

**New Zealand Citizenship**

Citizenship Guidance Document

Approved by the Minister of Internal Affairs, Hon Tracey Martin,

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**Citizenship Guidance Document**

# General requirements for the grant of citizenship

Section 8(1) of the Citizenship Act 1977 provides six requirements that a person must satisfy the Minister of Internal Affairs of to be eligible to be granted citizenship, provided they are 16 years of age or over, are of full capacity, and they apply for citizenship in the prescribed manner. The requirements that the person must satisfy the Minister of are:

1. that they are entitled, in terms of the Immigration Act 2009, to be in New Zealand indefinitely; and
2. that they were present in New Zealand with the right to remain indefinitely:
3. for a minimum of 1,350 days in the five years preceding the citizenship application; and
4. for at least 240 days in each of those five years; and
5. that they are of good character; and
6. that they know the responsibilities and privileges of citizenship; and
7. that they have a sufficient knowledge of the English language; and
8. that they intend, if granted citizenship, to continue to live in New Zealand or work overseas for an authorised organisation.

# Right to reside in New Zealand indefinitely

***Legal Requirement***

Section 8(2)(a)

Applicants for the grant of citizenship are required to be entitled, in terms of the Immigration Act 2009, to be in New Zealand indefinitely.

***Policy***

To clearly fulfil this requirement for schedule purposes Immigration New Zealand, Ministry of Business, Innovation and Employment, must have provided the applicant with New Zealand residence, meaning a residence permit, residence visa or permanent residence visa. The applicant is required to have held this status for the entire five year ‘presence’ period.

All applications are presented to the Minister on a schedule if all other standard requirements are met.

***Applicants who do not clearly meet the requirement***

The individual cases of applicants who have not had the right to reside in New Zealand indefinitely for the required period are presented to the Minister in a submission. The Minister can choose not to have regard to the requirement under section 9.

# Presence in New Zealand

##

***Legal Requirement***

*Section 8(2)(b)*

Applicants for the grant of citizenship are required to be present in New Zealand with the right to remain indefinitely:

1. for a minimum of 1,350 days in the five years preceding the citizenship application; and
2. for at least 240 days in each of those five years;

***Policy***

To clearly fulfil this requirement for schedule purposes the applicant needs to have been physically in New Zealand for a minimum of 1,350 days in the five years preceding the citizenship application, and for at least 240 days in each of those five years. They need to have held New Zealand residence through Immigration New Zealand for that whole period.

***Applicants who do not clearly meet the requirement***

The Minister can reduce the number of days the applicant is required to be in New Zealand under section 8(7) or choose not to have regard to the requirement under section 9.

# Crown Service

***Legal Requirement***

*Section 8(5)*

The Minister may treat an applicant as having been in New Zealand for any period within the period of 5 years immediately preceding the date of application for citizenship during which:

1. the applicant was in Crown service under the New Zealand government; or
2. the applicant was outside New Zealand because the applicant was accompanying his or her spouse or civil union or de facto partner who was a New Zealand citizen in Crown service under the New Zealand government.

***Policy***

If the applicant meets the requirements of section 8(5), and the remaining requirements of section 8, they are presented to the Minister of Internal Affairs on a schedule.

If an applicant meets the requirements of section 8(5), but does not meet another requirement of section 8, they are presented to the Minister of Internal Affairs as a submission.

# Cook Islands, Niue or Tokelau

##

***Legal Requirement***

*Section 8(4)*

The Minister may, after consultation with the Minister of Immigration:

1. waive the requirement that the applicant be entitled in terms of the Immigration Act 2009 to be in New Zealand indefinitely if he or she is satisfied that the applicant is entitled to reside indefinitely in the Cook Islands, Niue or Tokelau;
2. waive the requirement that the applicant was present in New Zealand with the right to remain indefinitely:
3. for a minimum of 1,350 days in the five years preceding the citizenship application; and
4. for at least 240 days in each of those five years;
5. if he or she is satisfied that that the applicant was present in the Cook Islands, Niue or Tokelau:
6. for a minimum of 1,350 days in the five years preceding the citizenship application; and
7. for at least 240 days in each of those five years.

