



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**GRANT OF CITIZENSHIP TO PERSONS OF
CHINESE ORIGIN (SPECIAL PROVISIONS)
ACT, No. 38 OF 2008**

[Certified on 31st October, 2008]

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*Grant of Citizenship to Persons of Chinese
Origin (Special Provisions) Act, No. 38 of 2008*

[Certified on 31st October, 2008]

L.D.—O. 74/2006

AN ACT TO MAKE PROVISION FOR THE GRANT OF THE STATUS OF A CITIZEN OF SRI LANKA TO PERSONS OF CHINESE ORIGIN; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS there are persons of Chinese origin residing in Sri Lanka since November 1948 who have not been granted the status of a Citizen of Sri Lanka and who have therefore faced many hardships due to being stateless :

Preamble.

AND WHEREAS the Government of Sri Lanka intends to take steps to grant the status of Sri Lanka citizen to these persons of Chinese origin, thereby enabling them to enjoy the rights of a citizen as guaranteed by the Constitution :

AND WHEREAS it is in the national interest that the problem of citizenship of persons of Chinese origin should be solved as expeditiously as possible :

NOW THEREFORE, be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Grant of Citizenship to Persons of Chinese Origin (Special Provisions) Act, No. 38 of 2008.

Short title.

2. Any person of Chinese origin, who —

(a) has been a permanent resident of Sri Lanka since November 15, 1948;

(b) is a descendent, presently resident in Sri Lanka, of a person who has been a permanent resident of Sri Lanka since November 15, 1948,

Entitlement of certain persons to apply for the grant of status of citizen of Sri Lanka.

shall be entitled to apply in terms of the provisions of this Act, for the grant of the status of a “Citizen of Sri Lanka”.

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Effect of
obtaining the
status of citizen
of Sri Lanka.

3. Every person, who becomes entitled to the status of citizen of Sri Lanka, shall, on obtaining the status of a citizen of Sri Lanka—

- (a) be entitled to all the rights and privileges of a citizen of Sri Lanka, as recognized by law;
- (b) be subject to the provisions of law for the time being in force, relating to deprivation, loss and renunciation of citizenship, in like manner and to the same extent as would be applicable to any citizen of Sri Lanka; and
- (c) be deemed from and after the coming into operation of this Act, to have renounced all rights to the civil and political status which such person may be entitled to, or would have been entitled to, under any law in force in the country of origin of such person or such person's parent, ancestor or husband, as the case may be, but for the promulgation of this Act;
- (d) in all matters relating to, or connected with, status, personal rights, duties and holding of property in Sri Lanka, be subject to the relevant laws of Sri Lanka.

Application for
Certificate of
Citizenship.

4. (1) Any person who is entitled to apply for the grant of the status of a citizen of Sri Lanka may if he so desires, forward an application to the Controller, substantially in the Form set out in Schedule A to this Act for the issue of a Certificate of Citizenship. Every application shall be accompanied by the of Declaration made under oath in the Form set out in the same Schedule.

(2) On receipt of an application under subsection (1), and where he is satisfied that the applicant is eligible to so apply in terms of section 2, the Controller shall forthwith transmit such application to the Minster for approval.

(3) The Minister may on consideration of the facts of each case, either—

- (a) approve and allow such application for the grant of the status of a citizen of Sri Lanka to the applicant; or
- (b) refuse to allow the application transmitted to him under subsection (2) where he is of the opinion that it is not in the national interest to grant the status of citizen of Sri Lanka to the applicant.

(4) Where the application referred to in subsection (2) has been approved by the Minister, the Controller shall take such steps as may be necessary in terms of the provisions of this Act, to grant the status of citizen of Sri Lanka to a person of Chinese Origin and proceed to issue to such person a Certificate of Citizenship substantially in the Form set out in the Schedule B to this Act.

(5) Where the Minister has refused an application under subsection (3) of this section such decision shall be final and conclusive and shall not be questioned in any Court of law, and it shall be the duty of the Controller to notify the applicant of such refusal.

