

THE UNION CITIZENSHIP ACT, 1948

(Act No. LXVI of 1948.)

As amended up to 1st December 1960.

1. (1) This Act may be called the Union Citizenship Act, 1948.

(2) It shall extend to the whole of the Union of Burma and shall be deemed to have come into force on the 4th day of January, 1948, 9th Waning, Pyatho, 1390 B. E.

2. In this Act, unless the context otherwise requires, the expression:--

"Certificate of Citizenship" means a certificate granted under the Union Citizenship (Election) Act, 1948 or under this Act.

"Certificate of Naturalization" means a certificate of naturalization granted under this Act.

"Child" includes a legally adopted child.

"Constitution" means the Constitution of the Union of Burma.

"Consulate of the Union" includes any officer appointed by the President for the purposes of registration under this Act.

"Disability" means the status of being a minor, lunatic or idiot.

"Father" means the father of a child who is legitimate.

"Minister" means a member of the Union Government nominated for the purposes of this Act by the President.

"Parent" shall in any provisions relating to minor children include an adoptive parent and the mother of an illegitimate child, provided that the adoptive parent of the mother has the lawful custody of such child or children.

"Union" means the Union of Burma.

3. (1) For the purposes of section 11 of the Constitution the expression "any of the indigenous races of Burma" shall mean the Arakanese, Burmese, Chin, Kachin, Karen, Kayah, Mon or Shan race and such racial group as has settled in any of the territories included within the Union as their permanent home from a period anterior to 1823 A. D. (1185 B.E.).

(2) For the purpose of section 11 of the Constitution and of section 3 of the Union Citizenship (Election) Act, 1948, the words "His Britannic Majesty's dominions" mean the territories enumerated in section 2 (2) of the Burma Independence Act, 1947.

4. (1) Any person, who under sub-section (i), (ii) and (iii) of section 11 of the Constitution, is a citizen of the Union or who, under sub-section (iv) of section 11 of the Constitution, is entitled to elect for citizenship and who has been granted under the Union Citizenship (Election) Act, 1948 a certificate of citizenship, or who has been granted a certificate of naturalization or a certificate of citizenship or who has otherwise been granted the status of a citizen under this Act, shall continue to be a citizen of the Union, until he or she loses that status under the provisions of this Act.

(2) Any person descended from ancestors who for two generations at least have all made any of the territories included within the Union their permanent home and whose parents and himself were born in any of such territories shall be deemed to be a citizen of the Union.

5. The following persons, born after the commencement of the Constitution, shall be citizens of the Union, namely:-

(a) a child born in the Union one of whose parents is a citizen;

Provided, that if the father is a citizen of a foreign country, such child shall cease to be a citizen on the expiry of a year after he attains majority unless within that time, he makes a declaration of aliene in respect of any citizenship other than that of the Union and elects to retain the citizenship of the Union.

(b) a child born outside the Union of a father who is a citizen;

Provided that the child's birth was registered in the manner and within the time prescribed under this Act at the appropriate Consulate of the Union; and

(c) a child born outside the Union of a parent who, being a citizen, was at the time of child's birth in the service of the Union;

Provided that if the other parent was an alien and if the child within one year after attaining majority fails to make a declaration of alienage of any foreign national status to which he may be entitled and electing to retain Union citizenship, he shall, on the expiry of that year, cease to be a citizen of the Union.

Explanation I -- Birth on board a ship or aircraft registered in the Union, wherever the ship or aircraft was at the time of the birth shall be deemed to be birth in the Union.

Explanation II -- Birth on board a ship or aircraft registered elsewhere than in the Union shall not be deemed to be birth in the Union notwithstanding that the ship or aircraft was in the Union at time of the birth.

Explanation III -- Any child born out of a wedlock who is legitimated by reason of the subsequent marriage of the parents shall, for the purpose of this section, have all the rights of a child born in lawful wedlock.

6. (1) The Minister may in his discretion, grant a certificate of citizenship to any person about whose status as a citizen of the Union a doubt exists or to the representative in interest of such person, and he shall specify on the certificate that the grant thereof is made for the purpose of clearing such doubt.

(2) The Minister may issue a certificate of citizenship to any person who is or who is recognised or deemed to be a citizen of the Union under sections 4 (2), 5, 9 (2) or 11 (4) of this Act or under section 11 (ii) or (iii) of the Constitution, and he shall specify on the certificate that the grant thereof is made under section 6 (2) of this Act.

