

**New Zealand Citizenship**

Citizenship Guidance Document

88

Substantive content approved by the Minister of Internal Affairs, Hon Brooke van Velden on 14 December 2023, amended 9 June 2024 with updates to the Good Character requirement and public interest assessment.

This guidance reflects the Minister of Internal Affairs’ current policy. It is intended to support transparency and guide applicants, officials and the Minister in decision-making on citizenship applications.

It may be updated to reflect changes in policy or procedures. It does not amend or change the general law of citizenship. In cases of doubt or ambiguity the legislation and regulations prevail.

Unless otherwise stated, references to an Act are references to the [Citizenship Act 1977](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM444029), as amended.

Information for applicants and an online eligibility checker is available at [www.govt.nz/citizenship](http://www.govt.nz/citizenship)

Contents

[INTRODUCTION 5](#_Toc161400964)

[Purpose of this document 5](#_Toc161400965)

[Decision making process and delegated authority 5](#_Toc161400966)

[Applications that may be approved by a delegated senior official (schedules) 5](#_Toc161400967)

[Applications that are submitted to the Minister for decision (submissions) 5](#_Toc161400968)

[GENERAL REQUIREMENTS FOR CITIZENSHIP BY GRANT 6](#_Toc161400969)

[REQUIREMENTS THAT APPLY DEPENDING ON AN APPLICANT’S AGE 7](#_Toc161400970)

[ASSESSING WHETHER REQUIREMENTS ARE MET 8](#_Toc161400971)

[1. ENTITLEMENT TO RESIDE 8](#_Toc161400972)

[1(a). Entitlement to reside in New Zealand 8](#_Toc161400973)

[1(b). Entitlement to reside in the Cook Islands, Niue or Tokelau 8](#_Toc161400974)

[2. PRESENCE 9](#_Toc161400975)

[2(a). Standard presence requirement 9](#_Toc161400976)

[2(b). Presence in the Cook Islands, Niue or Tokelau 10](#_Toc161400977)

[2(c). Time spent on Crown service, or accompanying a spouse on Crown service 10](#_Toc161400978)

[2(d). Reduction in presence requirement 11](#_Toc161400979)

[3. GOOD CHARACTER 12](#_Toc161400980)

[3(a). Applicants who have a disqualifying conviction 12](#_Toc161400981)

[3(b). Applicants who do not have a disqualifying conviction 12](#_Toc161400982)

[4. RESPONSIBILITIES AND PRIVILEGES 18](#_Toc161400984)

[5. ENGLISH LANGUAGE 18](#_Toc161400985)

[6. INTENTION TO RESIDE 20](#_Toc161400986)

[6(a). Applicants whose spouse is on Crown Service 20](#_Toc161400987)

[GRANT OF CITIZENSHIP UNDER SECTION 9: SPECIAL CASES 22](#_Toc161400988)

[1. APPLICANTS AGED 15 AND UNDER 22](#_Toc161400989)

[2. APPLICANTS WHO ARE CHILDREN OF CITIZENS BY DESCENT 22](#_Toc161400990)

[3. APPLICANTS WITH EXCEPTIONAL CIRCUMSTANCES IN THE PUBLIC INTEREST 23](#_Toc161400991)

[4. APPLICANTS WHO WOULD OTHERWISE BE STATELESS 24](#_Toc161400992)

[ASSESSING APPLICANTS UNDER SECTION 10 25](#_Toc161400993)

[APPLICATIONS UNDER THE CITIZENSHIP (WESTERN SAMOA) ACT 1982 26](#_Toc161400994)

[CEREMONIES, OATHS AND AFFIRMATION OF ALLEGIANCE 27](#_Toc161400995)

[RENUNCIATION OF NEW ZEALAND CITIZENSHIP 32](#_Toc161400996)

[DEPRIVATION OF NEW ZEALAND CITIZENSHIP 33](#_Toc161400997)

[POLICY FOR ASSESSMENT OF EVIDENCE OF IDENTITY 34](#_Toc161400998)

[PRESCRIBED MANNER 35](#_Toc161400999)

[LOST CONTACT POLICY 36](#_Toc161401000)

[REQUIRED INFORMATION AND ‘RELUCTANT’ APPLICANTS 37](#_Toc161401001)

# INTRODUCTION

## Purpose of this document

This document is intended to:

* provide transparency about the Minister’s policies and how citizenship legislation is interpreted and applied by the Department
* provide clarity for applicants and their agents about what they may be asked to provide
* guide the exercise of delegated authority by officials in processing and making decisions
* provide clarity about when applications should be referred for the Minister’s decision
* support consistent and fair decision making on citizenship applications by the Minister and officials.

## Decision making process and delegated authority

Around 37,000 applications for citizenship by grant are received by the Department of Internal Affairs (the Department) each year.

