

TITLE 43 – FOREIGN AFFAIRS, CITIZENSHIP AND IMMIGRATION
CHAPTER 4 - REGISTRATION AND NATURALIZATION



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

CITIZENSHIP ACT 1984

Arrangement of Sections

Section	Page
PART I- PRELIMINARY	
§401. Short title.	3
§402. Interpretation.	3
PART II- CITIZENSHIP BY NATURALIZATION	
§403. Citizenship by naturalization; general.	4
§404. Citizenship by naturalization; public benefits.	6
§405. Effect of decision.....	6
PART III -LOSS AND RENUNCIATION OF CITIZENSHIP	
§406. Loss of citizenship; general.	7
§407. Loss of citizenship by registration or naturalization.....	7
§408. Renunciation of citizenship.....	7
PART IV - CITIZENSHIP BY REGISTRATION	
§409. Citizenship by Adoption.	8
§410. National Security limitations on citizenship; disqualifications.	8
§411. Dual citizenship.....	9
PART V - MISCELLANEOUS	
§412. Renunciation of foreign citizenship in certain cases.	9
§413. Regulations.....	9
§414. Registers.....	10
§415. Authority of the Attorney-General to act on behalf of the Minister	10

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Republic of the Marshall Islands
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CITIZENSHIP ACT 1984

AN ACT to make provision for acquisition of citizenship of the Republic, for the loss and renunciation of that citizenship, for citizenship by registration, and for matters relating thereto.

<i>Commencement:</i>	<i>14 March 1984</i>
<i>Source:</i>	<i>P.L. 1984-04</i>
<i>Amended By:</i>	<i>P.L. 1986-33 P.L. 1989-37 P.L. 1989-53</i>
	<i>P.L. 1989-68 P.L. 1991-119 P.L. 1991-120 P.L. 1994-97</i>
	<i>P.L. 1995-137 P.L. 2001-30 P.L. 2002-54 P.L. 2002-70</i>
	<i>P.L. 2009-25 P.L. 2010-40</i>

PART I- PRELIMINARY

§401. Short title.

This Chapter may be cited as the Citizenship Act 1984. [P.L. 1984-4, §1.]

§402. Interpretation.

- (1) In this Chapter:
- (a) “**child**” means a person who is not of full age;
 - (b) “**citizen**” means a citizen of the Republic; and
 - (c) “**Minister**” means the Minister to whom the functions of, and responsibility for the administration of the Citizenship Act 1984 has been assigned by the President unless expressly stated otherwise.

- (2) For the purposes of this Chapter:
- (a) a person is of “**full age**” if he has attained the age of eighteen (18) years; and
 - (b) a person is of full capacity if he is:
 - (i) not a mentally disordered or defective person; or
 - (ii) so found and not discharged as sane, under the provisions of any law of any country relating to mental treatment. [P.L. 1984-4, §2.][amended by P.L. 2001-30, §2(A).]

PART II- CITIZENSHIP BY NATURALIZATION

§403. Citizenship by naturalization; general.

- (1) A person of full age and full capacity may apply in the prescribed manner to the Cabinet to be naturalized as a citizen.
- (2) Where, on the application made pursuant to subsection (1) of this Section and as a result of such inquiries (if any) as the Cabinet may cause to be made, the Cabinet is satisfied that the person making the application:
 - (a) was (on the date of the application) and has been, during the period of ten (10) years immediately prior to the date of application, ordinarily resident in the Republic;
 - (b) The number of persons who shall be naturalized as citizen under section 403 of the Citizenship Act, shall not exceed ten (10), including dependents, in any one calendar year;
 - (c) is domiciled in the Republic;
 - (d) is of good character, based upon available evidence, including the recommendations of the Ministry responsible for the administration of citizenship matters and the local government Council of the community in which he has been resident or intends to reside;
 - (e) unless prevented by physical or mental disability, is able to speak and understand Marshallese sufficiently for normal conversational purposes;
 - (f) has an understanding and respect for the customs and traditions of the Republic;

- (g) has the means of support for himself and his dependents;
 - (h) has a reasonable knowledge and understanding of the Constitution of the Marshall Islands and the rights, privileges, responsibilities and duties of citizenship;
 - (i) subject to Section 412 of this Chapter, has renounced in the prescribed manner any other citizenship which he may possess;
 - (j) has taken and subscribed, in the prescribed manner, the prescribed oath of allegiance; then the Cabinet, in its discretion, may grant the application, but otherwise shall refuse it; and
 - (k) has taken and passed written test as may be prescribed by the Minister;
- (3) Where an applicant requests that any child of his named in the application become a citizen by naturalization, the child shall become a citizen by naturalization, when, pursuant to the application, the applicant becomes a citizen by naturalization; provided, there is included in the application a statement by the other parent or legal guardian (if any) that he or she also wishes the child to become a citizen.
- (4) When an application under subsection (1) of this Section is granted, the Cabinet shall cause to be issued to the applicant and to any child who becomes or will become a citizen pursuant to subsection (3) of this Section a certificate of naturalization in the prescribed form.
- (5) A person to whom a certificate of naturalization is issued becomes naturalized as a citizen from the date stated in the certificate.
- (6) For the purposes of this Section, the date of an application is the date on which it is lodged with the Clerk of the Cabinet.
- (7) For the purposes of determining the period of residence of any person in the Republic, a period of residence shall not include:
- (a) any period during which the person was not legally in the Republic as an immigrant; or
 - (b) any period during which a foreign worker is granted entry into the Republic under the Labor (Non-resident Workers) Act, 2006, or on, or after the effective date of this Section.

