

CHAPTER 65

THE UGANDA CITIZENSHIP ACT.

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CHAPTER 65

THE UGANDA CITIZENSHIP ACT¹.

Commencement: 9 October, 1962.

An Act to make provision for the acquisition of citizenship of Uganda by registration in certain cases, to regulate the manner and circumstances in which aliens may be naturalised as citizens of Uganda and in which citizens of Uganda may renounce or be deprived of their citizenship, and to make provision for certain other matters relating to citizenship of Uganda and for matters incidental to and connected with the aforesaid purposes.

PART I—INTERPRETATION.

1. Interpretation.

- (1) In this Act, unless the context otherwise requires—
 - (a) “alien” means a person who is not a Commonwealth citizen, a protected person or a citizen of the Republic of Ireland;
 - (b) “certificate of naturalisation” means a certificate of naturalisation granted under this Act;
 - (c) “Commonwealth” means Uganda, any country to which section 13 of the Constitution of 1962, applies and any dependency of any such country;
 - (d) “foreign country” means a country (other than the Republic of Ireland) that is not part of the Commonwealth;
 - (e) “minor” means a person who has not attained the age of twenty-one years;
 - (f) “protected person” means any person who, under any enactment for the time being in force in any country that is part of the Commonwealth, is a British protected person of that country;
 - (g) “Uganda consulate” means an office of a consular officer of the Government of Uganda where a register of births or residents is kept or, where there is no such office, such office as may be prescribed.

¹ **Commissioners’ note:** This Act does not take account of the effect of Constitutions subsequent to the Constitution of 1962 on this Chapter.

(2) For the purposes of this Act, 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, as the case may be, in that country.

(3) A person shall, for the purposes of this Act, be of full age if he or she has attained the age of twenty-one years, and of full capacity if he or she is not of unsound mind.

(4) For the purposes of this Act, a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his or her birth.

PART II—REGISTRATION AND NATURALISATION.

2. Registration of Commonwealth citizens, citizens of the Republic of Ireland, protected persons and children of citizens by descent.

(1) Subject to subsection (3), a citizen of any country to which section 13 of the Constitution of 1962, applies or of the Republic of Ireland or a protected person, being a person of full age and capacity, on making application therefor to the Minister in the prescribed manner, may be registered as a citizen of Uganda if he or she satisfies the Minister—

- (a) that he or she is ordinarily resident in Uganda and has been so resident for a period of five years;
- (b) that he or she has an adequate knowledge of a prescribed vernacular language or of the English language;
- (c) that he or she is of good character; and
- (d) that he or she would be a suitable citizen of Uganda.

(2) Subject to subsection (3), any person of full age and capacity born outside Uganda whose father was at the time of that person's birth a citizen of Uganda by virtue of section 7(2) of the Constitution of 1962, or by virtue of section 10 of that Constitution may, on making application therefor to the Minister in the prescribed manner, be registered as a citizen of Uganda.

(3) A person shall not be registered as a citizen of Uganda under this section unless he or she has made a declaration in writing in the prescribed form of his or her willingness to renounce any other nationality or citizenship he or she may possess and to take an oath of allegiance in the form specified

in the First Schedule to this Act.

3. Women entitled to be registered as citizens.

Notwithstanding any other provision of this Act, any woman who, on the 8th day of October, 1962, was married to a person who becomes a citizen of Uganda by virtue of section 8(5) of the Constitution of 1962, shall, on making application therefor in the prescribed manner, be entitled to be registered as a citizen of Uganda.

4. Registration of citizens of certain African states.

(1) Subject to subsection (3), a citizen of any State to which this section applies, being a person of full age and capacity, on making application therefor to the Minister in the prescribed manner, may be registered as a citizen of Uganda if he or she satisfies the Minister—

- (a) that he or she is ordinarily resident in Uganda and has been so resident for a period of five years;
- (b) that he or she has an adequate knowledge of a prescribed vernacular language or of the English language;
- (c) that he or she is of good character; and
- (d) that he or she would be a suitable citizen of Uganda.

