

Verification of citizenship applicant documents

Introduction

Applicants applying for New Zealand citizenship by grant or descent are required to produce a variety of personal documents to support their application. These include documents that record key life events and provide personal details about the applicant.

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Legislation

Documents provided by applicants are used to verify proper names, changes of name, and date and place of birth.

General policy

Principles

General principles regarding documents are:

- Do not accept photocopies.
 - Use common sense.
 - Take a fair and consistent approach when assessing all documents.
-

Stamp or Seal

Official documents should have some sort of stamp or seal, date and place of issue, and serial number.

Photocopies and facsimiles

Photocopies and facsimiles of documents provided by applicants are not acceptable for citizenship purposes. These types of copies make it easier to submit fraudulent applications, e.g. an original document, or a photocopy/facsimile of an original document may be altered and photocopied again, which can then be presented as a photocopy of an original document. These alterations can be very difficult to detect.

Official certified copies

Some authorities will issue certified photocopies as replacements. These are acceptable provided they bear the original seal or stamp of the issuing authority.

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General policy, Continued

Damaged documents

A document that has been significantly damaged or altered in any way is not acceptable.

If an applicant provides a document that appears to be damaged or altered, the options include:

- requesting a written explanation or statutory declaration from the applicant
- instructing the applicant to obtain a replacement from the issuing authority
- contacting the issuing authority to confirm details
- contacting Immigration New Zealand (INZ) to confirm the applicant's details, as recorded in the Applicant Management System (AMS) or the applicant's INZ record

Note: Contacting INZ is not usual practice when processing a determinations application, but it may be an option if the application is under investigation.

- referring the document to Risk Management for an assessment.

Note:

Before deciding on a course of action, refer all documents that appear to have been tampered with, or altered, to a team leader.

Documents not provided

Applicants should be expected to provide all required documentation when applying for New Zealand citizenship, however, an applicant may be unable to provide a requested document. Common reasons are:

- applicant is a refugee
- documents have been destroyed by war or natural disaster.

If document is not provided, then the applicant must complete a statutory declaration explaining their circumstances. There is a section in the application form for this purpose.

A decision on whether an applicant will be required to obtain the document will be made based on the explanation given, and the importance of the document in determining the identity of the applicant.

Birth certificates

Grants applications

If an applicant is unable to easily provide a full (long) birth certificate or household register/family book, a short birth certificate is acceptable for citizenship purposes, provided the applicant is over 21 years of age.

If an applicant is not yet 21 years of age, a full (long) birth certificate must be provided for consent and ordinary residence purposes.

Determinations applications

A short birth certificate is not acceptable for a determinations application.

Translation of documents

Background

Some documents are in a language other than English, or contain a partial English translation. A document needs to be translated if the applicant's personal information, and the description of that information, is not clearly understandable to all Citizenship staff.

If the applicant wishes to use the Department of Internal Affairs Translation Service, ask them to provide the appropriate fee to Citizenship.

Translation arranged by Citizenship

The approved provider of this service is the New Zealand Translation Service. Citizenship case officers are required to:

- ensure that the translation fee is paid by the applicant
 - arrange translation of the document into English.
-

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Translation of documents, Continued

Translation arranged by the applicant

Citizenship case officers must ensure that translated documents received from an applicant have been translated by an approved agency such as:

- the issuing government agency
- a New Zealand diplomatic post overseas
- the issuing country's diplomatic post to New Zealand
- a court in the country of origin if the court has been authenticated by that country's diplomatic post in New Zealand
- a translation company approved by Citizenship (lists of approved translation companies are listed on the application form and on the intranet).

Note:

Determinations accepts translations from overseas organisations which demonstrate on certification stamp/seal that they are an agency that has been authorised by their government to translate documents.

Approved translation services (New Zealand)

See DIA website page - Approved Translation Agencies for a list of agencies in New Zealand that are approved to provide translations of documents submitted with citizenship applications.

