

Gender and
Statelessness



Palau

Gender, Citizenship Laws and Statelessness

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CONFERRAL TO BIOLOGICAL CHILDREN

Children born in the country

A child born in Palau is a citizen by birth where one or both parents are citizens by birth.¹

Children born outside of the country

A child born outside of Palau is a citizen by birth where one or both parents are citizens by birth.²

ADOPTED CHILDREN

The conferral of citizenship to adopted children is not mentioned within any citizenship legislation of Palau.

FOUNDLINGS

The conferral of citizenship to foundlings is not mentioned within any citizenship legislation of Palau.

REGISTRATION OF THE BIRTH OF A CHILD

The mother of a newborn child or any person attending to the mother at the time of the birth and acting on her behalf, is required to report the particulars of the birth to the

Bureau of Public Health.³ This is required to occur within 10 days of the birth of the child.⁴

LOSS AND RENUNCIATION OF CITIZENSHIP

The Palauan *Citizenship Act* was amended in 2013 to allow for dual citizenship.⁵ As a result, Palauan citizens are no longer required to renounce a citizenship of another nation in cases of dual citizenship.

A person who has obtained citizenship on illegal or fraudulent grounds may have their citizenship revoked by the Attorney-General instituting proceedings in the Supreme Court.⁶

NATURALISATION FOR SPOUSE OF CITIZEN

Naturalisation in Palau is allowed only in limited circumstances. This is where a person is born of parents, one or both of whom are of recognised Palauan ancestry.⁷

The *Constitution of Palau* states that citizenship by naturalisation is not allowed in any other circumstances.⁸

¹ *Constitution of the Republic of Palau 1979* Art III s 2 ('*Constitution*').

² *Ibid* Art III s 2.

³ *Public Health, Safety and Welfare Act* s 4,005.

⁴ *Ibid* s 4,005.

⁵ *Citizenship Act Amendment 2013* s 2 ('*Citizenship Act Amendment*').

⁶ *Ibid*.

⁷ *Constitution* (n 1) s 4; *Citizenship Act 1994* s 132 ('*Citizenship Act*').

⁸ *Constitution* (n 1) s 4.

Other requirements for naturalisation include being over 18 years of age; of good moral character; and having been a permanent resident and domiciled continuously in Palau for at least five years immediately prior to the application for citizenship.⁹

DUAL NATIONALITY

The Palauan *Citizenship Act* was amended in 2013 to allow for dual citizenship.¹⁰ This amendment was pursuant to two amendments to the *Constitution*. The first occurred in 2004, where an amendment was made establishing that a person's citizenship in other foreign nations would not disqualify an individual of recognized Palauan ancestry from retaining Palauan citizenship or becoming a citizen of the Republic of Palau. Secondly, in 2008, the people approved a further amendment that, "citizenship of other foreign nations shall not affect a person's Palauan citizenship".¹¹

GENDER EQUALITY ACHIEVED

Gender equality with respect to citizenship laws in Palau was achieved with the introduction of the *Constitution* in 1979.

It is to be noted however that the *Constitution* uses only the pronoun "he" throughout. The *Citizenship Act* alternates between using only "he" in some provisions, and "he or she" in others.

GENDER AND STATELESSNESS RISKS

The main risks regarding gender discrimination and statelessness in Palau relate to gaps in the current legislation, whereby citizenship for adopted children or foundlings is not mentioned.

Additionally, given that citizenship is limited only to those of Palauan ancestry, there may be risks around statelessness for children

born in the state of unknown or foreign ancestry. There is no provision for naturalisation by marriage for a parent of a child born in Palau.

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.*

⁹ *Citizenship Act* (n 7) s 202.

¹⁰ *Citizenship Act Amendment* (n 5) s 2.

¹¹ *Ibid* s 1.