

Malawi

## Malawi Citizenship Act

### Chapter 15:01

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# Malawi

## Malawi Citizenship Act Chapter 15:01

Assented to on 14 June 1966

Commenced on 6 July 1966

*[This is the version of this document at 31 December 2014.]*

*[Note: This version of the Act was revised and consolidated in the Forth Revised Edition of the Laws of Malawi (L.R.O. 1/2015), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]*

**An Act to repeal and replace the Malawi Citizenship Act, 1964, so as to make provision, consequent upon the enactment of a Republican form of Constitution in Malawi, for the acquisition of citizenship of Malawi by birth or descent, or by registration in certain cases; to regulate the manner and circumstances in which aliens may be naturalized as citizens of Malawi and in which citizens of Malawi may renounce or be deprived of their citizenship; and to make provision for certain other matters relating to citizenship of Malawi and for matters incidental thereto and connected therewith**

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the Malawi Citizenship Act.

#### 2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**alien**” means a person who is not a Commonwealth citizen;

“**British protected person**” means a person who is a British protected person for the purpose of the British Nationality Act, 1948, of the United Kingdom;

*[11 & 12]*

*[Geo. 6, c. 56]*

“**certificate of naturalization**” means a certificate of naturalization granted under this Act;

“**Commonwealth country**” means Malawi, any other country for the time being included in the First Schedule, and any colony, protectorate, trust territory, or other dependency of any such country;

“**foreign country**” means any country that is not a Commonwealth country;

“**Malawi consulate**” means an office of a diplomatic or consular officer of the Government of Malawi where a register of births or residents is kept or, where there is no such office, such office as may be prescribed;

“**minor**” means a person who has not attained the age of twenty-one years;

“**oath of allegiance**” means the oath prescribed in the Second Schedule.

(2) A person shall, for the purposes of this Act, be of full age if he has attained the age of 21 years or if, being a woman under that age, she has been married, and shall be of full capacity if he or she is not of unsound mind.

- (3)
- (a) 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 father, be construed as a reference to the national status of the father at the time of the father's death.
  - (b) Where the death referred to in paragraph (a) occurred before the 6th July, 1966, and the birth occurred after the 5th July, 1966, the national status that the father would have had if he had died on the 6th July, 1966, shall be deemed to be his national status at the time of his death.
- (4) 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.
- (5) Where after the commencement of this Act a newborn infant is found abandoned within Malawi that infant shall, unless the contrary is shown, be deemed to have been born within Malawi of parents possessing citizenship of Malawi.
- (6) Where an Oath of Allegiance is required to be taken under this Act, any person may, instead of taking the oath, make a solemn Affirmation in the form of the oath hereby appointed, substituting the words "solemnly, sincerely and truly declare and affirm" for the word "swear", and omitting the words "so help me God".

*[22 of 1992]*

## **Part II – Citizenship by birth and descent**

### **3. Citizens on 5th July, 1966**

Every person who on the 5th day of July, 1966, was under any existing law a citizen of Malawi, shall continue to be a citizen of Malawi after that date.

### **4. Citizenship by birth**

Every person born in Malawi after the 5th day of July, 1966, shall become a citizen of Malawi on the date of his birth if one of his parents is a citizen of Malawi:

Provided that this subsection shall not apply to a person whose father is a citizen of a country with which Malawi is at war and the birth occurs at a place then under occupation by the enemy.

*[5 of 1971]*

*[22 of 1992]*

### **5. Citizenship by descent**

A person born outside Malawi after the 5th day of July, 1966, shall become a citizen of Malawi on the date of his birth if his father or mother is a citizen of Malawi by birth.

*[22 of 1992]*

### Part III – Dual citizenship

#### 6. Dual citizenship of persons of full age not permitted

- (1) No citizen of Malawi, being a person of full age and capacity, shall be entitled to be also a citizen of any other country.
- (2) A citizen of Malawi, being a person of full age and capacity, who is also to his own knowledge a citizen of any other country, shall be liable to deprivation of citizenship of Malawi in accordance with [section 24](#).
- (3) For the purposes of subsection (2) such knowledge shall be presumed from the possession by that person of a passport or document of the like nature of any country, or the exercise in relation to any other country of any other right or privilege accorded exclusively to citizens of that country.