When a minor child who is granted a certificate of citizenship is under obligation to make a declaration, within one year after attaining majority, renouncing either the citizenship of the Union or any foreign national status to which he is otherwise entitled, the fact that he is required so to do or that he has done so shall be recorded on the certificate.

(3) Such certificate issued under either sub-section (1) or sub-section (2) shall be conclusive evidence as to existence of such citizenship and the person in respect of whom it is granted, shall as from a date for that purpose to be specified in the certificate, be deemed to have been a citizen of the Union; provided that the certificate shall not be regarded as an admission that he was not, previous to the date so specified, such a citizen.

7. (1) The Minister may grant a certificate of naturalization to an alien who makes an application setting out and satisfies the Minister --

- (a) that he has completed the age of eighteen years;
- (b) that for not less than five years before the application he had resided continuously in the Union and subject to its jurisdiction;
- (c) that he is of good character and can speak any indigenous language; and
- (d) that he intends if a certificate is granted, either to reside in the Union or to enter or continue in the service of the Union or any constituent State thereof or in an undertaking of a religious, charitable or commercial character established in the Union.

Provided that he has, within a period not less than one year and not more than five years before making the application, given notice in writing of his intention to apply for naturalization in the form prescribed by Rules under this Act.

Explanation I -- In computing the period of five years, continuous residence for the purposes of this section, allowance for absence out of the Union, if in the service of the Union may be made for the period actually spent outside the Union. In all other cases, the allowance for absence shall be permissible only for a total period of six months.

Explanation II -- Service of the Union as seamen on vessels registered in the Union shall, for the purpose of this section, be deemed to be residence in the Union.

(2) The applicant for a certificate of naturalization who qualifies for the certificate shall reside continuously within the Union from the date of the application to the date of the grant.

Provided that the Minister may for reasons considered by him sufficient, dispense with the provisions of the sub-section.

(3) The grant of a certificate of naturalization shall be in the discretion of the Minister and he may, with or without assigning any reason, grant or refuse to grant the certificate, as in his opinion is conducive to the public good, and no appeal shall lie against his decision.

(4) A Certificate of naturalization shall not take effect until the applicant has made a declaration, either on oath or affirmation, renouncing his status as a citizen of any foreign country and owing allegiance to the Union.

8. Any person acquiring a Burma Naturalization Certificate issued under section 5 of the Burma Naturalization Act and whose name is included therein shall be of good character and unless such person is under a disability, he may apply for a Burma Naturalization Certificate, if he declares before the first day of April 1955 or within a period of one year after attaining majority, that he would renounce his citizenship of a foreign country and that he owes allegiance to the Union and that he elects citizenship of the Union: Provided that the provisions of this section shall not apply to any person, who before the promulgation of the Union Citizenship (Amendment) Act, 1954, acquires the certificate under the original section 8, but shall apply to the children of such person.

9. (1) The Minister may, in granting a certificate of naturalization or a certificate of citizenship to an alien, include in the certificate the names of any or all the minor children of the applicant who were born before the date of the certificate and are not already citizens of the Union if they are (a) either in his sole legal custody or (b) in the legal custody of any person who is a citizen of the Union.

(2) The minor children whose names are so included in the certificate shall be deemed to have become citizens of the Union as from the date of the certificate provided however that any child so included may, within one year of attaining his majority, make a declaration of alienage and he shall thereupon cease to be a citizen of the Union.

(3) A minor child who becomes a citizen under this section may, after attaining his majority, have his citizenship revoked by the Minister on any ground for revocation applicable to a person to whom a certificate of naturalization or a certificate of citizenship has been granted.

10. Subject to the provisions of the Act a married woman shall be capable of acquiring or divesting herself of citizenship of the Union in all respects as if she were feme sole; and no woman shall acquire or lose such citizenship by marriage.

11. (1) Any woman, who is married to a citizen of the Union may, after continuous residence in the Union for at least one year, apply to the Minister for a certificate of citizenship.

(2) The Minister, if satisfied that the applicant not being under a disability and not being so bad in character as to prejudice the public interest, has married a citizen of the Union and has been resident in the Union for a period of not less than one year immediately preceding the date of her application, may, on the applicant giving an undertaking to renounce her foreign national status, grant to the applicant a certificate of citizenship.

(3) A certificate of citizenship shall not take effect until the applicant has made a declaration, either on oath or affirmation, renouncing her status as a citizen of any foreign country and owing allegiance to the Union.

(4) On the joint application of a person admitted to citizenship under sub-section (2) and her husband, the Minister shall for the purpose of recognizing as a citizen include in the certificate granted to the mother any minor child not already a citizen and born before the date of grant of citizenship for the mother. The provisions of section 9 shall apply to such child.

