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Guyana: Citizenship laws, including methods by which a person may obtain citizenship; whether dual citizenship is recognized and if so, how it is acquired; process for renouncing citizenship and related documentation; grounds for revoking citizenship.

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Acquisition of Citizenship

Citizenship of Guyana is based upon the Constitution of Guyana adopted in 1980 (US Mar. 2001, 89). Individuals who held Guyanese citizenship prior to the enactment of the 1980 Constitution are still recognized as Guyanese citizens (Guyana 20 Feb. 1980, Sec. 41).

Citizenship may be acquired by birth, descent, naturalization or upon registration following marriage to a Guyanese citizen (Guyana News and Information 31 Mar. 2006; US Mar. 2001, 89). Provisions may be made by Parliament for the acquisition of Guyanese citizenship by means other than those stipulated in Chapter IV of the constitution (Guyana 20 Feb. 1980, Para. 48(a)).

Children born in Guyana are entitled to citizenship except in cases where neither parent is a citizen and one (or both) parents have been granted diplomatic immunity or in cases where one parent is considered an enemy alien and the child has been born in a place under enemy occupation (Guyana 20 Feb. 1980, Para. 43(a)-(b)). Citizenship may be granted to a child born outside of Guyana's territorial boundaries if either the mother or the father is a citizen of Guyana (ibid., Sec. 44).

Spouses of Guyanese citizens who were entitled to Guyanese citizenship by virtue of marriage prior to the commencement of the 1980 constitution retain the right to citizenship (Guyana 20 Feb. 1980, Sec. 42). Individuals who marry a Guyanese citizen following the enactment of the 1980 constitution are eligible to be registered as citizens by making an application and taking an oath of allegiance "as may be prescribed" (ibid., Sec. 45). Citizenship is not automatically conferred through marriage and prior to regularizing their status through the Ministry of Home Affairs, foreigners who are married to Guyanese citizens and who do not possess a valid passport, extension of stay and multiple entry visa may risk deportation (Guyana 23 Nov. 2005).

The *Guyana Citizenship Act*, which was amended in 1998 (Guyana n.d.), sets out the requirements for naturalization in the Second Schedule of Chapter

14 (Guyana 17 Dec. 1998). An applicant must have resided in Guyana for a period of twelve months immediately prior to making an application (ibid., Second Schedule Para. 1(a)), in addition to having resided in Guyana for five out of the last seven preceding years before the twelve month period (ibid., Second Schedule Para. 1(b)). The authorized Minister may allow certain exceptions concerning specified residency requirements and time periods (ibid., Second Schedule Sec. 2).

According to the website of the Consulate of Guyana in Canada, birth, marriage and death certificates cost 30 Guyanese dollars and applications may be obtained in Canada through the Consulate of Guyana, which will submit an application directly to the Registrar General of Guyana for a fee of 10 Canadian dollars (Guyana Oct. 2006a). This process can take six to twelve months; therefore, the Consulate recommends sending the completed application to a "relative or friend" in Guyana who can pick up the certificate within "a few days" on behalf of the applicant (ibid.). The Consulate of Guyana in Canada indicates that the required fees for registration of Guyanese citizenship are 200 Canadian dollars (Guyana Oct. 2006b).

Dual Citizenship

Dual citizenship is not recognized unless the second citizenship is obtained through marriage (US Mar. 2001, 89). The President may "by order" deprive an individual of Guyanese citizenship if he or she acquires the citizenship of another state in any other voluntary or formal manner (Guyana 20 Feb. 1980, Subs. 46 (1)), or if he or she exercises any exclusive rights granted to citizens of another country which are voluntarily claimed and exercised in that other country (ibid., Subs. 46(2)).

On 23 May 2008, Guyana signed a treaty establishing membership in the Union of South American Nations (UNASUR), a regional agreement which strives to strengthen South American integration (Guyana 24 May 2008; Venezuela Analysis 24 May 2008). Its objectives include,

The consolidation of a South American identity through the progressive recognition of the rights of nationals of a Member State resident in any of the other Member States, with the aim of attaining a South American citizenship. (UNASUR 23 May 2008, Sec. 3(jj))

Member states include Argentina, Brazil, Bolivia, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Uruguay, Venezuela and Suriname (Guyana 24 May 2008; Venezuela Analysis 24 May 2008; *Kaieteur News* 20 July 2008). On 20 July 2008, *Kaieteur News*, a Guyanese daily newspaper reported that Venezuela had agreed to regularize 50,000 illegal Guyanese residents, and that "in all likelihood", they would be granted both Guyanese and Venezuelan citizenship (ibid.).

Loss of Citizenship

Citizenship may be revoked at the Minister's discretion if he or she is satisfied that a certificate of naturalization or of registration was obtained through fraudulent means or through the "concealment of any material fact" (Guyana 17 Dec. 1998, Sec. 11(1)). A naturalized Guyanese citizen may be deprived of citizenship if he or she has been sentenced in any country to a term

of imprisonment "of not less than twelve months" within five years of becoming a citizen (*ibid.*, Para. 11(2)(c)).

Renunciation of Guyanese citizenship is recognized under the *Guyana Citizenship Act*, provided that the individual who is renouncing Guyanese citizenship "is or is about to become" a citizen of another country, and that Guyana is not engaged in war at the time of renunciation (Guyana 17 Dec. 1998, Para. 10(1)(a)-(b)). However, if the individual does not become a citizen of another country within six months of the registration of the declaration of renunciation of citizenship, then that individual will remain a Guyanese citizen (*ibid.*, Subs. 10(2)). The Consulate of Guyana in Canada lists the fees for renunciation of Guyanese citizenship as 500 Canadian dollars (Guyana Oct. 2006b).

Former citizens who have voluntarily renounced their Guyanese citizenship in order to acquire citizenship in another country are eligible for "remigrant" status (Guyana 17 Mar. 1999, Sec. 5), which entitles them to numerous "concessions" that the government has put in place to attract Guyanese to return (*ibid.*, Sec. 2). These benefits can be obtained by contacting a Remigration Officer at the Protocol and Consular Department of the Ministry of Foreign Affairs (*ibid.*, Sec. 4). The applicant must be 18 years of age or older, have resided abroad for at least four consecutive years and not be a "deportee" (*ibid.*, Sec. 3). Citizens of Guyana who meet these conditions and hold a valid Guyanese passport may also be approved for "remigrant" status (*ibid.*).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral source: A representative of the High Commission for the Republic of Guyana did not reply within the time constraints of this Response.

Internet Sources, including: British Broadcasting Corporation (BBC), Foreign Law Guide, *Guyana Chronicle*, Guyana: Land of Six Peoples, Guyana News and Information, Internet Law Library, Net News Publisher, Organisation of Eastern Caribbean States (OECS), Office of the United Nations High Commissioner for Refugees (UNHCR), The World Law Guide, World Legal Information Institute.

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