

Burma Citizenship Law

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Note: This is an unofficial translation of the Act, the Pyithu Hluttaw Law No. 4 of 1982.

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[3785ca2ff0] Chapter I - Title and Definition

1.

This Law shall be called the Burma citizenship Law.

2.

The expressions contained in this Law shall have the following meanings:

(a) "State" means the Socialist Republic of the Union of Burma;

(b) "Citizen" means a Burma citizen;

(c) "Associate Citizen" means an associate citizen prescribed by this Law;

(d) "Naturalized Citizen" means a prescribed by this Law;

(e) "Foreigner" means a person who is not a citizen or an associate citizen or a naturalized citizen;

(f) "Certificate of citizenship" means a certificate of citizenship granted under the Union Citizenship (Election) Act, 1948 or the Union Citizenship Act, 1948 or this Law;

(g) "Certificate of Associate Citizenship" means a certificate of associate citizenship granted under this Law;

(h) "Certificate of Naturalized Citizenship" means a certificate of naturalized citizenship granted under this Law;

(i) "Central Body established under this Law.

[3785ca2ff1] Chapter II - Citizenship

3.

Nationals such as the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan and ethnic groups as have settled in any of the territories included within the State as their permanent home from a period anterior to 1185 B.E., 1823 A.D. are Burma citizens.

4.

The Council of State may decide whether any ethnic group is national or not.

5.

Every national and every person born of parents, both of whom are nationals are citizens by birth.

6.

A person who is already a citizen on the date this Law comes into force is a citizen.

Action, however shall be taken under section 18 for infringement of the provision of that section.

7.

The following persons born in or outside the State are also citizens:

- (a) persons born of parents, both of whom are citizens;
- (b) persons born of parents, one of whom is a citizen and the other an associate citizen;
- (c) persons born of parents, one of whom and the other a naturalized citizen;
- (d) persons born of parents one of whom is
 - (i) a citizen; or
 - (ii) an associate citizen; or
 - (iii) a naturalized citizen;and the other is born of parents, both of whom are associate citizens;
- (e) persons born of parents, one of whom is
 - (i) a citizen; or
 - (ii) an associate citizen; or
 - (iii) a naturalized citizen;and the other is born of parents, both of whom are naturalized citizens;
- (f) persons born of parents one of whom is
 - (i) a citizen; or
 - (ii) an associate citizen; or
 - (iii) a naturalized citizen;and the other is born of parents, one of whom is an associate citizen and the other a naturalized citizen.

8.

- (a) The Council of State may, in the interest of the State confer on any person citizenship or associate citizenship or naturalized citizenship.
- (b) The Council of State may, in the interest of the State revoke the citizenship or associate citizenship or naturalized citizenship of any person except a citizen by birth.

9.

A person born in the State shall have his birth registered either by the parent or guardian in the prescribed manner, within year from the date he completes the age of ten years, at the organizations prescribed by the ministry of Home Affairs
Proviso. If registration is not possible within one year from the date he completes the age of ten years, application may be made by the parent or guardian, furnishing sufficient reasons to the organizations prescribed by the Ministry of Home Affairs.

10.

A person born outside the State shall have his birth registered either by the parent or guardian in the proscribed manner within one year from the date of birth at the Burmese Embassy or Consulate or organizations prescribed by the Ministry of Home Affairs.
Proviso. If registration is not possible within one year from the date of birth, application may be made by the parent or guardian, furnishing sufficient reasons to the Central Body through the Burmese Embassy or Consulate or organizations prescribed by the Ministry of Home Affairs.

11.

- (a) A parent or guardian who fails to comply with section 9 or section 10 shall be liable to pay a penalty of kyats fifty per year to the Burmese Embassy or Consulate or an organization prescribed by the Ministry of Home Affairs.

(b) A parent or guardian who fails for five years in succession to comply with section 9 or section 10 shall be liable to a penalty of kyats one thousand.

12.

A citizen shall

(a) respect and abide by the laws of the State;

(b) discharge the duties prescribed by the laws of the State

(c) be entitled to enjoy the rights prescribed by the laws of the State.

13.

A citizen shall not as well acquire the citizenship of another country.

