

PASSPORT (AMENDMENT) RULES, 2024

Arrangement of Rules

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PASSPORT ACT

(CHAPTER 192)

PASSPORT (AMENDMENT) RULES, 2024

The Minister, in exercise of the powers conferred by section 5 of the Passport Act (*Ch. 192*) hereby makes the following rules —

1. Citation and commencement.

- (1) These Rules, which amend the Passport Rules (*Ch. 192*), may be cited as the Passport (Amendment) Rules 2024.
- (2) These Rules shall come into force on a date to be appointed by the Minister, by notice published in the *Gazette*.

2. Repeal and replacement of rule 8 of the principal Rules.

Rule 8 of the principal rules is repealed and replaced as follows —

“8. Documents to be produced under Article 3.

An application for an ordinary passport shall be accompanied by the following documents —

- (a) where the applicant is a citizen of The Bahamas by virtue of Article 3(1) of the Constitution, the applicant’s birth certificate or such other evidence as satisfies the Minister of the applicant’s birth in the former Colony of the Bahama Islands;
- (b) where the applicant is a citizen of The Bahamas by virtue of Article 3(2) of the Constitution and the applicant’s birth certificate contains an acknowledgement of paternity by his father —
 - (i) the applicant’s birth certificate;
 - (ii) the birth certificate of the applicant’s father or such other evidence as satisfies the Minister that the applicant’s father was born in the former Colony of the Bahama Islands;
 - (iii) such evidence as satisfies the Minister that at the date of the applicant’s birth, the applicant’s father was a citizen of the United Kingdom and Colonies;
- (c) where the applicant is a citizen of The Bahamas by virtue of *Article 3(2)* of the Constitution and the

applicant's birth certificate contains no acknowledgement of paternity by the person alleged to be the father —

- (i) the applicant's birth certificate;
 - (ii) the birth certificate of the applicant's father or such other evidence as satisfies the Minister that the applicant's father was born in the former Colony of the Bahama Islands;
 - (iii) identification by DNA analysis of the person alleged to be the father of the applicant obtained pursuant to the Protocol in the *Schedule* hereto; or
 - (iv) a declaration of paternity by the Supreme Court in accordance with the provisions of the Status of Children Act (*Ch. 130*); and
 - (v) such other evidence as satisfies the Minister that at the date of the applicant's birth, the person identified or declared the father of the applicant, was a citizen of the United Kingdom and Colonies;
- (d) where the applicant is a citizen of The Bahamas by virtue of Article 3(3) —
- (i) the applicant's registration document; and
 - (ii) a certificate of citizenship issued to the applicant under section 15 of The Bahamas Nationality Act (*Ch. 190*).

3. Insertion of new rules 8A, 8B and 8C into the principal Rules.

The principal Rules are amended by the insertion, immediately after rule 8 of the following rules 8A, 8B and 8C —

8A. Documents to be produced under Article 6.

An application for an ordinary passport where the applicant is a citizen of The Bahamas by virtue of Article 6 of the Constitution shall be accompanied by the following documents —

- (a) where the applicant's mother and father were married at the time of the applicant's birth —
 - (i) the applicant's birth certificate, or such other evidence as satisfies the Minister of the applicant's birth in The Bahamas;
 - (ii) the marriage certificate of the applicant's parents;

- (iii) the birth certificate, passport, certificate of citizenship, or other evidence which satisfies the Minister that at the date of the applicant's birth, either of his parents was a citizen of The Bahamas;
- (b) where the applicant's mother and father were not married at the date of the applicant's birth and the mother is a citizen of The Bahamas at that date —
 - (i) the applicant's birth certificate, or such other evidence as satisfies the Minister of the applicant's birth in The Bahamas;
 - (ii) the mother's birth certificate, passport, certificate of citizenship, or such other evidence as satisfies the Minister that at the date of the applicant's birth, his mother was a citizen of The Bahamas;
- (c) where the applicant's mother and father were not married at the date of the applicant's birth and the mother is a not citizen of The Bahamas at that date and the applicant's birth certificate contains an acknowledgement of paternity by his father who is a citizen of The Bahamas —
 - (i) the applicant's birth certificate, or such other evidence as satisfies the Minister of the applicant's birth in The Bahamas;
 - (ii) the father's birth certificate, passport, certificate of citizenship, or such other evidence as satisfies the Minister that at the date of the applicant's birth, his father was a citizen of The Bahamas;
- (d) where the applicant's mother and father were not married at the date of the applicant's birth, the mother is not a citizen of The Bahamas, and the applicant's birth certificate contains no acknowledgement of paternity by the person alleged to be the father who is a citizen of The Bahamas —
 - (i) the applicant's birth certificate, or such other evidence as satisfies the Minister of the applicant's birth in The Bahamas;
 - (ii) identification by DNA analysis of the father of the applicant obtained pursuant to the Protocol in the *Schedule* hereto; or
 - (iii) a declaration of paternity by the Supreme Court in accordance with the provisions of the Status of Children Act (*Ch. 130*); and
 - (iv) the birth certificate, passport, certificate of citizenship of the person identified or declared as the father, or

