

Verification of intention to continue to reside if granted citizenship

Introduction This policy outlines relevant legislation and policy relating to the 'intention to continue to reside in New Zealand' requirements of the Citizenship Act 1977.

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Legislation

Citizenship Act 1977 Section 8 Citizenship by Grant

Section 8(2)(f) requires the applicant to satisfy the Minister: 'that the applicant intends, if granted New Zealand citizenship, either -

- i. to continue to reside in New Zealand; or
- ii. to 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)

Section 8(9) states:
'For the purposes of subsection (2)(f) -

- a. the intention referred to in subsection (2)(f)(i) must be a continuing intention throughout the period from the date of application for citizenship until the date that the applicant becomes a citizen under section 12:
- 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 de facto partner on Crown Service for the New Zealand Government or public service for the Government of the Cook Islands, Niue or Tokelau.'

Minister can rescind approval

Section 9(b) of the Act provides that the Minister can rescind the approval of a grant application at any time before the date that the person becomes a citizen, if no longer satisfied that the person meets the requirements for a grant.

If it comes to light that an applicant who has been approved, no longer intends to continue to reside in New Zealand, and the applicant has not yet become a citizen (e.g. they have not yet taken the oath or affirmation of allegiance at a public ceremony) the application should be submitted to the Minister with the new information.

Note:

The intention to continue to reside requirement must be met at the time the applicant attends their ceremony (if granted citizenship).

Intention to reside for schedule purposes

General

An applicant may be considered to fulfil the 'intention to continue to reside' requirement for schedule purposes if the applicant:

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

OR

- 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
- has provided evidence substantiating their overseas employment.

Note:

The applicant must demonstrate that they are clearly able to meet the requirement to be included on a schedule.

Section 8(2)(f)(ii)

Company In terms of section 8(2)(f)(ii) company means an incorporated entity as found on the New Zealand Companies Register, on the New Zealand Companies Office website (http://www.companies.govt.nz/cms/banner_template/CNAME).

Sole traders A 'sole trader' is not a New Zealand registered company. It is an entity operated by an individual and is set up through Inland Revenue. Unlike a company, a sole trader does not have a separate IRD number, and instead pays any required GST through the individual's IRD number

For the purposes of section 8(2)(f)(ii) of the Citizenship Act 1977 a Person cannot be considered to be in the employment of a New Zealand company, society or body of persons if that person is a sole trader.

Service in employment An applicant scheduled under this section should provide documentary evidence that they are in the employment of a person, society or other body of persons, e.g. an employment agreement or evidence of wages or salary payment.

Note:

A director of a company is not automatically an employee of that company.

Section 8(9)(b)

Proof of marriage, civil union, or de facto relationship

An applicant being considered under section 8(9)(b) must supply proof in the form of a marriage certificate, civil union certificate or other official document that she or he is the partner of a New Zealand citizen.

Applicants who have been married or entered into a civil union more than once

Under section 8(9)(b) an applicant is required to be a partner of a New Zealand citizen.

An applicant who has been married or entered into a civil union more than once must provide evidence to show they have legally dissolved their relationship with their previous partner(s), in order to establish that their current relationship to a New Zealand citizen is lawful.

In certain circumstances it may also be necessary to obtain the New Zealand partner's dissolution record.

Ministry of Foreign Affairs and Trade confirmation

If an applicant indicates that they intend to do Crown Service, or accompany their New Zealand citizen spouse, civil union partner or de facto partner on Crown Service, the applicant must provide a letter of confirmation from the Ministry of Foreign Affairs and Trade. In cases where the applicant is in a de facto relationship, the letter from the Ministry will state that the applicant is formally recognised as a partner.

The Ministry has a policy under which staff members in de facto (including same sex) relationships may apply to the Ministry for official recognition of their partner. Formal recognition is required in order for staff to claim post benefits and allowances based on being in a partnership.

Accompanying New Zealand citizen spouse, civil union partner or de facto partner

If an applicant indicates that they intend to accompany their New Zealand citizen spouse, civil union partner or de facto partner, who is on Crown Service or public service for the Governments of the Cook Islands, Niue or Tokelau, the application must be referred to the Minister as a submission.

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Section 8(9)(b), Continued

Cook Island, Niue or Tokelau authorities

If an applicant indicates that they intend to do public service for the Governments of the Cook Islands, Niue or Tokelau, or they intend to accompany their New Zealand citizen spouse, civil union partner or de facto partner on public service, the applicant must provide a letter of confirmation from the Cook Island, Niue or Tokelau authorities.

Intention to reside for submission purposes

Citizenship Act 1977 Section 8 Citizenship by Grant

If an applicant is unable to fulfil, or cannot clearly fulfill, the 'intention to continue to reside' requirement for schedule purposes, the application must be referred to the Minister as a submission.

Legislation links

[Citizenship Act 1977](#)