*Section 8(6)*

The Minister may treat the applicant as having been present in the Cook Islands, Niue, or Tokelau for any period within the 5 years immediately preceding the date of application for citizenship if:

1. the applicant was serving in the public service of the Government of the Cook Islands, Niue, or Tokelau; or
2. the applicants was outside New Zealand because they were accompanying their spouse or civil union or de facto partner who was a New Zealand citizen serving in the public service of the Cook Islands, Niue, or Tokelau

***Policy***

*Minister of Immigration*

Applicants are presented to the Minister of Immigration on a schedule if all other standard requirements are met.

If an applicant meets the requirements of section 8(4), but may not meet another standard requirement of section 8, they are presented to the Minister of Immigration as a submission.

*Minister of Internal Affairs*

If the applicant meets the requirements of sections 8(4) and 8(6), and the remaining requirements of section 8, they are then presented to the Minister of Internal Affairs on a schedule.

If an applicant does not meet the requirements of either section 8(4) or 8(6), or another requirement of section 8, they are presented to the Minister of Internal Affairs as a submission.

# Good character

##

***Legal Requirement***

*Section 8(2)(c)*

Applicants for the grant of citizenship are required to be of good character.

***Policy***

To clearly fulfil this requirement for schedule purposes the applicant must satisfy the Minister that they are of good character.

Checks are undertaken with various external agencies to verify that an applicant is of good character. These agencies include, but are not limited to:

* New Zealand Police (some convictions are assessed under section 9A of the Citizenship Act 1977 – see Convictions);
* New Zealand Security Intelligence Service;
* Ministry of Social Development;
* Ministry of Justice;
* Inland Revenue Department;
* Ministry of Business, Innovation and Employment.

In addition, some applicants are required to supply clearances from overseas agencies.

If no detrimental information is received by an agency or individual, and the applicant meets the other requirements for citizenship, the applicant is approved on a schedule.

***Applicants who do not clearly meet the requirement***

The individual cases of applicants who do not clearly meet the good character requirement are presented to the Minister in a submission. Information that may be brought to the Minister’s attention in order to consider granting an applicant citizenship includes, but is not restricted to:

* Old criminal convictions in or outside New Zealand (those not assessed under section 9A of the Citizenship Act 1977 – see Good character - Convictions);
* Fraudulent debt;
* Undischarged protection orders;
* A pattern of traffic infringements (100 or more demerit points in the two years prior to the Minister making a decision);
* Proved charges in a Youth Court
* Detrimental information received from any agency or individual;
* Deliberate non-disclosure of relevant information.

If the Minister is not satisfied the applicant is of good character he or she can choose not to have regard to the requirement under section 9 (see Grant of Citizenship in Special Cases).

# Responsibilities and Privileges

##

***Legal Requirement***

*Section 8(2)(d)*

Applicants for the grant of citizenship must have sufficient knowledge of the responsibilities and privileges attaching to New Zealand citizenship.

***Policy***

To clearly fulfil this requirement for schedule purposes the applicant must correctly sign the citizenship application form, thereby confirming they understand the responsibilities and privileges of New Zealand citizenship.

Applicants who have not correctly completed the section in the citizenship application form are provided with the opportunity to re-complete the relevant section.

***Applicants who do not clearly meet the requirement***

The individual cases of applicants who have not correctly completed the section in the citizenship application form are presented to the Minister in a submission.

If the Minister is not satisfied the applicant has sufficient knowledge of the responsibilities and privileges he or she can choose not to have regard to the requirement under section 9.

# English Language Legal Requirement *Section 8(2)(e)*

Applicants for the grant of citizenship must have sufficient knowledge of the English language.

