

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP SERVICES



DUAL CITIZENSHIP OPERATIONALIZATION



STANDARD OPERATIONAL PROCEDURES

FOREWORD

The Malawi Department of Immigration and Citizenship Services is pleased to publish the Standard Operating Procedures (SOPs) for Dual Citizenship which will act as a reference document in the operationalization of the dual citizenship law thereby ensuring efficient and effective service delivery.

The SOPs have been developed to provide direction and good practice in the operationalization of the dual citizenship law. It will act as a guide in terms of operations and decision making by all Immigration Officers in the provision of dual citizenship services.

The SOPs are intended to provide practical guidance to the Immigration officers in the course of providing dual citizenship services. It will provide an easy reference to all Immigration Officers to consult when in need of support in carrying out official duties of the dual citizenship services.

Any changes to the SOPs will be authorized by the Director General of the Department of Immigration and Citizenship Services, and advised by an amendment circular.

The SOPs come into operation once approved by the Director General of the Department of Immigration and Citizenship Services.

Hannings Mlotha
DIRECTOR GENERAL

BACKGROUND

Citizenship issues in Malawi are governed by the 1966 Citizenship Act, Chapter 15:01 of the Laws of Malawi. The 1966 law permitted Malawians under the age of 22 years to maintain dual citizenship, but it limited persons of full age and capacity to be dual citizens.

On 12th December, 2018, the Malawi National Assembly passed the Malawi Citizenship Amendment Bill to amend the 1966 Citizenship Act, allowing persons of full age and capacity to hold citizenship of another country in addition to their Malawi citizenship.

The dual citizenship bill was assented into law in March 2019 and operationalization of dual citizenship regulations were gazetted in November 2021 and announced to the general public through a Government Notice Number 59 of the Malawi Citizenship Act.

In Malawi, dual citizenship is the status whereby a person is concurrently regarded as a citizen of two countries. Only Malawians by birth or descent are eligible to acquire dual citizenship. Persons who were naturalized, registered or conferred the citizenship of Malawi are **NOT** eligible for the Malawi dual citizenship.

TYPES OF DUAL CITIZENSHIP APPLICATIONS

There are three circumstances that qualifies citizens of Malawi by birth and descent to submit an application for the Malawi dual citizenship:

1. Notification and Registration of dual citizenship

A person of full age who to his/her knowledge has obtained the citizenship of another country, is required to submit an application of notice and registration for the acquisition of a Malawi dual citizenship.

A notification and registration application has to be submitted in Form AA as set out in the First Schedule. (see appendix 1)

2. Restoration of Malawi Citizenship

This is an application of a person of full age who lost the Malawi citizenship through the acquisition of another country's citizenship due to the old Malawi citizenship law that prohibited dual citizenship of persons of full age.

An application for the restoration of Malawi citizenship shall be submitted in Form AC as set out in the First Schedule. (see appendix 2)

3. Notification of dual citizenship upon attaining the age of 19 years

An application for registration as a dual citizen of full age for a minor who has attained the age of 19 years, and has realized that he/she is a dual citizen, shall be submitted in Form AE as set out in the First Schedule. (see appendix 3)

ATTACHMENTS AND SUPPORTING DOCUMENTS

Set out below are the attachments and support documents for specific type of dual citizenship application which are supposed to be submitted on application:

Dual Citizenship Type	Required Documents
Notification and Registration of dual citizenship	<ol style="list-style-type: none"> 1. Covering letter 2. Fully completed application forms 3. Two passport size photographs 4. Certified photocopies of birth certificate 5. Certified photocopies of Malawi national identity card
Restoration of Malawi citizenship	<ol style="list-style-type: none"> 1. Covering letter 2. Fully completed application forms 3. Two passport size photographs 4. Certified photocopies of valid or expired Malawi passport bio-data page of the applicant 5. Certified photocopies of Malawi passport bio-data page of any parent where applicant was included 6. Certified photocopies of applicant's birth certificate 7. Affidavit of any of the parents attesting to the citizenship of the applicant, or a relative attesting to the citizenship of the applicant's parents
Notification of dual citizenship upon attaining the age of 19 years	<ol style="list-style-type: none"> 1. Covering letter 2. Fully completed application forms 3. Two passport size photographs 4. Certified photocopies of valid Malawi passport bio-data page 5. Certified photocopies of other country's passport bio-data page 6. Certified photocopies of applicant's birth certificate 7. Any other document evidencing Malawi citizenship of the applicant or any of the parents

STEP BY STEP PROCEDURE FOR DUAL CITIZENSHIP APPLICATION PROCESS

Step One: Collection and completion of Dual Citizenship Application Forms

- Malawi citizens by birth or descent who want to acquire dual citizenship must first fill in an applicable application form which can only be obtained online on the following website www.immigration.gov.mw.
- Applicants are required to provide all the necessary information supporting the application.
- Applications are processed in Blantyre, Lilongwe, Mangochi, Mzuzu, and Malawi Embassies/Consular offices across the globe with an Immigration Attaché.

Step Two: Documents Evaluation

- Applicants must submit their completed dual citizenship application forms together with all the required supporting documents as set out in the checklists.
- An Immigration Officer is required to evaluate and verify the authenticity of all the support documents accompanying the application forms and advise on any additional attachments as per requirements.
- All photocopies must be duly certified as true copies of the original by a Commissioner for Oath.
- The application is then registered in the dual citizenship functionality/ledger and endorsed 'the next level'.

Step Three: Payment

- Applications that meet all the requirements and that have been fully endorsed are subjected to upfront payments through the designated Bank.
- Every applicant gets receipt(s) as proof of payment.

Step Four: Application Processing

- Once payments have been completed, the application (in case the submission was made at any Immigration Office captured in step one (1) other than the Headquarters) is sent to the Immigration Headquarters.
- The Citizenship Registry opens a file and a file number is given and name is endorsed in the open sheet.
- Application files are sent to the Minister of Homeland Security with recommendations by the Director General or his/her delegates.
- When the application has been approved or rejected by the Minister, it is sent back to the Immigration Headquarters.
- In case of rejection or approval, applicants are officially informed by the Citizenship office that received that application.

CLEARANCE OF DUAL CITIZENS ON ENTRY

- Dual citizens are not subjected to visa entry requirements even if the other nationality requires entry visa into Malawi. They will be treated as Returning Residents.

- As per the 1964 Immigration Act, a dual citizen arriving at the border or airport within Malawi, has to present him/herself at the nearest Immigration Officer.
- The dual citizen has to declare to an Immigration Officer that he is a dual citizen.
- The immigration officer should demand the two passports and indicate on the schedule passport numbers of the two countries.
- If the Malawi passport is not valid, an Immigration officer should interview the person in order to gather further evidence of citizenship.
- After interview and establishment that the person is a Malawian, he/she is allowed entry.
- If not, further investigations are carried out to determine how the Malawi passport was acquired and the person could be refused entry and confiscation of the Malawi passport.