14.

A citizen shall have no right to divest himself of his citizenship during any war in which the State is engaged.

15.

(a) A citizen shall not automatically lose his citizenship merely by marriage to a foreigner.

(b) A foreigner shall not automatically acquire citizenship merely by marriage to a citizen.

16.

A citizen who leaves the State permanently, or who acquires the citizenship of or registers himself as a citizen of another country, or who takes out a passport or a similar certificate of another country ceases to be a citizen.

17.

The citizenship of a citizen by birth shall in no case be revoked except in the case of cessation of citizenship due to infringement of the provision of section 16.

18.

A citizen who has acquired citizenship by making a false representation or by concealment shall have his citizenship revoked, and shall also be liable to imprisonment for a term of ten years and to a fine of kyats fifty thousand.

19.

A citizen who has committed abetment of obtaining, in a fraudulent manner, a certificate of citizenship or a certificate of associate citizenship or a certificate of naturalized citizenship for another person shall be liable to imprisonment for a term of seven years and to a fine of kyats ten thousand.

20.

(a) The certificate of citizenship of a person whose citizenship has ceased or has been revoked shall be cancelled. A person holding such a cancelled certificate shall surrender it in the manner prescribed by the Ministry of Home Affairs.

(b) Failure to surrender a cancelled certificate of citizenship or continued use of it or transfer of it in a fraudulent manner to another person shall entail imprisonment for a term of ten years and a fine of kyats twenty thousand.

(c) Whoever holds and uses a cancelled certificate of citizenship or the certificate of a deceased citizen shall be liable to imprisonment for a term of ten years and to a fine of kyats twenty thousand.

21.

Whoever forges a certificate of citizenship or abets such act shall be liable to imprisonment for a term of fifteen years to a fine of kyats fifty thousand.

22.

A person whose citizenship has ceased or has been revoked shall have no right to apply again for citizenship or associate citizenship or naturalized citizenship.

[3785ca2ff2] Chapter III - Associate Citizenship

23.

Applicants for citizenship under the Union Citizenship Act, 1948, conforming to the stipulations and qualifications may be determined as associate citizens by the Central Body.

24.

A person who has been determined is an associate citizen by the Central Body shall appear in person before an organization prescribed by the Ministry of Home Affairs, and shall make an affirmation in writing that he owes allegiance to the State, that, he will respect and abide by the laws of the State and that he is aware of the prescribed duties and rights.

25.

The Central Body may include in the certificate of associate citizenship the names of children mentioned in the application. The child whose name is so included is an associate citizen.

26.

The child whose name is included under section 25, and who has completed the age of eighteen years shall make an affirmation in accordance with section 24, along with the parents.

27.

(a) The child whose name is included under section 25 and who has not completed the age of eighteen years shall, within one year from the date he completes the age of eighteen years appear in person before an organization prescribed by the Ministry of Home Affairs and make an affirmation in accordance with section 24.

(b) A person who fails to comply with sub-section (a) shall be liable to pay a penalty of kyats fifty per year to an organization prescribed by the Ministry of Home Affairs.

28.

If affirmation is not possible within one year, application may be made, furnishing sufficient reasons to the Central Body, through the organizations prescribed by the Ministry of Home Affairs. If there are no sufficient reasons after the date on which he completes the age of twenty-two years, he shall lose his associate citizenship.

29.

(a) When both the parents, of the children included in their certificate of associate of associate citizenship, lose their associate citizenship, the child who has not completed the age of eighteen years, and the child who has completed the age of eighteen years, but has not made an affirmation cease to be associate citizens.

(b) Where one of the parents, of the children included in the certificate hold by her or him, is an associate citizen and the other a foreigner, and if the mother or father who is an associate citizen loses her or his associate citizenship the child who has not completed the age of eighteen years, and the child who has completed the age of eighteen years, but has not made an affirmation cease to be associate citizens.

30.

An associate citizen shall

- (a) respect and abide by the laws of the State;
- (b) discharge the duties prescribed by the laws of the State;
- (c) be entitled to enjoy the rights of a citizen under the laws of the State, with the exception of the rights stipulated from time to time by, the Council of State.