The Minister may waive the English language requirement under Section 8(8) of the Citizenship Act 1977 if he or she is satisfied in a particular case that, because of the applicant's age or standard of education, or for any other reason personal to the applicant, the applicant would suffer undue hardship if they were required to have sufficient knowledge of the English language.

***Policy***

To clearly fulfil this requirement for schedule purposes the applicant must prove to the Minister’s satisfaction that they can manage independently in everyday situations using English.

*Initial assessment*

Assessment of whether an applicant has sufficient knowledge of the English language is initially based on:

* the applicant's standard of education
* the nature of the applicant's employment
* any face-to-face or telephone communication that the applicant has had with the Citizenship Office.

*Interviews*

Applicants who lodge their application in person are assessed for their knowledge of the English language during the interview.

In some cases applicants who have lodged their application by mail will need to be interviewed by a Citizenship Officer to assess their knowledge of the English language. The assessment must have regard to:

* the applicant's comprehension of, and responses to, questions asked
* any other conversation that develops during the interview
* the requirement that the applicant's knowledge of English be sufficient to enable them to manage independently in everyday situations.

Applicants who are not assessed as having sufficient knowledge of the English language at a first interview must be offered the opportunity to attend a second interview in a further six months.

***Applicants who do not clearly meet the requirement***

*English Waiver Schedule*

Applicants who do not clearly meet the English language requirement may be presented to the Minister on an English Language Waiver schedule. In order to be approved on this schedule the Minister needs to be satisfied that the applicant is unable to develop a sufficient knowledge of the English language, and would suffer undue hardship if required to develop a sufficient knowledge, because of one of the following:

* An age-related impairment
* A lack of education/literacy in native tongue
* A medical condition
* Any other factors personal to the applicant

*Submission*

The individual cases of applicants who do not clearly meet the requirement that they have sufficient knowledge of the English language, and do not clearly meet the requirements to be included on an English Waiver Schedule are presented to the Minister in a submission.

The Minister can either grant citizenship to an applicant in this situation under section 8(8) or he or she can waive the requirement under section 9.

# Intention to continue to reside

##

***Legal Requirement***

*Section 8(2)(f)*

Applicants for the grant of citizenship must intend, if granted citizenship, to either -

1. continue to reside in New Zealand; or
2. enter into or continue in Crown Service under the New Zealand Government, or service under an international organisation of which the New Zealand Government is a member, or service in the employment of a person, company, society, or other body of persons resident or established in New Zealand.

*Section 8(9)(b)*

The Minister may treat an applicant as intending to continue to reside in New Zealand if the applicant intends to accompany his or her New Zealand citizen spouse or civil union or de facto partner on Crown Service for the New Zealand government or public service for the Government of the Cook Islands, Niue or Tokelau.

***Policy***

*Section 8(2)(f)*

To clearly fulfil this requirement for schedule purposes the applicant must satisfy the Minister that they either intend to continue to reside in New Zealand or work overseas for an authorised organisation.

Things that are taken into account when assessing whether a person meets this requirement include:

* whether the applicant is currently residing in New Zealand, and
* whether the applicant has indicated on the application form that they intend to continue to reside in New Zealand, and
* whether Citizenship has received any information that would suggest that the applicant may not intend to continue to reside in New Zealand.

or

* whether the applicant has indicated that they intend to reside overseas in the service of an organisation as stipulated in Section 8(2)(f)(ii) of the Citizenship Act 1977, and
* whether the applicant has provided evidence substantiating their overseas employment.

***Applicants who do not clearly meet the requirement***

Applicants who do not clearly meet the requirement are presented to the Minister in a submission.

If the Minister is satisfied that the applicant intends to continue to reside in New Zealand or work overseas for an authorised organisation he or she can grant them citizenship.

If the Minister is not satisfied that the applicant intends to continue to reside in New Zealand or work overseas for an authorised organisation he or she can choose not to have regard to the requirement under section 9.

*Section 8(9)(b)*

All applications are presented to the Minister of Internal Affairs as a submission.