### Applications that may be approved by a delegated senior official (schedules)

Applicants who clearly meet all relevant requirements are approved for citizenship by grant via a schedule (a list of names) produced by the Department in line with this guidance and general citizenship law. Schedules are approved by a senior Departmental official who holds delegated authority.

### Applications that are submitted to the Minister for decision (submissions)

The Minister personally considers other applications (between 100-200 applications a year). These includes applications where:

* the power to approve has not been delegated to officials
* applicants do not clearly meet one or more requirements of the Act
* the Department considers the application should be referred to the Minister (for example an applicant who a previous Minister has not approved).

# GENERAL REQUIREMENTS FOR CITIZENSHIP BY GRANT

An applicant must meet the requirements in section 8(1) and 8(2) of the Citizenship Act 1977 (Citizenship Act) to be approved for citizenship by grant by the Minister or their delegate.

The requirements are:

**1. Entitlement to reside indefinitely**

The applicant must be:

1. entitled in terms of the Immigration Act 2009, to be in New Zealand[[1]](#footnote-2) indefinitely, or
2. entitled to reside indefinitely in the Cook Islands, Niue or Tokelau.

**2. Presence**

The applicant must have:

1. been present in New Zealand (or the Cook Islands, Niue or Tokelau) 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,
2. been on Crown Service, or accompanying a spouse on Crown Service, as described under section 8(5) or 8(6) of the Citizenship Act, or
3. been present for 450 days in the 20 months prior to application, and also have exceptional circumstances that the Minister considers justify approval without meeting the standard requirement.

**3. Character**

The applicant must be of good character.

**4. Responsibilities and privileges**

The applicant must have enough knowledge of the responsibilities and privileges of citizenship.

**5. English language**

The applicant must:

1. have enough knowledge of the English language, or
2. meet the criteria for waiver of this requirement in section 8(8) of the Citizenship Act.

**6. Intention to reside**

The applicant must intend to:

1. continue living in New Zealand (including the Cook Islands, Niue, or Tokelau)
2. enter into Crown service under the New Zealand Government, or
3. accompany a spouse on Crown Service.

**7. Full Capacity**

The applicant must be able to understand the nature of a citizenship application and the consequences of becoming a citizen, and to communicate that decision.

More information on how the requirements are assessed by the Department is below.

# REQUIREMENTS THAT APPLY DEPENDING ON AN APPLICANT’S AGE

|  |
| --- |
| **Legal requirement: 16 years or over** |
| Applicants aged 16 years or over at the time citizenship is granted are assessed against the same requirements as adults. |
| **Legal requirement – applicants aged under 16**  |
| Applicants aged 15 and under may be granted citizenship under section 9(1)(a) of the Citizenship Act. When deciding whether to grant citizenship to an applicant aged 15 and under, the Minister may have regard to any of the section 8(2) requirements for the grant of citizenship. The Minister may choose to waive or not have regard to 1 or more of the above requirements. |
| **Policy for 0-13 year olds** | **Policy for 14-15 year olds** |
| The Minister’s policy is that applicants aged 13 and under at the time of decision only need to fulfil 3 of the standard grant requirements in order to be granted citizenship. The requirements are:* Entitlement to reside ([section 8(2)(a)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443855))
* Intention to reside ([section 8(2)(f)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443855))
* Presence ([section 8(2)(b)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443855) – unless the applicant’s parent or guardian is, or is about to become, a New Zealand citizen.
 | Applicants aged 14 and 15 years of age at the date an application is approved need to fulfil the six standard grant requirements in section 8(2) in order to be granted citizenship, with the possible exception of the presence requirement. The presence requirement is met if a parent or guardian is, or is about to become, a New Zealand citizen.Applicants under the age of 16 are not required to meet the full capacity requirement. |

# ASSESSING WHETHER REQUIREMENTS ARE MET

## 1. ENTITLEMENT TO RESIDE

Applicants must be entitled to reside in New Zealand, or in the Cook Islands, Niue or Tokelau.

### 1(a). Entitlement to reside in New Zealand

|  |
| --- |
| **Legislation**[Section 8(2)(a)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443855)**Summary**Applicants for citizenship by grant are required to be entitled, in terms of the Immigration Act 2009 (Immigration Act), to be in New Zealand indefinitely. |

**Policy**

Applicants will clearly meet this requirement if:

* Immigration New Zealand (INZ), Ministry of Business, Innovation and Employment (MBIE), has provided the applicant with New Zealand residence, meaning a residence permit, returning residence visa or permanent residence visa
* they are a New Zealand Citizen by Descent
* they are an Australian Citizen
* they are an Australian permanent resident and have been issued a New Zealand resident visa
* they are exempt from the requirement to hold a permit to be in New Zealand as enabled by the Minister of Immigration.