#### 7. Dual citizenship of minors

- (1) Any person who upon the attainment of twenty-one years of age is a citizen of Malawi and also, to his own knowledge, a citizen of some other country shall upon his twenty-second birthday cease to be a citizen of Malawi unless before that day he has—
  - (a) taken an oath of allegiance in the form specified in the Second Schedule; and
  - (b) made a declaration in writing in the form specified in the Third Schedule of his intention to retain citizenship of Malawi; and
  - (c) made a declaration in writing in the form specified in the Fourth Schedule renouncing, so far as it lies within his power, citizenship of that other country, and
  - (d) made a declaration in writing in the form specified in the Fifth Schedule of his intention to reside permanently in Malawi.
- (2) For the purposes of subsection (1) [section 6](#) (2) shall apply.

#### 8. Acquisition of other citizenship by voluntary act

A citizen of Malawi, being a person of full age and capacity, who acquires by voluntary act other than marriage the citizenship of some country other than Malawi shall cease, on the day upon which he acquires such other citizenship, to be a citizen of Malawi.

#### 9. Acquisition of other citizenship by marriage

A citizen of Malawi, being a woman, who acquires by marriage the citizenship of some country other than Malawi shall cease on the first anniversary of the date of that marriage to be a citizen of Malawi unless, before that anniversary, she has made a declaration in writing—

- (a) in the form specified in the Third Schedule, of her intention to retain citizenship of Malawi; and
- (b) in the form specified in the Fourth Schedule, renouncing, so far as it lies within her power, citizenship of that other country.

#### 10. Acquisition of other citizenship by any other means

- (1) A citizen of Malawi, being a person of full age, who acquires by any means other than by voluntary act or by marriage the citizenship of some country other than Malawi shall cease on

the first anniversary of the date of such acquisition to be a citizen of Malawi unless, before that anniversary, he has made a declaration in writing—

- (a) in the form specified in the Third Schedule, of his intention to retain citizenship of Malawi; and
  - (b) in the form specified in the Fourth Schedule, renouncing so far as it lies within his power citizenship of that other country.
- (2) A citizen of Malawi who is not of full age who acquires by any means other than by voluntary act or by marriage the citizenship of some country other than Malawi shall upon his twenty-second birthday cease to be a citizen of Malawi unless before that day he had made the declaration required by subsection (1).

## 11. Period allowed for exercise of option as to citizenship

The following provisions shall apply in relation to the period prescribed in section 7, 9 or 10 whereby, at the expiration of the specified period a person shall cease to be a citizen of Malawi unless he has complied with the further provisions of such section—

- (a) Where any person to whom section 7, 9, or 10 applies is of unsound mind at the beginning of the period prescribed by the section, or becomes of unsound mind during that period, the period prescribed shall be reckoned from the date upon which that person ceases to be of unsound mind;
- (b) Where the Minister, or any public officer so authorized by the Minister, is satisfied that any person to whom section 7, 9 or 10 applies, failed by reason of any circumstances not attributable to such person's own misconduct, default or wilful neglect, within the period prescribed by the relevant section to comply with that section, he may direct that such longer period shall be allowed in relation to that person as will permit that person an opportunity of complying with that section.

## Part IV – Citizenship by registration and naturalization

### 12. Commonwealth citizens

- (1) Every person who under the Constitution, or under this Act is a citizen of Malawi, 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.
- (2) Every person who under the British Nationality Act, 1948, of the United Kingdom, is a citizen of the United Kingdom and Colonies, a British protected person, a British subject, or a British subject without citizenship shall, by virtue of that status, have the status of a Commonwealth citizen.

[11 & 12]

[Geo.6, c. 56]

- (3) The countries to which this section applies shall be those Commonwealth countries for the time being listed in the First Schedule.
- (4) The Minister may by order published in the *Gazette* add the name of a country to, or delete the name of a country from, the list of Commonwealth countries referred to in subsection (3).