# Reduction of presence requirement

##

***Legal Requirement***

*Section 8(7)*

The Minister may grant citizenship to applicants who do not meet the ‘presence’ requirement for the grant of citizenship provided the applicant:

1. was present in New Zealand for at least 450 days in the 20 months immediately before the application for citizenship was lodged; and
2. was entitled, in terms of the Immigration Act 2009, to be in New Zealand indefinitely during each of those 450 days.

In order to grant citizenship under this section the Minister must be satisfied that there are exceptional circumstances particular to the applicant that mean the Minister believes the applicant should be granted citizenship.

***Policy***

To be considered under this section the applicant must have been in New Zealand for at least 450 days in the 20 months immediately before the application for citizenship was lodged and have held New Zealand residence through Immigration New Zealand for that whole period.

The Minister may grant citizenship to applicants in this situation if satisfied that there are exceptional circumstances particular to the applicant that mean the Minister believes the applicant should be granted citizenship.

Assessment is required on a case by case basis. Exceptional circumstances arise when the situation is well outside the normal run of circumstances found in citizenship grant cases generally. The circumstances do not have to be unique or very rare, but they do have to be truly an exception rather than the rule, or they would need to be out of the ordinary and comparatively rare.

# Grant of Citizenship in Special Cases

***9(1)(a) Applicants under 16 years of age***

***Legal Requirement***

*Section 9(1)(a)*

The Minister may grant citizenship to applicants who are under the age of 16.

In making a decision about whether to grant citizenship to a person under 16, the Minister may have regard to any of the section 8(2) requirements for the grant of citizenship.

***Policy***

The Minister has decided which of the requirements of section 8(2) need to be fulfilled by people under 16 in order to be approved on a schedule.

The Minister has decided that applicants under 14 years of age at the time he or she makes a decision only need to fulfil three of the standard grant requirements in order to be granted citizenship. The requirements are:

* **Entitlement to reside** (section 8(1)(a)); and
* **Presence** (section 8(1)(b)) unless a parent or guardian is, or is about to become, a New Zealand citizen; and
* **Intention** (section 8(1)(f)).

The Minister has decided that applicants aged 14, 15 or 16 years of age at the time he or she makes a decision need to fulfil all of the standard grant requirements in order to be granted citizenship, with the possible exception of the presence requirement. The requirements are:

* **Entitlement to reside** (section 8(1)(a)); and
* **Presence** (section 8(1)(b)) unless a parent or guardian is, or is about to become, a New Zealand citizen; and
* **Good character** (section 8(1)(c))
* **English** (section 8(1)(d))
* **Responsibilities and Privileges** (section 8(1)(e))
* **Intention** (section 8(1)(f)).

***Applicants who do not clearly meet the requirements***

The individual cases of applicants who do not meet one or more of the above requirements are presented to the Minister in a submission. The Minister can waive any of the above requirements as he or she sees fit.

***9(1)(b) Applicants whose parent was a New Zealand citizen by descent***

***Legal Requirement***

*Section 9(1)(b)*

The Minister may grant citizenship to applicants born after 1 January 1949 to a parent who was a New Zealand citizen by descent at the time of their birth.

In making a decision about whether to grant citizenship to a child of a citizen by descent, the Minister may have regard to any of the section 8(2) requirements for the grant of citizenship.

***Policy***

All applications of this type must be presented to the Minister to consider.

The Minister considers the applicant’s ability to fulfil the standard requirements for a grant of citizenship, and why the applicant is unable to fulfil a particular requirement.

The Minister may take into account such things as:

* whether the applicant can demonstrate a link to New Zealand;
* whether the applicant has longstanding familial/whakapapa ties to New Zealand;
* whether the applicant has family members living in New Zealand who are New Zealand citizens;
* the circumstances of the parent(s) being citizens by descent;
* why the applicant wants New Zealand citizenship; and
* any other factors the applicant wishes the Minister to consider.