- such other evidence as satisfies the Minister that at the date of the applicant's birth, the person identified or declared the father of the applicant, is a citizen of The Bahamas;
- (e) where the applicant's mother and father were not married at the date of the applicant's birth, the mother is not a citizen of The Bahamas, and the applicant's birth certificate has no acknowledgement by the person alleged to be the father of the applicant, and the person alleged to be the father is a citizen of The Bahamas and is deceased at the time of the application —
- (i) the applicant's birth certificate, or such other evidence as satisfies the Minister of the applicant's birth in The Bahamas; and
 - (ii) the identification of the father by DNA analysis performed in compliance with the Protocol set forth in the Schedule hereto for determining relationship identity through DNA testing of persons identified in Annex I of the Protocol; or
 - (iii) a declaration of paternity by the Supreme Court in accordance with the provisions of the Status of Children Act (*Ch. 130*); and
 - (iv) the birth certificate, passport, or certificate of citizenship, or such other evidence as satisfies the Minister that at the date of the applicant's birth, the person identified, or declared to be the father was a citizen of The Bahamas.

8B. Documents to be produced in other cases.

An application for an ordinary passport shall be accompanied by the following documents —

- (a) where the applicant is a citizen of The Bahamas by virtue of *Article 8* of the Constitution —
- (i) the applicant's birth certificate; and
 - (ii) such evidence including identification by DNA analysis performed in compliance to the Protocol in the *Schedule* as satisfies the Minister that at the date of the applicant's birth, the applicant's father was a citizen of The Bahamas otherwise than by virtue of *Article 3(2)* of the Constitution;

- (b) where the applicant becomes a citizen of The Bahamas on 9 July, 1974, by virtue of *Article 4* of the Constitution—
 - (i) the applicant’s naturalization document; and
 - (ii) a certificate of citizenship issued to the applicant under section 15 of the Bahamas Nationality Act (*Ch. 190*);
- (c) where the applicant is a citizen of The Bahamas by naturalization, the certificate of naturalization granted to him under section 9 of the Bahamas Nationality Act (*Ch. 190*);
- (d) where the applicant is a citizen of The Bahamas who has been certified to be such citizen under section 14 of the Bahamas Nationality Act, (*Ch. 190*) the certificate granted under that section;
- (e) where the applicant became a citizen by virtue of section 4 of the Bahamas Nationality Act (*Ch. 190*), the certificate of adoption referred to in that section;
- (f) where the applicant became a citizen of The Bahamas by registration under the provisions of *Article 5, 7, 9* or *10* of the Constitution, or under the provisions of section 5 or 6 of the Bahamas Nationality Act, (*Ch. 190*), the applicant’s registration document.

8C. Other evidence.

In all applications for an ordinary passport the applicant shall provide the following —

- (a) evidence of the National Insurance Number of the applicant;
- (b) the marriage certificate of married applicants;
- (c) the fingerprints of each applicant collected at the time of the submission of the application; and
- (d) where the application for a passport is for a person under eighteen years of age, the written consent of the legal guardian, or the person for the time being entitled to custody or guardianship of the child.