- (8) Where a person applying under this Section is a person who has lost or renounced his citizenship of the Republic, any period of residence in the Republic before he lost or renounced his citizenship shall be disregarded for the purpose of determining his period of residence in the Republic. [P.L. 1984-4, §4; amended by P.L. 1989-53, §2 renumbering this Section to §3.][subsection (7) is amended by P.L. 2009-25][§403(2)(a) and (b) amended by P.L. 2010-40; paragraphs modified during the amendment]

§404. Citizenship by naturalization; public benefits.

- (1) Any person who may not be eligible for citizenship by naturalization under Section 403 of this Chapter may make application in the prescribed manner to the Cabinet to be naturalized as a citizen, and the Cabinet may in its discretion grant the application if the Cabinet is satisfied that:
- (a) either:
 - (i) the applicant has rendered distinguished service to the Republic; or
 - (ii) conferral of citizenship is otherwise in the public interest; and
 - (b) the applicant is domiciled in the Republic.
- (2) Persons naturalized under this Section may, in the discretion of the Cabinet, not be required to renounce any other citizenship they may possess and may maintain dual citizenship.
- (3) The number of persons who shall be naturalized as citizens under this Section shall not exceed five (5) in any one calendar year. [P.L. 1984-4, §5; amended by P.L. 1989-37, §2, adding new subsection (4); amended by [P.L. 1989-53, §2, renumbering this Section to §4; amended by P.L. 1989-68, §2, lowering the fee for a passport from \$200,000 to \$100,000; P.L. 1991-119, §2; P.L. 1991-120, §2(1); amended by P.L. 1995-137, §2][P.L. 2001-30, §2(C) repealed subsection (4) dealing with sale of passports) Oct.18, 2001]

§405. Effect of decision.

Subject to the provisions of Article II of the Constitution of the Marshall Islands, the decision of the Cabinet not to grant an application for citizenship under this Part is final. [P.L. 1984-4, §6; P.L. 1989-53, §2 renumbered this Section to §5.]

PART III -LOSS AND RENUNCIATION OF CITIZENSHIP

§406. Loss of citizenship; general.

A person who has reached full age and is of full capacity is subject to loss of citizenship, after hearing and for cause, upon application by the Minister to the High Court, on the ground that he has obtained the nationality or citizenship of another country by a voluntary act (other than marriage), except with the express approval of the Cabinet. [P.L. 1984-4, §7; P.L. 1989-53, §2 renumbered this Section to §6.]

§407. Loss of citizenship by registration or naturalization.

A person's registration as a citizen pursuant to Article XI, Section 2 of the Constitution of the Marshall Islands, or naturalization under Section 404 or 405 of this Chapter, is subject to cancellation, after hearing and for cause, upon application by the Minister to the High Court, on the ground of:

- (a) concealment of a material fact or willful misrepresentation in applying for registration or naturalization;
- (b) advocacy of the overthrow or alteration of the Government of the Marshall Islands by unlawful means; or
- (c) commission of, or attempt or preparation to commit, an act of espionage, sabotage, or sedition against the Government of the Marshall Islands, or conspiring with or aiding and abetting another to commit such an act. [P.L. 1984-4, §8; P.L. 1989-53, §2 renumbered the Section to §7.]

§408. Renunciation of citizenship.

- (1) Subject to subsections (2) and (3) of this Section, a citizen who is of full age and full capacity may, in the prescribed manner, renounce his citizenship.
- (2) A person may not renounce his citizenship unless:
 - (a) he already holds some other nationality or citizenship; or
 - (b) the renunciation is for the purpose of his obtaining some other nationality or citizenship.
- (3) During a time of war, citizenship may not be renounced without the prior consent of the Cabinet. [P.L. 1984-4, §9; P.L. 1989-53, §2 renumbered this Section to §8.][P.L. 2002-70 repealed subsection (4).]

PART IV - CITIZENSHIP BY REGISTRATION

§409. Citizenship by Adoption.

Unless disqualified in the interests of national security or policy pursuant to Article XI, Section 2(3) of the Constitution, any person who is not a citizen of the Marshall Islands may become a citizen by registration if, upon application, the High Court is satisfied that:

- (a) the person was adopted under the laws of the Marshall Islands as a child by a person then a citizen of the Marshall Islands; and
- (b) he has been a resident of the Marshall Islands for a period of not less than five (5) years; and
- (c) if he has attained the age of 18 years, he has taken an oath or made an affirmation of allegiance to the Marshall Islands and has renounced any other citizenship he may possess.
[P.L. 1989-53, §2 creating a new §9.]

§410. National Security limitations on citizenship; disqualifications.