***9(1)(c) Applicants with exceptional circumstances in the public interest***

***Legal Requirement***

*Section 9(1)(c)*

The Minister may grant citizenship to applicants who do not meet one or more of the standard requirements for citizenship if he or she is satisfied that granting citizenship would be in the public interest because of exceptional circumstances of a humanitarian or other nature relating to the applicant.

***Policy***

All applications considered under this section must be presented to the Minister as a submission.

The Minister has the discretion to assess individual circumstances, including the extent to which an applicant meets the standard requirements as set in section 8.

*Exceptional circumstances*

Assessment of exceptional circumstances is made on a case-by-case basis, having regard to the applicant’s particular situation. The exceptional circumstances criterion is a difficult test. Although some applicants’ circumstances may be unusual or cause some degree of hardship, such cases are unlikely to be instances of exceptional circumstances.

While an applicant’s ‘exceptional circumstances’ may not be unique or without precedent the case should be relatively rare and uncommon.

*Public interest*

Assessment of whether it would be in the public interest for a person to be granted citizenship requires that the public interest factor should:

* arise directly from the applicant's exceptional circumstances, and
* provide some advantage, or positive benefit to New Zealand.

In some cases, it may be in the public interest to:

* remedy unjust circumstances, where a grant of citizenship would remedy an existing situation, and remedying that situation would be in the public interest; or
* avoid negative consequences for New Zealand, where a grant of citizenship would avoid a negative impact on the public interest.

*Guidelines of consideration*

The Minister has the discretion to consider an applicant’s overall circumstances to determine whether they are exceptional, and whether it would be in the public interest to grant citizenship as a result of these circumstances.

Below is a non-exhaustive list of factors that may be taken into account by the Minister:

* whether the applicant is of full capacity;
* the reason(s) an applicant is overseas, including whether travel is a core component for their work;
* the length of time spent overseas;
* whether an applicant has held residency for the required length of time;
* the amount of time the applicant has lived in New Zealand with residency;
* the connection an applicant has with New Zealand and their on-going commitment to live in the country;
* an applicant’s family circumstances (including whether family members are New Zealand citizens);
* the role the applicant plays in New Zealand society;
* the reason(s) why the applicant is applying for citizenship; and/or
* the impact on an applicant if they are not granted New Zealand citizenship.

Each case will be determined on its own facts with all relevant public interest factors being considered, and one factor in and of itself may not be significant enough to gain citizenship.

***9(1)(d) Applicants who would otherwise be stateless***

***Legal Requirement***

*Section 9(1)(d)*

The Minister may grant citizenship to applicants who do not meet one or more of the standard requirements for citizenship if they would otherwise be stateless.

***Policy***

An applicant cannot clearly fulfil this requirement and be placed on a schedule. All applications considered under this section must be presented to the Minister as a submission.

Where an applicant is unable to fulfil a particular requirement under section 8(2), the Minister will consider if their statelessness impacts on their ability to fulfil that requirement.

The factors the Minister takes into account include:

* the applicant's personal circumstances, and how they came to be stateless;
* the reason(s) why the applicant cannot meet a particular requirement;
* whether the applicant's circumstances preclude them from meeting that particular requirement, now and in the future and the effect this will have, in general, on their circumstances;
* the intent of the requirement(s) that the applicant doesn't meet;
* any reason(s) why the applicant needs the grant of New Zealand citizenship;
* whether there are any other avenues open to the applicant to pursue, other than the grant of New Zealand citizenship, and;
* what control the applicant has over their current circumstances that has led them to apply for citizenship.

# Convictions

***Legal Requirement***

*Section 9A*

The Minister must not grant citizenship to a person who has been convicted of an offence if:

* 1. the person was sentenced to –
		1. a term of imprisonment of 5 or more years; or
		2. an indefinite term of imprisonment capable of running for 5 or more years; or
	2. within the previous 7 years the person was sentenced to a term of imprisonment of less than 5 years or was subject to release under subpart 2 of Part 1 of the Parole Act 2002; or
	3. within the previous 3 years the person was convicted of an offence but did not receive a sentence of imprisonment.

