

ACTS SUPPLEMENT

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Act 5 *Uganda Citizenship and Immigration Control*
(Amendment) Act

2009

THE UGANDA CITIZENSHIP AND IMMIGRATION CONTROL
(AMENDMENT) ACT, 2009

ARRANGEMENT OF SECTIONS.

Section.

1. Amendment of Cap. 66.
2. Amendment of section 3 of principal Act.
3. Insertion of section 8A to the principal Act.
4. Amendment of section 14 of principal Act.
5. Amendment of section 15 of principal Act.
6. Amendment of section 16 of principal Act.
7. Replacement of section 17 of principal Act.
8. Replacement of section 18 of principal Act.
9. Replacement of section 19 of principal Act.
10. Insertion of sections 19A to 19G of principal Act.
11. Insertion of Fifth Schedule to principal Act.

**THE UGANDA CITIZENSHIP AND IMMIGRATION
CONTROL (AMENDMENT) ACT, 2009.**

An Act to amend the Uganda Citizenship and Immigration Control Act, to provide for dual citizenship; to provide for the board to have a vote of its own; to amend the provisions of the Act relating to the loss of Uganda citizenship by registration or naturalization; to provide for the offices of state which a person holding dual citizenship is not qualified to hold; to provide for former Ugandans who wish to re-acquire Ugandan citizenship and for related matters.

DATE OF ASSENT: 15th July, 2009.

Date of Commencement: 21st August, 2009.

BE IT ENACTED by Parliament as follows—

1. Amendment of Cap. 66.

The Uganda Citizenship and Immigration Control Act in this Act referred to as the principal Act, is amended in section 2 by inserting immediately after paragraph (j) the following—

“(ja) “dual citizenship” means the simultaneous possession of two citizenships one of which is Ugandan;”

2. Amendment of section 3 of principal Act.

Section 3 of the principal Act is amended—

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(a) by substituting for subsection (1) the following—

“(1) The National Citizenship and Immigration Board established by article 16 of the Constitution shall consist of a chairperson, a deputy chairperson and not more than five other persons appointed by the President with the approval of Parliament.”;

(b) by substituting for subsection (3) the following—

“(3) A member of the board may be removed from office by the President only for—

- (a) inability to perform the functions of his or her office arising out of physical or mental incapacity;
- (b) incompetence;
- (c) conflict of interest; or
- (d) being convicted of a criminal offence in Uganda or elsewhere.”

3. Insertion of section 8A to the principal Act.

Part II of the Principal Act is amended by inserting immediately after section 8 the following—

“8A. Vote of the board.

(1) The board shall have a vote of its own.

(2) Non-tax revenue collected by the board shall be retained by the board to be appropriated in Aid.

4. Amendment of section 14 of principal Act.

Section 14 of the principal Act is amended by substituting for subsection (2) (b) the following—

“(b) every person who has legally and voluntarily migrated to and has been living in Uganda for at least ten years;”

5. Amendment of section 15 of principal Act.

Section 15 of the principal Act is amended by substituting for subsection (3) (a) the following—

“(a) where a person has more than one citizenship, he or she has made a declaration in writing in the Form specified in Form B of the Third Schedule to this Act, renouncing one of the nationalities or citizenships he or she may possess;”

6. Amendment of section 16 of principal Act.

Section 16 of the principal Act is amended by substituting for subsection (6) the following—

“(6) A person shall not be granted citizenship of Uganda under this section unless—

- (a) subject to section 19, where the person has more than one citizenship, he or she has made a declaration in writing in the prescribed form, renouncing any other nationality or citizenship he or she possesses; and
- (b) he or she has taken an oath of allegiance in the prescribed form in the Fourth Schedule to the Constitution and set out in the Third Schedule to this Act.”

7. Replacement of section 17 of principal Act.

For section 17 of the principal Act there is substituted the following—

“17. Loss of citizenship by registration.

(1) The board may deprive a person of his or her citizenship if acquired by registration, on any of the following grounds—

- (a) subject to section 19, voluntary acquisition of the citizenship of another country;
- (b) voluntary service in the armed forces or security forces of a country hostile to or at war with Uganda;

- (c) acquisition of Uganda citizenship by fraud, deceit, bribery or having made intentional and deliberate false statements in his or her application for citizenship;
- (d) espionage against Uganda.

(2) For the avoidance of doubt, this section applies to a person registered as a citizen of Uganda under section 13 or 14.”

8. Replacement of section 18 of principal Act.

For section 18 of the principal Act there is substituted the following—

“18. Loss of citizenship by naturalisation

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

(2) Subject to this section, the board may, by order, deprive a person of his or her citizenship by naturalisation on any of the following grounds—

- (a) subject to section 19, voluntary acquisition of the citizenship of another country;
- (b) voluntary service in the armed forces or security forces of a country hostile to or at war with Uganda;
- (c) acquisition of Uganda citizenship by fraud, deceit, bribery or having made intentional and deliberate false statements in his or her application for citizenship;
- (d) espionage against Uganda;
- (e) if he or she is convicted of an offence of treason against Uganda;

- (f) if he or she is, within five years after the date of naturalisation as a citizen of Uganda, sentenced by a court of competent jurisdiction to imprisonment for a term of five years or more;
- (g) if he or she commits a criminal act against the security of the state;
- (h) if he or she renounces his or her Uganda citizenship.”

9. Replacement of section 19 of principal Act.

For section 19 of the principal Act, there is substituted the following—

“19. Dual citizenship

(1) A citizen of Uganda of eighteen years and above who voluntarily acquires the citizenship of a country other than Uganda may retain the citizenship of Uganda subject to the Constitution, this Act and any law enacted by Parliament.