31.

An associate citizen shall not as well acquire the citizenship of another country.

32.

An associate citizen shall have no right to divest himself of his associate citizenship during any war in which the State is engaged.

33.

An associate citizen shall not automatically acquire citizenship merely by marriage to a citizen.

34.

An associate citizen who leaves the State permanently or, who acquires the citizenship of or registers himself as a citizen of another country, or who takes out a passport or a similar certificate of another country ceases to be an associate citizen.

35.

The Central Body may revoke the associate citizenship of a person if he infringes any of the following provisions:

- (a) trading or communicating with enemy countries or with countries assisting the enemy country, or with citizens or organizations of such countries during a war in which the State is engaged or abetting such an act;
- (b) trading or communicating with an organization or with a member of such organization which is hostile to the State, or abetting such an act;
- (c) committing an act likely to endanger the sovereignty and security of the State or public peace and tranquillity or giving rise to the reasonable belief that he is about to commit such an act;
- (d) showing disaffection or disloyalty to the State by any act or speech or otherwise;
- (e) giving information relating to a state secret to any person, or to any organization, or to any other country or countries, or abetting such an act;
- (f) committing an offence involving moral turpitude for which he has been sentenced to imprisonment for a minimum term of one year or to a minimum fine of kyats one thousand.

36.

An associate citizen who has acquired such citizenship by making a false representation or by concealment shall have his associate citizenship revoked, and shall also be liable to imprisonment for a term of ten years and to a fine of kyats fifty thousand.

37.

An associate citizen who has committed abetment of obtaining in a fraudulent manners a certificate of citizenship or a certificate of associate citizenship or a certificate of naturalized citizenship for another person shall have his associate citizenship revoked; and shall also be liable to imprisonment for a term of seven years and to a fine of kyats ten thousand.

38.

An associate citizen who has personal knowledge of an offence committed by any person under section 36 or section 37, or as an accomplice who has committed such an act,

discloses or admits the offence before organizations prescribed by the Ministry of Home Affairs within one year from the date this Law comes into force, or within one year from the date of commission of the offence shall be exempted from the penal provisions relating to such offence.

39.

(a) The certificate of associate citizenship of a person whose associate citizenship has ceased or has been revoked shall be cancelled. A person holding such a cancelled certificate shall surrender it in the manner prescribed by the Ministry of Home Affairs.

(b) Failure to surrender a cancelled certificate of associate citizenship or continued use of it or transfer of it in a fraudulent manner to another person shall entail imprisonment for a term of ten years and a fine of kyats twenty thousand.

(c) Whoever holds and uses a cancelled certificate of associate citizenship or the certificate of a deceased associate citizen shall be liable to imprisonment for a term of ten years and to a fine of kyats twenty thousand.

40.

Whoever forges a certificate of associate citizenship or abets such act shall be liable to imprisonment for a term of fifteen years and to a fine of kyats fifty thousand.

41.

A person whose associate citizenship has ceased or has been revoked shall have no right to apply again for associate citizenship or naturalized citizenship.

[3785ca2ff3] Chapter IV - Naturalized Citizenship

42.

Persons who have entered and resided in the State anterior to 4th January, 1948, and their offsprings born Within the State may, if they have not yet applied under the union Citizenship Act, 1948, apply for naturalized citizenship to the Central Body, furnishing conclusive evidence.

43.

The following persons born in or outside the State from the date this Law comes into force may also apply for naturalized citizenship:

(a) persons born of Parents one of whom is a citizen and the other a foreigner;

(b) persons born of parents, one of whom is an associate citizen and the other a naturalized citizen;

(c) persons born of parents one of whom is an associate citizen and the other a foreigner;

(d) persons born of parents, both of whom are naturalized citizens;

(e) persons born of parents, one of whom is a naturalized citizen and the other a foreigner.

44.

An applicant for naturalized citizenship shall have the following qualifications:

(a) be a person who conforms to the provisions of section 42 or section 43;

(b) have completed the age of eighteen years;

(c) be able to speak well one of the national languages;

(d) be of good character;

(e) be of sound mind.

45.