12. (1) A child born outside the Union, one of whose parents is a citizen, shall, if the child is not otherwise a citizen, be entitled if still a minor and in the custody of the parent, to the grant of a certificate of citizenship on the application of the parent on the parent resuming his or her domicile in the Union.

Provided that if the child within one year after attaining majority fails to make a declaration renouncing any foreign national status to which he may be entitled and electing to retain Union citizenship, he shall cease on the expiry of that year to be a citizen of the Union. If the parent of the child dies before the application, the guardian of the child may make an application on behalf of the child under this sub-section.

(2) If the child contemplated by sub-section (1) is a major, the Minister may grant him a certificate of citizenship provided that the Minister is satisfied (a) that he is of good character and (b) that he intends either to reside permanently in the Union or to enter or continue in the service of the Union or of the constituent States thereof or of any religious, charitable or commercial organisation established in the Union.

(3) If a child born in the Union and born of the parents both of whom are not citizens of the Union permanently residing in the Union within jurisdiction thereof is of good character and is not under any disability, he may apply for a certificate of citizenship before the first day of April 1955 or within one year after attaining majority, provided that he is then permanently resident in the Union.

Explanation -- Although both the parents or either of them have acquired the certificate of citizenship or the certificate of naturalization at the time the application is to be made it shall be deemed that he may apply for the certificate of citizenship.

(4) A certificate of citizenship, granted under sub-section (2) or sub-section (3), shall not be valid until the applicant either on oath or affirmation makes a declaration of alienage in respect of any other citizenship and of allegiance to the Union.

12A. (1) If one of the parents of, the child born in the territories included within the Union before the commencement of the Constitution is a citizen of the Union under clause (ii) of Section 11 of the Constitution, or if one of such parents is living at the commencement of the Constitution and is entitled to apply for the citizenship of the Union under clause (ii) or clause (iii) of Section 11 of the Constitution and is not under any disability, he may apply for a certificate of citizenship before first day of April 1955 or within one year after attaining majority, but shall be permanently resident in the Union.

(2) Unless and until the applicant declares on oath or affirmation, that he renounces the citizenship of any foreign country and that he owes allegiance to the Union, the certificate of citizenship granted under sub-section (1) shall not take effect.

12B. The certificate of naturalization or the certificate of citizenship granted before the promulgation of the Union Citizenship (Amendment) Act, 1954, shall not be deemed to be null and void for not bearing the declaration that he owes allegiance to the Union.

13. A person who has served honourably at any time in the Armed Forces of the Union for a period aggregating three years may be naturalized if the petition for naturalization is filed while he is still in the service or within six months after the termination of such service, upon full compliance with all the requirements of this Act, with the following exceptions --

- (i) no notice of intention shall be required; and
- (ii) no residence within the Union shall be required.

14. A citizen of the Union, not being under a disability, who obtaining a certificate of naturalization in a foreign State or by any voluntary or formal act other than marriage becomes naturalized in any other foreign State, shall forthwith be deemed to have ceased to be a citizen of the Union.

Provided that the loss of citizenship by the parent or parents under this section shall not, ipso facto deprive the children, who, prior to that loss, were citizens, of their status as such.

14A. (1) Unless any person who is a citizen of the Union and who also acquires the citizenship of a foreign country by operation of any law thereof submits a report to the Minister that he has renounced his foreign citizenship in accordance with the law of such foreign country,

- (a) before the first day of April 1955, or
- (b) within one year after attaining majority, or
- (c) within one year from the date of enactment of that law by such foreign government,

whichever period is longest for him he shall be deemed to cease to be a citizen of the Union at the end of such period;

Provided that if the Minister is of opinion that such person is for sufficient reason, unable to submit the report in time to the Minister, the Minister may grant him reasonable extension of time.

(2) Unless any person recognized as a citizen of the Union under clause (i) (ii) or (iii) of section 11 of the Constitution or under section 4 (2) or 5(b) of this Act, has registered as a foreigner in a Foreign Embassy or obtained a passport as a foreigner from a Foreign Government concerned, the provisions of sub-section (1) shall not apply to him.

(3) Any person referred to in sub-section (2) not being under any disability and having after the first day of April 1955, registered as a foreigner in a Foreign Embassy or obtained a passport as a foreigner from a Foreign Government concerned shall be deemed to cease to be a citizen of the Union forthwith.

