

AN ACT

To provide for procedures enabling citizens of the Republic who are citizens of another nation to retain Republic of Palau citizenship, for naturalization procedures for persons of recognized Palauan ancestry who have been deprived of or never possessed Republic of Palau citizenship, for the repeal of Chapter 1 of Title 53 of the Trust Territory Code, and for other purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIL ERA KELULAU DO ENACT AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

1 Section 101 Short title. This Act shall be known as the
2 "Citizenship Act".

3 Section 102. Definitions. As used in this Act:

4 (a) "Citizen of any other nation", means any natural person
5 who is not a citizen of the Republic of Palau.

6 (b) "Division" means the Division of Immigration and Customs
7 within the Ministry of Justice.

8 (c) "Naturalization" means the conferring of citizenship upon a
9 person after birth, pursuant to this Act.

10 (d) "Of recognized Palauan ancestry" means of Palauan blood as
11 may be determined by testimony or evidence admissible in a court of
12 law.

13 (e) "Republic" means the Republic of Palau.

14 (f) "Special mail" means certified mail if the addressee is
15 located in the Republic, in the United States or in what has become
16 known as the Trust territory of the Pacific Islands and means
17 registered return receipt requested if the addressee is located any-
18 where else in the world. The term "is located" means the last known
19 address.

20 Section 103. Division of Immigration and Customs. There is in
21 the Ministry of Justice a Division of Immigration and Customs.

1 Section 104. Copies of records. Certi ficate ons and certi ficate ed
2 copies of all papers, documents, certi ficates and records requi red or
3 authori zed to be i ssued, used, fi led, recorded, or kept under any
4 and all provi sions of thi s Act shall be admi tted i n evi dence equal ly
5 wi th the ori ginal s i n any and all cases and proceedi ngs under thi s
6 Act and i n all cases and proceedi ngs i n whi ch the ori ginal s thereof
7 mi ght be admi ssi ble as evi dence.

8 Section 105. Issuance of certi ficate of natural i zati on or
9 ci ti zenshi p. A certi ficate of natural i zati on or of ci ti zenshi p may be
10 i ssued by the Mi ni ster of Justi ce under the authori ty of thi s Act upon
11 the request of a ci ti zen of Pal au and have the same effect i n all
12 courts and publ ic offi ces of the Republ ic, at home and abroad, as a
13 certi ficate of natural i zati on or of ci ti zenshi p i ssued by a court
14 havi ng natural i zati on juri sdi cti on.

15 Section 106. Documents and copies i ssued by the Mi ni ster of
16 Justi ce.

17 (a) If any certi ficate of natural i zati on or ci ti zenshi p i ssued
18 to any ci ti zen or any decl arati on of i ntenti on furni shed to any
19 decl arant i s lost, muti lated, or destroyed, the ci ti zen or decl arant
20 may make appl icati on to the Mi ni ster of Justi ce for a new certi ficate
21 or decl arati on. If the Mi ni ster of Justi ce fi nds that the certi ficate
22 or decl arati on i s lost, muti lated, or destroyed, he shall i ssue to
23 the appl icant a new certi ficate or decl arati on.

24 (b) If the name of any natural i zed ci ti zen has, subsequent to
25 natural i zati on, been changed by order of any court of competent
26 juri sdi cti on, or by marri age, the ci ti zen may make appl icati on for a
27 new certi ficate of natural i zati on i n the new name of such ci ti zen. If
28 the Mi ni ster of Justi ce fi nds the name of the appl icant to have been
29 changed as cl ai med, the Mi ni ster of Justi ce shall i ssue to the

1 appl i cati on a new certi fi cate and shal l noti fy the court of such
2 acti on.

3 CHAPTER II

4 RENUNCIATI ON AND REGI STRATI ON

5 Secti on 201. Retenti on of Pal auan ci ti zenshi p by those who are
6 al so ci ti zens of another nati on, procedure. A ci ti zen of the Republ ic
7 who is a ci ti zen of another nati on may, wi thi n three (3) years after
8 hi s ei ghteenth bi rthday or pri or to January 1, 1984, whi chever is
9 later, renounce hi s ci ti zenshi p of such other nati on and regi ster hi s
10 i ntent to remai n a ci ti zen of the Republ ic wi th the Mi ni stry of
11 Justi ce. Renunci ati on of ci ti zenshi p of another nati on and regi stra-
12 ti on of i ntent to remai n a ci ti zen of the Republ ic, regardl ess of hi s
13 pl ace of resi dence, may onl y take pl ace pursuant to the fol l owi ng
14 procedures:

15 (a) Any Pal auan ci ti zen wi th dual ci ti zenshi p who el ects to
16 retai n hi s Pal auan ci ti zenshi p shal l fi le i n the offi ce of the
17 Mi ni ster of Justi ce a sworn statement i n wri ti ng, si gned by the
18 appl i cant i n the appl i cant' s own handwri ti ng i f physi cal l y abl e to
19 wri te, and dul y veri fi ed by two wi tnesses, whi ch statement shal l be on
20 a form prescri bed by the Mi ni ster of Justi ce and shal l i ncl ude aver-
21 ments of al l facts whi ch i n the opi ni on of the Mi ni ster of Justi ce may
22 be materi al to the ci ti zen' s retenti on of Republ ic of Pal au ci ti zen-
23 shi p and shal l i ncl ude substanti al l y the fol l owi ng statement: "I
24 pl edge al l egi ance to the Consti tuti on of the Republ ic of Pal au and
25 hereby renounce al l egi ance to any other nati on."

26 (b) Upon recei pt of a si gned peti ti on the Mi ni ster of Justi ce
27 shal l mark the date and acknowl edge recei pt of the statement by mai l .

28 (c) The Mi ni ster of Justi ce shal l exami ne or cause to be
29 exami ned the si gned statement for purposes of determi ni ng whether i t
30 substanti al l y conforms wi th the Consti tuti on, thi s Act, and the dul y

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1 prescribed requirements. The Minister of Justice shall notify by
2 special mail within sixty days of receipt of a statement an applicant
3 whose statement in any respect fails to conform with legal require-
4 ments.

5 Section 202. Certificates of citizenship; procedure. Upon proof
6 to the Minister of Justice or upon determination by the court and
7 court order that a citizen who elects to retain Palauan citizenship
8 has complied with all constitutional and legal requirements, and upon
9 a specific request therefor by the citizen, such citizen shall be
10 furnished by the Minister of Justice with a certificate of citizen-
11 ship. If such applicant is outside of the Republic, the Minister of
12 Justice shall send by mail the duly acquired certificate of
13 citizenship.

CHAPTER III

NATURALIZATION

14 Section 301. Jurisdiction to naturalize.

15 (a) Exclusive jurisdiction to naturalize persons as citizens of
16 the Republic of Palau is hereby conferred upon the Supreme Court of
17 the Republic of Palau.
18 the Republic of Palau.

19 (b) A person may be naturalized as a citizen of the Republic of
20 Palau in the manner and under the conditions prescribed in this
21 chapter, and not otherwise.
22 chapter, and not otherwise.

23 Section 302. Requirements as to naturalization. Only persons
24 born of parents, one or both of whom are of recognized Palauan
25 ancestry, may be eligible to become naturalized citizens.

26 Section 303. Rules; forms; oaths.

27 (a) The Minister of Justice shall make such rules and regulat-
28 ions pursuant to the Administrative Procedures Act as may be neces-
29 sary to prescribe the format of the petition for naturalization as to
30 admissibility to citizenship and for the purpose of making appropriate

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1 recommendations to the court.

2 (b) The Minister of Justice shall prescribe and furnish such
3 forms as may be required to give effect to the provisions of this
4 chapter, and only such forms as may be so provided shall be legal.

5 (c) Employees may be designated by the Minister of Justice to
6 administer oaths and to take depositions relating to the adminis-
7 tration of this chapter.

8 Section 304. Petition for naturalization; who and when.

9 (a) An applicant for naturalization shall make and file in the
10 office of the Clerk of Courts, Republic of Palau Supreme Court, in
11 duplicate, a sworn petition in writing, signed by the applicant in the
12 applicant's own handwriting if physically able to write, and duly
13 verified by two witnesses, which petition shall be on a form prescrib-
14 ed by the Minister of Justice and shall include averments of all facts
15 which in the opinion of the Minister of Justice may be material to the
16 applicant's naturalization, and required to be proved upon the hearing
17 of such petition.

18 (b) No person shall file a valid petition for naturalization
19 unless (1) he shall have attained the age of eighteen years and (2) he
20 shall have first filed an application therefor at the Division in the
21 form and manner prescribed by the Minister of Justice.

22 (c) Petitions for naturalization shall be docketed the same day
23 as filed, but final action thereon shall be had only on stated days,
24 to be fixed by rule of the court.

25 Section 305. Investigation of petitioners.

26 (a) At any time prior to the holding of the final hearing on a
27 petition for naturalization provided for by Section 306 the Minister
28 of Justice may designate employees of the Division to conduct pri-
29 mary examinations upon such petition and to make recommendations
30 thereon to such court. For such purposes any such employee so is