A person married to a citizen or to an associate citizen or to a naturalized citizen, who is holding a Foreigner's Registration Certificate anterior to the date this Law comes into force shall have the following qualifications to apply for naturalized citizenship:

- (a) have completed the age of eighteen years;
- (b) be of good character;
- (c) be of sound mind;
- (d) be the only husband or wife;
- (e) have resided continuously in the State for at least three years is the lawful wife or husband.

46.

(a) A person who has been determined as a naturalized citizen by the Central Body shall appear in person before an organization prescribed by the Ministry of Home Affairs, and shall make an affirmation in writing that he owes allegiance to the State, that he will respect and abide by the laws of the State and that he is aware of the prescribed duties and rights.

(b) A person who has been determined as a naturalized citizen by the Central Body and holding a Foreigner's Registration Certificate shall appear in person before an organization prescribed by the Ministry of Home Affairs, and shall make an affirmation in writing that he renounces his foreign citizenship, that he owes allegiance to the State, that he will respect and abide by the laws of the State and that he is aware of the prescribed duties and rights.

47.

The Central Body may include in the certificate of naturalized citizenship the name of a child mentioned in the application. The child whose name is so included is a naturalized citizen.

48.

The child whose name is included under section 47, and who has completed the age of eighteen years shall make an affirmation in accordance with sub-section (a) of section 46, along with the parents.

49.

(a) The child whose name is included under section 47, and who has not completed the age of eighteen years shall, within one year from the date on which he completes the age of eighteen years appear in person before an organization prescribed by the Ministry of Home Affairs and make an affirmation in accordance with sub-section (a) of section 46.

(b) A person who fails to comply with sub-section (a) shall be liable to pay a penalty of kyats fifty per year to an organization prescribed by the Ministry of Home Affairs.

50.

If affirmation is not possible within one year, application may be made, furnishing sufficient reasons to the Central Body, through the organizations prescribed by the Ministry of Home Affairs. If there are no sufficient reasons after the date on which he completes the age of twenty-two years, he shall lose his naturalized citizenship.

51.

(a) When both the parents, or the children included in their certificate of naturalized citizenship, lose their naturalized citizenship the child who has not completed the age of

eighteen years, and the child who has completed the age of eighteen years, but has not made an affirmation cease to be naturalized citizens.

(b) Where one of the parents of the children included in the certificate held by her or him, is a citizen and the other a foreigner, and if the mother or father who is a citizen loses her or his citizenship, the child who has not completed the age of eighteen years and the child who has completed the age of eighteen years, but has not made an affirmation cease to be naturalized citizen.

(c) There one of the parents, of the children included in the certificate hold by her or him, is an associate citizen and the other a foreigner, and if the mother or father who is associate citizen loses her or his associate citizenship, the child who has not completed the age of eighteen years, and the child who has completed the age of eighteen years, but has not made in affirmation cease to be naturalized citizens.

(d) Where one of the parents, of the children included in the certificate held by her or him, is a naturalized citizen and the other a foreigner, and if the mother or father who is a naturalized citizen loses her or his naturalized citizenship, the child who has not completed the age of eighteen years, and the child who has completed the age of eighteen years, but has not made an affirmation cease to be naturalized citizens.

52.

If a person married to a citizen or to an associate citizen or to a naturalized citizen, who is holding a Foreigner's Registration Certificate anterior to the date this Law comes into force applies for naturalized citizenship and the husband or wife of such a person dies or is divorced from such a person before acquiring naturalized citizenship, the application for naturalized citizenship of such a person shall lapse.

53.

A naturalized citizen shall

- (a) respect and abide by the laws of the State;
- (b) discharge the duties prescribed by the laws of the State;
- (c) be entitled to enjoy the rights of a citizen under the laws of the State with the exception of the rights stipulated from time to time by the Council of State.

54.

A naturalized citizen shall not as well acquire the citizenship of another country.

55.

A naturalized citizen shall have no right to divest himself of his naturalized citizenship during any war in which the State is engaged.

56.

A naturalized citizen shall not Automatically acquire citizenship or associate citizenship merely by marriage to a citizen or to an associate citizen.

57.

