

## CHAPTER II – CITIZENSHIP

Persons who became citizens on 31<sup>st</sup> August 1962

9. (1) Every person who, having been born in Trinidad or in Tobago, was on the 30<sup>th</sup> August, 1962 a citizen of the United Kingdom and Colonies shall become a citizen of Trinidad and Tobago on the 31<sup>st</sup> August, 1962.

(2) Every person who, having been born neither in Trinidad nor in Tobago, was on the 30<sup>th</sup> August, 1962 a citizen of the United Kingdom and Colonies shall, if his father becomes or would but for his death have become a citizen of Trinidad and Tobago in accordance with the provisions of subsection (1) of this section, become a citizen of Trinidad and Tobago on the 31<sup>st</sup> August, 1962.

Persons entitled to be registered as citizens

10. (1) Every person who on the 1<sup>st</sup> January, 1962 was a citizen of the United Kingdom and Colonies or a British protected person and was on that day ordinarily resident in Trinidad and Tobago and is not a person who has ceased to be a citizen of Trinidad and Tobago under the provisions of section 14 of this Constitution shall be entitled, upon making application before the 1<sup>st</sup> January, 1967 in such manner as may be prescribed, to be registered as a citizen of Trinidad and Tobago;

Provided that a person who has not attained the age of twenty-one years (other than a woman who is or has been married) may not make an application under this subsection himself but an application may be made on his behalf by his parent or guardian

(2) Any woman who on the 31<sup>st</sup> August, 1962 is or had been married to a person -

(a) who becomes a citizen of Trinidad and Tobago by virtue of section 9 of this Constitution; or

(b) who, having died before the 31<sup>st</sup> August, 1962 would, but for his death, have become a citizen of Trinidad and Tobago by virtue of that section,

shall be entitled, upon making application in such manner as may be prescribed, and, if she is a British protected person or an alien, upon taking the oath of allegiance, to be registered as a citizen of Trinidad and Tobago.

(3) Any woman who on the 31<sup>st</sup> August, 1962 is or had been married to a person who becomes a citizen of Trinidad and Tobago by registration under subsection (1) of this section shall be entitled upon making application within such time and in such manner as may be prescribed and, if she is a British protected person or an alien, upon taking the oath of allegiance, to be registered as a citizen of Trinidad and Tobago.

(4) Any woman who before the 31<sup>st</sup> August, 1962 had been married to a person who becomes, or would but for his death have become, entitled to be registered as a citizen of Trinidad and Tobago under subsection (1) of this section, but whose marriage had been

terminated by death or dissolution of marriage, shall be entitled, upon making application before the 31<sup>st</sup> August, 1964 in such manner as may be prescribed and, if she is a British protected person or an alien, upon taking the oath of allegiance, to be registered as a citizen of Trinidad and Tobago.

(5) The provisions of this section shall be without prejudice to the provisions of section 9 of the Constitution.

(6) Notwithstanding anything contained in this section, a person who has attained the age of twenty-one years or who is a woman who is or has been married shall not, if he is a citizen of some country other than Trinidad and Tobago, be entitled to be registered as a citizen of Trinidad and Tobago under the provisions of this section unless he renounced his citizenship of that other country and makes and registers such declaration of his intentions concerning residence or employment as may be prescribed:

Provided that where a person cannot renounce his citizenship of the other country under the law of that country he may instead make such declaration concerning that citizenship as may be prescribed.

**11. (1)** Any person who on the 30<sup>th</sup> August, 1962 was a citizen of the United Kingdom and Colonies –

- (a) having become such a citizen under the British Nationality Act 1948 (a) by virtue of his having been naturalised in Trinidad or in Tobago as a British subject before that Act came into force: or
- (b) having become such a citizen by virtue of his having been naturalised or registered in the former colony of Trinidad and Tobago under that Act,

shall be entitled, upon making application before the 1<sup>st</sup> January 1967 in such manner as may be prescribed, to be registered as a citizen of Trinidad and Tobago:

Provided that a person who has not attained the age of twenty-one years (other than a woman who is or has been married) may not make an application under this subsection himself but an application may be made on his behalf by his parent or guardian

(2) Notwithstanding anything contained in subsection (1) of this section, a person who has attained the age of twenty one years or who is a woman who is or has been married shall not, if he is a citizen of some country other than Trinidad and Tobago, be entitled to be registered as a citizen of Trinidad and Tobago under the provisions of that subsection unless he renounces his citizenship of that other country, takes the oath of allegiance and makes and registers such declaration of his intentions concerning residence or employment as may be prescribed:

Persons  
registered or  
naturalised  
before 31<sup>st</sup>  
August 1962

Provided that where a person cannot renounce his citizenship of the other country under the law of that country he may instead make such declaration concerning that citizenship as may be prescribed.