Lost or damaged documents

Citizenship is obliged to ensure that applicant documents are kept safe and secure, or remedy any situation in which Citizenship is responsible for a document being lost or damaged.

If a document is lost or damaged:

- inform a team leader
- admit to the applicant that it is lost or damaged
- inform applicant that Citizenship will pay the cost to replace the document
- inform applicant they will need to arrange replacement, unless the document can be organised/replaced by Citizenship. For example, British documents are easily replaced and can be obtained through the internet.

Note:

Applicants who obtain a replacement document should advise their Citizenship case officer, in writing, of the cost. This must then be included as a file note in the applicant's record. Citizenship case officers are to arrange payment by cheque through their team leader.

Incorrect or misleading documents

The Department is not obliged to accept any document at face value.

If there is evidence to suggest that information contained in a document is incorrect or misleading, the document cannot be received as evidence of the truth of the information it contains. A decision as to the strength of the evidence to the contrary must be made at the time on the basis of all information available.

The Legal Adviser should be consulted, and review any draft letters to the applicant based on their legal advice (as per professional legal privilege).

If there is a strong case that the documents are incorrect or misleading, then the Department must:

- advise the applicant of its preliminary view
- give the applicant an adequate opportunity to comment, and to provide any further documentation to clarify the matters of concern.

Prima facie evidence

Documents are written evidence of a fact. They provide evidence of personal details about the applicant, their parent(s) and other family relationships, e.g.:

- applicant's name, date and place of birth, adoption, marriage, or change of name
 - applicant's parents' details
 - other matters relevant to an application.
-

New Zealand documents

New Zealand certificates of birth, marriage, civil union, and death are defined by section 71 of the Births, Deaths and Marriage Registration Act 1995 as being prima facie evidence only.

Foreign documents

Section 141 of the Evidence Act 2006 provides that a foreign document is to be accepted as evidence that it is a genuine document unless the contrary is proved.

Note:

A document might be genuine, but the details it claims to record may be false. Therefore, foreign documents are prima facie evidence only.

Specific countries' documentation (grant applicants only)

Note:

The following information is relevant to grant applicants only.

Cambodian documents

Translations into English

Any translation of a Cambodian document into English must:

- be carried out by the Cambodian Ministry of Foreign Affairs and International Cooperation Legal Affairs Department, or by a Citizenship approved translator. If the latter, see process - Obtain translation for Citizenship document.
- show the Cambodian Ministry of Foreign Affairs and International Cooperation seal, or
- be re-translated or confirmed by the Cambodian Ministry of Foreign Affairs and International Cooperation.

Note:

Cambodian Nationals who wish to have their documents translated and sealed can send them directly to the Cambodian Ministry for translation.

Cambodian documents provided with the following attributes are not acceptable to Citizenship:

- issued in original Khmer script, with
 - overtyped English language translation, and
 - the notation 'Foreign language, is not acceptable on this document'.
-

Chinese documents

Record of birth for applicants born before 1950

Chinese applicants should be asked to provide a family register or notarial certificate. However, if born in China before 1950, the applicant may not be able to provide one without extreme difficulty, due to record keeping systems prior to 1950. As long as other documents are provided, such as a Hong Kong Certificate of Identification or passport, then it is acceptable to request and accept a statutory declaration stating they are unable to provide a family register or notarial certificate.

Applicants born after 1950 should be able to provide a family register or notarial certificate.

Notarial certificates

Notarial certificates contain both English and Chinese pages. If a notarial certificate is provided by a Chinese applicant to evidence their birth and/or marriage details, the certificate must be checked to ensure it contains the following security features on both the Chinese and English language pages:

- embossed notarial seal impressed in the identical location
- watermark
- serial number in red ink located on the bottom left or right corner of the page.

Note:

A photograph may be included on the notarial certificate.

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Chinese documents, Continued

Certificate discrepancies

If a discrepancy is located on the notarial certificate's English language page, the notarial certificate must be re-translated by the New Zealand Translation Service.

If the New Zealand Translation Service provides a translation identical to the notarial certificate translation, and the discrepancy was located on the English language page, then the document may be accepted as valid.

