



BELIZE

**BELIZEAN NATIONALITY ACT
CHAPTER 161**

REVISED EDITION 2020

**SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.

This edition contains a consolidation of amendments made to the law by Act No. 2 of 2014, No. 11 of 2016, No. 9 of 2018 and Act No. 10 of 2018.



BELIZE

**BELIZEAN NATIONALITY ACT
CHAPTER 161**

REVISED EDITION 2020

**SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.

This edition contains a consolidation of amendments made to the law by Act No. 2 of 2014, No. 11 of 2016, No. 9 of 2018 and Act No. 10 of 2018.

CHAPTER 161

BELIZEAN NATIONALITY

ARRANGEMENT OF SECTIONS

PART I

Preliminary and Citizenship of Belize

1. Short title.
2. Status.
3. Citizenship and Nationality.
- 3A. Nationality and Passports Department, establishment and functions.
- 3B. Appointment of Director.

PART II

Citizenship by Descent

4. Citizenship by descent in the case of persons born before the appointed date.
5. Citizenship by descent in the case of persons born on or after the appointed date.
6. Certificate of citizenship of Belize in case of doubt.
7. Foundlings.
8. Resumption of citizenship by descent.
9. Posthumous persons.

PART III

Citizenship by Registration

10. Persons entitled to registration as citizens.
11. Registration of spouse, widow or widower of citizen of Belize.

- 12. *Repealed.*
- 13. Minor children of applicants for registration as citizens of Belize.
- 14. Persons who are not to be granted citizenship by registration.
- 15. Register.
- 16. Certificates of registration.
- 17. Effect of certificates of registration.
- 17A. National Scrutinizing Committee.
- 17B. Publication of applications and issue of citizenship by registration.

PART IV

Loss of Citizenship

- 18. Renunciation of citizenship of Belize.
- 19. Cases of invalid or ineffective renunciations of foreign citizenship.
- 20. Residence outside Belize for five consecutive years.
- 21. Declaration by Minister of loss of citizenship in specified circumstances.

PART IVA

Permanent Residency

- 21A. Permanent Residency.

PART V

Miscellaneous

- 21B. Minister may delegate specified functions.
- 22. Offence.
- 23. Fees.
- 24. Regulations.

- 25. Form of oath.
- 26. Special provisions applicable to this Act.
- 27. Interpretation.

SCHEDULE

CHAPTER 161**BELIZEAN NATIONALITY**

CAP. 127A,
R. E. 1980-1990.
1 of 1981.
15 of 1985.
10 of 1998.
15 of 1998.
2 of 2014.
11 of 2016.
9 of 2018.
10 of 2018.
S.I. 67 of 2018.

[23rd November, 1981]

PART I*Preliminary*

Short title.

1. This Act may be cited as the Belizean Nationality Act.

Status.

2.-(1) With effect from the appointed date, there shall be a status to be known as “citizen of Belize”.

(2) A person shall be or become entitled to the status of a citizen of Belize in one of the following ways only—

(a) by right of descent as provided by this Act;

(b) by virtue of registration as provided by this Act.

(3) In any context in which a distinction is drawn according as that status is based on descent or registration, a citizen of Belize is referred to as “citizen by descent” or “citizen by registration”; and the status of such citizen is in the like context referred to as “citizenship by descent” or “citizenship by registration”.

3. A citizen of Belize may, for any purpose in Belize, describe his nationality by the use of the expression “Citizen of Belize”.

Citizenship and Nationality.

3A.-(1) There is established under the Ministry responsible for nationality a department, for the purpose of carrying out the provisions of this Act and of any other enactment as may be provided, to be known as the Nationality and Passports Department.

Nationality and Passports Department, establishment and functions. 9 of 2018.

(2) Subject to the provisions of this Act, the functions of the department include –

- (a) the acceptance and processing of applications for permanent residency;
- (b) the acceptance and processing of applications for nationality;
- (c) the acceptance and processing of applications for passports;
- (d) being the Secretariat for the Nationality Scrutinizing Committee.