### 13. Registration of Commonwealth citizens

- (1) Subject to subsection (2), any Commonwealth citizen, being a person of full age and capacity, on making application therefor in the manner prescribed by [section 28](#), may be registered as a citizen of Malawi if he satisfies the Minister—

- (a) that he is ordinarily resident in Malawi, and has been so resident for a period of five years; and
  - (b) that he has an adequate knowledge of a prescribed vernacular language or of the English language; and
  - (c) that he is of good character; and
  - (d) that he would be a suitable citizen of Malawi.
- (2) A person shall not be registered as a citizen of Malawi under this section unless, at the time of application, he makes a declaration in writing—
- (a) of his willingness to take an oath of allegiance in the form specified in the Second Schedule;
  - (b) of his willingness to renounce any other nationality or citizenship he may possess; and
  - (c) of his intention to continue to reside permanently in Malawi.

#### 14. Registration of citizens of certain African states

- (1) Subject to subsection (2), a person of a class to which this section applies, being a person of full age and capacity, on making application therefor to the Minister in the manner prescribed by [section 28](#), may be registered as a citizen of Malawi if he satisfies the Minister in respect of all the requirements specified in [section 13](#) (1) (a), (b), (c) and (d).
- (2) A person shall not be registered as a citizen of Malawi under this section unless at the time of application he makes a declaration in writing in respect of all the matters specified in [section 13](#) (2) (a), (b) and (c).
- (3) The Minister may, where he is satisfied that it is desirable so to do, by order published in the *Gazette* declare that citizens or residents, or any class of citizens or residents, of any State or territory, or any part thereof, on the continent of Africa shall be persons of a class to which this section applies.

#### 15. Registration of persons with close connexion with Malawi

- (1) Subject to subsections (2) and (3), any person who satisfies the Minister that he has a close connexion with Malawi (as defined in subsection (2)) and who is not otherwise qualified under this Act to be registered as a citizen of Malawi may be so registered on making application therefor to the Minister in the manner prescribed by [section 28](#):

Provided that a person who has not attained the age of 21 years (other than a woman who is or has been married) may not himself make an application under this section, but an application may be made on his behalf by his parents or guardian.

- (2) For the purposes of subsection (1), a person has a close connexion with Malawi if, and shall not be regarded as having such a connexion unless, he satisfies the Minister that—
  - (a)
    - (i) he was born in Malawi; or
    - (ii) that he has been ordinarily resident in Malawi for a period of not less than 20 years; or
    - (iii) that he is permanently resident in Malawi and was born in Malawi or in Mozambique north of the Zambesi River and that both his parents were born in either Mozambique north of the Zambesi River or in Malawi; and

- (b) in addition he fulfils all the requirements specified in [section 13](#) (1) (a), (b), (c) and (d).
- (3) A person of full age shall not be registered as a citizen of Malawi under this section unless at the time of application he makes a declaration in writing in respect of all the matters specified in [section 13](#) (2) (a), (b) and (c).
- (4) Registration under this section, in accordance with the proviso to subsection (1), shall not exempt any person from compliance with the requirements, of [section 7](#), relating to dual citizenship.

## 16. Registration of wives of Malawi citizens

- (1) Subject to subsection (2), any woman, being a person of full capacity, who has been married to a citizen of Malawi or to a person who would but for his death have become a citizen of Malawi on 6th July, 1966, may be registered as a citizen of Malawi, notwithstanding that she is an alien, on making application therefor to the Minister in the manner prescribed by [section 28](#), if she satisfies the Minister that she fulfils all the requirements specified in [section 13](#) (1) (a), (b), (c) and (d).
- (2) A woman shall not be registered as a citizen of Malawi under this section unless at the time of application she makes a declaration in writing—
  - (a) of her willingness to take an oath of allegiance in the form specified in the Second Schedule; and
  - (b) of her willingness to renounce any other nationality or citizenship she may possess; and
  - (c) in the case of a woman who is widowed, divorced or separated from her husband, of her intention to continue to reside permanently in Malawi.