5. (1) Where the applicant has a minor child or minor children, the applicant may, at the time of forwarding the application or by a written communication made subsequently in that behalf, request the grant of the status of citizen of Sri Lanka to such child or children as the case may be, and the inclusion of the details of such child or children in the Certificate of Citizenship issued to him in terms of section 4.

Inclusion of minor child in Certificate of Citizenship of applicant.

(2) Where a request is made under subsection (1), the Minister shall, in terms of the provisions of this Act, take such steps as may be necessary to grant the status of citizen of Sri Lanka to such child or children and forthwith require the details of the child or children to be included in the Certificate of Citizenship of the applicant.

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Declaration to be made under oath.

6. (1) Every person who applies for the grant of the status of a citizen of Sri Lanka under this Act, shall be required, on a date which shall be notified to such person, to make or subscribe under oath or affirmation a Declaration as substantially set out in Schedule C, relating to the acquisition by him of the status of a citizen of Sri Lanka. On such person making the Declaration in terms of this section, the Controller shall cause to be issued to him a Certificate of Citizenship substantially in such Form as is set out in Schedule B. Such person shall be deemed to be a of Citizen of Sri Lanka as from the date on which he makes or subscribes under oath or affirmation the Declaration as required by this section.

(2) Every minor child or children as the case may be of the applicant, whose name is included in the Certificate of Citizenship shall have the status of a citizen of Sri Lanka from the date of the making or subscribing under oath or affirmation of the Declaration as required by this section, and be deemed to be a citizen of Sri Lanka.

Register to be maintained.

7. There shall be kept and maintained a Register with the names and details of the persons who have been granted the status of citizen of Sri Lanka under this Act, substantially as set out in Schedule D to this Act.

Act to prevail over other laws.

8. The provisions of this Act shall prevail notwithstanding anything to the contrary in any other law relating to the grant of Status of Citizen of Sri Lanka to persons of Chinese origin.

Act to be in specified for five years.

9. This Act shall be in force for a period of five years from the date on which the Act shall come into operation.

Sinhala text to prevail in case of inconsistency.

10. In the event of an inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Interpretation.

11. For the purposes of this Act,—

“Controller”, means the Controller appointed under the Immigrants and Emigrants Act (Chapter 351) and includes such officers as are authorized in writing to exercise, perform and discharge any

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power, duty or function conferred, assigned or imposed by the Controller, for the purposes of this Act;

“person of Chinese Origin” means a person belonging to the Chinese race, who has arrived in Sri Lanka prior to November 15, 1948 and who is legitimately resident in Sri Lanka or a person who is a descendant of such a person who is legitimately resident in Sri Lanka.

SCHEDULE A [Section 4]

Grant of Citizenship to persons of Chinese Origin Act, No. 38 of 2008

APPLICATION FOR A CERTIFICATE OF CITIZENSHIP

1. I, of, do hereby declare that I am entitled to be granted the status of a Citizen of Sri Lanka by virtue of the provisions of section 2 of the aforesaid Act, and that I have attained the age of majority and that I will continue to live in Sri Lanka.
2. I do hereby apply for the grant of a Certificate of Citizenship in terms of sections 4 and 5 of the aforesaid Act.
3. I further hereby apply for the inclusion of the name of my minor child in the Certificate of Citizenship to be issued to me by virtue of the provisions on section 5. The relevant particulars relating to myself, my spouse and my/minor child/children are set out below:—

PARTICULARS OF APPLICANT

- (a) Full name :
- (b) Address :
- (c) Occupation :
- (d) Sex: Male/Female :
- (e) Date of Birth/Place of Birth :
- (f) NIC No. (if any) :
- (g) (i) The date of permanent residence in Sri Lanka :
- (ii) The country of permanent residency prior to the residency in Sri Lanka :
- (h) Particulars of the applicants parents :

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| <i>Farther</i> | <i>Mother</i> |
|---|---|
| (i) Full name: | (i) Full name: |
| (ii) Date/Place of Birth: | (ii) Date/Place of Birth: |
| (iii) The date of permanent residency in Sri Lanka : | (iii) The date of permanent residency in Sri Lanka : |
| (iv) Address : | (iv) Address : |
| (v) The country of permanent residency prior to residency in Sri Lanka; | (v) The country of permanent residency prior to residency in Sri Lanka: |
| (vi) Nationality: | (vi) Nationality: |