- (1) No person shall become a citizen by registration pursuant to Article XI, Section 2 of the Constitution of the Marshall Islands unless the High Court is satisfied that the person making the application does not constitute a threat or danger or risk of danger to national security.
- (2) In a case where any person applies for citizenship by registration under Article XI, Section 2 of the Constitution of the Marshall Islands, the Cabinet shall, within such time as may be prescribed by the High Court, submit to that Court a certificate stating whether in the opinion of the Cabinet such person is a fit and proper person to be registered as a citizen in the interests of national security; provided however, that the Cabinet may delegate its power under this Section to the Minister who shall submit the required certificate to the Court. A certificate under the hand of the Cabinet, or the Minister as the case may be, shall be conclusive proof of the matters therein stated and shall not be called in question in any court whether by way of writ or otherwise.
- (3) For the purposes of determining the period of residence of any person in the Republic for citizenship by registration under

Article XI, Section 2 of the Constitution of the Marshall Islands, any period during which the person was not legally in the Republic as an immigrant shall be disregarded. [P.L. 1984-4, §10; amended by P.L. 1986-33, §2, which completely replaced subsections (1) and (2; amended by P.L. 1994-97,§2).][P.L. 2002-54 amending subsection (2).]

§411. Dual citizenship.

Subject to Section 412 of this Chapter, no person may become a citizen by registration pursuant to Article XI, Section 2 of the Constitution of the Marshall Islands unless he has renounced any citizenship which he may possess and has taken and subscribed, in the prescribed manner, the prescribed oath of allegiance. [P.L. 1984-4, §11.]

PART V - MISCELLANEOUS

§412. Renunciation of foreign citizenship in certain cases.

- (1) If in a case where this Chapter requires an applicant for citizenship to renounce another citizenship or nationality, and either the law of his country of citizenship or nationality prevents him from renouncing, or it is otherwise impracticable for him to renounce, the applicant may instead make a declaration form approved by the Cabinet that:
 - (a) he intends, when it becomes practicable for him to do so, to renounce that citizenship or nationality;
 - (b) he will not exercise any privilege or accept any benefit of that citizenship or nationality; and
 - (c) he regards himself as, and will act in all respects as, a citizen of the Republic alone.
- (2) If it becomes practicable for a person to whom subsection (1) of this Section applies to renounce the other citizenship or nationality, the Cabinet may by order require him to do so, and if he fails to do so within a reasonable time fixed by the Cabinet, the Cabinet may, by order, deprive him of his citizenship of the Republic. [P.L. 1984-4, §12.]

§413. Regulations.

The Cabinet may make regulations, not inconsistent with this Chapter, prescribing all matters that are required or permitted by this Chapter to be

prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to this Chapter. The Marshall Islands Administrative Procedure Act 1979, 6 MIRC 1, shall not apply with respect to any regulations promulgated under this Chapter. [P.L. 1984-4, §13; amended by P.L. 1991-120, §2(2).]

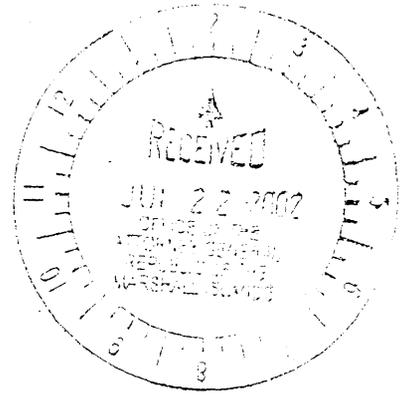
§414. Registers.

The Cabinet shall cause to be kept and maintained a register or registers, in such form as it deems appropriate, in which shall be recorded the particulars:

- (a) of any person who becomes a citizen by registration pursuant to Article XI, Section 2 of the Constitution of the Marshall Islands;
- (b) of any person who becomes a citizen pursuant to this Chapter;
- (c) of any person who has lost or renounced his citizenship under this Chapter; and
- (d) of any declaration as to citizenship status made under Article XI, Section 2 of the Constitution of the Marshall Islands. [P.L. 1984-4, §14.]

§415. Authority of the Attorney-General to act on behalf of the Minister

The Minister may either generally or specially authorize the Attorney General, or in his absence, the Deputy Attorney-General, to perform or discharge any power, duty or function vested in, or imposed or conferred upon, the Minister, by or under this Chapter." [section 415 added by P.L. 2001-30 Oct. 18, 2001, the heading of this section modified for clarity (Rev.2003)]



REPUBLIC OF THE MARSHALL ISLANDS
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C.M. 099(2002)

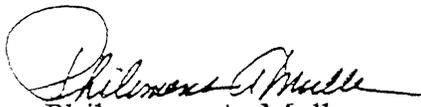
FOR ACTION

FOR INFORMATION

Minister of Justice

SUBJECT: Authorization to Administer the Renunciation of Citizenship,
the Taking of Oath of Allegiance and Conferment of
Citizenship

At its meeting on July 19, 2002, the Cabinet approved and authorized the Attorney-General or his designee to administer the Renunciation of Citizenship, the Taking of Oath of Allegiance by, and the conferment, at a conferment ceremony, of RMI Citizenship upon, persons on whom the RMI citizenship is conferred.