(2) A person who is not a citizen of Uganda may, on acquiring the citizenship of Uganda, subject to the Constitution, this Act and any other law enacted by Parliament, retain the citizenship of another country.”

10. Insertion of sections 19A to 19G of principal Act.

The principal Act is amended by inserting immediately after section 19 the following—

“19A. Acquisition by a citizen of Uganda of the citizenship of another country while retaining the citizenship of Uganda.

(1) A citizen of Uganda who desires to acquire the citizenship of another country while retaining his or her citizenship of Uganda shall give notice in writing to the board of his or her application for the citizenship of another country.

(2) The notice under subsection (1) shall be in the prescribed form and shall be accompanied by the following—

- (a) a statutory declaration stating that he or she is a citizen of Uganda only;
- (b) where the person is a citizen of Uganda and another country, a declaration of renunciation of the citizenship of the third country;
- (c) evidence that the applicant is of or above eighteen years of age;
- (d) a copy of the application for citizenship of that other country;
- (e) any other relevant information.

19B. Acquisition by a non citizen of Uganda of Uganda citizenship while retaining the citizenship of another country.

(1) A non-Ugandan citizen who wishes to acquire the citizenship of Uganda while retaining the citizenship of another country shall satisfy the conditions for citizenship specified in sections 14 and 16.

(2) In addition to the conditions prescribed in subsection (1) a non-Ugandan citizen who wishes to acquire dual citizenship under this section shall—

- (a) satisfy the board that the laws of his or her country of origin permit him or her to hold dual citizenship;
- (b) not be the subject of a deportation order from Uganda territory or any other country;
- (c) not be under a sentence of death or imprisonment exceeding nine months imposed by a competent court, without the option of a fine;
- (d) satisfy the board that he or she has been resident in Uganda for not less than ten years;

- (e) satisfy the board that he or she has adequate knowledge of any prescribed vernacular language in Uganda or of English or Swahili;
- (f) satisfy the board that he or she has not been in Uganda as a refugee or as a diplomat;
- (g) he or she possesses rare skills and capacity for technology transfer;
- (h) be willing to take the oath of allegiance;
- (i) be a person of sound mind.

19C. General conditions for dual citizenship

A person applying for dual citizenship shall, before being registered, satisfy the board that—

- (a) he or she is not engaged in espionage against Uganda;
- (b) he or she has not served in the voluntary service of the armed forces or security forces of a country hostile to or at war with Uganda;
- (c) he or she has not attempted to acquire Ugandan citizenship by fraud, deceit or bribery or by intentional or otherwise deliberate false statements in an application for citizenship;
- (d) he or she does not have a criminal record;
- (e) the laws of his or her country of origin permit dual citizenship;
- (f) he or she is, at the time of application, of or above eighteen years of age;
- (g) he or she is of sound mind;
- (h) does not hold more than one citizenship;
- (i) is not an undischarged bankrupt or insolvent.

19D. Persons with dual citizenship not to hold certain offices of State.

(1) A person who holds the citizenship of another country in addition to the citizenship of Uganda is not qualified to hold any of the offices of State specified in the Fifth Schedule to this Act.

(2) Parliament may by resolution amend the Fifth Schedule.

(3) A resolution passed under this section shall, as soon as possible, be published in the *Gazette*.

19E. Termination of citizenship of Uganda.

For the avoidance of doubt, where by virtue of the holding of dual nationality granted under section 19A or 19B, a person holds the citizenship of Uganda in addition to the citizenship of another country, the board may by order deprive that person of the citizenship of Uganda—

(a) upon any of the grounds specified in sections 17 or 18; or

(b) if that person acquires a third citizenship.

19F. Consequences of loss of Ugandan citizenship.

(1) Where a person ceases to be a citizen of Uganda, he or she shall be regarded as a citizen or national of the country, of which he or she was a citizen or national before becoming a Ugandan citizen.

(2) Where a person ceases to be a Ugandan citizen, he or she shall cease to enjoy the rights of a Ugandan citizen except rights to property acquired legally while the person was a citizen.

(3) Where a person ceases to be a Ugandan citizen, he or she shall not thereby be discharged from any obligation, duty or liability in respect of any act done or committed before he or she ceased to be a citizen of Uganda.

19G. Re-acquisition of Ugandan citizenship by a Ugandan.

(1) A person who was a citizen of Uganda by birth and who on acquiring the citizenship of another country renounced his or her Ugandan citizenship, may apply to the board in the prescribed manner to re-acquire his or her former Ugandan citizenship.

(2) The board may allow a former Ugandan citizen to re-acquire his or her Ugandan citizenship if it is satisfied that the grounds for the loss of his or her Ugandan citizenship are of no adverse effect to the public order and security of Uganda.

(3) A person who re-acquires Ugandan citizenship under this section shall be required to take the oath of allegiance."

11. Insertion of Fifth Schedule to principal Act.

The principal Act is amended by inserting immediately after the Fourth Schedule the following—

"FIFTH SCHEDULE

Section 19D

OFFICES OF STATE WHICH A PERSON HOLDING DUAL
CITIZENSHIP IS NOT QUALIFIED TO HOLD

1. President.
2. Vice President.
3. Prime Minister.
4. Cabinet Minister and other Ministers.
5. The Inspector General and the Deputy Inspector General of Government.
6. Technical Head of the Armed Forces.
7. Technical Heads of Branches of the Armed Forces.
8. Commanding Officers of Armed Forces Units of at least battalion strength.
9. Officers responsible for heading departments responsible for records, personnel and logistics in all branches of the Armed Forces.
10. Inspector General of Police and Deputy Inspector General of Police.
11. Heads and Deputy Heads of National Security and Intelligence Organisations, (ESO), ISO and CMI).
12. Member of the National Citizenship and Immigration Board."