If, after translation, the integrity of the document remains in question, then an assessment must be made with due regard to the:

- Chinese province where the certificate was produced. Three provinces of particular concern are:
 - Fujian
 - Liaoning
 - Guangdong
- integrity of other documents, i.e. can information on the certificate be verified using other documentation provided by the applicant?
- overall assessment of the applicant, e.g. fraud convictions, computer alerts.

If...	then a file note must be created...
satisfied	showing what the issue was and how a decision was reached to determine that the document was acceptable.
still not satisfied	outlining the application of this policy to the applicant's case, and the remaining concerns. Note: The file should then be referred to Risk Management, accompanied by original documents. Risk management will assess each case independently and seek verification if required.

Indian documents

Record of birth for applicants born before 1970

Applicants born before 1970 are unlikely to have their birth registered. It is assumed they can provide a passport.

If a birth certificate is unavailable an explanation as to why should be requested on a statutory declaration. If the reason that a birth certificate is unavailable is that the person's birth was not registered, the statutory declaration as well as one of the following documents (with the first two being preferable) is acceptable:

- school leaving certificate
- baptismal certificate
- ration card or family ration book
- electoral registration card.

If one of the above cannot be provided, then a 'No record found' or 'Birth record search' certificate issued by a Registrar of Births, and a sworn affidavit stating birth and parental details can be accepted.

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Indian documents, Continued

Record of birth for applicants born after 1970

Indian legislation, specifically the Registration of Births and Deaths Act 1969, required all births to be registered, and this provides the basis for the provision of a birth certificate for all born after 1 January 1970. However, as reported in the 2003 census, some 54% of births in that year were unregistered. This situation is ongoing with variable percentages from different states, with urban registrations greatly outnumbering rural registrations.

If a birth certificate is not provided by any applicant born after 1 January 1970, the applicant must obtain proof that the birth registration was NOT made, or provide a birth certificate. The claim that the birth registration was not made is, in itself, insufficient, and requires formal confirmation by the relevant Indian authority, i.e. a 'No record found' or 'Birth record search' certificate which states that there is no record for the named person. As records are not centralised, this certificate must come from the relevant Indian authority in the area in which they were born.

The applicant will also need to provide one of the alternative documents noted in the above section.

Information on obtaining a birth certificate is available on the Indian government website page Obtain Birth Certificate (<http://india.gov.in/howdo/howdoi.php?service=1>). A further website of interest is Your Man In India (<https://yourmaninindia.com/>) which provides a commercial service accessing many varied services in India.

If it can be **shown** by that applicant that it is not possible to obtain the above documents from their place of birth (for example, due to civil conflict in Kashmir), and that applicant has made all possible attempts to obtain the documentation (as described in this section, and they have provided documentary evidence to show this), the information that is provided can be considered. The Case Officer should make a file note outlining their reasons for not insisting on the provision of a birth certificate/no record found certificate and/or alternative documents. These reasons will need to be acceptable to the second checker and team leader.

No name on birth certificate

The applicant should also provide their school leaving certificate (or other alternative document listed above, if these are not available). If the applicant cannot provide this document, they should complete a statutory declaration stating why.

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Indian documents, Continued

Late registration of birth On occasion an applicant will provide a birth certificate which shows that their birth was registered recently (e.g. within a few years before, or since, their arrival in New Zealand, or after the issuance of a passport used to travel to New Zealand). In these cases the applicant should also provide the document used to apply for their passport and/or as identification prior to registration (this is usually a school leaving certificate). If the applicant cannot provide this document they should complete a statutory declaration stating why.

Indian High Commission birth certificates Birth certificates issued by the Indian High Commission are not accepted by Citizenship as proof of identity.

Spelling discrepancies on documents If there are minor discrepancies in the spelling of names, INZ should be consulted to determine the spelling shown on their records. Also, ask the applicant to provide evidence of the name and spelling they are using in New Zealand.