Philomena A. Muller
Assistant Clerk of Cabinet


Brenson S. Wase
Acting President

[Reference – C.P. 4824(2002)]
Signed by the Acting President on July 19, 2002



REPUBLIC OF THE MARSHALL ISLANDS
CONFIDENTIAL
C.M. 082(2002)

FOR ACTION

FOR INFORMATION

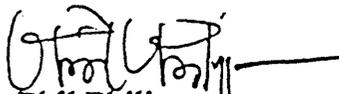
Minister of Justice

All Cabinet Members

SUBJECT: Citizenship Regulations

At its meeting on June 06, 2002 the Cabinet:

- (1) approved the attached Citizenship Regulations;
- (2) delegated to the Minister responsible for citizenship matter, authority to issue certificate of national security clearance pursuant to subsection 41-0 (2) of Citizenship Act, 1984; and,
- (3) approved the fees attached in the Schedule to the Regulations.


Phil Philippo
Clerk of the Cabinet


Kessai H. Note
President

[Reference- C.P. 4802 (2002)]
Signed by the President on June 07, 2002

Citizenship Regulations, 2002

CITIZENSHIP ACT

Citizenship Regulations, 2002

The Minister of Justice Honorable Witten Tipne Philippo, pursuant to section 413 of the Citizenship Act, 1984 is pleased to make Regulations respecting Citizenship.

REGULATIONS RESPECTING CITIZENSHIP

PART I: PRELIMINARY

1. SHORT TITLE

These Regulations may be cited as the *Citizenship Regulations, 2002*.

2. INTERPRETATION

(1) In these Regulations, unless the contrary intention appears:

"Act" means the *Citizenship Act, 1984*;

"Attorney General" includes Deputy Attorney General

"certificate of citizenship" means a certificate of citizenship issued or granted under the Act;

"certificate of naturalization" means a certificate of naturalization granted under the Act;

"child" includes a child adopted or legitimized in accordance with the laws of the place where the adoption or legitimation took place;

"Division of Immigration" means the Division of Immigration of the Republic of the Marshall Islands or any other department of the Republic with responsibility for immigration matters;

"Minister" means the Minister of Justice;

"minor" means a person who has not attained the age of 18;

"parent" means the father or mother of a child and includes an adoptive parent;

"prescribed" means prescribed by the Minister; and

"Republic" means the Republic of the Marshall Islands.

(2) Unless the contrary intention appears:

(a) any document required to be filed with the Attorney General may be filed by delivering it in person or through an attorney or any other agent approved in writing by the Minister, to the Office of the Attorney General;

(b) the requirement for National Security Clearance shall satisfied by means of the followings:

(i) clearance certificate of the Department of Public Safety;

- (ii) letter of recommendation from the Office of the Chief Secretary to the Government of the Republic.
 - (iii) letter of recommendation from the Local Government Council of the Community in which the applicant resides or intends to reside;
 - (iv) alien registration certification for each of the years that the applicant has been resident or domiciled in the Republic; and
 - (v) three year Tax Clearance Certificate from the Division of Revenue and Taxation of the Ministry of Finance in evidence that the applicant has discharged his tax obligations to the Republic promptly as and at when due.
- (3) Any oath, solemn affirmation or declaration that is required to be made for the purposes of the Act or these Regulations, other than the Oath of citizenship may, unless otherwise directed by the Minister, be taken before a judge, a magistrate, an officer of a court of justice or a commissioner authorized to administer oaths.

PART II: CITIZENSHIP BY NATURALIZATION

A. General

3. (1) An application to the Cabinet under subsection 403(2) of the Act shall be

- (a) made in the prescribed form, and
- (b) filed, together with the materials described in subregulation (3), with the Attorney General.

(2) Where in the opinion of the Minister, compliance with paragraph (1)(b) would result in undue hardship to the applicant, the Minister may authorize the applicant to forward the application and the materials to the Attorney General.

(3) For the purposes of paragraph (1)(b), the materials required by this section are

- (a) birth certificate or other evidence that establishes the date and place of birth of the applicant;
- (b) record of landing on form 8616ARC or any replacement document that may be created by the Division of Immigration;
- (c) evidence of means to support by the applicant;
- (d) evidence that the applicant is domiciled in the Republic or has, during the period of seven (7) years immediately prior to date of the application, been resident in the Republic;
- (e) letter of support from the Senator representing the electoral district where the applicant resides or intends to reside;
- (f) sworn character recommendations, based on personal knowledge of the applicant, from three citizens in good standing in the community in which the applicant resides;
- (g) National Security Clearance;
- (h) statement of the marital status of the applicant together with a copy of the certificate of marriage, divorce or annulment of marriage, where applicable; and
- (j) two photographs of the applicant signed by the applicant in the size and type shown on a form prescribed.

4. (1) Application pursuant to section 403(3) of the Act on behalf of a minor child shall be
- (a) made to the Cabinet in the prescribed form by either parent, or by a legal guardian or by any other person having legal custody of the minor child, whether by virtue of an order of a court of competent jurisdiction, or operation of law; and
 - (b) filed, together with the materials described in subregulation (2), with the Attorney General.
- (2) For the purpose of paragraph (1)(b) the materials required in this Regulation are
- (a) birth certificate or other evidence that establishes the date and place of birth of the minor child;
 - (b) evidence that establishes that the minor child is the child of the applicant;
 - (c) if the person making the application is not the father or mother of the minor child, certified copy of an order of a court of competent jurisdiction or, other evidence that establishes that the applicant has the legal custody of the child;
 - (d) statement signed by the other parent or legal guardian (if any) that he or she also wishes the child to become a citizen;
 - (e) record of landing on form 8616ARC or any replacement document that may be created by the Division of Immigration or other evidence that establishes the date on which the minor child was lawfully admitted to the Republic;
 - (f) evidence of means that the applicant is able to support the child;
 - (g) written undertaking of the applicant to support the minor child;
 - (h) endorsement of the application by the minor child, if the child has attained the age of 14 years on or before the date of the application and is not prevented from understanding the significance of the application because of a mental disability;
 - (i) evidence that establishes that the minor child is prevented from understanding the significance of the application because of a mental disability, if the child has attained the age of 14 years on or before the date of the application and has not countersigned it; and
 - (j) two photographs of the minor child in the prescribed form; signed by the child if the child has attained the age of 14 years on or before the date of the application.