### 1(b). Entitlement to reside in the Cook Islands, Niue or Tokelau

|  |
| --- |
| **Legislation**[Section 8(4)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443855)**Summary**The Minister of Internal Affairs may, after consultation with the Minister of Immigration, waive the requirement that the applicant be entitled in terms of the Immigration Act to be in New Zealand indefinitely, if they are satisfied that the applicant is entitled to reside indefinitely in the Cook Islands, Niue or Tokelau.  |

**Policy**

Applicants who meet the requirements of section 8(4), as well as all other standard requirements under section 8, are presented to the Minister of Immigration on a schedule for their comment.

If an applicant meets the requirements of section 8(4) but does not meet one or more of the standard requirements, their application is sent to the Minister of Immigration via an individual consultation document. The consultation document outlines the applicant’s circumstances as well as any other information the Minister of Immigration needs to consider.

The Minister of Immigration then indicates whether they have any objections to a waiver under section 8(4), as well as any other comments they wish the Minister of Internal Affairs to take into account.

If the Minister of Immigration has no substantive comment, and applicants clearly meet all other relevant requirements they are approved under delegated authority.

If the Minister of Immigration does have comments, or the applicant does not meet clearly meet one or more of the other requirements for citizenship, a submission is presented to the Minister of Internal Affairs to make the final decision.

## 2. PRESENCE

The applicant can meet the presence requirement in the following ways:

1. by meeting the standard presence requirement (section 8(2)(b))
2. through presence in the Cook Islands, Niue or Tokelau (section 8(4)(b))
3. through time spent on Crown service overseas, or accompanying a spouse on Crown service overseas (sections 8(5) or 8(6))
4. by meeting the requirements for reduction of presence (section 8(7)).

Children aged 15 years and under may also meet the requirement if their parent is, or is about to become, a New Zealand Citizen.

Presence is calculated from the date a completed application is received by the Department, together with the required fee. For the avoidance of doubt, the date for applications made online is the date the application is received in Wellington.

### 2(a). Standard presence requirement

|  |
| --- |
| **Legislation**[Section 8(2)(b)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443855)**Summary**Applicants are required to be present in New Zealand with the right to remain indefinitely for:* a minimum of 1,350 days in the 5 years preceding the citizenship application, and
* at least 240 days in each of those 5 years.
 |

**Policy**

The Department checks presence directly with Immigration New Zealand.

Applicants are not generally required to provide evidence of travel or presence, unless the Department is unable to confirm their travel because they have travelled out of New Zealand via a method not recorded electronically in the Immigration New Zealand database (e.g. accompanying a horse travelling by a cargo plane).

### 2(b). Presence in the Cook Islands, Niue or Tokelau

|  |
| --- |
| **Legislation**[Section 8(4)(b)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443855)**Summary**The Minister may, after consultation with the Minister of Immigration waive the section 8(2)(b) requirement if satisfied that that the applicant was present in the Cook Islands, Niue or Tokelau for:* a minimum of 1,350 days in the 5 years preceding the citizenship application, and
* at least 240 days in each of those 5 years.

These being days during which the applicant was entitled to reside indefinitely in the Cook Islands, Niue, or Tokelau. |

**Policy**

*No specific policy*

### 2(c). Time spent on Crown service, or accompanying a spouse on Crown service

|  |
| --- |
| **Legislation**[Section 8(5) and section 8(6)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443855) **Summary**The Minister may treat an applicant as having been in New Zealand for any period within the period immediately preceding the date of application for citizenship during which the applicant was in Crown Service under the New Zealand Government (or the Government of Cook Islands, Niue or Tokelau), or accompanying a spouse on Crown Service. |

**Policy**

The period in Crown Service overseas can be added to periods spent in New Zealand to meet the requirement.

Applicants will need to provide a letter of confirmation from the authorities in the Cook Islands, Niue or Tokelau, or relevant New Zealand Government Agency.

### 2(d). Reduction in presence requirement

|  |
| --- |
| **Legislation**[Section 8(7)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443855)**Summary**The Minister may grant citizenship to applicants who do not meet the presence requirement for citizenship by grant provided the applicant:* was present in New Zealand for at least 450 days in the 20 months immediately before the application for citizenship was lodged, and
* was entitled, in terms of the Immigration Act, 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 the Minister believes justify accepting a shorter period of residence in New Zealand. |

**Policy**

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 out of the ordinary and comparatively rare. Assessment is generally required on a case-by-case basis.