14B. If any person who has ceased to be a citizen of the Union under section 14 or section 14A -

- (a) has the qualifications mentioned in clause (i), (ii) or, (iii) of section 11 of the Constitution or section 5 (b) of this Act, and
- (b) undertakes that he will permanently reside again in the Union, renounce foreign citizenship in accordance with the law of the foreign country concerned and owe allegiance to the Union, the

Minister may in his discretion permit him to retain his citizenship of the Union, and his decision shall be final.

15. No citizen while resident in the Union or during any war in which the Union may be engaged, shall be entitled to divest himself of the citizenship of the Union.

16. Any person who, at the commencement of the Constitution, was by virtue thereof, a citizen and who by virtue of subsequent election under section 2 of the Burma Independence Act, 1947, is deemed to be a British subject, shall cease to be a citizen of the Union.

17. Any person who, by reason of the Constitution, is a citizen of the Union and who, by reason of the provisions of clauses 2 and 3 of the First Schedule to the Burma Independence Act, 1947, also retains the status of a British subject, may, if not under disability make a declaration of alienage and on making the declaration he shall cease to be a citizen of the Union.

18. When the Minister is satisfied that a certificate of naturalization or a certificate of citizenship granted by him had been obtained by false representation or fraud or by concealment of material circumstances or that the person to whom the certificate was granted has shown himself by act or speech to be disaffected or disloyal to the Union, the Minister may after calling upon the said person to show cause why the certificate obtained by him should not be revoked and after causing an inquiry to be held in such manner as he deems fit, pass an order revoking the certificate, if he considers it fit and proper to do so.

19. Without prejudice to the powers under section 18, the Minister may revoke a certificate of naturalization or a certificate of citizenship in any case in which the person to whom the certificate was granted either-

(a) during any war in which the Union is engaged has unlawfully traded or communicated with the enemy or with a national of the enemy state or has been engaged in or associated with any business which to his knowledge was carried on in such manner as to assist an enemy in such way; or

(b) had, within five years of the date of the grant of the certificate, been convicted of an offence involving moral turpitude sentenced by any Court in the Union to imprisonment for a term not less than twelve months or fine not less than one thousand kyats; or

(c) has since the date of grant of the certificate been for a continuous period of not less than five years voluntarily resident out of the Union otherwise than in the service of the Union or of an international organization of which the Union is a member, and while so resident outside the Union has failed to register at the appropriate Consulate of the Union annually after residence of one year outside the Union; or

(d) has failed to make a declaration of alienage in respect of any other citizenship within the period prescribed; or

(e) has so bad a character as to prejudice the public interest at the time he was granted the certificate of naturalization or the certificate of citizenship; or

(f) would injure the safety, public order or interest of the Union, if the person who was granted the certificate of naturalization or the certificate of citizenship is allowed to retain such certificate; or

(g) has ceased to be a citizen of the Union at any time after he has been granted a certificate of naturalization or a certificate of citizenship;

Provided that after three years from the date of grant of the certificate of naturalization or the certificate of citizenship no action shall be taken for purposes of clause (e) ;

Provided further that after five years from the date of grant of the certificate of naturalization or the certificate of citizenship, no action shall be taken for purposes of clause (f).

20. Deleted.

21. When the Minister revokes a certificate of naturalization or a certificate of citizenship, the revocation shall have effect from such date as the Minister may appoint and thereupon the certificate shall be given up as cancelled, and any person refusing without reasonable cause or neglecting to give up the certificate shall be liable to imprisonment for a term not exceeding six months or fine.

21A. When the certificate of naturalization or the certificate of citizenship has been revoked, the holder of the certificate shall cease to be a citizen of the Union and shall be regarded as the citizen of the country of which he was a subject at the time the certificate was granted to him.

22. Whoever for the purposes of this Act makes any representation or statement false in a material particular, knowing or having reason to believe it to be false, or conceals any material circumstance, shall be punished with imprisonment for a term which may extend to seven years and may also be liable to fine.

23. The President may make rules for carrying into effect the object of this Act, and, in particular, with reference to the following matters -

(a) the form of application for and the form and registration of certificate of naturalization or citizenship;

(b) the form of renunciation of foreign citizenship and the time within which the renunciation is to be made after the grant of a certificate of naturalization or a certificate of citizenship and all matters relating to the administration of oath or affirmation; and

(c) the imposition and amount of fees in respect of any registration of citizenship or in respect of the making of any declaration or the grant of any certificate of citizenship or naturalization that is to be made or granted under this Act and in respect of the administration of any oath or affirmation.

[This Act was repealed by the Burma Citizenship Law of 1982]

Source: "The Law Relating to Foreigners and Citizenship in Burma", S. L. Verma, 2nd Ed. Mandalay, 1961.