4. Insertion of Schedule into the principal Rules.

The principal Rules are amended by the insertion, immediately after rule 12 of the following *Schedule* —

“SCHEDULE

(rules 8A and 8B)

PROTOCOL FOR RELATIONSHIP IDENTIFICATION

1. Laboratory credentials.

- (1) Any laboratory in The Bahamas duly registered and licensed by the Hospitals and Health Facilities Licensing Board under the Hospitals and Health Facilities Act (*Ch. 235*), (“a local designated laboratory”), is authorized to collect biological specimens for submission to foreign referring laboratories for the purpose of DNA testing and analysis to establish paternity for the purposes of these Rules.
- (2) Any laboratory in the United States which is an AABB Accredited Relationship DNA Testing Facility (“a foreign referring laboratory”) is authorized to collect biological specimens from a local designated laboratory, and to conduct DNA testing and analysis for determining paternity, and to report their findings to the Chief Passport Officer, and the local designated laboratory.
- (3) For the purposes of these Rules, the Minister shall from time to time publish in the *Gazette*, a list of the local designated laboratories and the foreign referring laboratories.

2. Eligibility of biological specimen providers.

- (1) Any person seeking to prove a paternal biological relationship with another for the purpose of the issue of a passport under rule 8A and rule 8B of these Rules, must provide a biological specimen for DNA testing and analysis.
- (2) A biological specimen for DNA testing and analysis to determine paternity for the purposes of these Rules, must be provided by the person seeking to prove paternity and —
 - (a) the person alleged to be the father;
 - (b) any person identified in Annex I, where the person alleged to be the father is deceased or is not otherwise available to be tested.

3. Process of collection of biological specimens.

- (1) DNA testing for the purpose of paragraph 2(1) must be initiated by the selection of a local designated laboratory, and a written request for DNA testing and analysis by the person seeking to prove paternity.

- (2) Every person who seeks to prove paternity must provide a written request for DNA testing and analysis to a local designated laboratory and shall submit to testing at the local designated laboratory to provide a biological specimen.
- (3) Every person who attends a local designated laboratory to provide a biological specimen for DNA testing shall before biological specimen collection —
 - (a) present to the local designated laboratory a passport, national insurance card, driver's licence or a voter's card or other government-issued identification with a photograph;
 - (b) complete a form prescribed in Annex II containing information of the biological specimen provider's name, address, race, relationship to the person seeking to prove paternity or to the person alleged to be his father, and whether any of them has had blood transfusions or a bone marrow transplant, where applicable; and
 - (c) provide his written consent for the collection and testing of a biological specimen.
- (4) A biological specimen for DNA testing may include blood, buccal cells (cheek cells), or saliva, and shall be —
 - (a) collected in strict compliance with the universally accepted laboratory standards for such collection;
 - (b) collected by a medical practitioner, medical technician or other staff of the laboratory designated for the purpose; and
 - (c) witnessed by a public officer charged with managing the process of collection.
- (5) The collector of a biological specimen shall not be a person having a relationship with any of the persons from whom biological specimens are being collected for testing and analysis and includes a spouse, a child, a family member or a friend.
- (6) Biological specimens shall not be kept in the possession of biological specimen providers after collection and the name and the contact information of any person who collected the biological specimens, or who witnessed the collection thereof, shall be kept as a permanent record by the laboratory.
- (7) The medical practitioner, medical technician or other designated staff who collected a biological specimen, and all biological specimen providers over eighteen years of age, shall provide a declaration which shall —
 - (a) in the case of the biological specimen providers, contain their statements on oath or affirmation that they provided

- biological specimens for DNA testing on the specified date and time;
- (b) in the case of the medical practitioner, medical technician, or other designated staff of the laboratory, contain statements on oath or affirmation, that the biological specimens from the biological specimen providers were collected by them for DNA testing on the specified date and time;
 - (c) be signed and sworn before a Notary Public; and
 - (d) be paid for by the person seeking the determination of paternity.
- (8) Where the person seeking a determination of paternity is under the age of eighteen years, the application for DNA testing and the declaration, shall be made on his behalf by his mother, or other person who is for the time being entitled to the custody or guardianship of that person.

4. Handling of biological specimens.

- (1) The local designated laboratory shall appropriately package a biological specimen in a biological specimen envelope, place the biological specimen envelope and pre-paid return envelopes addressed to the Chief Passport Officer and the local designated laboratory into a larger envelope, and arrange for the larger envelope to be collected by a local courier service for transport to any one of the foreign referring laboratories for DNA testing and analysis.
- (2) The larger envelope referred to in sub-paragraph (1), and its contents shall also contain the duplicate file specified in paragraph 5.
- (3) The couriers used by a local designated laboratory, shall provide receipts for the collected biological specimens, and shall attach to the receipt the pre-printed mailing label to the shipping package and shall return to the local designated laboratory, the label containing the tracking number of the parcel for the laboratory's records.
- (4) Where the routine collection by the courier has taken place prior to the collection of biological specimens for the day, and the biological specimens cannot be shipped until the following day, the large envelope containing the biological specimens and documents referred to in sub-paragraph (1) must be stored in a secure area pending collection by the courier, and the reason for the delay shall be documented.
- (5) The procedure outlined in this paragraph for collection and handling of biological specimens shall be strictly followed by all local designated laboratories.

