

Citizenship Laws and
Statelessness



Palau

Overview of Citizenship and Statelessness

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BACKGROUND

Palau was a United States Trust Territory between 1947 and 1981, when the island achieved self-governing status. Full independence and United Nations membership were achieved in 1994.¹

Since joining the United Nations, Palau has signed six human rights treaties:

- The *International Covenant on Civil and Political Rights*;
- The *International Covenant on Economic, Social and Cultural Rights*;
- The *Convention on the Rights of the Child*;
- The *Convention on the Elimination of Racial Discrimination*;
- The *Convention on the Elimination of All Forms of Discrimination Against Women*; and
- The *Convention of the Rights of Persons with Disabilities*.

Palau has not signed the *Convention relating to the Status of Stateless Persons*,

or the *Convention on the Reduction of Statelessness* ('1961 Convention').

ACQUISITION

Descent

Persons of Palauan descent are entitled to citizenship through the *Constitution of the Republic of Palau*.² If a child is born inside the country, in or out of wedlock, citizenship is automatically passed if either parent is a citizen.³ This is consistent with article 4 of the 1961 Convention.

Any child born outside of the country to parents who are citizens of Palau is entitled to citizenship by registration.⁴ These requirements are consistent with article 4 of the 1961 Convention. There is no recognition for foundlings in the domestic legislation of Palau, which is inconsistent with article 2 of the 1961 Convention.

Naturalisation

Persons who are not of Palauan descent are not entitled to apply for naturalisation for any reason.⁵

If either of a person's parents have recognised Palauan ancestry, that person at the age of 18 (if they have been legally

¹ Oxford Dictionary of Contemporary World History (online at 25 November 2020) 'Palau'; 'Growth in United Nations Membership: 1945 – Present' (online at 30 November 2020) <<https://www.un.org/en/sections/member-states/growth-united-nations-membership-1945-present/index.html>>.

² Constitution of the Republic of Palau 1979 (Article III) (w amendments to 1992) ('Constitution Article III').

³ Citizenship and Immigration Act 1979 (Title 13, Chapter 1) (Palau) s 201(a) ('Citizenship Act Title 13').

⁴ Constitution Article III (n 2) s 4; Citizenship Act Title 13 (n 3) s 201(b).

⁵ Citizenship Act Title 13 (n 3) s 132.

domiciled in Palau for five years as a permanent resident) has the right to apply to become a naturalised citizen of Palau.⁶ Any person who petitions for naturalisation must take an oath of allegiance, and be of good character.

RENUNCIATION

A person who has reached 18 years of age, and who has full mental capacity, is entitled to renounce their citizenship.⁷ The *Constitution* states that a person 'shall' renounce their citizenship if they acquire the citizenship or nationality of another country,⁸ despite an amendment in 2013 which allows citizens to attain dual citizenship.⁹

There is no defined procedure under which a citizen of Palau may renounce their citizenship of Palau, only a procedure if they intend to renounce citizenship of another country upon attaining Palauan citizenship.¹⁰ This is consistent with the 1961 Convention because it operates under the assumption that the applicant has attained a second citizenship before renouncing.

LOSS

A person will lose their citizenship (if attained through naturalisation) if it is found: the person successfully obtained citizenship as a result of concealment of fact or misrepresentation;¹¹ if they advocated for the unlawful deposition of the United States or Palauan government; or through participation in, or conspiracy to participate in espionage, sabotage or sedition against either Government.

Naturalisation may also be revoked if it is found that the person illegally entered the territory at any time, before or after naturalisation.¹² This may be consistent with the 1961 Convention, which permits countries to deprive a person of their citizenship if they act in a manner inconsistent with the vital interests of the state.

Finally, a person's citizenship by naturalisation may be cancelled if, within five years of naturalisation, they travel to another country with the intention of establishing permanent residence.¹³ This provision is inconsistent with the provisions of the 1961 Convention, namely article 7.

DUAL NATIONALITY

In 2004, Palau voted in favour of constitutional amendments which permitted Palauan citizens to retain citizenship elsewhere, without that citizenship acting as a disqualifier for citizenship for those with Palauan ancestry.¹⁴

In 2008, Palau voted in favour of further changes to Art III of the *Constitution*, which explicitly permitted dual citizenship.¹⁵ However, there is no consolidated copy of the *Constitution* or *Citizenship Act* which reflects these changes.

UNHCR Representation in Canberra

Note: *This factsheet only provides information of a general nature. It should not be relied on for any other purpose, such as legal advice. This factsheet should be read in light of the last date on which it was updated.*

⁶ *Constitution Article III (n 2) s 4.*

⁷ *Constitution Article III (n 2) s 3; Citizenship Act Title 13 (n 3) s 121.*

⁸ *Constitution Article III (n 2) s 3. Note there are ongoing issues of unamended constitutional compilations.*

⁹ *Citizenship (Amendment) Act 2013 (Palau) s 121 ('Citizenship Amendment 2013').*

¹⁰ *Citizenship Act Title 13 (n 3) s 121.*

¹¹ *Ibid s 143(a) and 203(a); Citizenship Amendment 2013 (n 9) s 143(a).*

¹² *Citizenship Act Title 13 (n 3) s 203(d).*

¹³ *Ibid s 203(e).*

¹⁴ *Citizenship Amendment 2013 (n 9) s 1.*

¹⁵ *Ibid.*