

# The Naturalization Act, 1926

( ACT NO. VII OF 1926 )

## **1♣An Act to consolidate and amend the law relating to the naturalization in Bangladesh of aliens resident therein;**

WHEREAS it expedient to consolidate and amend the law relating to the naturalization in Bangladesh of aliens resident therein; It is hereby enacted as follows:-

- Short title, extent and commencement**
1. (1) This act may be called the Naturalization Act, 1926.
  - (2) It extends to the whole of Bangladesh.
  - (3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.
- Definitions**
2. In this Act, unless there is anything repugnant in the subject or context,-  
<sup>2</sup>[\* \* \*]
  - (b) "certificate of naturalization" means a certificate of naturalization granted under this Act; and
  - (c) "minor" means, notwithstanding anything in the Majority Act, 1875, any person who has not completed his age of twenty-one years.
- Grant of certificate of naturalization**
3. (1) The Government may grant a certificate of naturalization to any person who makes an application in this behalf and satisfies the Government-
    - (a) that he is not a minor;
    - (b) that he is neither a citizen of Bangladesh nor a subject of any state of which a citizen of Bangladesh is prevented by or under any law from becoming a subject by naturalization;

(c) that he has resided in Bangladesh throughout the period of twelve months immediately preceding the date of the application, and has, during the seven years immediately preceding the said period of twelve months, resided in Bangladesh for a period amounting in the aggregate to not less than four years;

(d) that he is of good character;

(e) that he has an adequate knowledge of <sup>3</sup>[Bengali]; and

(f) that he intends, if the application is granted, to reside in Bangladesh or to enter or to continue in the service of the <sup>4</sup>[Republic] in Bangladesh:

Provided that nothing in clause (c) or clause (f) shall apply in the case of a woman who was a citizen of Bangladesh previously to her marriage to a person not citizen of Bangladesh and whose husband has died or whose marriage has been dissolved.

(2) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

### **Contents and form of application**

4. (1) Every application for a certificate of naturalization shall be in writing and shall state, to the best of the knowledge and belief of the applicant,-

(a) his age;

(b) his place of birth;

(c) his place of residence;

(d) his profession, trade, or occupation;

(e) full particulars regarding his qualifications in respect of the matters referred to in clauses (a) to (f) of sub- section (1) of section 3;

(f) whether he has at any time previously applied for the grant of a certificate of naturalization under <sup>5</sup>[\*\*\*] this Act;

(g) whether any such application has been rejected;

(h) whether any such certificate has been granted to him; and

(i) whether any such certificate granted to him has been revoked or whether he has been deprived of his citizenship under the <sup>6</sup>[\*\*\*]

(2) Every such application shall be signed by the applicant and shall be accompanied by an affidavit sworn by him verifying that the statements contained there in are true to the best of his knowledge and belief.

(3) The Government shall satisfy itself as to the truth of the statements contained in the application, and for this purpose may cause to be made such further inquiry, if any, and may require such further evidence, if any, either by affidavit or otherwise as it thinks necessary.

### **Grant of certificate**

5. (1) If the Government is satisfied that the applicant is qualified under section 3 for the grant of a certificate of naturalization and is otherwise a fit person for the grant of such

certificate, it may grant a certificate reciting the qualifications of the applicant for such grant and conferring upon him all the rights, privileges and capacities of naturalization under this Act, except such rights, privileges or capacities, if any, as may specifically be withheld by the certificate.

(2) Any such certificate may, if the applicant so requests, include the name of any minor child of the applicant, not being by birth a citizen of Bangladesh who was born before the date of the certificate and is for the time being resident in Bangladesh and under the control of the applicant; and shall grant to any child so included all the rights, privileges and capacities of naturalization under this Act, except such rights, privileges or capacities, if any, as may specifically be withheld by the certificate.

(3) The grant of a certificate of naturalization shall be in the absolute discretion of the Government, and no appeal shall lie from any refusal to grant any such certificate or to include in any such grant any particular right, privilege or capacity.

### **Oath of allegiance**

6. Every person to whom a certificate of naturalization has been granted shall, within thirty days from the date of the grant thereof, take and subscribe the following oath, namely:-

"I, A. B., of

do hereby swear(or affirm) that I will be faithful and bear true allegiance to  
<sup>7</sup>[the Constitution of the People's Republic of Bangladesh]:

Provided that the Government may extend the time allowed under this section in any case in which it is satisfied that failure to take and subscribe the oath within that time was due to sufficient cause.

**Effect of  
grant of  
certificate  
and taking  
of oath**

7.(1) No certificate of naturalization shall have effect until the person to whom it is granted has taken and subscribed the oath prescribed by section 6, but upon the taking and subscribing of such oath such person, and any child of any such person who

has been included in the certificate under sub-section (2) of section 5, shall be deemed to be citizens of Bangladesh and be entitled to all the rights, privileges and capacities of a citizen of Bangladesh born within Bangladesh, except such rights, privileges or capacities, if any, as may have been withheld from them respectively by the certificate, and shall within Bangladesh be subject to all the obligations, duties and liabilities of a citizen of Bangladesh; and the any such person to whom a certificate of naturalization is granted

<sup>8</sup>[\* \* \*] shall, if not already a citizen of Bangladesh, in like manner to be so deemed and be so entitled and so subject, if within one year, or such longer period as the Government may in special circumstances allow, from the date of the taking and subscribing of such oath by her husband, she makes to the Government a declaration that she desires to be deemed to be

a citizen of Bangladesh, and if she is an alien as defined in the <sup>9</sup>[Citizenship Act, 1951,] obtains a certificate of domicile under that Act, and takes and subscribe the oath prescribed by section 6 of this Act.

(2) When the person to whom a certificate of naturalization has been granted has taken and subscribed the oath prescribed by section 6, any wife thereafter married by, and any child thereafter born to, such person shall, if she or he is not a citizen of Bangladesh and if such person aforesaid at the date of the marriage or birth, as the case may be, retains

The Naturalization Act, 1926

any rights, privileges or capacities of a citizen of Bangladesh under this Act, be entitled, subject, in the case of a wife, to her making to the Government a declaration as provided in sub-section (1) and, if necessary, upon obtaining the certificate of domicile and making and subscribing the oath as further provided in that sub-section, to the same rights, privileges and capacities, and be subject to the same obligations, duties and liabilities, to which such person aforesaid was at the date entitled and subject.

### **Revocation of certificate**

8. (1) Where the Government is satisfied that a certificate of naturalization granted under this Act <sup>10</sup>[\* \* \*] was obtained by false representation or fraud or by concealment of material circumstances, or that the person to whom the certificate has been granted has shown himself by act or speech to be disaffected or disloyal to Bangladesh, the Government shall, by order in writing, revoke the certificate.

(2) Without prejudice to the foregoing provisions, the Government shall by order in writing, revoke such a certificate of naturalization as aforesaid in any case in which it is satisfied that the person to whom the certificate was granted

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

(b) has, within five years of the date of the grant of the certificate, been sentenced by any Court in Bangladesh <sup>11</sup>[\*\*\*] to transportation or to penal servitude, or to imprisonment for a term not less than twelve months, or to pay a fine not less than one thousand Taka; or

(c) was not of good character at the date of the grant of the certificate; or

(d) has since the grant of the certificate been, for a period of not less than seven years, ordinarily resident out of Bangladesh otherwise than as a