(2) Notwithstanding subsection (1), the Minister may, by statutory order, waive or vary the requirement set out in subsection (1)(b) in respect of the citizens of any State to which this section applies, where the Minister is satisfied that any corresponding provision in the law of that State may be waived or varied in respect of citizens of Uganda.

(3) A person shall not be registered as a citizen of Uganda under this section unless he or she has made a declaration in writing in the prescribed form of his or her willingness to renounce any other nationality or citizenship he or she may possess and to take an oath of allegiance in the form specified in the First Schedule to this Act.

(4) The Minister may, where he or she is satisfied that reciprocal provisions are or may be made in respect of Uganda citizens under the law of any State on the continent of Africa other than a country of the Commonwealth, and that it is desirable so to do, by statutory order made with the prior approval signified by resolution of Parliament, declare that State to be a State to which this section applies.

5. Registration of minors.

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

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

6. Effect of registration.

(1) Subject to subsection (2), a person registered as a citizen of Uganda under section 8 or 11 of the Constitution of 1962, or under section 2, 4 or 5 of this Act shall become a citizen of Uganda by registration on the date on which he or she is registered.

(2) If a person of full age who is registered as a citizen of Uganda under this Act does not produce to such officer as the Minister may appoint for that purpose, within three months of being so registered or within such further period as the Minister or such officer may allow, evidence sufficient to satisfy the officer that that person has renounced any other nationality or citizenship which he or she may have possessed and that he or she has taken an oath of allegiance in the form specified in the First Schedule to this Act, the registration of that person as a citizen of Uganda shall be cancelled, and he or she shall be deemed never to have been so registered.

7. Naturalisation of aliens.

(1) Subject to this section—

- (a) the Minister may, if application therefor is made to him or her by any alien of full age and capacity who satisfies the Minister that he or she is qualified under the Second Schedule to this Act for naturalisation, grant to the alien a certificate of naturalisation; and
- (b) the alien to whom such a certificate is granted shall become a citizen of Uganda by naturalisation from the date of the grant.

(2) A certificate of naturalisation as a citizen of Uganda shall not be granted under this section except to a person who, before the grant of the certificate, has made a declaration in writing in the prescribed form of his or

her willingness to renounce any other nationality or citizenship which he or she may possess and to take an oath of allegiance in the form specified in the First Schedule to this Act.

(3) If a person to whom a certificate of naturalisation as a citizen of Uganda has been granted under this section does not produce to such officer as the Minister may appoint for that purpose, within three months of the grant or within such further period as the Minister or the officer may allow, evidence sufficient to satisfy the officer that he or she has renounced any other nationality or citizenship which he or she may have possessed and that he or she has taken an oath of allegiance in the form specified in the First Schedule to this Act, the naturalisation of that person as a citizen of Uganda shall be cancelled, and he or she shall be deemed never to have been so naturalised.

8. Residence under authority of certain passes not residence for acquisition of citizenship by registration or naturalisation.

Notwithstanding any of the provisions of this Act or of any other law, any period of residence in Uganda under the authority of any—

- (a) temporary employment pass;
- (b) dependents pass to a dependent of the holder of a temporary employment pass;
- (c) pupils pass;
- (d) special pass;
- (e) visitors pass; or
- (f) permit to a prohibited immigrant,

issued under any regulations made under the Immigration Act, whether the pass or permit was issued before or is issued after the 1st of October, 1963, shall not be included in the aggregate of years of residence for the purpose of the acquisition of citizenship by naturalisation or registration under this Act.

PART III—RENUNCIATION AND DEPRIVATION.

9. Renunciation of citizenship.

- (1) If any citizen of Uganda of full age and capacity who is also—
 - (a) a citizen of any country to which section 13 of the Constitution of 1962, applies, or of the Republic of Ireland; or
 - (b) a national of a foreign country,

makes a declaration in the prescribed manner of renunciation of citizenship of Uganda, the Minister may cause the declaration to be registered; and upon registration, that person shall cease to be a citizen of Uganda.