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1 desi gnated hereby authori zed to take testi mony concerni ng any matter
2 touchi ng or i n any way affecti ng the admi ssi bi li ty of any peti ti oner
3 for natural i zati on, to admi ni ster oaths, i ncl udi ng the oath of the
4 peti ti oner for natural i zati on and the oaths of peti ti oner' s wi tnesses
5 to the peti ti on for natural i zati on, and to requi re by subpoena, the
6 attendance and testi mony of wi tnesses, i ncl udi ng peti ti oner, before
7 such empl oye e so desi gnated and the producti on of rel evant books,
8 papers, and documents, and to that end may i nvoke the ai d of the
9 court; and the court may, i n the event of neglect or refusal to
10 respond to a subpoena i ssued by any such empl oye e so desi gnated or
11 refusal to testi fy before such empl oye e so desi gnated i ssue an order
12 requi ri ng such person to appear before such empl oye e so desi gnated,
13 produce rel evant books, papers, and documents i f demended, and
14 testi fy; and any fai lure to obey such order of the court may be
15 puni shed by the court as a contempt thereof. The record of the
16 prel i mi nary exami nati on authori zed by thi s subsecti on shal l be admi s-
17 si ble as evi dence i n any fi nal heari ng conducted by the court.

18 (b) The record of the prel i mi nary exami nati on upon any peti ti on
19 for natural i zati on and recommendati on rel ati ng thereto shal l upon
20 request by the Mi ni ster by the empl oye e desi gnated to conduct such
21 exami nati on.

22 (c) The recommendati ons of the empl oye e desi gnated to conduct
23 any such prel i mi nary exami nati on shal l be submi tted to the court at
24 the heari ng upon the peti ti on and shal l i ncl ude a recommendati on that
25 the peti ti on be granted, or deni ed, or conti nued, wi th reasons
26 therefor. I n any case i n whi ch the recommendati on of the Mi ni ster of
27 Justi ce does not agree wi th that of the empl oye e desi gnated to
28 conduct such prel i mi nary exami nati on, the recommendati ons of both
29 such empl oye e and the Mi ni ster of Justi ce shal l be submi tted to the
30 court at the heari ng upon the peti ti on, and the offi cer of the

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1 Di vi si on i n attendance at such heari ng shall , at the request of the
2 court, present both the vi ews of such empl oyee and those of the
3 Mi ni ster of Justi ce wi th respect to such peti ti on to the court.

4 Secti on 306. Fi nal heari ng.

5 (a) Every fi nal heari ng upon a peti ti on for natural i zati on shall
6 be had i n open court before a j usti ce thereof, and every fi nal order
7 whi ch may be made upon such peti ti on shall be under the hand of the
8 court and entered i nto i n full upon a record kept for that purpose,
9 and upon such fi nal heari ng of such peti ti on the peti ti oner and the
10 wi tnesses shall be exami ned under oath before the court and i n the
11 presence of a j usti ce of the court. I f the peti ti oner i s prevented by
12 si ckness or other di sabi l i ty from bei ng i n open court for the fi nal
13 heari ng upon a peti ti on for natural i zati on, such fi nal heari ng may be
14 had before a j usti ce of the court at such pl ace as may be desi gnated
15 by the court.

16 (b) The Mi ni ster of Justi ce shall have the ri ght to appear
17 before any court i n any natural i zati on proceedi ngs for the purpose of
18 cross-exami ni ng the peti ti oner and the wi tnesses produced i n support
19 of the peti ti on concerni ng any matter touchi ng or i n any way
20 affecti ng the peti ti oner' s ri ght to admi ssi on to ci ti zenshi p, and
21 shall have the ri ght to cal l wi tnesses, i ncl udi ng the peti ti oner,
22 produce evi dence, and be heard i n opposi ti on to, or i n favor of, the
23 granti ng of any peti ti on i n natural i zati on proceedi ngs.

24 (c) The Cl erk of Courts shall , i f the peti ti oner requests i t at
25 the ti me of fi l i ng the peti ti on for natural i zati on, i ssue a subpoena
26 for the wi tnesses named by such peti ti oner to appear upon the day set
27 for the fi nal heari ng, but i n case such wi tnesses cannot be produced
28 upon the fi nal heari ng other wi tnesses may be summoned upon noti ce
29 to the Mi ni ster of Justi ce. I f i t shoul d appear after the peti ti on
30 has been fi led that any of the veri fyi ng wi tnesses thereto are not

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1 competent, and it further appears that the petitioner has acted in
2 good faith in producing such witnesses found to be incompetent other
3 witnesses may be substituted.

4 Section 307. Oath of renunciation and allegiance.

5 (a) A person who has petitioned for naturalization shall, in
6 order to be and before being admitted to citizenship, take in open
7 court an oath (1) to support the Constitution of the Republic (2) to
8 renounce allegiance and fidelity to any nation, foreign prince,
9 potentate, state, or sovereignty of whom or to which the petitioner
10 was before a subject or citizen; (3) to support and defend the
11 Constitution and the laws of the Republic against all enemies; (4) to
12 bear true faith and allegiance to the same.

13 (b) If the petitioner is prevented by sickness or other dis-
14 ability from being in open court, the oath required to be taken by
15 subsection (a) of this section may be taken before a justice of the
16 court at such place as may be designated by the court.