Applicants may be included on the presence schedule where the Department is satisfied that the applicant is eligible for consideration under section 8(7), clearly has a permanent base in New Zealand and either

1. does not meet the presence requirement in section 8(2)(b) or 8(4)(b) because they have genuine reasons for absence that were directly related to work-related travel, study, personal or family illness, or a combination of these, OR
2. did not meet the standard presence requirements in section 8(2)(b) or 8(4)(b) at the date that were deemed to have applied in the prescribed form, but subsequently met the full five-year presence requirement during the period their application was being processed, OR
3. would have met the standard presence requirement in section 8(2)(b) or 8(4)(b) but for a delay in planned return to New Zealand that is outside their control due to due to a public health emergency/pandemic which led to an inability to travel due to:
	* 1. following the advice of local public health authorities to lockdown, quarantine or otherwise restrict travel to prevent the spread of disease, or
		2. cancellation of planned flights, which were practicably unable to be rebooked, or
		3. an inability to obtain space in Managed Isolation and Quarantine (or equivalent),

provided in each case that the applicant can provide evidence that they

* had specific plans to return to New Zealand,
* attempted to return as soon as they reasonably could and did return, and
* that but for the disruption to planned travel occasioned by the public health emergency they would otherwise meet the presence requirement.

Applicants who have exceptional circumstances that relate to any other reason, other than those listed above, will be presented to the Minister as an individual submission.

For the avoidance of doubt, the family of an applicant’s spouse, civil union partner or de facto partner may be considered a member of the applicant’s family.

## 3. GOOD CHARACTER

### 3(a). Applicants who have a disqualifying conviction

|  |
| --- |
| **Legislation**[Section 9A](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443872)**Summary**The Minister must not grant citizenship to a person who has been convicted of an offence if:1) the person was sentenced toa) a term of imprisonment of 5 or more years, orb) an indefinite term of imprisonment capable of running for 5 or more years, or2) 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, or3) 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 the 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: Disqualifying convictions**

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.

Criminal convictions are still relevant to the assessment of good character after any disqualifying period has passed.

### 3(b). Applicants who do not have a disqualifying conviction

|  |
| --- |
| **Legislation**[Section 8(2)(c)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443855)**Summary**Applicants for the grant of citizenship are required to be of good character. |

**Policy**

**Assessment of Good Character**

Applications for grant of citizenship are assessed to determine whether the applicant meets the section 8(2)(c) requirement that they “be of good character”.

**Applications which may be approved via schedule**

Applicants may only be included on a schedule if they clearly meet the good character requirement.

Applicants may clearly meet the good character requirement in one of the following ways:

* No detrimental information is received by the Department.
* Detrimental information is received but, after review, the Life and Identity Services Officer forms the view that it can be disregarded as not relevant, not reliable, or trivial in nature.
* Detrimental information is received, the information is put to the applicant, and the applicant provides information which, when taken into account, satisfies 3 officials processing the application that the applicant clearly meets the good character requirement.

Applicants who may meet, but do not clearly meet the good character requirement, will be referred to the Minister as a submission.

The Department, in making a recommendation, and the Minister, in coming to a decision, will act reasonably and will take into account the reliability and sources of information, in assessing the weight given to it.

Information that has not been tested by a court will be given less weight than a conviction in determining the Department’s recommendation to the Minister.

Any information received about family violence, whether or not it results in a conviction, may be presented in the submission to the Minister to support their deliberations, unless the application is able to be approved via a schedule.

**Examples of types of applications which may usually be approved by schedule, after taking into account information provided by the applicant**

Applications which can usually be approved by schedule (after the applicant has provided additional information to confirm they are of good character) include those where all of the following apply:

1. The matters are not considered by the Police to fall within the category of ‘serious’ incidents, and the review note by the Police disclosed that the applicant:
* received a written warning,
* was charged, but the charge was subsequently withdrawn
* was charged but diverted
* was discharged without conviction, or
* was convicted more than 5 years ago of an offence not related to violence or dishonesty.

2. The applicant in each case:

* has provided their view of the matter
* views any detrimental conduct with remorse
* has completed any Court-ordered conditions related to the conviction
* has taken steps to address its underlying causes (for example, taking the advice of Police to attend a family violence course), and has provided evidence of this.

3. The applicant has provided a minimum of two character references that the Department considers are relevant and reliable.

4. More than 12 months have passed without incident.

5. The 3 officials involved in processing the application are of the view that the applicant clearly meets the good character requirement.

Matters that fall outside these situations will usually be referred to the Minister for personal consideration, with the Department’s recommendation, which may be to approve, or not to approve, the grant of citizenship.

**Detrimental or adverse information**

Checks are undertaken with external agencies to identify whether they hold any information detrimental to an applicant’s character.

These agencies include, but are not limited to:

* New Zealand Police (some convictions are assessed under section 9A of the Citizenship Act)
* 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 or to provide other information.

Applicants are not required to provide character references unless the Department has received information that is potentially detrimental to their character.