## 17. Registration of minor children of Malawi citizens

- (1) Subject to subsections (2) and (3), the minor child of any citizen of Malawi may, upon application made in the manner prescribed by [section 28](#) by a parent or guardian of that child, be registered as a citizen of Malawi, provided the Minister is satisfied that the minor child—
  - (a) is ordinarily resident in Malawi; and
  - (b) has an adequate knowledge of a prescribed vernacular language or the English language; and
  - (c) is of good character; and
  - (d) would be a suitable citizen of Malawi.
- (2) A minor child shall not be registered as a citizen of Malawi under this section unless at the time of application the parent or guardian making application on the child's behalf makes on his own behalf a declaration in writing of his intention to continue to reside permanently in Malawi.
- (3) Registration under this section shall not exempt a minor child, who after registration as a citizen of Malawi retains under the law of some other country citizenship of that country, from compliance with the requirements of [section 7](#), relating to dual citizenship.

## 18. Registration of stateless persons

- (1) Subject to subsection (2) a person shall be entitled on making application therefor in the manner prescribed by [section 28](#) to be registered as a citizen of Malawi if he satisfies the Minister—
  - (a) that he is and always has been stateless; and

- (b) that he was born within Malawi or that one of his parents was a citizen of Malawi at the time when he was born; and
  - (c) that he is ordinarily resident in Malawi, and has been so resident for a period of three years immediately preceding the application; and
  - (d) that he has neither been convicted of an offence, or detained for behaviour, prejudicial to public security, nor has been sentenced to imprisonment for a term of five years or more on any criminal charge.
- (2) A person shall not be registered as a citizen of Malawi under this section unless, at the time of application, he makes a declaration in writing—
- (a) of his willingness to take an oath of allegiance in the form specified in the Second Schedule; and
  - (b) of his intention to continue to reside permanently in Malawi.
- (3) Subsection (1) shall apply to persons born before as well as to persons born after the commencement of this Act, and paragraph (b) of that subsection shall apply to persons born illegitimate as well as to persons born legitimate.
- (4) A person who has not attained the age of 21 years (other than a woman who is or has been married) may not himself make an application under this section, but an application may be made on his behalf by his parent or guardian.

## 19. Conferment of citizenship in special circumstances

Notwithstanding any other provisions in this Act contained the Minister may, in such special circumstances as he in his discretion thinks fit, confer upon any person citizenship of Malawi, and thereupon that person shall become a citizen of Malawi.

## 20. Effect of registration

- (1) Subject to subsection (2), any person registered as a citizen of Malawi under this Act shall become a citizen of Malawi by registration on the date on which he is so registered.
- (2) If a person of full age who is registered as a citizen of Malawi under this Act other than a person upon whom citizenship has been conferred in accordance with [section 19](#) does not produce to such officer as the Minister may appoint in that behalf, within three months of being so registered, or within such further period as the Minister or such officer may allow, evidence sufficient to satisfy such officer—
- (a) that he has renounced any other nationality or citizenship which he may have possessed; and
  - (b) that he has taken an oath of allegiance in the form specified in the Second Schedule; and
  - (c) if the circumstances of the case so require, that he has made a declaration, in the form specified in the Fifth Schedule, of his intention to reside permanently in Malawi, the registration of that person as a citizen of Malawi shall be cancelled and he shall be deemed never to have been so registered.

## 21. Naturalization of aliens

- (1) Subject to subsection (2), any alien, being a person of full age and capacity, on making application therefor to the Minister in the manner prescribed in [section 28](#), may be granted a certificate of naturalization as a citizen of Malawi if he satisfies the Minister—

- (a) that he is ordinarily resident in Malawi and has been so resident for a period of seven years immediately preceding the application; and
  - (b) that he has an adequate knowledge of a prescribed vernacular language or of the English language; and
  - (c) that he is of good character; and
  - (d) that he is financially solvent; and
  - (e) that he would be a suitable citizen of Malawi.
- (2) An alien shall not be granted a certificate of naturalization as a citizen of Malawi under this section unless at the time of application he makes a declaration in writing in respect of all the matters specified in [section 13](#) (2) (a), (b) and (c).

## 22. Effect of naturalization

- (1) Subject to subsection (2), an alien to whom a certificate of naturalization as a citizen of Malawi is granted under this Act shall become a citizen of Malawi by naturalization from the date of the grant of the certificate.
- (2) If a person to whom a certificate of naturalization as a citizen of Malawi has been granted under this section does not produce to such officer as the Minister may appoint in that behalf, within three months of such certificate being granted, or within such further period as the Minister or such officer may allow, evidence sufficient to satisfy such officer—
- (a) that he has renounced any other nationality or citizenship which he may have possessed; and
  - (b) that he has taken an oath of allegiance in the form specified in the Second Schedule; and
  - (c) that he has made declaration, in the form specified in the Fifth Schedule of his intention to reside permanently in Malawi,
- the naturalization of that person as a citizen of Malawi shall be cancelled and he shall be deemed never to have been so naturalized.

