

Gender and
Statelessness



Fiji

Gender, Citizenship Laws and Statelessness

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CONFERRAL TO BIOLOGICAL CHILDREN

Children born in the country

Citizenship in Fiji is only acquired through birth, registration or naturalisation.¹ Every child born in Fiji automatically becomes a citizen at the date of birth, unless a parent of the child has diplomatic immunity of a foreign power, or neither parent is a citizen.²

Children born outside of the country

A child born outside of Fiji may become a citizen by registration if, at the time of the child's birth, either parent was a citizen.³

A child who was under the age of 18 when either parent became a citizen may become a citizen by registration.⁴ The *Citizenship of Fiji Regulations* set out the requirements for an application.⁵

ADOPTED CHILDREN

A foreign child adopted by a citizen when the child was under the age of 18 may become a citizen by registration.⁶ The *Citizenship of*

Fiji Regulations set out the requirements for an application.⁷

FOUNDINGS

An infant found abandoned in Fiji is deemed to have been born in Fiji in the absence of proof to the contrary.⁸

REGISTRATION OF THE BIRTH OF A CHILD

Registration of the birth of a child is required within two months of the child's birth.⁹ This is required to be done by the father, or in his death, absence illness or inability, the mother of the child, or in absence of both parents, any person present at the birth.¹⁰

LOSS AND RENUNCIATION OF CITIZENSHIP

A person may renounce his or her Fijian citizenship only if he or she has reached the age of 18; and has been since birth a citizen of another country or has acquired the citizenship of another country by registration or naturalisation.¹¹ A person who satisfies those conditions must make a written

¹ *Constitution of the Republic of Fiji 2013* s 5(3) ('Constitution'), *Citizenship of Fiji Decree 2009* s 5 ('Citizenship Decree').

² *Citizenship Decree* (n 1) s 6.

³ *Ibid* s 8(1).

⁴ *Ibid* s 8(3).

⁵ *Citizenship of Fiji Regulations 2009* rr. 4, 7 ('Citizenship Regulations').

⁶ *Citizenship Decree* (n 1) s 8(2).

⁷ *Citizenship Regulations* (n 5) r 5.

⁸ *Citizenship Decree* (n 1) s 7.

⁹ *Births, Deaths and Marriages Registration Act 1975* s 11 ('Births, Deaths and Marriages Registration Act').

¹⁰ *Ibid*.

¹¹ *Citizenship Decree* (n 1) s 15.

declaration in the form required by the legislation.¹²

NATURALISATION FOR SPOUSE OF CITIZEN

An application for citizenship by registration may be made by an adult who is or has been married to a Fijian citizen.¹³ The applicant is required to have been lawfully present in Fiji for a total of three of the five years immediately before the application.¹⁴ The *Citizenship of Fiji Regulations* set out the requirements for an application.¹⁵

An adult may also become a citizen by naturalisation. In order to qualify for the grant of naturalisation a person must have been lawfully present in Fiji for a total of five of the 10 years immediately before the application.¹⁶ Other requirements for naturalisation include good character; adequate knowledge of the English language and of the responsibilities of a citizen of Fiji; and an intention to continue to reside in Fiji.¹⁷

DUAL NATIONALITY

Under the *Constitution of Fiji*, citizens of Fiji may hold multiple citizenships.¹⁸ This applies to citizens of Fiji who accept citizenship of

another country; a former Fijian citizen who lost their Fijian citizenship; or a foreign person who gains Fijian citizenship.¹⁹

GENDER EQUALITY ACHIEVED

Gender equality with respect to citizenship was achieved in Fiji on 20 April 1998, with the introduction of the *Citizenship Act 1998*. This Act has now been replaced by the current legislation, the *Citizenship of Fiji Decree*.

GENDER AND STATELESSNESS RISKS

Fijian citizenship legislation is clear and comprehensive in the subject matter it covers, including adoptions, foundlings, regaining of citizenship, and paths for naturalisation by both residence and marriage.

There are no gender-based distinctions made within Fiji's citizenship legislation, except for distinctions between mother and father for registration of births.²⁰

By providing for multiple citizenships, Fiji allows citizenship to be conferred by both parents where differing citizenship is involved, which reduces risk for discrimination and statelessness.

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.

¹² Ibid s 16(1).

¹³ Ibid s 8(7). Note, as of the last update of this factsheet, the Government of Fiji website states that applications for registration of spouses are not currently being accepted.

¹⁴ Ibid s 8(7)(a). Note, the *Citizenship of Fiji (Amendment) Act 2020*, passed by the Fijian Parliament (but not yet in force), adds the requirement that applicants must be residing in Fiji on a 'permanent residence permit'.

¹⁵ *Citizenship Regulations* (n 5) r 9.

¹⁶ *Citizenship Decree* (n 1) s 11. Note, the *Citizenship of Fiji (Revised Budget Amendment) Act 2022*, passed by the Fijian Parliament (but not yet in force), extends the requirements, *inter alia*, around lawful presence in Fiji to 'for an aggregate period of 15 years in the 20 consecutive years' immediately before the application for naturalisation is made. Moreover, as of the last update of this factsheet, the Government of Fiji website states that applications for naturalisation are not currently being accepted.

¹⁷ *Citizenship Decree* (n 1) s 13(2).

¹⁸ *Constitution* (n 1) s 5(4).

¹⁹ Ibid.

²⁰ *Births, Deaths and Marriages Registration Act* (n 9) s 11.