**Information provided by Police**

The Police Vetting Service provides the Department with a Police Vetting Report that includes information the Police consider relevant to the good character requirement. This includes information about convictions and traffic infringements not subject to the Criminal Record (Clean Slate) Act 2004[[2]](#footnote-3). Information about how convictions are assessed is set out below.

It may also include information about criminal charges that did not result in convictions where Police consider, on the basis of information they hold, that it is relevant and justified to release the information for vetting purposes.

The Police may also provide a written review note with information about attendance by police when called out to a family violence incident at which the applicant was an aggressor.

Each review note is carefully considered by the Police Vetting Service, and will normally be provided only if the police consider the applicant was the aggressor in:

* a pattern of minor incidents within the preceding 5 years
* an isolated serious incident within the preceding 5 years
* a pattern of serious behaviour, that includes an isolated serious incident within the last 7 years
* a conviction within the last 7 years.

**Family violence**

Family violence and family harm are serious problems in New Zealand society. The Minister’s policy is that a person who is an aggressor in family violence will not meet the good character requirement of the Citizenship Act unless and until:

* they take responsibility for their part in the violence
* they take steps to address its underlying causes
* any protection order has been discharged, and
* the violence is firmly in the past.

The onus is on the applicant to show that they meet the good character requirement.

Where information has been received that indicates that the applicant is, or has been, an aggressor in family violence, they will need to provide further information to satisfy the Minister that they have taken responsibility for their part in the violence, taken action to address the causes and that the situation is now firmly in the past. Information about how family violence convictions are assessed is set out below. In determining whether to request further information from an applicant, the Department may take into account information from a Police Vetting Report about family violence, or from other sources, even if it has not resulted in a conviction.

**Information that will trigger the detrimental information process**

Information that will usually be considered detrimental, and where applicants may be asked to provide additional information about their character, includes:

* criminal convictions in or outside New Zealand
* a pattern of traffic infringements (100 or more demerit points)
* proved charges in a Youth Court
* detrimental information received from any agency or individual, including
	+ information received from the Police or other sources about a serious incident or pattern of minor incidents of family violence, including where the applicant was issued with a protection order
	+ information from an agency (e.g. the Ministry of Social Development) about debt which the agency considers either fraudulent or doubtful debt.

**Process where detrimental information is received**

Where detrimental information is received, applicants will normally be asked to provide:

* their view on whether the information is accurate and fairly reflects the situation
* their explanation of what occurred
* their view of the matter now.

Where relevant, it may help the applicant if they are able to provide evidence of steps they have taken to address what happened and to stop it happening again, or how they have turned their life around.

The sorts of information which may be relevant (depending on the nature of the detrimental information received) include evidence of:

* family violence courses, such as those offered by providers linked here: [www.areyouok.org.nz/i-need-help/using-violence/](http://www.areyouok.org.nz/i-need-help/using-violence/)
* parenting courses, such as a Parenting Through Separation course
* alcohol or drug treatment
* counselling
* reparation
* religious or spiritual practice
* stress management
* lifestyle changes
* substantial passage of time with no further incident.

**Character references**

Where detrimental information has been received, and in the absence of serious offending, clear and objective evidence of positive or outstanding contributions may be relevant.

Applicants may therefore also provide other information which shows their character in a positive light. For example, evidence of contribution to the community, or evidence of good character in everyday life.

The types of evidence which may be useful to the Department and Minister include:

* letters from a doctor or counsellor, therapist, community worker, social worker, priest, minister or similar confirming the applicant attended a relevant course or took other action to help them address the underlying causes of the family violence problem
* references from people who know the applicant well and can talk about the incident and what the applicant has subsequently done to address the situation
* references from people in the community who can speak positively about the applicant’s character
* references from people in the applicant’s work and personal life.

It is helpful if the applicant’s references come from a range of people of different genders.

**Process where information about convictions related to dishonesty or violence is received**

The onus is always on the applicant to satisfy the Minister that they are of good character. Where no adverse information is received, the applicant is considered to be of good character.

All convictions not subject to the Criminal Records (Clean Slate) Act 2004 are relevant to the assessment of good character. Applicants who have convictions related to dishonesty or violence, including family violence, are presented to the Minister in a submission.

The onus is on the applicant to supply specific information and evidence to satisfy the Minister that they are of good character and should be granted citizenship. Where the Department receives adverse information about an applicant, natural justice legal principles require the Department to put the adverse information to the applicant and provide the opportunity for them to comment on that information.

Where information about a conviction is received, are given the opportunity to provide information and evidence in order to satisfy the Minister that they are of good character.

Where relevant, it may help the applicant if they are able to provide evidence of steps they have taken to address what happened and to stop it happening again, or how they have turned their life around.