B. Public Benefit

5. (1) An application to the Cabinet under subsection 404 of the Act shall be
- (a) made in prescribed form; and
 - (b) filed, together with the materials described in subregulation (3), with the Attorney General
- (2) Where in the opinion of the Minister, compliance with paragraph (1)(b) would result in undue hardship to the applicant, the Minister may authorize the applicant to forward the application and the materials to the Attorney General.
- (3) For the purposes of paragraph (1)(b), the materials required by this Regulation are
- (a) birth certificate or other evidence that establishes the date and place of birth of the applicant;
 - (b) record of landing on form 8616ARC or any replacement document that may be created by the Division of Immigration;
 - (c) evidence of means of support by the applicant;
 - (d) letter of support from the Senator representing the electoral district where the applicant resides or intends to reside;

- (e) sworn character recommendations of three citizens in good standing in the community in which the applicant resides based on personal knowledge of the applicant by the deponents;
 - (f) National Security Clearance;
 - (g) statement of the marital status of the applicant and a copy of the certificate of marriage, divorce or annulment of marriage, where applicable; and
 - (h) two photographs of the applicant signed by the applicant in the size and type shown on a form prescribed.
- (4) The requirement for application, where the applicant has not resided in the Republic for a period of up to five years immediately preceding the date of making the application, in addition to the materials required under subsection (3) shall include
- (a) sworn character recommendations based on personal knowledge of the applicant from three citizens in good standing in the community in which the applicant was last domiciled or resident for a period of up to seven years, together with a certified true translation of the document where such character recommendation is in a language other than the English Language;
 - (b) clearance certificate from the National Police of the applicant's country of birth or country of citizenship or the National Police of the country where the applicant was last domiciled or last resident continuously for a period of seven years; and
 - (c) evidence of distinguished service to the Republic or other ground of public interest to which the application relates.

PART III: CITIZENSHIP BY REGISTRATION

6. (1) For the purpose of determining whether an applicant in the interest of national security or policy is qualified to become a citizen of the Republic pursuant to section 409 of the Act the applicant shall file together with his application to the High Court,
- (a) application to the Cabinet to renounce his foreign citizenship under section 408(4) of the Act; and
 - (b) the materials described in subregulation (3),
- (2) Where in the opinion of the Minister, compliance with paragraph (1)(b) would result in undue hardship to the applicant, the Minister may authorize the applicant to forward the application and the materials to the Attorney General.
- (3) For the purposes of paragraph (1)(b), the materials required by this Regulation are
- (a) birth certificate or, if unobtainable, other evidence that establishes the date and place of birth of the applicant;
 - (b) evidence (if available), that establishes the citizenship of the father and mother of the applicant at the time of the birth of the applicant;
 - (c) record of landing on form 8616ARC or any replacement document that may be created by the immigration authorities of the Republic, or other evidence, that establishes the date on which the person was lawfully admitted to the Republic;
 - (d) certified copy an order of a court of competent jurisdiction or, other evidence that establishes that the applicant was adopted as a child by a person then a citizen of the Republic; and
 - (e) two photographs of the applicant signed by the applicant of the size and type shown on a form prescribed.

(4) Application under section 409 of the Act on behalf of a minor child shall in addition to the materials described in subregulation (3) include

- (a) certified copy of an order of a court of competent jurisdiction or, other evidence, that establishes that the applicant has the legal custody of the child;
- (b) statement signed by the other parent or legal guardian (if any) that he or she also wishes the child to become a citizen;
- (c) evidence of means that the applicant is able to support the child;
- (d) written undertaking of the applicant to support the minor child;
- (e) endorsement of the application by the minor child, if the child has attained the age of 14 years on or before the date of the application and is not prevented from understanding the significance of the application because of a mental disability;
- (f) evidence that establishes that the minor child is prevented from understanding the significance of the application because of a mental disability, if the child has attained the age of 14 years on or before the date of the application and has not countersigned it;
- (g) two photographs of the minor child of the size and type shown on a form prescribed, signed by the applicant.

PART IV: RENUCIATION AND RESUMPTION OF CITIZENSHIP

A. Renunciation of Marshallese Citizenship

7. (1) Subject to section 408(3) of the Act, an application made under subsection 408(1) of the Act shall be

- (a) made in the prescribed form; and
- (b) filed, together with the materials described in subregulation (3), with the Attorney General.

(2) Where in the opinion of the Minister, compliance with paragraph (1)(b) would result in undue hardship to the applicant, the Minister may authorize the applicant to forward the application and the materials to the Attorney General.