(2) The Minister may refuse to register any declaration of the kind mentioned in subsection (1) if it is made during any war in which Uganda may be engaged or if, in his or her opinion, it is otherwise contrary to public policy; but notwithstanding the refusal of the Minister, a person who makes any such declaration shall cease to be a citizen of Uganda at the time prescribed in section 12 of the Constitution of 1962.

10. Deprivation of citizenship of persons who exercise certain rights in other countries.

The Minister may by order deprive any person, other than a person who is a citizen of Uganda by virtue of section 7(1) of the Constitution of 1962, or by virtue of section 9 of that Constitution, of his or her Uganda citizenship if the Minister is satisfied that that person has at any time while a citizen of Uganda and of full age and capacity voluntarily claimed and exercised—

- (a) in a foreign country; or
- (b) in any other country under the law of which provision is in force for conferring on its own citizens rights not available to Commonwealth citizens generally,

any right available to him or her under the law of that country, being a right accorded exclusively to its own citizens, and that it is not conducive to the public good that he or she should continue to be a citizen of Uganda.

11. Deprivation of citizenship of citizens by registration or naturalisation.

(1) Subject to this section, the Minister may by order deprive of his or her citizenship any citizen of Uganda who is such by registration if he or she is satisfied that the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact.

(2) Subject to this section, the Minister may by order deprive of his or her citizenship any citizen of Uganda who is such by naturalisation if the Minister is satisfied that that citizen—

- (a) has shown himself or herself by act or speech to be disloyal or disaffected towards the Government of Uganda;

- (b) has, during any war in which Uganda was engaged, unlawfully traded or communicated with any enemy or been engaged in or associated with any business that was to his or her knowledge carried on in such a manner as to assist an enemy in that war;
- (c) has, within seven years after becoming naturalised, been sentenced in any country to imprisonment for a term of not less than twelve months; or
- (d) has been ordinarily resident in foreign countries for a continuous period of seven years and during that period has not registered annually in the prescribed manner with a Uganda consulate, or by notice in writing to the Minister, his or her intention to retain his or her citizenship of Uganda.

(3) The Minister shall not deprive a person of citizenship under this section unless he or she is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Uganda.

(4) 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 or her of the ground on which it is proposed to be made and of his or her right to an inquiry under this section; and if that person applies in the prescribed manner for an inquiry, the Minister shall refer the case to a committee of inquiry consisting of a chairperson, being a person possessing judicial experience, appointed by the Minister and of such other members appointed by the Minister as he or she thinks proper.

12. Deprivation of citizenship of Uganda when person deprived of citizenship elsewhere.

- (1) Where a citizen of Uganda who is such by registration—
 - (a) was a citizen of any country to which section 13 of the Constitution of 1962, applies or of the Republic of Ireland, or of any country to which section 4 applies, by virtue of a certificate of naturalisation granted to him or her or in which his or her name was included; and
 - (b) has been deprived of that citizenship on grounds which in the opinion of the Minister are substantially similar to any of the grounds specified in section 11(1) and (2), the Minister may by order deprive him or her of his or her Uganda citizenship, if the Minister is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Uganda.

(2) 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 or her of the ground on which it is proposed to be made and may refer the case to a committee of inquiry constituted in the manner provided by section 11.

13. Effect of renunciation or deprivation.

(1) A citizen of Uganda who is deprived of his or her citizenship by an order of the Minister under section 10, 11 or 12 shall, upon the making of the order, cease to be a citizen of Uganda.

(2) The renunciation by any person of his or her Uganda citizenship or the deprivation of any person's Uganda citizenship under this Part of this Act shall not affect the liability of that person for any offence committed by him or her before the renunciation or deprivation of his or her citizenship.

PART IV—SUPPLEMENTAL.

14. Married women.

For the purposes of Parts II and III of this Act, any woman who has been married shall be deemed to be of full age.