## Part V – Renunciation and deprivation of citizenship

### 23. Renunciation of citizenship

- (1) If any citizen of Malawi of full age and capacity, who is a citizen of any other country, or who satisfies the Minister that he will become a citizen of any other country, makes a declaration in the form set forth in the Sixth Schedule of his renunciation of citizenship of Malawi, the Minister may cause the declaration to be registered and, upon its being so registered that person shall cease to be a citizen of Malawi:

Provided that if a person who has made a declaration of renunciation in accordance with this section does not become a citizen of any other country as aforesaid within three months of the date of his making such declaration of renunciation, he shall be deemed to be, and to have remained, a citizen of Malawi, notwithstanding the making by him of such declaration:

Provided further that forthwith upon his being restored to citizenship of Malawi, any such person shall take an oath of allegiance in the form specified in the Second Schedule, and if that person declines, neglects or omits to take the said oath of allegiance his citizenship of Malawi shall not be restored to him.

- (2) The Minister may refuse to register any such declaration of renunciation of citizenship of Malawi if it is made during any war in which Malawi is engaged or if, in his opinion, it is otherwise contrary to public policy to register the declaration.

#### **24. Deprivation of citizenship of persons who exercise certain rights in other countries**

The Minister may by order deprive any citizen of Malawi, other than a citizen of Malawi by birth or descent, of his citizenship if the Minister is satisfied that that person has at any time while a citizen of Malawi and of full age and capacity voluntarily claimed and exercised in any other country any right available to him 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 should continue to be a citizen of Malawi.

#### **25. Deprivation of citizenship in other cases**

- (1) Subject to this section, the Minister may by order deprive of his citizenship any citizen of Malawi, other than a citizen of Malawi by birth or descent, if he is satisfied that such citizenship was acquired, wholly or partially, by means of or as a result of fraud, false representation or the concealment of any material fact.
- (2) Subject to this section, the Minister may by order deprive of his citizenship any citizen of Malawi other than a citizen of Malawi by birth or descent, if he is satisfied that that citizen—
  - (a) has shown himself by act or speech to be disloyal or disaffected towards the Government of Malawi;
  - (b) has, during any war in which Malawi was engaged, unlawfully traded or communicated with any enemy or been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or
  - (c) has, within seven years after becoming naturalized, been sentenced in any country to imprisonment for a term of not less than twelve months; or
  - (d) has been ordinarily resident outside Malawi for a continuous period of seven years and during that period has not registered annually in the prescribed manner with a Malawi diplomatic or consular office abroad, or has not notified the Minister in writing of his intention to retain his citizenship of Malawi.
- (3) The Minister shall not deprive a person of citizenship under this section unless he is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Malawi.
- (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 of the ground on which it is proposed to make, and of his right to, an inquiry under this section; and, if that person applies for an inquiry, the Minister shall refer the case to a committee of inquiry consisting of a chairman, being a person possessing judicial experience, appointed by the Minister and of such other members appointed by the Minister as he thinks proper.

#### **26. Effect of renunciation or deprivation**

- (1) A citizen of Malawi who is deprived of his citizenship by an order of the Minister under this Act shall, upon making of the order, cease to be a citizen of Malawi.
- (2) The renunciation by any person of his Malawi citizenship or the deprivation of any person's Malawi citizenship under this Act shall not affect the liability of that person for any offence committed by him before the renunciation or deprivation of his citizenship.