(3) For the purposes of paragraph (1)(b), the materials required by this Regulation are

- (a) birth certificate or, if unobtainable, other evidence that establishes the date and place of birth of the applicant;
- (b) evidence that establishes the citizenship of the applicant;
- (c) two photographs of the applicant signed by the applicant of the size and type shown on a form prescribed;
- (d) official document of a country other than the Republic or other evidence that establishes that the applicant is or will become a citizen of that country if the application referred to in subregulation (1) is accepted; and
- (e) evidence that establishes the place of residence of the applicant.

B. Foreign Citizenship

8. (1) An application made to the Minister under section 408(4) of the Act shall

- (a) include an application to register as a citizen;
- (b) be made in prescribed form; and

(c) filed, together with the materials described in subregulation (3), with the Attorney General.

(2) Where in the opinion of the Minister, compliance with paragraph (1)(c) would result in undue hardship to the applicant, the Minister may authorize the applicant to forward the application and the materials to the Attorney General.

(3) For the purposes of paragraph (1)(c), the materials required by this section are

(a) a birth certificate or, if unobtainable, other evidence that establishes the date and place of birth of the applicant;

(b) a birth certificate or other evidence that establishes the date and place of birth of the parent through whom the applicant derives citizenship and evidence that establishes the citizenship of that parent at the time of the birth of the applicant;

(c) two photographs of the applicant signed by the applicant of the size and type shown on a form prescribed; and

(d) evidence that establishes that the applicant has established substantial connection with Republic.

C. Resumption of Citizenship

9. (1) A person who but by reason only of his or her marriage or the acquisition by his or her spouse of a foreign citizenship would have been a citizen of the republic acquires citizenship immediately upon giving notice in writing together with the materials described in subregulation (2), to the Minister.

(2) For the purposes of subregulation (1), the materials required by this Regulation are such evidence as the person giving notice possesses that relates to

(a) the date and place of his or her birth;

(b) the date and place of his or her marriage;

(c) his or her nationality immediately before his or her marriage;

(d) the nationality of his or her spouse at the time of their marriage; and

(e) any nationality acquired by his or her spouse since their marriage.

(3) Where the Minister does not receive together with the letter, evidence that establishes whether the person meets the requirements of the Regulation, the Minister shall forthwith communicate with the person and make all other enquiries in an endeavor to establish the claim of the applicant.

PART V: ADMINISTRATION

10. (1) The Attorney General upon receipt of the application and materials that have been filed under subregulations 3(1), 4(1) or 5(1) shall enter in a register kept for the purpose the date on which the application and materials are received.

(2) The Attorney General shall cause to be commenced the inquiries necessary to determine whether the person in respect of whom the application is made meets the requirements of the Act and these Regulations with respect to the application.

(3) Where an applicant fails to provide the materials described in subregulations 3(3), 4(2) or 5(3) as the case may be, the Attorney General shall send a notice in writing by ordinary mail to the applicant, at the applicant's latest known address, advising that the applicant is required to provide the materials to the Attorney General by the date specified in the notice.

(4) Where an applicant fails to comply with a notice given pursuant to subregulation (3), the Attorney General shall send a second notice in writing by registered mail to the applicant at the applicant's latest known address, advising the applicant that the applicant is required to provide the materials described in subregulations 3(3), 4(2) or 5(3) as the case may be, to the Attorney General, by the date specified in the notice.

(5) Where an applicant fails to comply with a notice given pursuant to subregulation (4) the applicant's application and any materials relating to it shall be retained by the Attorney General, who shall record the application as having been abandoned, and no further action shall be taken with respect to the application.

(6) After completing the inquiries commenced pursuant to subregulation (2), the Attorney General shall refer the application and materials to the Minister of Justice for consideration.

(7) Where it appears to the Minister that the approval of an application referred to the Minister under paragraph (6) may not be possible on the basis of the information available, the Minister shall ask the Attorney General to send a notice in writing by ordinary mail to the applicant, at the latest known address, giving the applicant an opportunity to appear in person before the Minister at the date, time and place specified in the notice.

(8) Where an applicant fails to comply with a notice given pursuant to subregulation (7) the Attorney General shall give the applicant at least seven days' notice in writing by registered mail, at the applicant's latest known address, advising that the applicant may appear in person before the Minister at the new date, time and place specified in the notice.

(9) Where an applicant fails to comply with a notice given pursuant to subregulation (8), the applicant's application and any materials relating to it shall be forwarded to the Attorney General, who shall record the application as having been abandoned, and no further action shall be taken with respect to the application.

(10) Where an application has been recorded as abandoned pursuant to subregulation (9), the applicant may make a new application.

(11) Where, under subregulation (7) or (8) an applicant appears before the Minister, the applicant may be

(a) required to give evidence under oath or not under oath as the Minister, at the Minister's discretion, decide;

(b) interviewed to determine that the applicant has

(i) adequate knowledge of the Marshallese language;

(ii) knowledge of the Republic and the responsibilities of its citizenship; and

(iii) substantial connection with the Republic; and

(c) accompanied by such other persons as the Minister, at the Minister's discretion permit, in the interests of the applicant and of the expeditious determination of the matter.