15. Legitimated children.

(1) A person born out of wedlock and legitimated by the subsequent marriage of his or her parents shall, as from the date of the marriage or of the commencement of this Act, whichever is later, be treated, for the purpose of determining whether he or she is a citizen of Uganda, as if he or she had been born legitimate.

(2) A person shall be deemed for the purposes of this section to have been legitimated by the subsequent marriage of his or her parents if by the law of the place in which his or her father was domiciled at the time of the marriage the marriage operated immediately or subsequently to legitimate him or her, and not otherwise.

16. Posthumous children.

Any reference in this Act to the national status of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his or her father, be construed as a reference to the national status of the father at the time of the father's death; and where that death occurred before the 9th October, 1962, and the birth occurred after the 8th October, 1962, the national status that the father would have had if he had died on the 9th October, 1962, shall be deemed to be his national status at the time of his death.

17. Decision of Minister to be final.

The Minister shall not be required to assign any reason for the grant or refusal of any application under this Act, and the decision of the Minister on any such application shall not be subject to appeal to or review in any court.

18. Certificate of citizenship in cases of doubt.

The Minister may in such cases as he or she thinks fit, on the application of any person with respect to whose citizenship of Uganda a doubt exists, whether on a question of fact or law, certify that that person is a citizen of Uganda; and 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 such a citizen on the date thereof, but without prejudice to any evidence that he or she was such a citizen at an earlier date.

19. Manner of making applications.

(1) Every application under section 8 or 11 of the Constitution of 1962 shall be made to the Minister.

(2) Every application to the Minister under section 8 or 11 of the Constitution of 1962 or under this Act—

- (a) shall be accompanied by the prescribed fee, if any;
- (b) where the form of any such application is prescribed under this Act, shall be made in that form with such variations as the circumstances may require and the Minister accepts;
- (c) shall be supported by such evidence of the statements made in it as may be prescribed under this Act or as the Minister may

require; and (d) shall be verified by an affidavit or a declaration made before a magistrate or commissioner for oaths.

20. Renunciation of citizenship of other countries and declarations relating to residence.

(1) Where, under Chapter II of the Constitution of 1962, or the foregoing provisions of this Act, a person is required to renounce the nationality or citizenship of any country other than Uganda and the law of the other country makes no provision for the renunciation of nationality or citizenship, the person shall make the appropriate declaration specified in the Third Schedule to this Act; and a person who makes the declaration shall be treated as having complied with any such requirement.

(2) Where, under Chapter II of the Constitution of 1962, a person is required to make any declaration of his or her intentions concerning residence, he or she shall make a declaration in the form specified in the Fourth Schedule to this Act, with such variations as the circumstances of the case require.

21. Evidence.

(1) Every document purporting to be a notice, certificate, order or declaration, or any entry in a register, or a subscription of an oath of allegiance or declaration of renunciation, given, granted or made under Chapter II of the Constitution of 1962, or under this Act, shall be received in evidence, and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) Prima facie evidence of any document of the kind mentioned in subsection (1) may be given by production of a document purporting to be certified as a true copy of that document by such person and in such manner as may be prescribed.

(3) Any entry in a register made under Chapter II of the Constitution of 1962, or under this Act, shall be received as evidence of the matters stated in the entry.

22. Offences and penalties.

(1) Any person who, for the purpose of procuring anything to be done or not to be done under Chapter II of the Constitution of 1962, or under this Act, makes any statement which he or she knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Any person who fails to comply with any requirement imposed on him or her by regulations made under this Act with respect to the delivering up of certificates of naturalisation or certificates of registration commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