## 27. Restoration of citizenship

- (1) Subject to subsection (2), the Minister, may, if he considers it desirable on taking into account all the circumstances of a case, restore citizenship of Malawi to a person who has lost such citizenship whether voluntarily by a declaration of renunciation of citizenship under [section 23](#), or involuntarily by reason of Part III of this Act.
- (2) If a person to whom restoration of citizenship of Malawi has been granted under this section does not produce to such officers as the Minister may appoint in that behalf, within three months or within such further period as the Minister or such officer may allow, evidence sufficient to satisfy such officer—
  - (a) that he has renounced any other nationality or citizenship which he may have possessed; and
  - (b) that he has taken an oath of allegiance in the form specified in the Second Schedule, (notwithstanding that such person may at some previous time already have taken the oath of allegiance or made a declaration of renunciation or other citizenship), the restoration of citizenship of Malawi to that person shall be cancelled.

## Part VI – Supplemental

### 28. Manner of making applications

Every application under this Act—

- (a) shall be made to the Minister;
- (b) shall be accompanied by the prescribed fee (if any);
- (c) where the form of any such application is prescribed, shall be made in such form, with such variations as the circumstances require and the Minister accepts;
- (d) shall be supported by such evidence of the statements made therein as may be prescribed under this Act or as the Minister may require; and
- (e) shall be verified by a declaration made before a magistrate or commissioner for oaths.

### 29. 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.

### 30. Certificate of citizenship in cases of doubt

The Minister may in such cases as he thinks fit, on the application of any person with respect to whose citizenship of Malawi a doubt exists, whether on a question of fact or law, certify that that person is a citizen of Malawi, 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 was such a citizen at an earlier date.

### 31. Renunciation of citizenship of other countries

Where, under this Act, a person is required to renounce the nationality or citizenship of any country other than Malawi and the law of that country makes no provision for the renunciation of nationality or citizenship, that person shall make the declaration specified in the Third Schedule, or the declaration specified in the Fourth Schedule, as the circumstances of the case may require, and a person who makes any such declaration shall be treated as having complied with any such requirement.

### 32. Evidence

- (1) Every document purporting to be a notice, certificate, order or declaration, or any entry in a register, or subscription of an oath of allegiance or declaration of renunciation, given, granted or made 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 thereof by such person and in such manner as may be prescribed.
- (3) Any entry in a register made under this Act shall be received as evidence of the matters stated in the entry.

### 33. Offences

- (1) Any person who, for the purpose of procuring any thing to be done or not to be done under this Act, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be liable to a fine of £500 and to imprisonment for three years.
- (2) Any person who fails to comply with any requirement imposed on him by regulations made under this Act with respect to the delivering up of certificates of citizenship, naturalization or registration shall be liable to a fine of £100 and to imprisonment for six months.

### 34. Regulations

The Minister may make regulations—

- (a) for prescribing any matter which is to be prescribed under this Act;
- (b) for the registration of anything required or authorized under this Act to be registered;
- (c) for the administration and taking of oaths of allegiance 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 authorized to be given to any person under this Act;
- (e) for the cancellation of the registration of, and the cancellation or amendment of certificates of naturalization relating to, persons deprived of citizenship under this Act, and for requiring such 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 Malawi, and for annual registration at Malawi diplomatic or consular offices abroad;
- (g) for enabling the births and deaths of citizens of Malawi born or dying in any country in which the Government of Malawi 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 Malawi, has undertaken to represent that Government's interest in that country, or by a person authorized in that behalf by the Minister, and for the registration thereby of citizens of Malawi ordinarily resident outside Malawi;

- (h) prescribing forms;
- (i) 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, authorized to be made, granted or taken under 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 this Act;
- (j) for matters incidental to and connected with the matters mentioned in the preceding paragraphs of this section.

### 35. Delegation of powers

The Minister may, by Order made under his hand and published in the *Gazette*, delegate to any public officer such powers or duties as are conferred upon him by this Act as may appear to him to be expedient or desirable.

### 36. Saving

All certificates, renunciations, declarations, orders or oaths purported to be granted, made or taken pursuant to the Malawi Citizenship Act, 1964 (now repealed) or any Regulations purported to be made thereunder, shall be of as full force and effect as if they were granted, made or taken in accordance with the corresponding provisions of this Act.