Acquisition of citizenship by birth or descent by persons born after 31<sup>st</sup> August 1962

**12. (1)** Every person born in Trinidad and Tobago after the 30<sup>th</sup> August, 1962 shall become a citizen of Trinidad and Tobago at the date of his birth:

Provided that a person shall not become a citizen of Trinidad and Tobago by virtue of this section if at the time of his birth:

- (a) neither of his parent was a citizen of Trinidad and Tobago and his father possessed such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Trinidad and Tobago; or
- (b) his father was an enemy alien and the birth occurred in a place then under occupation by the enemy.

(2) A person born outside Trinidad and Tobago after the 30<sup>th</sup> August, 1962 shall become a citizen of Trinidad and Tobago at the date of his birth if at that date his father is a citizen of Trinidad and Tobago otherwise than by virtue of this subsection or subsection (2) of section 9 of this Constitution

Marriage to citizens of Trinidad and Tobago

**13. (1)** Any woman who, after the 30<sup>th</sup> August, 1962, marries a person who is or manner as may be prescribed and, if she is a British protected person or an alien, upon taking the oath of allegiance, to be registered as a citizen of Trinidad and Tobago.

(2) Notwithstanding subsection (1) of this section, a woman shall not, if she is a citizen of some country other than Trinidad and Tobago, be entitled to be registered as a citizen of Trinidad and Tobago under the provisions of that subsection unless she renounces her citizenship of that other country and makes and registers such declaration of her intentions concerning residence or employment as may be prescribed.

Provided that where she cannot renounce her citizenship of the other country under the law of that country she may instead make such declaration concerning that citizenship as may be prescribed.

Dual citizenship

**14. (1)** Any person who, upon his attainment of the age of twenty-one years, was a citizen of Trinidad and Tobago and also a citizen of some other country than Trinidad and Tobago shall cease to be a citizen of Trinidad and Tobago upon his attainment of the age of twenty-two years (or, in the case of a person of unsound mind, at such later date as may be prescribed) unless he has renounced his citizenship of that other country and, in the case of a person who is a citizen of Trinidad and Tobago by virtue of subsection (2) of section 9 of this Constitution, has made and

registered such declaration of his intentions concerning residence or employment as may be prescribed.

- (2) A person who –
- (a) has attained the age of twenty-one years before the 31<sup>st</sup> August, 1962: and
  - (b) becomes a citizen of Trinidad and Tobago on that day by virtue of the provisions of section 9 of this Constitution; and
  - (c) is immediately after that day also a citizen of some country other than Trinidad and Tobago

Act 13 of 1964

shall cease to be a citizen of Trinidad and Tobago on the 31<sup>st</sup> August, 1967\* (or, in the case of a person of unsound mind, at such later date as may be prescribed) unless he has renounced his citizenship of that other country and, in the case of a person who is a citizen of Trinidad and Tobago, by virtue of subsection 2 of section 9 of this Constitution, made and registered such declaration of his intentions concerning residence or employment as may be prescribed.

(3) A citizen of Trinidad and Tobago shall cease to be such a citizen if-

Act 22 of 1965

- (a) having attained the age of twenty-one years, he acquires the citizenship of some country other than Trinidad and Tobago by voluntary act (other than marriage); or
- (b) having attained the age of twenty-one years, he otherwise acquires the citizenship of some country other than Trinidad and Tobago and has not, before the expiration of one year after the date on which he acquired the citizenship of that other country, renounced his citizenship of that other country and made and registered such declaration of his intentions concerning residence or employment as may be prescribed.

(4) Subsection (1) and (2) of this section shall not apply to a person who, having become a citizen of Trinidad and Tobago by virtue of section 9 of this Constitution does not cease to be a citizen of the United Kingdom and Colonies by virtue of subsection (3) of section 2 of the Trinidad and Tobago Independence Act, 1962.