23. Regulations.

- (1) The President may make regulations—
 - (a) for prescribing any matter which is to be prescribed under this Act, other than a matter for which provision may be made under subsection (2);
 - (b) for the registration of anything required or authorised under Chapter II of the Constitution of 1962, or under this Act to be registered;
 - (c) for the administration and taking of oaths of allegiance under Chapter II of the Constitution of 1962, or under this Act; for the time within which oaths of allegiance shall be taken and for the registration of oaths of allegiance;
 - (d) for the giving of any notice required or authorised to be given to any person under this Act;
 - (e) for the cancellation of the registration of, and the cancellation and amendment of certificates of naturalisation relating to, persons deprived of citizenship under this Act, and for requiring the certificates or certificates of registration to be delivered up for those purposes;
 - (f) for the registration of the births and deaths of persons of any class or description born or dying elsewhere than in Uganda, and otherwise for registration at Uganda consulates;
 - (g) for enabling the births and deaths of citizens of Uganda born or

dying in any country in which the Government of Uganda has for the time being no diplomatic or consular representative to be registered by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with the Government of Uganda, has undertaken to represent that Government's interest in that country, or by a person authorised in that behalf by the Minister, and for the registration thereby of citizens of Uganda ordinarily resident outside Uganda; (h) for matters incidental to and connected with the matters mentioned in this subsection.

- (2) The Minister may make regulations—
 - (a) prescribing forms; and
 - (b) providing for the imposition and recovery of fees, in respect of any application made to the Minister or in respect of any registration, or the making of any declaration, or the grant of any certificate, or the taking of any oath of allegiance, authorised to be made, granted or taken under Chapter II of the Constitution of 1962, or this Act, and in respect of supplying a certified or other copy of any notice, certificate, order, declaration or entry, given, granted, or made under that Chapter of that Constitution or under this Act.

PART V—PROVISIONS RELATING TO TIME.

24. Provisions relating to section 8 of the Constitution of 1962.

(1) The period during which any woman to whom section 8(3) of the Constitution of 1962 applies may register under that subsection shall be the lifetime of the husband to which that subsection refers, and for the purposes of subsection (6)(b) of that section, that period is prescribed.

(2) The Minister, and any officer of the Government authorised for that purpose by the Minister, may—

- (a) declare that the specified date relating to any person to whom section 8(6) of the Constitution of 1962 refers, who is of unsound mind during any period between the 9th October, 1962, and the date declared by that subsection to be the specified date in relation to that person, shall be such later date as will, in the opinion of the Minister or the authorised officer, permit the person when of sound mind an opportunity of making application

for registration under section 8 of that Constitution; (b) in any other case in which the Minister is satisfied that a person to whom section 8(6) of the Constitution of 1962 refers is, by reason of any circumstances not attributable to his or her default or neglect unable to make application within the time prescribed in relation to that person in that subsection or in subsection (1) of this section, declare that the specified date in relation to that person shall be such later date as will permit the person an opportunity of making application for registration under section 8 of that Constitution.

(3) The power of the Minister, and any officer of the Government authorised for that purpose by the Minister, under this section may be exercised before or after the relevant date declared by section 8 of the Constitution of 1962 to be the specified date.

25. Provisions relating to section 12 of the Constitution of 1962.

(1) The specified date in relation to any person to whom section 12(6) of the Constitution of 1962 refers who is of unsound mind during any period commencing—

- (a) on the date on which he or she attains twenty-one years of age; or
- (b) on the date on which, having first attained the age of twenty-one years or, in the case of a woman, having first married, he or she acquires the citizenship of some country other than Uganda otherwise than in the circumstances described in subsection (3)(a) of that section,

and ending on the date declared to be the specified date by subsection (6) of that section shall be the first anniversary of the date on which the person ceases to be of unsound mind; and where before the first anniversary of that date, or any later date which may be taken for the purpose under subsection (2), the person again becomes of unsound mind, the specified date shall be the first anniversary of the date on which he or she subsequently ceases to be of unsound mind.

(2) The Minister or any officer of the Government authorised for that purpose by the Minister may, in any case in which he or she is satisfied that a person to whom section 12(6) of the Constitution of 1962 refers is, by reason of any circumstances not attributable to that person's default or neglect, unable to renounce his or her citizenship of some country other than

Uganda or take the oath of allegiance, or make or register any such declaration as is specified in the Fourth Schedule to this Act within the time prescribed in relation to that person in that subsection, or any later date declared under this subsection, declare that the specified date in relation to that person shall be such later date as will permit that person an opportunity of doing all such acts, or all such acts as remain to be done; but nothing in this subsection shall confer on the Minister or any such authorised officer power to make any such declaration in relation to any such person after he or she has ceased to be a citizen of Uganda.