A naturalized citizen who leaves the State permanently, or who acquires the citizenship of or registers himself as a citizen of another country, or who takes out a passport or a similar certificate of another country ceases to be a naturalized citizen.

58.

The Central Body may revoke the naturalized citizenship of a person if he infringes any of the following provisions:

- (a) trading or communicating with enemy countries Or with countries assisting the enemy country, or with citizens or organizations of such countries during a war in which the State is engaged, or abetting such an act;
- (b) trading or communicating with an organization or with a member of such organization which is hostile to the State, or abetting such an act;
- (c) committing an act likely to endanger the sovereignty and security of the State or Public peace and tranquillity or giving rise to the reasonable belief that he is about to commit such an act;
- (d) showing disaffection or disloyalty to the State by any act or speech or otherwise;
- (e) giving information relating to a State secret to any person, or to any organization, or to any other country or countries, or abetting such an act;
- (f) committing an offence involving moral turpitude for which he has been sentenced to imprisonment for a minimum term of one year or to a minimum fine of kyats one thousand.

59.

A naturalized citizen who has acquired such citizenship by making a false representation or by concealment shall have his naturalized citizenship revoked, and shall also be liable to imprisonment for a term of ten years and to a fine of kyats fifty thousand.

60.

A naturalized citizen who has committed abetment of obtaining in a fraudulent manner, a certificate of citizenship or a certificate of associate citizenship or a certificate of naturalized citizenship for another person shall have his naturalized citizenship revoked, and shall also be liable to imprisonment for a term of seven years and to a fine of kyats ten thousand.

61.

A naturalized citizen who has personal knowledge of an offence committed by any person under section 59 or section 60, or as an accomplice who has committed such an act, discloses or admits the offence before organizations prescribed by the Ministry of Home Affairs within one year from the date this Law comes into force, or within one year from the date of commission of the offence shall be exempted from the penal provisions relating to such offence.

[3785ca2ff4] Chapter V - Decision as to Citizenship, Associate Citizenship or Naturalized Citizenship

65.

Any person may apply to the Central Body when it is necessary for a decision as to his citizenship, associate citizenship or naturalized citizenship.

66.

The Central Body shall

- (a) permit the applicant the submission of application with supporting evidence;
- (b) decide in accordance with law;
- (c) inform its decision to the applicant.

[3785ca2ff5] Chapter VI - Central Body

67.

The Council of Ministers shall form the Central Body as follows:

- (a) Minister Chairman Ministry of Home Affairs
- (b) Minister Member Ministry of Defence

(c) Minister Member Ministry of Foreign Affairs

68.

The Central Body has the authority:

- (a) to decide if a person is a citizen, or an associate citizen or a naturalized citizen;
- (b) to decide upon an application for associate citizenship or naturalized citizenship;
- (c) to terminate citizenship or associate citizenship or naturalized citizenship;
- (d) to revoke citizenship or associate citizenship or naturalized citizenship;
- (e) to decide upon an application regarding failure as to registration or affirmation.

69.

The Central Body shall give the right of defence to a person against whom action is taken

[3785ca2ff6] Chapter VII - Appeals

70.

(a) A person dissatisfied with the decision of the Central Body may appeal to the Council of Ministers in accordance with the procedure laid down.

(b) The decision of the Council of Ministers is final.

71.

Organizations conferred with authority under this Law shall give no reasons in matters carried out under this Law.

[3785ca2ff7] Chapter VIII - Miscellaneous

72.

Except under any of the provisions of this Law, no foreigner shall have the right to apply for naturalized citizenship from the date this Law comes into force.

73.

A foreigner who is adopted by a citizen or by an associate citizen or by a naturalized citizen shall not acquire citizenship or associate citizenship or naturalized citizenship.

74.

Except on penal matters, all matters relating to this Law shall be decided by the only organizations which are conferred with authority to do so.

75.

The Council of Ministers, shall, for the purpose of carrying out the provisions of this Law, lay down necessary procedures with the approval of the Council of State.

76.

The following Acts are repealed by this Law:

- (a) The Union Citizenship (Election) Act, 1948;
- (b) The Union Citizenship Act, 1948