Iraqi documents

Background With the exception of several large cities, Iraq is a largely rural population. Rural Iraqis make up a large proportion of those who come to New Zealand seeking citizenship by grant, through migration or as refugees. These people have usually had little interaction with the Iraqi government and documentation they are able to provide is often limited.

Birth certificates Birth certificates are issued by hospitals for the Iraq Ministry of Health and are used to obtain Certificates of Identity. However, they are not usually retained and are rarely provided by applicants. Therefore, birth certificates are not expected to be provided as a mandatory document.

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Iraqi documents, Continued

Passport All applicants should provide a passport, if available. A passport may not be available where an applicant arrived in New Zealand as a refugee, or on a false passport.

Iraqi Certificate of Identity All applicants should provide a Certificate of Identity, if available.

New Zealand Certificate of Identity These are issued to applicants granted refugee status, or applicants who arrived in New Zealand on a false passport that has since been destroyed by INZ. This is a primary document that should be requested, if available.

Niuean, Tokelau and Cook Island documents

Niuean, Tokelau, or Cook Islander resident applicants visiting or living in New Zealand are required to provide their own police checks from the Niue Police Department. Applicants should have been advised of this by Citizenship case officers or the New Zealand High Commission.

The exception to this rule is if the applicant has permanent residency in New Zealand, and has been living in New Zealand for their entire ordinary residence period. If so, Niuean, Tokelau, or Cook Island resident applicants will undergo the standard New Zealand police check, otherwise, any time spent living in Niue during their ordinary residence period will require a Niue police check for that period.

Samoan documents

Disclosure Samoan applicants are not required to answer the disclosure question on their application form, as this is not a requirement under the Citizenship (Western Samoa) Act 1982.

Section 7(1)(b)(i) Proof of residence Acceptable section 7(1)(b)(i) evidence must confirm that the applicant was in New Zealand at any time during the day of 14 September 1982. Ambiguous, circumstantial, or vague evidence is not acceptable.

Section 7(1)(b)(ii) Permanent Residency and Date of Arrival

Record the:

- earliest date of permanent residency using the travel documents provided, and
- date of arrival leading up to permanent residency.

Ensure that the applicant has not lost permanent residency.

If you need to confirm the applicant's date of arrival and/or permanent residency, and they do not have this information on their current travel document, you should request their previous travel document.

Note:

If Western Samoans are New Zealand citizens by descent through adoption, then the permanent residence date is the day they were adopted.

Samoans who have been adopted

If a birth certificate begins with a prefix 'A' ('COR' or 'COA') you must request the adoption order.

If there is some doubt that the applicant knows they have been adopted, contact the New Zealand High Commission in Apia for this information.

Adoption papers can be obtained from the Samoan Justice Department.

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Samoan documents, Continued

Proof of Samoan citizenship

An applicant must be a Western Samoan to apply under the Citizenship (Western Samoa) Act 1982.

- A Samoan passport or certificate of identity or Consulate-General issued photo letter is usually sufficient evidence to demonstrate Samoan citizenship.
- When there is doubt, confirm that the applicant is still a Western Samoan citizen (i.e. they have not had a travel document for a very long time).

Citizenship cannot accept confirmation of Western Samoan citizenship through AMS.

Note:

If you have any queries regarding Samoan birth details, Nana Anae at the New Zealand High Commission in Apia is able to investigate on Citizenship's behalf.

Refugee documents

Refugees should provide the travel document they first used to enter New Zealand.

An applicant who is a United Nations mandated refugee, or been granted refugee status by INZ should never be advised to contact their home country to obtain a document before their application can be completed.

It is appropriate, however, to ask the applicant in the first instance if a document is in their possession.

An applicant who applied for refugee status with the INZ, but withdrew their application, or had their application declined, is expected to provide the same documentation required by applicants who are not refugees.

Legislation links

[Births, Deaths and Marriage Registration Act 1995, Section 71 Certificates to be prima facie evidence](#)

[Evidence Act 2006, Section 141 New Zealand and foreign official documents.](#)

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