3B. The Governor-General acting in accordance with the advice of the Prime Minister shall appoint a person as the Director of Nationality and Passports to head of the Nationality and Passports Department, who shall thereby be a public officer.

Appointment of Director. 9 of 2018.

PART II

Citizenship by Descent

4.-(1) Subject to the other provisions of this Part, every person born in Belize immediately before Independence Day shall become a citizen of Belize on Independence Day.

Citizenship by descent in the case of persons born before the appointed date. 15 of 1985.

(2) Every person who, immediately before Independence Day, is a citizen of the United Kingdom and Colonies—

1948, 11 & 12
Geo. 6. CAP. 56
(UK).

- (a) having become such a citizen under the British Nationality Act by virtue of his having been naturalised in Belize as a British subject before that Act came into force; or
- (b) having while resident in Belize become such a citizen by virtue of his having been naturalised or registered under that Act,

shall become a citizen of Belize on Independence Day.

15 of 1985.

(3) Every person born outside Belize before Independence Day shall become a citizen of Belize on Independence Day, if his father or mother becomes, or would but for his death or the renunciation of his citizenship have become, a citizen of Belize by virtue of sub-section (1) or (2).

15 of 1985.

(4) Every person born outside Belize before Independence Day shall become a citizen of Belize on Independence Day if one of his grandparents becomes, or would but for his death or renunciation of his citizenship have become, a citizen of Belize by virtue of sub-section (1) or (2).

15 of 1985.

(5) Every woman shall become a citizen of Belize on Independence Day if immediately before Independence Day she is married to a person who becomes, or but for his death or the renunciation of his citizenship would have become, a citizen of Belize by virtue of sub-section (1), (2), (3) or (4).

Citizenship by
descent in the
case of persons
born on or after
the appointed
date.

5.-(1) Subject to the other provisions of this Part, a person born in Belize on or after the appointed date shall have the status of a citizen of Belize.

(2) Subject to the other provisions of this Part, a person born outside Belize on or after the appointed date shall have the status

of a citizen of Belize by descent if at the time of his birth his father or mother is a citizen of Belize.

(3) The provisions of sub-section (1) shall not apply to any person if at the time of his birth—

- (a) neither of his parents is a citizen of Belize and his father or mother possesses such immunity from suit and legal process as is accorded to the envoy of a foreign sovereign power accredited to Belize; or
- (b) his father or mother is a citizen of a country with which Belize is at war and the birth occurs in a place then under occupation by that country.

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

Certificate of citizenship of Belize in case of doubt.

(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 such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at any earlier date.

7. Every person first found in Belize as a newly born deserted infant of unknown and unascertainable parentage shall, until the contrary is proved, be deemed to have the status of a citizen of Belize by descent.

Foundlings.

8.-(1) Any person who ceases under section 18 to be a citizen of Belize by descent may at any time thereafter make application to the Minister for a declaration that such person has resumed

Resumption of citizenship by descent.
15 of 1985.
2 of 2014.

the status of a citizen of Belize by descent; and the Minister may make the declaration for which the application is made—

- (a) if that person renounces citizenship of any other country of which he is a citizen, in accordance with the law in force in that behalf in that other country; and
- (b) if that person is, and intends to continue to be, ordinarily resident in Belize.

(2) Where a declaration is made in relation to any person under sub-section (1), that person shall, with effect from such date as may be specified in the declaration, again have the status of a citizen of Belize by descent.

(3) Any person who makes or has made an application under sub-section (1) may, in his application or by subsequent letter, make a request for the grant to any minor child of that person of the status of a citizen of Belize by descent; and if in any such case a declaration under sub-section (1) is made in relation to that person, each minor child specified in the declaration shall have the status of a citizen of Belize by descent.

