

POLICY GUIDANCE ON SIERRA LEONE CITIZENSHIP LAWS

INTRODUCTION

- 1.1 Citizenship is the concept of belonging to a nation or a sovereign state. It is a legal status enshrined in the constitution and/or in statute which accord members rights and privileges along with responsibilities. This include the right to live, work and pay taxes in that nation or state. In most countries people are accorded the additional right to have dual or multiple citizenship, meaning that people can belong to more than one nation or sovereign state.
- 1.2 Sierra Leone being a sovereign nation has various statutes/laws that set out the basis on which someone qualifies for citizenship and hence entitled to a Sierra Leonean passport. These statutes/laws are:
 - THE CONSTITUTION OF SIERRA LEONE
 - THE CITIZENSHIP ACT OF 1973 (SIERRA LEONE)
 - THE CITIZENSHIP ACT OF 1976 (SIERRA LEONE)
 - THE CITIZENSHIP ACT OF 2006 (SIERRA LEONE)
 - THE CITIZENSHIP ACT OF 2017 (SIERRA LEONE)
- 1.3 The Sierra Leone citizenship Act, 1973 is the principle statute that defines the legal basis of becoming a citizen of Sierra Leone, although various amendments were made in subsequent years.

POLICY STATEMENT

- 2.1 It is important to note that having a Sierra Leonean nationality does not guarantee you a passport. For example, you may not get a new passport (or your existing passport may be taken from you) where the applicant is:
 - suspected of a serious crime and an arrest warrant has been issued;
 - a court order stopping you having a Sierra Leonean passport
 - on bail and bail conditions mean you cannot leave Sierra Leone
 - the subject of a United Nations order which restricting travel
- 2.2 A passport can also be cancelled or not renewed if it's for a child and there's a court order in place stopping the child from leaving Sierra Leone.
- 2.3 You must have Sierra Leonean citizen to apply for or hold a Sierra Leonean passport.

- 2.4 Note also that passports belong to the government and can be cancelled or withdrawn at any time.

CITIZENSHIP BY BIRTH

- 3.1 The Sierra Leone Citizenship Act 1973 provides that every person who was born in Sierra Leone before 19th April 1971, or who was resident in Sierra Leone on the 18th April, 1971, and not the subject of any other State shall, on the 19th April, 1971, be deemed to be a citizen of Sierra Leone by birth provided:

- (a) his father or his grandfather was born in Sierra Leone; and
- (b) he is a person of negro African descent;

- 3.2 Section (a) above was amended in 2006 to remove the gender discrimination for those born in Sierra Leone, meaning that citizenship can now be passed through both the paternal and maternal lines. This was further extended to children born outside the country in 2017. Therefore, anyone who meets the above conditions is entitled to a Sierra Leonean passport.

CITIZENSHIP BY DESCENT

- 4.1 Citizenship by descent means that if someone has ancestors (such as parents, grandparents, or even great-grandparents) from a country, they may be eligible to become a citizen of that country. In the case of Sierra Leone, it applies to people born outside of Sierra Leone either to biological parent(s) born in Sierra Leone and meet the definition of citizenship as in paragraph 2.1 above or whose parents naturalised before they were born.

- 4.2 Therefore, citizenship by descent applies to every person born outside of Sierra Leone on or after the nineteenth of April, 1971, of a father or mother who is/was a citizen of Sierra Leone by virtue of provisions of the Act is a citizen of Sierra Leone and entitled to a Sierra Leonean passport (Citizenship amendment Act, 2017, Section 1).

CITIZENSHIP BY NATURALISATION

- 5.1 Naturalisation is the legal process by which a non-citizen in a country may acquire citizenship of that country. In the case of Sierra Leone, this means someone who is not Sierra Leonean applying to the Immigration Department to become a Sierra Leonean. For example, a Nigerian citizen applying to naturalise

to become a Sierra Leonean. This is a long drawn out process which requires the approval of State House through the President for an individual to become a Sierra Leonean citizen. However, applications for naturalisation are few and far between and over the years there have been even been cases where the government has suspended the process for naturalisation due concerns around those applying to become Sierra Leoneans.