(d) If, applicant, applicants mother and father are born in Sri Lanka, particulars of the first ancestor who had permanent residency in Sri Lanka—

- (i) Full name:
- (ii) The date of permanent residency in Sri Lanka:
- (iii) Address: (Previous/Present):
- (iv) Relationship to the applicant:

PARTICULARS OF SPOUSE

- (i) Full name of the spouse:
- (ii) Date and place of birth:
- (iii) Address:
- (iv) Date and place of marriage:
- (v) Nationality:
- (vi) NIC No. (if any):

PARTICULARS OF MINOR CHILD/CHILDREN

| | <i>Name</i> | <i>Sex: Male/Female</i> | <i>Date of Birth</i> | <i>Place of Birth</i> |
|-------|-------------|-----------------------------|----------------------|-----------------------|
| (i) | | | | |
| (ii) | | | | |
| (iii) | | | | |
| (iv) | | | | |
| (v) | | | | |

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OATH / AFFIRMATION [Section 6]

I, of do make oath and swear/solemnly, sincerely and truly declare and affirm that the foregoing particulars are true and correct, and that I have satisfied/fulfilled the conditions in terms of sections 2 and 4 of the Grant of Citizenship to Persons of Chinese Origin Act, No. 38 of 2008.

Date : Signature/Thumb impression of the applicant

*Affirmed/*Sworn at. this day of.

Before me.

.....
Signature of Justice of the Peace/Commissioner for Oaths

Name and address of the Justice of the Peace/Commissioner for Oaths:
Date:

*delete which ever is inapplicable

SCHEDULE B [Sections 4 (4) and 6]

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CERTIFICATE OF CITIZENSHIP

By virtue of the powers vested in me by the provisions of sections 4 and 5 of the aforesaid Act, I, Minister of do hereby certify that the *person/persons specified hereto is a /are *citizen/citizens of Sri Lanka by virtue of the provisions of sections 4 and 5, of the Grant of Citizenship to Persons of Chinese Origin Act, No. 38 of 2008.

.....
Minister of

Date :

.....
Controller of Immigration and Emigration

Date :

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(A) Particulars Relating to Citizen

1. Name:-
2. Name of the father :-
3. Name of the spouse :-
4. Address :-
5. Occupation :-
6. Sex : Male/Female :-
7. Date and place of birth:-
8. Date of registration :-
9. Date of Oath or Affirmation :-

(B) Particulars of the Minor Children (If any)

| <i>Serial No.</i> | <i>Date of Registration</i> | <i>Name</i> | <i>Relationship (Relationship)</i> | <i>Date and Place of birth</i> |
|-------------------|-----------------------------|-------------|------------------------------------|--------------------------------|
| | | | | |

*Delete which ever is inapplicable

SCHEDULE C [Section 6]
Form of Declaration.

I, of do hereby solemnly, sincerely and truly declare and affirm/swear that I shall wholly renounce the allegiance towards any other State and that as a Citizen of Sri Lanka I shall uphold and abide by the Constitution of the Democratic Socialist Republic of Sri Lanka and the Law of Sri Lanka and that I shall faithfully discharge the obligations required of me.

Date : Signature/Thumb impression of the applicant

*Affirmed/*Sworn at this day of

Before me.

.....
Signature of Justice of the Peace/Commissioner for Oaths

Name and address and seal of the Justice of the Peace/
Commissioner for Oaths:
Date:

*delete whichever is inapplicable

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SCHEDULE D [Section 7]

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**FORM OF REGISTER TO BE MAINTAINED OF PERSONS TO WHOM CITIZENSHIP HAS
BEEN GRANTED**

- (1) Serial No. :-
- (2) Date of issue of Certificate of Citizenship :-
- (3) Name :-
- (4) Address :-
- (5) Sex : Male/Female :-
- (6) Relationship to the main applicant :-
- (7) Date of Birth :-
- (8) Place of Birth :-
- (9) Date of Oath/Affirmation :-
- (10) Number of Certificate :-
- (11) Name of the Officer Signing Certificate :-

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