The only exception to this is if the person meets all of the relevant standard requirements of section 8 or 9, and the Minister is satisfied that there are exceptional circumstances relating to the conviction that mean the person should be granted citizenship.

***Policy***

To clearly fulfil this requirement for schedule purposes the applicant must not have any convictions within the previous three years, or have been sentenced to less than 5 years prison within the past 7 years, or have ever been sentenced to prison for 5 or more years.

Checks are undertaken with various external agencies to verify that an applicant does not have any relevant convictions that would preclude him or her from being granted citizenship. These agencies include, but are not limited to:

* New Zealand Police; and
* Ministry of Justice

In addition, some applicants are required to supply clearances from overseas agencies.

***Applicants who do not clearly meet the requirement***

The individual cases of applicants who have convictions that must be assessed under this section are presented to the Minister in a submission.

Applicants are given the opportunity to provide information and evidence in order to satisfy the Minister that there are exceptional circumstances relating to the conviction that mean he or she should be granted citizenship.

# Section 10

##

***Legal Requirement***

*Section 10*

The Minister must grant citizenship to a person born before 1 January 1978 if, at the time of that person’s birth, their mother was a New Zealand citizen otherwise than by descent.

***Policy***

If the applicant clearly meets the requirements they are presented to the Minister on a schedule.

If the applicant cannot satisfy the Department of their identity or their ability to meet the legal requirements they are presented to the Minister as a submission.

# Ceremonies

##

***Legal Requirement***

*Section 11*

Applicants who are approved for the grant of citizenship must attend a public citizenship ceremony and take the oath or affirmation of allegiance to become a citizen, unless the Minister agrees otherwise.

Applicants who are already citizens by descent or are under 14 years of age are not required to attend a ceremony.

*Regulation 7(3)*

Applicants must take the oath or affirmation within 1 year of the date of being advised by the Department that their application has been approved. The Minister may allow further time to do this, provided approval is granted for an extension prior to the 1 year having past. If the oath or affirmation is not made within 1 year, and a request for an extension is not approved before 1 year has passed, the approval for the grant will lapse.

***Policy***

Public ceremonies are either held by a local authority or the Department of Internal Affairs.

The Minister can allow an applicant to attend a private ceremony or can waive the requirement that a person attends any ceremony.

***Approving a private ceremony or waiving the requirement***

The Minister can approve a private ceremony or waive the requirement in three ways. They are by:

* Meeting the requirements for a pre-approved reason; or
* By a schedule; or
* By a submission.

*Meeting the requirements for a pre-approved reason*

The Minister has approved the following people to attend a private ceremony:

* the applicant, or a family member of the applicant who applied at the same time, was approved for an English language waiver;
* the applicant is so severely disabled that attendance is not practical;
* the applicant has a family emergency overseas or the applicant (or other family member) needs to travel overseas for medical help;
* the applicant was given refugee status and provides evidence that he/she cannot travel on a Refugee Travel Document and needs to travel overseas urgently;
* the applicant is a sportsperson seeking selection or travelling to compete for New Zealand;
* the applicant is off on a 'big OE' and will be away longer than 12 months, and the grant will lapse while they are away;
* the applicant is a rural General Practitioner who owns his/her own surgery and is on-call;
* the applicant is a Samoan citizen who has been approved for citizenship under the Citizenship (Western Samoa) Act 1982 and does not speak sufficient English to publicly swear allegiance;
* the applicant is living overseas and was approved via schedule.

*By a schedule*

Samoan citizen applicants living in Samoa can attend a ceremony in Samoa held in the New Zealand High Commission. A schedule of applicants is presented to the Minister.

*By submission*

Applicants who do not wish to, or are unable to, attend a public ceremony are presented to the Minister in a submission.

***Extension of time to take the oath or affirmation***

Requests for an extension of the time an applicant has to attend a ceremony are presented to the Minister in a submission. Requests must be approved by the Minister before the 1 year period has passed.