The sorts of information which may be relevant (depending on the nature of the conviction) include evidence of:

* completion of any Court-ordered conditions, such as reparations, fines or courses
* family violence courses, such as those offered by providers linked here: [www.areyouok.org.nz/i-need-help/using-violence/](http://www.areyouok.org.nz/i-need-help/using-violence/)
* parenting courses, such as a Parenting Through Separation course
* alcohol or drug treatment
* counselling
* reparation
* religious or spiritual practice
* stress management
* lifestyle changes
* substantial passage of time with no further incident.

The information provided by the applicant will be presented to the Minister in the submission.

## 4. RESPONSIBILITIES AND PRIVILEGES

|  |
| --- |
| **Legislation**[Section 8(2)(d)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443855)**Summary**Applicants must have sufficient knowledge of the responsibilities and privileges attached to New Zealand citizenship. |

**Policy**

The applicant must sign the citizenship application form or confirm as part of their online application that 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.

## 5. ENGLISH LANGUAGE

|  |
| --- |
| **Legislation**[Section 8(2)(e)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443855)**Summary**Applicants for the grant of citizenship must have sufficient knowledge of the English language. |

**Policy**

To clearly fulfil this requirement the applicant must prove to the Department 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 based on:

* Information from Immigration New Zealand that the applicant holds a visa type that included an English Language requirement.
* The applicant’s country of birth and of citizenship
* 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**

In some cases, applicants will be interviewed by a Life and Identity Services 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
* whether the applicant's knowledge of English is sufficient for them to manage independently in everyday situations.

Applicants who are assessed as having insufficient knowledge of the English language at a first interview must be offered the opportunity to attend a second interview in a further 6 months.

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

The Minister may waive the English language requirement under Section 8(8) of the Citizenship Act if 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.

**English Waiver Schedule**

Applicants who do not clearly meet the English language requirement may be approved for citizenship on the English Language Waiver schedule.

To be approved on this schedule the Department 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:

* an age-related impairment
* a lack of education or literacy in their native tongue
* a medical condition
* any other factors personal to the applicant.

**English Language Submission**

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 Language Waiver Schedule, are presented to the Minister as a submission.

The Minister can either:

* grant citizenship to an applicant in this situation by waiving the requirement under section 8(8);
* waive the requirement under section 9, or
* not approve an applicant for the grant of citizenship.

## 6. INTENTION TO RESIDE

|  |
| --- |
| **Legislation**[Section 8(2)(f)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443855)**Summary**Applicants for the grant of citizenship must intend, if granted citizenship, to:* continue to reside in New Zealand, or
* 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.
 |

**Policy**

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

The following factors are taken into account when assessing whether a person meets this requirement:

* whether the applicant is currently residing in New Zealand
* whether the applicant has indicated on the application form that they intend to continue to reside in New Zealand, and
* whether the Department 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, and
* whether the applicant has provided evidence substantiating their overseas employment.

### 6(a). Applicants whose spouse is on Crown Service

|  |
| --- |
| **Legislation**[Section 8(9)(b)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443855)**Summary**The Minister may treat an applicant as intending to continue to reside in New Zealand if the applicant intends to accompany their New Zealand citizen spouse, 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**

Applicants who wish to be considered under this section must provide evidence from the relevant government or agency.

# GRANT OF CITIZENSHIP UNDER SECTION 9: SPECIAL CASES

### 1. APPLICANTS AGED 15 AND UNDER

|  |
| --- |
| **Legislation**[Section 9(1)(a)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html%22%20%5Cl%20%22DLM443867)**Summary**Under 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 policy for applicants aged 15 and under is set out on page 8 and 9 of this document.

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

Applicants who do not meet 1 or more of the requirements are presented to the Minister in a submission. The Minister can waive any of the requirements as they see fit.

### 2. APPLICANTS WHO ARE CHILDREN OF CITIZENS BY DESCENT

|  |
| --- |
| **Legislation**[Section 9(1)(b)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html%22%20%5Cl%20%22DLM443867)**Summary**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 citizenship by grant 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
* any other factors the applicant wishes the Minister to consider.

### 3. APPLICANTS WITH EXCEPTIONAL CIRCUMSTANCES IN THE PUBLIC INTEREST

|  |
| --- |
| **Legislation**[Section 9(1)(c)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443867)**Summary**The Minister may grant citizenship to applicants who do not meet 1 or more of the standard requirements for citizenship if 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**

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

**Assessment of Exceptional Circumstances**

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

This requirement is very difficult to meet. Decisions are made on a case-by-case basis, taking into account the applicant’s situation. To meet this requirement, the applicant’s exceptional circumstances need to be of a humanitarian or other nature.

Although an applicant’s circumstances may be unusual or cause some degree of hardship, this does not necessarily mean that they meet the ‘exceptional circumstances’ threshold of section 9(1)(c). Exceptional circumstances should be relatively rare and uncommon.