(4) The Minister may refuse to make a declaration under sub-section (1) in relation to any person on grounds of public policy; and such refusal shall be final, but without prejudice to the power of the Minister subsequently to make such a declaration in relation to that person.

Posthumous
persons.

9. Any reference in this Part 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 21st of September 1981, and the birth occurred on or after that date, the national status that the father would have had if he had died on that date shall be deemed to be his national status at the time of his death.

PART III*Citizenship by Registration*

10.-(1) A person who –

Persons entitled
to registration as
citizens.
2 of 2014.

- (a) has attained the age of eighteen years and is of sound mind;
- (b) has been resident continuously in Belize for a period of five years immediately preceding the date of the application; and
- (c) is and intends to continue to be ordinarily resident in Belize,

may apply for registration as a citizen of Belize.

(2) Subject to the other provisions of this Part, a person to whom this section applies may, if he has the qualification set out in sub-section (1), be registered as a citizen of Belize on his making application in that behalf to the Minister in the prescribed manner.

2 of 2014.

(3) Notwithstanding sub-section (2), the Minister shall not register as a citizen of Belize, a person who–

2 of 2014.

- (a) is not of good character;
- (b) has been convicted by a competent court in any country of a criminal offence for which he was sentenced to death or has been detained under a sentence of imprisonment of twelve months or more imposed on him on his conviction of a criminal offence by such a court, and in either case, has not received a free pardon in respect of the offence;

- (c) has engaged in activities, whether within or outside of Belize, which, in the opinion of the Minister, are prejudicial to the safety of Belize or to the maintenance of law and public order in Belize;
- (d) has been adjudged or otherwise declared bankrupt under any law in force in any country and has not been discharged; or
- (e) not being the dependant of a citizen of Belize, has not sufficient means to maintain himself and is likely to become a public charge.

(4) The Minister's refusal, under sub-section (3), to allow the application of any person for registration as a citizen of Belize shall be final.

2 of 2014.

(5) Notwithstanding any other provision of this Act, the Minister shall not consider an application for registration as a citizen of Belize or register a person as a citizen of Belize unless the application in respect of that person has been reviewed by the Nationality Scrutinizing Committee.

2 of 2014.

(6) For the purpose of this section, a person is "resident continuously in Belize" if that person has been granted permanent residency in accordance with this Act, or at any time prior to the commencement of the Belizean Nationality (Amendment) Act 2018, and upon being granted permanent residency has not resided outside of Belize other than temporarily –

9 of 2018.

- (a) in the course of his employment in Belize;
- (b) for medical and health reasons; or
- (c) for purposes other than those referred to in paragraphs (a) and (b), if such periods do not exceed thirty consecutive days or accumulate

to a total of three months in any twelve month period.

11.-(1) Subject to the other provisions of this Part, no person who is the spouse, or the widow or widower, of a citizen of Belize by descent or registration shall be registered as a citizen of Belize under this Act, except in accordance with the succeeding provisions of this section.

Registration of spouse, widow or widower of citizen of Belize. 2 of 2014.

(2) A person who desires to be registered as a citizen of Belize under this section shall send an application in the prescribed form and manner to the prescribed officer.

(3) After the receipt of the application under sub-section (2), the prescribed officer shall send the application to the Minister, if he is satisfied that the applicant has the following qualifications,

- (a) that the applicant has the qualifications specified in section 10(1)(a) and (c);
- (b) that the applicant has been resident in Belize throughout a period of one year immediately preceding the date of the application of such applicant; and
- (c) that the applicant is the spouse, or the widow or widower, of a citizen of Belize by descent or registration.

(4) For the purpose of the residency requirement specified in sub-section (3) (b), if any applicant marries a Belizean citizen, such applicant shall be deemed to have been legally resident in Belize from the date of such marriage, notwithstanding that he might have entered Belize illegally.

10 of 1998.