If the approval lapses, due to the oath or affirmation not being taken in the required period of time, the file is closed and the applicant is required to re-apply for citizenship if they still wish to become a citizen.

# Renunciation

##

***Legal Requirement***

*Section 15*

New Zealand citizens who are 18 years of age or older, are of full capacity and have citizenship of another country may renounce New Zealand citizenship. The Minister may decline an application to renounce citizenship if:

1. the individual is resident in New Zealand; or
2. a state of war exists between New Zealand and any other country.

***Policy***

If the applicant meets all of the requirements to renounce citizenship the Department removes their name from the citizenship register.

Citizenship Delegations 2011 provide the Department the responsibility to cause the declaration to be registered where the applicant meets the requirements of section 15 of the Act.

***Applicants who do not clearly meet the requirement***

The Minister may decline an application to renounce citizenship if the applicant does not meet the requirements. Issues the Minister considers include:

* whether the person would be unlawfully in New Zealand on renouncing his or her citizenship;
* whether the person intends to leave New Zealand.

# Deprivation

##

***Legal Requirement***

*Section 16*

The Minister may deprive a person of citizenship if he or she is satisfied that the person, while a New Zealand citizen and while 18 years of age or over and of full capacity, has:

1. acquired the nationality or citizenship of another country by any voluntary and formal act, and acted in a manner that is contrary to the interest of New Zealand; or
2. voluntarily exercised any of the privileges or performed any of the duties of another nationality or citizenship possessed by him or her that is contrary to the interests of New Zealand.

*Section 17*

The Minister may deprive a person of their citizenship if satisfied that they obtained citizenship by:

* fraud; or
* false representation; or
* wilful concealment of relevant information; or
* by mistake.

The Minister may not deprive a person of their citizenship if:

1. the citizenship was acquired by mistake; and
2. to deprive the person of that citizenship would leave the person stateless.

*Section 19*

Upon being served notice that the Minister intends to deprive them of citizenship, a person may apply to the High Court for a declaration that there are insufficient grounds for deprivation.

***Policy***

All cases for deprivation of citizenship are presented to the Minister as a submission recommending that notice be served on the person stating that the Minister intends to deprive him or her of citizenship, and the reasons for doing so.

# Western Samoan citizens

##

***Legal Requirement***

*Citizenship (Western Samoa) Act 1982.*

The Minister must authorise the grant of citizenship to any person who is a citizen of Western Samoa or a person to whom section 4 of this Act applies and who satisfies the Minister that he or she meets one of the following requirements:

1. Was in New Zealand at any time on 14 September 1982; or
2. Lawfully entered New Zealand on or after 15 September 1982 and is entitled, in terms of the Immigration Act 2009, to be in New Zealand indefinitely.

***In New Zealand on 14 September 1982***

***Policy***

To clearly fulfil this requirement for schedule purposes the applicant must prove to the Minister’s satisfaction that they were in New Zealand at any time on 14 September 1982 and were a Samoan citizen.

***Applicants who do not clearly meet the requirement***

The individual cases of applicants who were in New Zealand on 14 September 1982, but cannot provide documentary evidence of this, are presented to the Minister in a submission. The applicant is given the opportunity to provide evidence that they were in New Zealand before and after that date, in order to satisfy the Minister that it is likely they were in New Zealand on 14 September 1982.

***Lawfully entered New Zealand on or after 15 September 1982***

***Policy***

To clearly fulfil this requirement for schedule purposes the applicant must prove to the Minister’s satisfaction that they entered New Zealand lawfully on or after 15 September 1982, have the right to remain in New Zealand indefinitely and are a Samoan citizen.

***Applicants who do not clearly meet the requirement***

If applicants do not meet the requirement they can apply for the grant of citizenship under the Citizenship Act 1977 instead.