Act 25 of 1968

(5) Subsection (1) and paragraph (b) of subsection (3) of this section shall not apply to a person who having become a citizen of Trinidad and Tobago by virtue of section 9 of this Constitution subsequently acquires the citizenship of a Commonwealth Caribbean Country other than by voluntary act.

(6) Subsections (4) and (5) of this section shall be deemed to have had effect from 31<sup>st</sup> August 1962.

(7) For the purposes of this section, where, under the law of a country other than Trinidad and Tobago, a person cannot renounce his citizenship of that other country, he may instead make such declaration concerning that citizenship as may be prescribed.

**15. (1)** Every person who under this Constitution or any act of Parliament is a citizen of Trinidad and Tobago or under any enactment for the time being in force in any country to which this section applies is a citizen of that country shall, by virtue of that citizenship, have the status of a Commonwealth citizen.

Commonwealth  
citizen

(2) Every person who is a British subject without citizenship under the British Nationality Act 1948 or who continues to be a British citizen under section 2 of that Act shall by virtue of that status have the status of a Commonwealth citizen.

(3) Save as may be otherwise provided by Parliament, the countries to which this section applies are:

Act 25 of 1968

Australia, Barbados, Canada, Ceylon, Cyprus, Ghana, Guyana, India, Jamaica, Kenya, Lesotho, Malawi, Malaysia, Malta, Mauritius, New Zealand, Nigeria, Pakistan, Singapore, Sierra Leone, Tanzania, The Gambia, The United Kingdom and Colonies, Uganda, Zambia and any other Commonwealth country which the Governor-General may by Order add to the list of countries set out herein:

Provided that this section shall cease to apply to any Commonwealth country which may be removed from the said list by the Governor-General by Order.

**16. (1)** A Commonwealth citizen who is not a citizen of Trinidad and Tobago, or a citizen of the Republic of Ireland who is not a citizen of Trinidad and Tobago, shall not be guilty of an offence against any law in force in Trinidad and Tobago by reason of anything done or omitted in any part of the commonwealth other than Trinidad and Tobago or in the Republic of Ireland or in any foreign country unless -

Criminal  
liability of  
Commonwealth  
citizens

- (a) the act or omission would be an offence if he were an alien; and
- (b) in the case of an act or omission in any part of the Commonwealth or in the Republic of Ireland, it would be an offence, if the country in which the act was done or omission made were a foreign country.

(2) In this section "foreign country" means a country (other than the Republic of Ireland) that is not part of the Commonwealth.

**17.** Parliament may make provision -

- (a) for the acquisition of citizenship of Trinidad and Tobago by persons who do not become citizens of Trinidad and Tobago by virtue of the provisions of this Chapter;

Powers of  
Parliament

- (b) for depriving of his citizenship of Trinidad and Tobago any person who is a citizen of Trinidad and Tobago otherwise than by virtue of -
  - (i) section 9 or subsection (1) of section 12 of this Constitution; or
  - (ii) subsection (2) of section 12 of this Constitution in relation to a person born outside Trinidad and Tobago whose father at the date of that person's birth is a citizen of Trinidad and Tobago by virtue of subsection (1) of section 9 or subsection (1) of section 12 of this Constitution, or
- (c) for the renunciation by any person of his citizenship of Trinidad and Tobago.

**Interpretation**

**18. (1)** In this Chapter -

"alien" means a person who is not a Commonwealth citizen, a British protected person for the purposes of the British Nationality Act, 1948;

"British protected person" means a person who is a British protected person for the purposes of the British Nationality Act 1948;

"prescribed" means prescribed by or under any Act of parliament;

"Tobago" means the island of Tobago and the territorial waters thereof,

"Trinidad" means the island of Trinidad and the territorial waters thereof.

(2) Any reference in this Chapter to the father of a person shall, in relation to a person born out of wedlock and not legitimated, be construed as a reference to the mother of that person.

(3) For the purposes of this Chapter, 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.

(4) Any reference in this Chapter 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 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 31<sup>st</sup> August 1962 and the birth occurred after the 30<sup>th</sup> August 1962, the national status that the father would have had if he had died on the 31<sup>st</sup> August, 1962 shall be deemed to be his national status at the time of his death.