(5) The Minister may, in his discretion, refuse an application sent to him under subsection (3) of this section on any of the grounds specified in sub-section (3) (a), (b) or (c) of section 10.

(6) Where the Minister grants an application for registration made under this section by any person, such person shall be registered as a citizen of Belize.

(7) The Minister's refusal under subsection (5) of this section to allow the application of any person for registration as a citizen of Belize shall be final.

2 of 2014.

12. *Repealed.*

Minor children of applicants for registration as citizens of Belize.

13.-(1) Where an applicant for registration as a citizen of Belize has any minor child, he may in his application or by subsequent letter make a request for the inclusion of the name of that child in the certificate of registration which may be granted under this Part.

(2) Where a request as aforesaid is made by an applicant under section 10 or section 11, the Minister may, subject to the other provisions of this Part, comply with the request if the applicant is registered as a citizen of Belize.

10 of 1998.

(3) Where the Minister is satisfied that an applicant to whom a certificate of registration as a citizen of Belize has been issued under this Act was unable due to any fit and proper cause, at the time of making his application for citizenship, to include the names of his minor children in the application, the Minister may allow the certificate of registration as a citizen of Belize to be amended to include the names of the applicant's minor children, on such terms and subject to the payment of such fee as the Minister may prescribe.

2 of 2014.

(4) *Repealed.*

Persons who are not granted citizenship by registration.
15 of 1985.
2 of 2014.

14. Save as provided in section 8, a person who has ceased to be a citizen of Belize shall not be granted citizenship by registration.

15. There shall be kept and maintained in the prescribed form a register of persons who are granted citizenship by registration.

Register.

16.-(1) Every person who is to be registered in accordance with section 10 or 11 shall subscribe to the prescribed oath or affirmation of allegiance and the Minister shall, after such subscription, grant a certificate of registration to that person in the prescribed form.

Certificate of registration.
2 of 2014.

(2) Where the Minister approves a request made by a person pursuant to section 13, the name of a minor child in respect of whom the request was made shall also be included in the certificate of registration.

17.-(1) A person to whom a certificate of registration as a citizen of Belize is granted shall have the status of a citizen of Belize by registration as from the date of that certificate.

Effect of certificates of registration.
2 of 2014.

(2) A minor child whose name is included in a certificate of registration as a citizen of Belize shall have the status of a citizen of Belize by registration as from the date of that certificate.

2 of 2014.

17A.-(1) The Minister shall appoint, by Order, a committee to be known as the Nationality Scrutinizing Committee for the purpose of reviewing all applications for citizenship by registration and advising the Minister on the qualification and suitability of persons for registration as a citizen of Belize under this Act.

National
Scrutinizing
Committee.

(2) The Committee shall consist of the following –

- (a) one representative of the religious community to be appointed by the Minister after consultation with the Belize Council of Churches and the Belize Evangelical Association;

- (b) one representative of the business community to be appointed by the Minister after consultation with the Belize Chamber of Commerce and Industry;
- (c) one representative of employees to be appointed by the Minister after consultation with the National Trade Union Congress of Belize;
- (d) the Chief Executive Officer in the Ministry responsible for immigration;
- (e) the Chief Executive Officer in the Ministry responsible for human development;
- (f) the Chief Executive Officer in the Ministry responsible for national security;
- (g) a representative of the Attorney General's Ministry nominated by the Attorney General; and
- (h) the Director of Border Management and Immigration Services.

10 of 2018.

Publication of applications and issue of citizenship by registration.
2 of 2014.

17B.-(1) The Nationality Scrutinizing Committee shall, before advising the Minister in accordance with section 17A, publish the name and address of an applicant for citizenship by registration and allow for the submission of comments from the public in respect of the qualification and suitability of the applicant for registration as a citizen of Belize.

(2) The Minister shall, upon granting a certificate of registration to a person, publish the name and address of that person in respect of whom the certificate has been issued.