5.2 The Sierra Leone Citizenship Act 1973 provides that:

- (i) Every person upon attaining the age of 21 and of sound mind who is of a Negro African descent and must have resided in Sierra Leone for no less than 8 years, may on application in manner prescribed be granted a certificate of naturalisation (Section 8(2) 1973).
- (ii) Every person upon attaining the age of 21 and of a sound mind neither of whose parent is a person of Negro African descent and must have resided in Sierra Leone for years amounting to not less than 15 years may on application in the manner prescribed, be granted a certificate of naturalisation (Section 8(3) 1973).
- (iii) Any person under the age of 21, whose father or mother was a citizen of Sierra Leone by naturalisation born outside of Sierra Leone on or after the date on which the father or mother became a citizen as aforementioned may if he desires to acquire a citizenship of Sierra Leone make an application for naturalisation.

Naturalisation by marriage

6.1 The Sierra Leone Citizenship Act (Section 7) 1973 provides for the acquisition of Sierra Leonean Citizenship by Marriage. The Act provides that every woman who is not a Sierra Leonean and who is or has been married to a Sierra Leonean citizen, may on application being made by her in the manner prescribed, be granted a certificate of naturalization.

Conditions or requirements for certificate of naturalisation

7.1 The Sierra Leone Citizenship Act 1973 set the conditions which an individual applicant needs to meet in order to qualify for citizenship by naturalisation. However, this was amended under Section 4 of the 2006 Amendment Act. The condition stipulated under Amendment Act are:

- (i) The person should be of full age;
- (ii) and of sound mind.

- (iii) Should take an oath of allegiance to the Republic of Sierra Leone in accordance with the first schedule.
- (iv) Must make and register a declaration satisfactory to the Minister of Internal Affairs concerning residence and employment.
- (v) Must pay the prescribed fees

Passport Application for Naturalised citizens

- 8.1 There is substantial number of people who were born in the country but were not unable to acquire automatic citizenship due to section (b) above which stipulate that a person has to be of negro African descent to acquire citizenship by birth. Given this position, naturalisation is the only path by which the majority of these people can acquire Sierra Leonean citizenship.
- 8.2 Where there is an application for a passport after naturalised citizen, only the Chief Immigration Officer (CIO) or his Deputy () (DCIO) can approve such applications. Once the application has been through Customer Care Unit and Central Processing Unit for initial logging and vetting, the applications should be submitted to the Secretary to the CIO who will pass it on either to CIO or DCIO for final approval.
- 8.3 Once an application for a naturalised citizen has been approved and printed, the collection of the passport must be also through the Secretary to the CIO. The passport must be signed for in the log book before collection from the office of the Secretary to the Chief Immigration Officer.

Dual Citizenship

- 9.1 A dual citizenship legislative instrument extends citizenship rights to emigrants who have gone through naturalization processes in other countries. In recent years, many African governments have passed the dual citizenship law to enable people in the diaspora to 'belong' to both their host countries and their countries of origin. Given that a large number of Sierra Leoneans who have migrated to other countries in the last three decades, the number of persons who seek dual citizenship in other countries is also increasing.
- 9.2 Under the Sierra Leone Citizenship Act 1973, dual citizenship was not permitted. However, this was changed under Section 5 of the 2006 Amendment Act which stipulates that a citizen of Sierra Leone may hold a citizenship of another country in addition to his citizenship of Sierra Leone. This now enable Sierra Leoneans in the diaspora to access basic rights accorded by both the countries of origin and the host countries.

Resumption of Citizenship

10.1 The Sierra Leone Citizenship (Amendment) Act 2006 makes provision for Sierra Leoneans who may have lost their citizenship, when the law [under the previous Sierra Leone Citizenship Act 1973] did not allow for dual citizenship, to resume their citizenship. Section 7 of the 2006 Amendment Act provides that a Sierra Leonean who ceased to become a citizen of Sierra Leone upon requirement of becoming a citizen of another country, may resume his Sierra Leonean citizenship if he so wishes.