**Assessment of Public Interest**

’Public interest’ means that a grant of citizenship would provide some advantage or positive benefit to New Zealand. The benefit must be for New Zealand, rather than a private benefit. This must arise directly from the applicant’s exceptional circumstances.

In some cases, it may be in the public interest to grant citizenship if doing so would:

* remedy unjust circumstances
* remedy an existing situation, and doing so would be in the public interest
* avoid negative consequences for New Zealand, or negative impact on the public interest.
* enable New Zealand to honour its international commitments and international conventions.

**Applicants who seek to represent New Zealand**

Some applicants may be considered for an early grant under section 8(7) (reduction of presence requirement, see page 9) or 9(1)(c) on the basis that they wish to represent New Zealand in a particular field, and require citizenship to do so.

In assessing such applications, the Minister will take into account:

* the applicant’s skill or talent
* whether New Zealand citizenship is the only requirement for selection that the applicant does not meet
* whether the body the applicant wants to represent is:
	+ a national sport organisation (NSO) recognised by Sport New Zealand (Sport NZ), or in non-sporting contexts an organisation of equivalent status
	+ recognised by an international federation of that activity.

Decisions are made on a case-by-case basis and may consider a range of factors including, but not limited to:

* the size of the activity’s membership and following in New Zealand
* the international ranking of New Zealand in the sport or activity
* the scale of the event
* whether the applicant’s attendance at the event or participation with a team will have an identifiable positive impact for New Zealand
* the direct benefit to others from the applicant’s participation.

The Minister will also take into account:

* how much of the applicant’s life has been lived in New Zealand, including any period before they were granted residence
* whether the applicant has a permanent base in New Zealand, is clearly well-settled here, and is intending to live in New Zealand permanently.

### 4. APPLICANTS WHO WOULD OTHERWISE BE STATELESS

|  |
| --- |
| **Legislation**[Section 9(1)(d)](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html%22%20%5Cl%20%22DLM443867)**Summary** The Minister may grant citizenship to applicants who do not meet one or more of the standard requirements in section 8 of the Citizenship Act if they would otherwise be stateless. |

**Policy**

All applications considered under this section must be presented to the Minister as a submission. A person is stateless if they are unable to obtain citizenship of any country.

In some cases it may be difficult to register a person as a citizen of another country (for example, if they have to travel to that country to register the citizenship). This does not mean that the person is stateless. A person is only stateless if they are unable to be registered or apply for that other citizenship, not simply that they have a preference for New Zealand citizenship.

Where an applicant is unable to fulfil one or more of the standard requirements, the Minister will consider if their statelessness impacts on their ability to do so.

The factors the Minister takes into account include:

* the applicant's personal circumstances and how they came to be stateless
* the reasons 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 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
* what control the applicant has over their current circumstances that have led them to apply for citizenship.

# ASSESSING APPLICANTS UNDER SECTION 10

|  |
| --- |
| **Legislation**[Section 10](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443876)**Summary**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 approved for grant by 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.

If the applicant is entitled to a grant of citizenship as of right, but there are special circumstances the Department considers the Minister ought to be aware of (for example, the applicant is receiving citizenship in order to be deported to New Zealand) the application will be referred to the Minister via a submission, with the advice that the Minister has no discretion but to grant citizenship to the applicant.

# APPLICATIONS UNDER THE CITIZENSHIP (WESTERN SAMOA) ACT 1982

|  |
| --- |
| **Legislation**[Section 7](http://www.legislation.govt.nz/act/public/1982/0011/latest/link.aspx?search=qs_act%40bill%40regulation%40deemedreg_western+samoa_resel_25_h&p=1&id=DLM59027), Citizenship (Western Samoa) Act 1982**Summary**The Minister must grant citizenship to any person who is a citizen of Western Samoa, or a person to whom section 4 applies, and can satisfy the Minister that they meet 1 of the following requirements:a) was in New Zealand at any time on 14 September 1982, orb) lawfully entered New Zealand on or after 15 September 1982 and is entitled, in terms of the Immigration Act, to be in New Zealand indefinitely. |

**Policy**

**1. Applicants in New Zealand on 14 September 1982**

If an applicant can provide evidence to satisfy the Department that they were clearly in New Zealand at any time on 14 September 1982 and were a Samoan citizen, they are approved under delegated authority.

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

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.

**2. Applicants who lawfully entered New Zealand on or after 15 September 1982**

To clearly fulfil this requirement for schedule purposes the applicant must prove 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 citizenship by Grant under the Citizenship Act instead.