PART IV

Loss of Citizenship

18. If a citizen of Belize of full age and of sound mind makes a declaration of renunciation of citizenship of Belize in the prescribed manner, the Minister shall cause the declaration to be registered; and, upon registration thereof, the Declarant shall cease to be a citizen of Belize.

Renunciation of citizenship of Belize.

19. In any case where any person purports to renounce citizenship of any country for the purpose of acquiring, retaining or resuming, under any provision of this Act, the status of a citizen of Belize, and it is found at any time that the renunciation was not in accordance with or not effective under the law in force in that behalf in such other country, that person shall be deemed never to have acquired, retained or resumed, under that provision, that status of a citizen of Belize; and if the Minister makes a declaration to that effect in any such case, the declaration shall be final.

Cases of invalid or ineffective renunciations of foreign citizenship.

20. A person who is a citizen by registration shall cease to be a citizen of Belize if that person resides outside Belize for five consecutive years or more, exclusive of any period during which that person—

Residence outside Belize for five consecutive years.
2 of 2014.

- (a) is employed abroad as an officer in the services of the Government of Belize;
- (b) is abroad as a representative of the Government of Belize;
- (c) being the spouse or minor child of a citizen of Belize who is abroad in any of the capacities specified in paragraphs (a) and (b) resides abroad with that citizen;

- (d) resides abroad on a holiday or for reasons of health;
- (e) is a student at an educational institution abroad;
- (f) resides abroad with a spouse who is a citizen of Belize by descent; or
- (g) is abroad for any other purpose which may be prescribed by Order by the Minister.

Declaration of
Minister of loss
of citizenship in
specified
circumstances.

21.-(1) Where the Minister is satisfied that a person who is a citizen of Belize by registration—

- (a) has been convicted of an offence under this Act;
- (b) has been convicted of any offence under Title XIII of the Criminal Code;
- (c) was registered as a citizen of Belize by means of fraud, false representation, without having satisfied the requirements of this Act, or the concealment of material circumstances or by mistake;
- (d) has, within five years after the date of registration as a citizen of Belize, been sentenced in any court to imprisonment for a term of twelve months or more;
- (e) has, since the date of his becoming a citizen of Belize by registration, been for a period of not less than two years ordinarily resident in a foreign country of which he was a national or citizen at any time prior to that date, and has not maintained a substantial connection with Belize;

CAP. 101.

2 of 2014.

- (f) has taken an oath or affirmation of, or made a declaration of, allegiance to a foreign country; or
- (g) has so conducted himself that his continuance as a citizen of Belize is detrimental to the interest of Belize,

the Minister may by Order declare that such person shall cease to be such a citizen and thereupon the person in respect of whom the Order is made shall cease to be a citizen of Belize by registration.

2 of 2014.

(2) Before the Minister makes any Order in relation to a person to whom sub-section (1)(g) applies, he shall refer that person's case for inquiry by one or more persons appointed by him, with such qualifications as may be prescribed. The person or persons who have been authorised to make an inquiry under the preceding provisions of this section shall, as soon as the inquiry is completed, make a written report to the Minister. He shall not make any Order under sub-section (1) without carefully considering such report.

(3) Where a person ceases to be a citizen of Belize under sub-section (1), the Minister may by Order direct that all or any of the persons specified in the following paragraphs shall cease to be citizens of Belize, and thereupon they shall cease to be citizens—

- (a) all or any of the minor children of such person who have been included in the certificate of registration issued to him at the time of his registration; and
- (b) the spouse, widow or widower of such person, if such spouse, widow or widower was registered under this Act.

PART IVA

Permanent Residency

Permanent
residency.
9 of 2018.