SCHEDULES

First Schedule.

s. 2(3).

Oath of allegiance.

I, _____, swear that I will be faithful and bear true allegiance to the Republic of Uganda and that I will support and uphold the Constitution of Uganda as by law established. (So help me God.)

Second Schedule.

s. 7.

Qualifications for naturalisation.

1. Subject to paragraph 2 of this Schedule, the qualifications for naturalisation of an alien who applies for naturalisation are—
 - (a) that he or she has resided in Uganda throughout the period of twelve months immediately preceding the date of the application;
 - (b) that during the seven years immediately preceding that period of twelve months he or she has resided in Uganda for periods amounting in the aggregate to not less than five years;
 - (c) that he or she has an adequate knowledge of a prescribed vernacular language or of the English language;
 - (d) that he or she is of good character;
 - (e) that he or she would be a suitable citizen of Uganda; and
 - (f) that he or she intends, if naturalised, to continue to reside permanently in Uganda.
2. The Minister, if in the special circumstances of any particular case he or she thinks fit, may—
 - (a) allow a continuous period of twelve months ending not more than six months before the date of application to be reckoned for the purposes of paragraph 1(a) of this Schedule as though it had immediately preceded that date;
 - (b) allow periods of residence earlier than eight years before the date of application to be reckoned in computing the aggregate mentioned in paragraph 1(b) of this Schedule.

Third Schedule.

s. 20(1).

Declaration Concerning Citizenship.
(Under section 12 of the Constitution of 1962).

I, _____, *(full name in block capitals)*
do solemnly and sincerely declare—

1. That I was born at _____
in
Uganda/* _____
(insert name of country) and am of or over the age of twenty-one years.
2. That I am a citizen of Uganda by birth/descent/registration/
naturalisation* and am also a national of _____
(insert name of country) by birth/descent/registration/
naturalisation/marriage*.
3. That as I am desirous of retaining my status as a citizen of Uganda, I
renounce so far as it lies within my power my status as a
citizen/national* of _____
(insert name of country) and any claim I have to the protection of that
country.

Signature of applicant

Declared at _____, this _____
day
of _____, 20____, before me.

Magistrate/Commissioner for Oaths*

**Delete as applicable.*

OR

(Under sections 2, 4 and 7 of the Act.)

I, _____, (*full name in block capitals*) do solemnly and sincerely declare—

1. That I was born at _____ (*insert name of country*) and am of or over the age of twenty-one years.
2. That I have been granted Uganda citizenship by registration/naturalisation* on condition that I renounce my citizenship/nationality* of _____ (*insert name of country*).
3. I renounce, so far as it lies within my power, my status as a citizen/national* of _____ (*insert name of country*) and any claim I have to the protection of that country.

Signature of Applicant

Declared at _____ this _____ day of _____, 20 _____, before me.

Magistrate/Commissioner for Oaths*

**Delete as applicable.*

Declaration Concerning Residence.
(Under section 12 of the Constitution of 1962.)

I, _____ ,
of _____
do solemnly and sincerely
declare—

1. That so far as it lies within my power, I have renounced my citizenship/nationality* of _____
(insert name of country) and intend to reside permanently in Uganda if permitted.
2. That although I have renounced my citizenship/nationality* of _____
(insert name of country) and intend my domicile of choice to be Uganda, it may be necessary in the course of my employment as _____
/self-employment* to be absent from time to time from Uganda.

Signature of Applicant

Declared at _____ this _____
day
of _____ , 20 _____, before me.

Magistrate/Commissioner for Oaths*

**Delete paragraphs or words not applicable.*

History: Cap 58.

Cross References

Constitution of 1962.
Immigration Act, Cap. 63.