11. (1) The Attorney General upon receipt of the application filed pursuant to Regulation 6 shall enter in a register kept for the purpose the date on which the application and materials are received.

(2) The Attorney General shall cause to be commenced the inquiries necessary to determine whether the person in respect of whom the application is made meets the requirements of the Act and these Regulation with respect to the interest of national security or policy.

(3) Where an applicant fails to provide the materials described in subregulation 6(3), the Attorney General shall send a notice in writing to the applicant by registered mail, at the applicant's latest known address, advising that the applicant is required to provide the

materials described in subregulation 6(3) to the Attorney General by the date specified in the notice. Provided notice required to be given to the applicant may be served on the applicant through his counsel if he is represented by an attorney.

(4) Where an applicant fails to comply with a notice given pursuant to subregulation (3) the Attorney General shall apply to the High Court for a determination of the matter.

(5) After completing the inquiries commenced pursuant to subregulation (2), the Attorney General shall notify the High of his finding for consideration.

PART VI: CITIZENSHIP CRITERIA

A. Marshallese Language

12. The criteria for determining whether a person has an adequate knowledge of the Marshallese language are, based on questions prepared by the Minister,

- (a) that the person comprehends, in the language, basic spoken statements and questions; and
- (b) that the person can convey orally or in writing, in the language, basic information or answers to questions.

B. Knowledge of Marshall Islands and Citizenship

13. The criteria for determining whether a person has an adequate knowledge of the Marshall Islands and of the responsibilities and privileges of citizenship are that, based on questions prepared by the Minister, the person has a general understanding of

- (a) the right to vote in the elections to the Nitijela and the Local Government Councils and
- (b) enumerating and voting procedures related to elections; and
- (c) one of the following topics, to be included at random in the questions prepared by the Minister, namely,
 - (i) the chief characteristics of Marshallese social and cultural history,
 - (ii) the chief characteristics of Marshallese political history,
 - (iii) the chief characteristics of Marshallese physical and political geography, or
 - (iv) the responsibilities and privileges of citizenship, other than those referred to in paragraphs (a) and (b).

C. Substantial Connection with the Marshall Islands

15. The criteria for determining whether a person has a substantial connection with Marshall Islands are

- (1) that the applicant has been employed, for at least five of the seven years immediately before the date of the application, in the public service of the Republic or in the service of the representative of the Republic to the United Nations or one of its affiliated agencies or other international organization to which the Republic is a member; or
- (2) that since attaining the age of 14 years, the applicant has spent more than five years in the Republic with a parent, brother, sister, aunt, uncle or grandparent or in attendance at a recognized secondary or post-secondary educational institution in the Republic for not less than five years.

PART VII: CEREMONIALS

A. OATH OF CITIZENSHIP

15. Unless the Cabinet otherwise directs, the oath of citizenship shall be taken at a citizenship ceremony.

16. Where a person is to take the oath of citizenship at a citizenship ceremony, the Attorney General shall notify the person of the date, time and place at which the person is to appear before the Cabinet to take the oath of citizenship and receive the person's certificate of citizenship.

17. (1) Where a person who fails to appear and take the oath of citizenship at the citizenship ceremony appointed for that purpose fails, within 60 days after that date, to satisfy the Minister, that the person was prevented from appearing by some good and sufficient cause, the person's certificate of citizenship shall be returned to the Attorney General and may at the Minister's discretion be cancelled.

(2) Where a person described in subregulation (1) satisfies the Minister of the matter referred to in that subregulation, another date, time and place shall be appointed by the Minister for the person to appear and take the oath of citizenship.

18. The Cabinet or a person authorized by the Cabinet in writing to act on its behalf may administer the oath of citizenship to any person who has been granted citizenship and, in such case, the Attorney General shall make all the necessary arrangements for the purpose of administering the oath.

19. Subject to Regulation 20, a person who takes the oath of citizenship pursuant shall, at the time the person takes it, sign a certificate in prescribed form certifying that the person has taken the oath, and the certificate shall be countersigned by the Minister.

20. A person who has been granted citizenship under the Act shall unless otherwise prevented from understanding the significance of taking oath of citizenship either by reason of minority or mental disability, take the oath of citizenship by swearing or solemnly affirming it before the Cabinet.

B. CEREMONIAL PROCEDURES OF CITIZENSHIP CONFERMENT

21. (1) A certificate of citizenship issued to a person who has been granted citizenship under the Act shall be presented at a citizenship conferment ceremony.

(2) The ceremonial procedures to be followed by the Cabinet shall be appropriate to impress on new citizens the responsibilities and privileges of citizenship and, without limiting the generality of the foregoing, the Cabinet shall, during a ceremony held for the presentation of certificates of citizenship,

(a) emphasize the significance of the ceremony as a milestone in the lives of the new citizens;

(b) administer the oath of citizenship with dignity and solemnity, allowing the greatest possible freedom in the religious solemnization or the solemn affirmation thereof;

(c) present certificates of citizenship; and

(d) promote good citizenship, including respect for the law, the exercise of the right to vote, participation in community affairs and intergroup understanding.

(e) obey all laws - taxes.

