

*Citizenship Laws and
Statelessness*



Solomon Islands

Overview of Citizenship and Statelessness

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BACKGROUND

The Solomon Islands achieved independence in 1978. That same year, the Solomon Islands also became a United Nations Member state.

Since joining the United Nations, the Solomon Islands have signed six human rights treaties:

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

The Solomon Islands have 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 Solomon Islander descent are entitled to citizenship through the *Constitution of the Solomon Islands* and the *Citizenship Act*.¹ A child born inside, or outside, of the Solomon Islands, either in or out of wedlock, will automatically acquire citizenship if either of their parents is a citizen.² These provisions are consistent with article 4 of the 1961 Convention.

Foundlings are not recognised under any legislation in the Solomon Islands. This is inconsistent with article 2 of the 1961 Convention.

Naturalisation

Persons who are not of Solomon Islander descent are entitled to citizenship by naturalisation through two channels: permanent residence and marriage. Dual citizenship was permitted following the *2018 Constitutional Amendment*.³

The Minister requires successful applicants for citizenship by naturalisation to take an oath of allegiance. Minor children may be

¹ *The Constitution of the Solomon Islands 1978* Chapter III ('Constitution Chapter 3'); *Citizenship Act 2018 (No 7)* (Solomon Islands) ('Citizenship Act 2018 No 7').

² Constitution Chapter 3 (n 1) s 22.

³ *Constitution (Amendment) (Dual Citizenship) Act 2018* (Solomon Islands); Constitution Chapter 3 (n 1) s 49.

included in applications for citizenship by naturalisation, whether that child is biologically related to the applicant or if they have been adopted by the applicant.

1. Residence

The *Citizenship Act* allows persons who have legally resided in the Solomon Islands for five of the ten years preceding the application; and who have reached 18 years of age, to apply for citizenship.⁴

Any time spent in the Solomon Islands without valid reason cannot be counted toward the residence requirement. The applicant must intend to reside in the Solomon Islands,⁵ but evidence that they live elsewhere will not exclude them from eligibility to apply. The applicant must be of good character.

2. Marriage

The spouse of a citizen may apply for citizenship by marriage, which may pass through male and female citizens to their spouse. Provisions for the application of citizenship by marriage may pass through a male or female citizen to their spouse.

The person must have resided in the Solomon Islands for five of the ten years preceding their application,⁶ and must intend to continue to do so. The applicant must have been married to a citizen for five years. The applicant must be of good character.

RENUNCIATION

The *Citizenship Act* stipulates that a person may not renounce their citizenship unless they hold another citizenship or

nationality.⁷ This is consistent with article 7 of the 1961 Convention. A person may not apply to renounce their citizenship during a time of war and an application to do so is subject to approval by the Commission.

LOSS

Citizenship cannot be cancelled for persons who are citizens by birth or descent,⁸ if the ground for revocation is that they acquired citizenship by fraud, misrepresentation, or concealment of fact, unless the Minister is satisfied the offence was minor. This is consistent with article 8 of the 1961 Convention.

If a person enters the armed forces of another state without the consent of the Minister, or if the armed forces in which that person serves is at war with the Solomon Islands,⁹ their citizenship may be revoked.

This applies unless their participation in foreign armed forces was under the compulsion of that country's national law,¹⁰ and this exception may only apply where that country is not at war with the Solomon Islands.

If a person has been convicted of an offence under specified sections of the *Penal Code* or the *Counter-Terrorism Act 2009*, they may have their citizenship revoked.¹¹ These provisions are consistent with article 4 of the 1961 Convention. Any loss of citizenship under section 25 of the *Citizenship Act* must be made in consideration of the protection against statelessness.¹² Revocation and loss can only apply to persons over the age of 18.

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⁴ Citizenship Act 2018 No 7, s 14(2)(a), (3)(a), (5)(b), 6(b) and 16(1).

⁵ Ibid s 14(2)(d), 3(d), 5(c) and 6(c).

⁶ Ibid s 14(6)(a).

⁷ Ibid ss. 21(a), 22(1), 23(2)(b)(i).

⁸ Ibid s 26(a).

⁹ Ibid s 25(3).

¹⁰ Ibid s 25(2)(b) and 25(3).

¹¹ Ibid s 25(4).

¹² Ibid s 26(2)(b).

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