17 Section 308. Certificate of naturalization; contents. A person
18 admitted to citizenship by the Supreme Court in conformity with the
19 provisions of this chapter shall be entitled upon such admission to
20 receive from the Clerk of Courts a certificate of naturalization,
21 shall contain substantially the following information: Number of
22 petition for naturalization; number of certificate of naturalization;
23 date of naturalization; name, signature, place of residence, and
24 personal description of naturalized person, including age, sex,
25 marital status, and country of former nationality; Statement that the
26 petitioner has complied in all respects with all of the applicable
27 provisions of the naturalization laws of the Republic, and was
28 entitled to be admitted a citizen of the Republic of Palau; attesta-
29 tion of the clerk of courts; and seal of the Court.

1 Section 309. Functions and duties of clerks.

2 (a) It shall be the duty of the Clerk of Courts to forward to
3 the Minister of Justice a duplicate of each petition for naturaliza-
4 tion within fifteen days after the close of the month in which such
5 petition was filed, and to forward to the Minister of Justice certi-
6 fied copies of such other proceedings and orders instituted in or
7 issued out of the court affecting or relating to the naturalization of
8 persons as may be required from time to time by the Minister of
9 Justice.

10 (b) It shall be the duty of the Clerk of Courts to issue to any
11 person admitted by the court to citizenship a certificate of
12 naturalization and to forward to the Minister of Justice within
13 fifteen days after the close of the month in which such certificate
14 was issued, and to make and keep on file in the clerk's office,
15 duplicates thereof.

16 (c) It shall be the duty of the Clerk of Courts to report to the
17 Minister of Justice within fifteen days after the close of the month
18 in which the final hearing and decision of the court was had, the name
19 and number of the petition of each and every person who shall be
20 denied naturalization together with the cause of such denial.

21 Section 310. Revocation of naturalization.

22 (a) It shall be the duty of the Ministry of Justice, upon the
23 showing of good cause therefor, to institute proceedings in the
24 Supreme Court, for the purpose of revoking and setting aside the
25 order admitting a person to citizenship and canceling the certificate
26 of naturalization on the ground that such order and certificate of
27 naturalization were illegally procured or were procured by concealment
28 of a material fact or by willful misrepresentation, and such revoca-
29 tion and setting aside of the order admitting such person to citizen-
30 ship and such canceling of certificate of naturalization shall be

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1 effective as of the original date of the order and certificate.

2 (b) The party to whom was granted the naturalization alleged to
3 have been illegally procured or procured by concealment of a material
4 fact or by willful misrepresentation shall, in any such proceedings
5 under subsection (a) of this section, have sixty days personal notice,
6 unless waived by such party, in which to make answer to the petition
7 of the Republic of Palau; and if such naturalized person be absent
8 from the Republic, such notice shall be given either by personal
9 service upon him or by special mail.

10 (c) Whenever an order admitting an applicant to citizenship
11 shall be revoked and set aside or a certificate of naturalization
12 shall be canceled, or both, as provided in this section, the court
13 shall make an order canceling such certificate and shall send a
14 certified copy of such order to the Minister of Justice. A person
15 holding a certificate of naturalization or citizenship which has been
16 canceled as provided by this section shall upon notice by which the
17 decree of cancellation was made, or by the Minister of Justice,
18 surrender the same to the Minister of Justice.

19 (d) Nothing contained in this section shall be regarded as
20 limiting, denying or restricting the power of any court, by or in
21 which a person has been naturalized, to correct, reopen, alter,
22 modify, or vacate its judgment or decree naturalizing such person, as
23 may be prescribed by the rules of procedure or statutes governing
24 the jurisdiction of the court to take such action.

25 CHAPTER IV

26 SEVERABILITY: REPEALER: EFFECTIVE DATE

27 Section 401. Effect of invalidity of part of this Act. If a
28 court of competent jurisdiction shall adjudge to be invalid or uncon-
29 stitutional any clause, sentence, section or chapter of this Act, such
30 judgment or decree shall not affect, impair, invalidate or nullify the

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1 remainder of this Act, but the effect thereof shall be confined to the
2 clause, sentence, section or chapter of this Act so adjudged to be
3 invalid or unconstitutional.

4 * Section 402. ~~Repeal.~~ Chapter 1 of Title 53 of the Trust
5 Territory Code is repealed.

6 Section 403. Effective date. This Act shall take effect upon
7 its becoming law without such approval except as otherwise provided by
8 law.

9 PASSED: November 30 , 1983

Approved this 12 day of January, 1984.

/s/ _____
Haruo I. Remeliik
President
Republic of Palau

*SECTION 402 SUSPENDED, PER SECRETARIAL
ORDER 3039.

Date: February 9, 1984