* Swearer Passport
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PART VIII: REPLACEMENT, SURRENDER AND CANCELLATION OF CERTIFICATES

A. CERTIFICATE OF CITIZENSHIP

22. A citizen may obtain a certificate of citizenship upon application

- (a) made in prescribed form; and
- (b) filed with the Attorney General, together with
 - (i) evidence that establishes that the applicant is a citizen, and
 - (ii) two photographs of the applicant of the size and type shown on a form prescribed and signed by the applicant if the applicant has attained the age of 14 years on or before the date of the application.

23. (1) Subject to subsection (2), no person shall hold

- (a) more than one valid certificate of naturalization or certificate of citizenship that contains the person's photograph; or
- (b) more than one certificate of renunciation.

(2) Where a person is included in a certificate of naturalization that relates to more than one person, the person may also hold a certificate of citizenship.

(3) Where a person who has been granted or issued a certificate of naturalization or certificate of citizenship that contains the person's photograph makes an application for a certificate of citizenship under Regulation 10, the person shall

- (a) set out in the application the reasons for desiring another certificate of citizenship; and
- (b) surrender all certificates referred to in paragraph (1)(a) that are in the person's possession to the Attorney General
 - (i) at the time the application is filed, or
 - (ii) at the time the new certificate is received.

(4) Where an application is made pursuant to subregulation (3) for reasons of loss or destruction of a certificate of naturalization or certificate of citizenship that contains the applicant's photograph, the applicant shall provide the details of the loss or destruction.

(5) Where a person who has been issued a certificate of renunciation makes an application for another certificate, the person shall

- (a) set out in the application the reasons for desiring another certificate; and
- (b) surrender the previously issued certificate to the Attorney General
 - (i) at the time the application is filed, or
 - (ii) at the time the new certificate is received.

(6) Where an application is made pursuant to subregulation (5) for reasons of loss or destruction of the previously issued certificate, the applicant shall provide the details of the loss or destruction.

(7) The Attorney General may require a person referred to in subregulation (3) or (5) to provide the Attorney-General with such evidence as the Attorney-General deems necessary to be satisfied that the issuance of the certificate will not be in contravention of subregulation (1).

24. (1) The Attorney-General may, in writing, require a person to surrender to the Attorney-General any certificate of naturalization or certificate of citizenship that contains the person's photograph, or certificate of renunciation, issued or granted to the person under the

Act these Regulations if there is reason to believe that the person may not be entitled to the certificate or has violated any of the provisions of the Act, and the person shall forthwith comply with the requirement.

(2) Where the Attorney-General is of the opinion that the holder of a certificate of naturalization, certificate of citizenship, or other certificate of citizenship that contains the holder's photograph, or certificate of renunciation, contravened any provision of the Act, the Attorney-General shall cause to be retained any certificate surrendered to the Attorney-General by that person until that certificate is no longer required as evidence in any legal proceedings that may be instituted in consequence of the alleged contravention.

(3) Where the Minister has determined pursuant to section 407 of the Act that the holder of a certificate of naturalization or certificate of citizenship that contains the holder's photograph, or certificate of renunciation, issued or granted under the Act or these Regulations is not entitled to the certificate, the Attorney General shall cancel the certificate.

(4) The Attorney General shall forthwith return the certificate to the person where the Minister has determined that the person is entitled to the certificate.

B. GENERAL

25. A birth certificate or other official document forwarded by a person in connection with an application under these Regulations shall be returned to the person when it is no longer required for the purpose of the application.

26. Notwithstanding anything in these Regulations, a person who makes an application under the Act shall furnish any additional evidence in connection with the application that may be required to establish that the person meets the requirements of the Act and these Regulations.

27. An application for a search of the records kept in the course of the administration of the Act shall be made in prescribed form and shall be filed with the Attorney General.

PART IX: FEES

28. (1) Subject to this Regulation, for an application set out in column I of the schedule, the fee set out in column II of that item is payable to the Attorney General.

(2) No fee is payable in respect of the administration of an oath of citizenship.

(3) No fee is payable in respect of the administration of an oath, solemn affirmation or statutory declaration where it is administered by a person employed by the Government of the Republic of the Marshall Islands.

(4) No fee is payable in respect of the replacement of a certificate where the certificate was lost, mislaid or mutilated or destroyed without lawful excuse by a court of law, a department or agency of the Government of the Republic of the Marshall Islands.

(5) No fee is payable in respect of a search of the records kept in the course of the administration of the Act or the provision of a copy of a document from those records where the search or copy is requested by

(a) a department or agency of the Government of the Republic or of a local government;

(b) or a person who has submitted, in accordance with Regulation 22, an application for a certificate of citizenship in respect of which a determination has not yet been made.

SCHEDULE

(Subsection 28(1))

FEES

Item	Column I Application	Column II Fee
1.	Application for change of citizenship status	
	(a) grant of citizenship under Regulation 3(1)	\$250
	(b) grant of citizenship under Regulation 4	\$150
	(c) grant of citizenship under Regulation 5	\$250
	(d) Certificate of citizenship under Regulation 6	\$100
2.	(a) renunciation of citizenship, Regulation 7	\$50
	(b) renunciation of citizenship, Regulation 8	\$50
3.	Resumption of citizenship, Regulation 9	None
4.	Certificate of citizenship, Regulation 21	\$50
5.	Replacement certificate, Regulation 23	\$25
6.	Search of records, Regulation 27	\$35