[2 of 1964(M)]

## First Schedule (Sections 2 and 12)

### Commonwealth countries

The following shall be Commonwealth countries for the purposes, of this Act—

Australia  
Barbados  
Botswana  
Canada  
Ceylon  
Cyprus  
Fiji  
Gambia  
Ghana  
Guyana  
India  
Jamaica  
Kenya

Lesotho  
Malaysia  
Malta  
Mauritius  
New Zealand  
Nigeria  
Pakistan  
Rhodesia  
Sierra Leone  
Singapore  
Swaziland  
Tanzania  
Trinidad and Tobago  
Uganda  
United Kingdom of Great Britain and Northern Ireland  
Zambia  
*[G.N. 56/1968]*  
*[170/1968]*  
*[216/1970]*

## **Second Schedule (Sections 2, 7, 13, 16, 18, 20, 22, 23 and 27)**

### **Oath of allegiance**

I, \_\_\_\_\_, swear that I will be faithful and bear true allegiance to the Republic of Malawi, and that I will preserve, protect and defend the Constitution of Malawi, as by law established. So help me God.

## **Third Schedule (Sections 7, 9, 10 and 31)**

### **Declaration of intention to retain citizenship of Malawi**

I, \_\_\_\_\_ (full name in block capitals), do solemnly and sincerely declare—

1. That I was born at \_\_\_ in \*Malawi/ \_\_\_\_\_ (insert name of country and am of or over the age of 21 years.
2. That I am a citizen of Malawi by \*birth/descent/registration/naturalization and am also a national of \_\_\_\_\_ (insert name of country) by \*birth/descent/registration/naturalization/ marriage.
3. That as I am desirous of retaining my status as a citizen of Malawi I hereby 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 \_\_\_, 19\_\_ before me.

\_\_\_\_\_

Magistrate / Commissioner for Oaths

\*Delete as applicable.

#### Fourth Schedule (Sections 7, 9, 10 and 31)

##### Declaration of renunciation of citizenship of another country

I, \_\_\_\_\_ (full name in block capitals), do solemnly and sincerely declare—

1. That I was born at \_\_\_\_\_ in \_\_\_\_\_ (insert name of country) and am of or over the age of 21 years.
2. That I have been granted Malawi citizenship by \*registration/naturalization on condition that I renounce my citizenship/nationality of \_\_\_\_\_ (insert name of country).
3. I hereby 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 \_\_\_\_\_, 19\_\_ before me.

\_\_\_\_\_

\* Magistrate/Commissioner for Oaths

\* Delete as applicable.

#### Fifth Schedule (Sections 7 and 22)

##### Declaration of intention to reside permanently in Malawi

I, \_\_\_\_\_ (full name in block capitals), do solemnly and sincerely declare—

1. That I am of or over the age of 21 years.
2. \*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 Malawi.

OR

That although I have renounced my citizenship/nationality of \_\_\_\_\_ (insert name of country) and intend my domicile of choice to be Malawi it may be necessary in the course of my employment as \_\_\_\_\_ / as self-employed to be absent from time to time from Malawi.

\_\_\_\_\_

Signature of Applicant

Declared at \_\_\_\_\_, this \_\_\_ day of \_\_\_\_\_, 19\_\_ before me.

\_\_\_\_\_

\* Magistrate/Commissioner for Oaths

\*Delete paragraphs or words not applicable.

### Sixth Schedule (Section 23)

#### Declaration of renunciation of citizenship of Malawi.

1. I, \_\_\_\_\_ (full name and address in block capitals) of \_\_\_\_\_ am of full age and legal capacity and I was born at \_\_\_\_\_ (place) in \_\_\_\_\_ (country) on the day of \_\_\_\_\_, 19\_\_
2. I\*am/\*am not/\* have been formerly/\*have not been formerly married.
- 3A. I am a \*citizen/national of \_\_\_\_\_ under the law of that country.

OR

- 3B. I intend to become a \*citizen/national of \_\_\_\_\_ after renouncing my citizenship of Malawi.
4. I hereby renounce my citizenship of, and divest myself of my allegiance to Malawi, and enjoyment of its protection.

I, the above-named \_\_\_\_\_ do solemnly and sincerely declare that the foregoing particulars stated in this Declaration are true and correct in all respects, and I make this solemn Declaration conscientiously believing the same to be true in all respects.

\_\_\_\_\_  
Signature of Applicant

Made and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_

\_\_\_\_\_  
\*Magistrate or Commissioner for Oaths

\*Delete whichever is inapplicable.