subsequently altered to permit him so to do, the Minister may, by notice in writing given in the manner specified in section 11 (6), require that person to renounce his nationality or citizenship of that other country within such period as may be specified by the Minister, and where that person fails to do so within the period specified, the Minister may, by Order, deprive that person of his citizenship of Mauritius.

(3) Section 11 (5), (6) and (7) shall, with such adaptations and modifications as the context may require, apply in relation to an Order that is proposed to be made under subsection (1).

13. Effect of Order

Where an Order is made under sections 11 and 12 in respect of any person, that person shall cease to be a citizen of Mauritius as from the date on which the Order is made.

14. Dual nationality and resumption of citizenship

(1) (a) Subject to paragraph (b), where a citizen of Mauritius of full age and capacity who is also—

(i) a national of a foreign country; or

(ii) a citizen of any country specified in the First Schedule,

makes a declaration of renunciation of his citizenship of Mauritius in the prescribed manner, the Minister shall cause the declaration to be registered and that person shall cease to be a citizen of Mauritius.

(b) The Minister may withhold registration of a declaration under paragraph (a) if it is made during any war in which Mauritius is engaged by a person who is a national of a foreign country.

(2) A person of full age and capacity who has ceased to be a citizen of Mauritius upon his marriage and upon making a declaration of renunciation under subsection (1) may resume his citizenship of Mauritius and may be registered as a citizen of Mauritius if he makes an application to that effect in the prescribed manner and satisfies the Minister that—

(a) his marriage has been dissolved, or he has been separated from or abandoned by his spouse or his spouse has died; and

(b) he intends to reside in Mauritius.

(3) A person to whom subsection (2) applies may not resume his citizenship of Mauritius unless he first renounces any nationality or citizenship which he may possess.

(4) For the purposes of subsections (1) and (2), any woman who is or has been married shall be deemed to be of full age.

[S.14 amended by Act 46 of 1992; Act 24 of 1995.]

15. Resumption of Mauritian citizenship

(1) Any person who—

(a) was a citizen of Mauritius and also a national or citizen of some other country;

(b) attained the age of 21 on or after 12 March 1968 and before 1 October 1 995; and

(c) ceased to be a citizen of Mauritius by virtue of his failure to renounce the nationality or citizenship of that other country,

shall, if he is ordinarily resident in Mauritius, become a citizen of Mauritius as from 1 May 1 995.

(2) Where a person referred to in subsection (1) is not ordinarily resident in Mauritius, he may make an application for registration to the Minister and the Minister may, in his discretion, grant the application.

[S. 15 reprinted by Reprint 1 of 1983; amended by Act 24 of 1995.]

Part IV – Miscellaneous

16. Certificate of citizenship

(1) The Minister may, on application made to him and in such cases as he thinks fit, certify that a person with respect to whose citizenship of Mauritius a doubt exists, whether on a question of fact or of law, is a citizen of Mauritius.

(2) A certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was a citizen of Mauritius on the date of the certificate, without prejudice to any evidence that he was a citizen of Mauritius at an earlier date.

17. Minister's decision final

(1) The Minister shall not be required to give any reason for the grant or refusal of any application under this Act, the decision on which is at his discretion.

(2) The decision of the Minister on any application under this Act shall not be subject to any appeal or review in any Court.

18. Registers

(1) There shall be kept and maintained in such manner as may be approved by the Minister a register of persons who—

(a) have become citizens of Mauritius by registration;

(b) have become citizens of Mauritius by naturalisation;

(c) being citizens of Mauritius, are also nationals or citizens of some other country;

(d) being citizens of Mauritius and nationals or citizens of some other country, have renounced the nationality or citizenship of that other country; and

(e) have renounced the citizenship of Mauritius.

(2) —

(3) —

(4) Where a citizen of Mauritius born on or after 12 March 1968 is also a national or citizen of some other country, his responsible parent or guardian shall, within 90 days of his birth, cause him to be registered in the appropriate register in such manner as may be prescribed.

19. Evidence

(1) A document purporting to be a notice, certificate, Order, authority or declaration, or any entry in a register, or subscription of an oath or affirmation of allegiance, given, granted, issued or made in accordance with this Act, or any law relating to nationality, citizenship or naturalisation in force in Mauritius at any time before 14 December 1968 shall be received in evidence and shall, unless the contrary is proved, be deemed to have been given, granted, issued or made by or on behalf of the person by or on whose behalf it purports to have been given, granted, issued or made.

(2) An entry in a register made under any enactment referred to in subsection (1) shall be received as evidence of the matters stated therein.

20. Offences

(1) Any person who, for the purpose of procuring anything to be done or not to be done under this Act —

(a) makes any statement which he knows to be false in a material particular; or

(b) recklessly makes any statement which is false in a material particular,

shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding one year or to a fine not exceeding 1,000 rupees.

(2) Any person who fails to comply with any requirement imposed on him by this Act shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding one year or to a fine not exceeding 1,000 rupees.

21. Regulations

(1) The Minister may make regulations generally for the purposes of this Act.

(2) In particular and without prejudice to the generality of the power under subsection (1), the regulations may provide for—

(a) anything which is to be prescribed in relation to or in connection with citizenship;

(b) the registration of anything required or authorised to be registered;

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(c) the administration and taking of oaths or affirmations of allegiance, for the time within which the oaths or affirmations shall be taken;

(d) the giving of any notice required or authorised to be given to or by any person;

(e) the cancellation of the registration of, and the cancellation of certificates of naturalisation relating to persons deprived of citizenship, and requiring those certificates to be delivered up for those purposes; and

(f) the imposition and recovery of fees in relation to or in connection with citizenship.

(3) (a) The Minister may make rules for the practice and procedure to be followed in connection with references under this Act to a committee of inquiry.

(b) The rules under paragraph (a) may provide for conferring on the committee any powers, rights or privileges of any Court, and for enabling any powers so conferred to be exercised by one or more members of the committee.

22. Amendment of First Schedule

The Minister may, by regulations, amend the First Schedule.

[First Sch. amended by Act 46 of 1992.]

First Schedule (Sections 2 and 14)

Antigua and Barbuda	Namibia
Australia	Nauru
Bahamas	New Zealand
Bangladesh	Nigeria
Barbados	Pakistan
Belize	Papua New Guinea
Botswana	St Christopher and Nevis
Brunei	St Lucia
Canada	St Vincent and the Grenadines
Cyprus	Seychelles
Dominica	Sierra Leone
Gambia	Singapore
Ghana	Solomon Islands
Grenada	South Africa
Guyana	Sri Lanka
India	Swaziland
Jamaica	Tanzania
Kenya	Tonga
Kiribati	Trinidad and Tobago

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Lesotho	Tuvalu
Malawi	Uganda
Malaysia	United Kingdom and colonies
Maldives	Vanuatu
Malta	Western Samoa
	Zambia

[First Sch. amended by Act 31 of 1995.]

Second Schedule (Section 2 (2) (d))

I, _____, make oath and say that—

1. I am a citizen of Mauritius as well as a citizen of _____.

2. Under the law of _____ I am not permitted to renounce the nationality or citizenship of that country

3. For all intents and purposes whilst in Mauritius—

   (a) I shall consider myself as being only a citizen of Mauritius and as not belonging to _____;

   (b) I shall not claim or exercise any right available to me under the law of _____, being a right granted exclusively to its own nationals or citizens; and

   (c) I shall not do any act tending to show that I owe allegiance to any State other than Mauritius.

Before me _____.

Master and Register

Supreme Court

[Second Sch. added by Act 46 of 1992.]