21A.-(1) A person who, having attained the age of eighteen years and being of sound mind—

- (a) has been legally residing in Belize for a continuous period of at least one year, having been issued a temporary permit to enter and stay in Belize for such period;
- (b) intends to continue to be ordinarily resident in Belize;
- (c) can satisfy the Director that by virtue of income or assets derived from his employment or some other legitimate source, he—
 - (i) has been able to financially sustain himself and any dependent during any period while he was residing in Belize;
 - (ii) will be able to sustain himself and any dependent in the future while residing in Belize; and
- (d) has not been convicted by a competent court in any country of a criminal offence for which he may have been liable to a sentence of imprisonment of twelve months or more, and has not received a free pardon in respect of the offence,

may apply to the Director to be granted permanent residency in Belize.

(2) Notwithstanding any other provisions of this Act, a person who entered Belize as a minor, whether legally or illegally, and has been continuously residing in Belize for a period of at least ten years shall be eligible to apply for permanent residency.

PART V

Miscellaneous

21B.-(1) The Minister may, by Order published in the Gazette, delegate to any Minister of State appointed to assist him, the exercise or performance of all or any of the powers or functions conferred upon the Minister under the provisions of this Act specified in sub-section (4).

Minister may
delegate
specified
functions.
11 of 2016.

(2) A delegation under sub-section (1) is revocable by the Minister and the delegation of the exercise of a power or the performance of a function shall not preclude its exercise or performance by the Minister.

(3) The provisions of this Act shall apply in relation to a power or a function delegated under this section as they would apply where the power or function is exercised or performed by the Minister.

(4) The provisions specified are those of sections 10 and 16.

(5) The provisions of this section shall apply notwithstanding the provisions of section 59 of the Interpretation Act (power to delegate authority).

CAP. 1.

22. Any person who, for the purpose of procuring anything to be done or not to be done under this Act, makes any statement which he knows to be false in a material particular commits an offence and shall, on conviction on indictment is liable to

Offence.
2 of 2014.

imprisonment for a term of imprisonment that is not less than five years but does not exceed fifteen years and to a fine not exceeding fifty thousand dollars.

Fees.

23. Every person to whom a certificate under this Act is granted shall, in respect of that certificate, pay, in the prescribed manner, a fee according to the prescribed rates.

Regulations.

24.-(1) The Minister may make all such regulations as may be necessary for giving effect to the provisions of this Act and in particular for prescribing any matter which is stated or required to be prescribed.

(2) Regulations made by the Minister under sub-section (1) shall be subject to negative resolution.

2 of 2014.

25. *Repealed.*

Special provisions applicable to this Act.

26.-(1) No person shall be entitled under the provisions of this Act to be a citizen of Belize or be granted citizenship of Belize if such person shows any allegiance to or is a citizen of a country which does not recognise the independence, sovereignty or territorial integrity of Belize,

Provided that the Minister may in his discretion grant Belizean citizenship to persons falling under this subsection who would otherwise be entitled to such citizenship under the provisions of sections 4 and 5 (2).

(2) Where a person born outside Belize is entitled to be a citizen of Belize under the provisions of this Act, the right to Belizean citizenship shall not be deemed to accrue upon the conditions giving rise to such entitlement arising, but the citizenship shall be sought for by the person entitled to or on his behalf and obtained by the grant by the Minister of proper certification affirming his citizenship.

(3) Where a person claiming citizenship by birth, descent or registration makes an application or request for the grant of

citizenship the stay of such person in Belize shall not be considered illegal under the provisions of any law for so long and only for so long as such stay is necessary for the disposal of his application. His right of abode or that of his wife or dependants, if any, under the age of eighteen years, shall not be affected pending the disposal of his application.

27.-(1) In this Act, unless the context otherwise requires,

Interpretation.
15 of 1985.

“appointed day” and “Independence Day” mean the 21st September, 1981;

“Director” means the person appointed as Director of Nationality and Passports; 9 of 2018.

“Minister” means the Minister responsible for citizenship;

“minor child” means a person who has not attained the age of eighteen years, and includes a child born out of wedlock;

“prescribed” means prescribed by regulations made under this Act.

(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.

SCHEDULE

(Repealed)

2 of 2014.