

Gender and
Statelessness



Solomon Islands

Gender, Citizenship Laws and Statelessness

Last Update: 22 November 2020

CONFERRAL TO BIOLOGICAL CHILDREN

Children born in the country

A child born in the Solomon Islands is automatically a citizen if at the date of birth either of the child's parents were a citizen.¹

Children born outside of the country

A child born outside the Solomon Islands is automatically a citizen if at the date of birth either of the child's parents were a citizen.²

ADOPTED CHILDREN

An adopted child may become a citizen of the Solomon Islands by application.³

FOUNDINGS

Citizenship for foundlings is not mentioned in the Solomon Islands legislation.

REGISTRATION OF THE BIRTH OF A CHILD

The particulars of a child's birth are required to be reported to the Registrar as soon as reasonably practicable after the birth of a child.⁴ This is required to be reported by the

medical practitioner or nurse, or the father or mother of the child.⁵

LOSS AND RENUNCIATION OF CITIZENSHIP

A person may apply to renounce their citizenship, using the prescribed form.⁶ In order to renounce citizenship, a person is required to be 18 years and over at the time of applying and be a national or citizen of another country, or needs the renunciation to become a national or citizen of another country, which will take effect immediately after the approval.⁷

A person's citizenship may be revoked where the person:

- Obtained citizenship by providing false or misleading information;
- Voluntarily enters the armed forces of another country;
- Is serving in the armed forces of a country at war with the Solomon Islands; or
- Is convicted of certain offences under the *Penal Code* or any offence under the *Counter Terrorism Act*.⁸

¹ *Constitution of Solomon Islands 1978* s 22.

² *Ibid* s 22.

³ *Citizenship Act* ss. 13, 15 ('*Citizenship Act*').

⁴ *Births and Deaths (Registration) Act* s 9(1).

⁵ *Ibid* s 9(2).

⁶ *Citizenship Act* (n 3) s 22.

⁷ *Ibid* s 23.

⁸ *Ibid* s 25.

NATURALISATION FOR SPOUSE OF CITIZEN

A person may apply to become a citizen of the Solomon Islands by marriage where the person meets certain criteria. This includes the person being married to a citizen for a continuous period of at least five years; being over 18 years of age; being likely to reside or maintain a close and continuing relationship with the Solomon Islands; and being of good character.⁹

A child of a person by birth or adoption, who is under 18 years of age may be included in the primary applicant's application.¹⁰

DUAL NATIONALITY

Dual nationality is permitted in the Solomon Islands. This is pursuant to an amendment to the *Constitution of the Solomon Islands* in 2018, whereby the provision regarding avoidance of dual nationality was repealed.¹¹

GENDER EQUALITY ACHIEVED

Gender equality with respect to citizenship was achieved with the introduction of the *Citizenship Act* in December 2018. The previous Act introduced in 1978 contained discriminatory provisions regarding the transmission of citizenship.

It is to be noted that the *Citizenship Act* uses gender neutral pronouns, however the citizenship provisions of the *Constitution* use only the pronoun "he".

GENDER AND STATELESSNESS RISKS

The introduction of the *Citizenship Act* in the Solomon Islands has significantly reduced risk of statelessness and gender discrimination within its citizenship laws. The repeal of avoidance of dual citizenship also

assists in allowing conferral of citizenship from both the parents of a child.

There remains a gap in the legislation however regarding citizenship for foundlings, which creates risk of statelessness for children found abandoned in Solomon Islands.

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 Ibid s 14(6).

¹⁰ Ibid ss 14(7), 16.

¹¹ *Constitution (Amendment) (Dual Citizenship) Act 2018* s 3.