5. Laboratory record-keeping and chain of custody.

- (1) A duplicate file containing all the items listed in sub-paragraph (2) shall be made up by the local designated laboratory and shall accompany the biological specimen for transport to the foreign referring laboratory.
- (2) The duplicate file shall contain —
 - (a) name and address of the collecting laboratory, and the date of collection of the biological specimen;
 - (b) the written request for DNA testing and analysis;
 - (c) the completed Annex II form;
 - (d) certified copies of the identification of persons from whom biological specimens are collected, and copies of their consent to the collection and testing of their biological specimens;
 - (e) a copy of the identification of the person who collected the biological specimen;
 - (f) a copy of the receipt of payment of the fees to the local designated laboratory for the DNA testing and analysis by the foreign referring laboratory, including the cost of transport of the biological specimen abroad, and transmission of the results of DNA testing and analysis to The Bahamas in accordance with paragraph 7;
 - (g) a copy of the receipt for shipment of the biological specimen to the foreign referring laboratory;
 - (h) a copy of the declaration made by the biological specimen providers and the designated local laboratory staff who collected the biological specimen; and
 - (i) the name and identification of the Notary Public who notarized the declaration.
- (3) All names and dates of collection, and all signatures of biological specimen providers shall be consistent for each biological specimen provider.

6. Testing and analysis of biological specimens.

The testing and analysis of biological specimens by foreign referring laboratories shall be performed in strict compliance with the 14th Edition of Standards for Relationship Testing Laboratories.

7. Evidential standard of DNA results.

Results of DNA testing and analysis shall only be accepted by the Minister as proof of paternity for the purposes of these Rules, where the degree of certainty is 99.5% or greater.

8. Reporting of results.

- (1) A copy of the results of the DNA testing and analysis shall be sent directly to the Passport Office, and the local designated laboratory and shall be shared with the person who requested the DNA testing analysis.
- (2) Only results sent directly to the Passport Office from the foreign referring laboratory will be accepted.

9. Payment of fees for DNA testing.

Fees for DNA testing and analysis, and fees payable for notary services, shall be borne by the person seeking to establish paternity.

ANNEX I
(paragraph 2)

Potential Alternative Sources of biological specimens to establish paternity.

- (a) Child of male alleged to be the father of the applicant;
- (b) Sibling of male alleged to be the father of the applicant;
- (c) Parent of male alleged to be the father of the applicant;
- (d) Biological children of the parents of the male alleged to be the father of the applicant.

ANNEX II
(paragraph 3(2))

Form containing information of biological specimen provider's details

Applicant's request form for genetic testing (collection of biological specimens).

Applicant's personal details

Name:

Address :

Place of residence/ Country:.....

Date of birth:.....

Sex: M or F (delete where inapplicable)

Nationality :

File number at the Passport Office (if known).....

Identity document (passport, national insurance card, driver's licence, voter's card or other government-issued identification with a photograph):.....

No. of the identity document :

I hereby declare to voluntarily accept that a biological specimen is collected from me in order to establish the relationship between me and

MR/MS/CHILDREN (delete where inapplicable)

.....
.....
.....

(specify the familial relationship between the tested persons).

I authorise the laboratory to carry out a genetic test and transmit the results to the Passport Office. The laboratory will keep my genotype and the test data for possible additional testing.

I authorise the Passport Office to use the results only for the purpose of establishing the family relationship mentioned above.

I confirm that all data provided are correct. I agree to pay the costs of the collection of the biological specimen, the DNA testing and courier costs.

If the person from whom a biological specimen is to be taken is a person under eighteen years of age, the data shall be filled in by the legal guardian or the person for the time being entitled to custody or guardianship of the child or filled in by another person with the written consent of the legal guardian, or the person for the time being entitled to custody or guardianship of the child.

Tick the appropriate boxes