# Identity

##

***Policy***

In order to present an application to the Minister it is necessary for the Department to establish the identity of the applicant. An applicant can provide a combination of documents to satisfy the Minister of their identity. Documents include, but are not limited to:

* birth certificate
* passport
* identity card
* household register
* refugee travel document
* certificate of identity
* marriage or civil union document
* change of name document
* driver licence

If the Department is satisfied of the applicant’s identity he or she is assessed under the relevant section of the Act and, provided they meet the requirements of that section, are presented to the Minister on a schedule.

***Applicants who do not clearly meet the requirement***

Applicants who do not satisfy the Department of their identity are presented to the Minister as a submission.

# Prescribed manner

##

***Legal Requirement***

Applicants for products and services must apply in the prescribed manner. The definition of the prescribed manner is provided in the Citizenship Regulations.

*Regulation 4*

An application for the grant of citizenship under section 8, section 9 or section 10 of the Act must:

1. be in the form provided by the Secretary; and
2. be accompanied by the prescribed fee; and
3. be lodged with an office of the Department.

*Regulation 5*

A certificate issued under section 12 of the Act attesting to the grant of citizenship to any person must be in the form for the time being prescribed by the Minister.

*Regulation 6*

An application under section 21 of the Act for a certificate to the effect that a person is a citizen must:

1. be made in the form provided by the Secretary and addressed to the Secretary; and
2. be accompanied by the prescribed fee (if any); and
3. be lodged with an office of the Department.

***Policy***

Applicants who apply in the prescribed manner are assessed under the relevant section of the Act and, provided they meet the requirements of that section, are presented to the Minister on a schedule.

***Applicants who do not clearly meet the requirement***

Applicants who do not apply in the prescribed manner are presented to the Minister as a submission. The Minister takes into account what has not been provided and the reason(s) for this.

# Lost Contact

If an applicant loses contact with the Citizenship Office during the processing of his/her citizenship application, the applicant is given six months to re-establish contact, during which time the Citizenship Office will also attempt to contact the applicant. If, after this six month period, no contact has been made with the applicant, the application will be presented to the Minister, based on the information available, to either approve or decline.

***Requirements***

There is a comprehensive process the Citizenship Office must follow before an application will be presented to the Minister to make a decision in these cases. This includes:

* sending letters by normal post and courier to the applicant and (if applicable) his/her agent;
* sending emails and making telephone calls to the applicant and (if applicable) his/her agent;
* attempting to contact (if applicable) any family members who applied at the same time as the applicant; and
* searching the online white pages to see if the applicant or agent may have changed address.

If an applicant has not re-established contact with the Citizenship Office within six months of his/her last contact, the Citizenship Office can present the application to the Minister to make a decision. The application can be in placed on a lost contact schedule or forwarded to the Minister as a submission.

# Required information

Some applicants do not supply required information or documentation to the Citizenship Office after multiple requests to do so. In some cases, applicants who are still in contact with the Office advise that they will send specific information or documents, but do not, or advise that obtaining information or documents will take a long time. This can result in the file being held for months or years with no progress being made, yet still continuing to devote time and resources to contact applicants.

When an applicant has not provided requested information after six months of it being requested, the Citizenship Office may present the application to the Minister based on the information provided up until that point.

***Requirements***

The Citizenship Office must communicate to the applicant what information is required, why the information is being requested, and that if, after six months, the requested information has not been provided, his/her application may be progressed without it.

After six months, if the requested information has not been provided, the applicant should be given the opportunity to provide an explanation as to why he/she cannot provide the information requested. The Case Officer may agree to a time extension to allow the applicant to provide the information if satisfied that:

* there is a genuine reason for the applicant’s inability to provide the information;
* the applicant has taken reasonable steps to locate and/or provide the information;
* the delay is beyond the applicant’s control; or
* the information can be supplied by the applicant within a reasonable timeframe.

When an applicant does not provide the required information after six months (or any other extended period agreed to by the Case Officer) the Citizenship Office can present the application to the Minister to make a decision. This can either be in the form of a schedule or submission. The decision whether an application is presented to the Minister in the form of a schedule or submission will be based on whether the applicant meets the requirements for the grant without the required information.