# CEREMONIES, OATHS AND AFFIRMATION OF ALLEGIANCE

|  |
| --- |
| **Legislation**[Section 11](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443878)**Summary** The Minister has discretion to require the oath or affirmation of allegiance to be taken by an individual or class of applicants. Unless the Minister agrees otherwise, the oath or affirmation must be taken or made at a public citizenship ceremony. |

**Policy**

**Oaths and affirmations requirement**

Current Policy is that all applicants for citizenship by grant are required to take the oath or affirmation except where they fall into one of the following classes where the requirement is waived:

* applicants who do not fulfil the full capacity requirement
* applicants under 14 years of age at the date of approval
* applicants who are receiving a grant pursuant to section 10 of the Act, which provides that anyone who was born to a New Zealand mother shall be given a grant
* the applicant is a New Zealand citizen by descent, who has applied to change their status to that of a citizen by grant
* an applicant who was a British child migrant.
* the requirement to take the oath is waived for applicants on the public interest grounds set out below (where public health or safety require ceremonies to be cancelled or not held, or where an applicant’s attending would create a risk to public health.)

As per Regulation 7(3), where a grant of citizenship is conditional on the applicant taking the oath or affirmation, the Secretary must advise the applicant of this in writing. The applicant must take the oath or affirmation within one year of the date of that advice. If the applicant does not do so within that time, the grant of citizenship lapses.

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

The Minister has delegated approval for extending the time to take the oath to the Department where the delegated decision maker is satisfied that one or more of the following applies:

* the applicant would have been eligible for an urgent or private ceremony but wished to delay their ceremony to attend a ceremony in their community
* the applicant wishes to delay their ceremony to attend a ceremony and take the oath at the same time as a family member who is also being granted citizenship
* the Department requires more time to investigate a matter which may lead to the applicant’s approval being rescinded
* the applicant is waiting on approval of dual citizenship from their country of current citizenship
* the applicant was unable to attend their originally scheduled ceremony due to a family emergency, or other circumstance beyond their control
* any other reason where the applicant’s inability to attend a ceremony within 12 months was due to circumstances beyond the applicant’s control.

Applicants who wish to extend the period of time to take the oath should apply a minimum of four weeks before their lapse date. 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.

**Taking oath or affirmation**

|  |
| --- |
| **Legislation**Section 11 [Minister may require oath or affirmation of allegiance to be taken](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443878)Schedule 1 [Oath of allegiance](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM444038)**Summary** The Minister has discretion to require the oath or affirmation of allegiance to be taken by an individual or class of applicants. Unless the Minister agrees otherwise, the oath or affirmation must be taken or made at a public citizenship ceremony.The applicant may swear the oath in the form specified in Schedule 1 of the Act, or an affirmation to similar effect  |

**Policy**

Applicants can elect to take the oath prescribed in Schedule 1 of the Act in English or make an affirmation to similar effect. The oath and affirmations to similar effect in English and Māori are listed below.

|  |
| --- |
| **Oath of allegiance** |
|  “I (name) swear that I will be faithful and bear true allegiance to His Majesty King Charles the Third, King of New Zealand, his heirs and successors according to law, and that I will faithfully observe the laws of New Zealand and fulfil my duties as a New Zealand citizen. So help me God”. |
| **Affirmation of allegiance to similar effect to the Oath.** |
| **English** | **Māori** |
|  “I (name) affirm that I will be faithful and bear true allegiance to His Majesty King Charles the Third, King of New Zealand, his heirs and successors according to law, and that I will faithfully observe the laws of New Zealand and fulfil my duties as a New Zealand citizen.” | Ko ahau, ko [say your name] tēnei e whakaū pono ana ka pirihonga ahau, ka piripono ki Te Ariki Tauaroa a Kīngi Tiāre te Tuatoru, te Kīngi o Aotearoa, me ōna uri ake me ōna whakakapi e ai ki te ture, ā, ka aro pirihonga ahau ki ngā ture o Aotearoa me te whakatutuki i āku mahi hei kirirarau o Aotearoa. |

**Waiver of ceremonies and oaths for reasons of public health**[[3]](#footnote-4)

The requirement to take the oath and attend a ceremony may be waived when the Secretary of Internal Affairs is satisfied that it is in the public interest to do so. This applies to the following classes of applicants:

1. Applicants who satisfy the Department that, for reasons of public health, they consider they should not attend a ceremony because:

* they or a family member has been or may have been exposed to a transmissible illness
* they consider, on reasonable grounds, that attending the ceremony would create a risk to their own, or others’ health.

Such applicants may or may not be required to provide evidence outlining their circumstances. The Secretary may consider any information provided by the Ministry of Health (such as current public health risks and demands on the health system) and determine that no evidence is required.

2. A Council hosting a ceremony cancels (or is unable to schedule) a ceremony due to public health, safety or operational capability reasons (for example, due to COVID-19 restrictions).

3. In such cases where the Secretary of Internal Affairs, taking into account information provided by the Ministry of Health, and operational capability, determines it will be in the public interest not to hold a public citizenship ceremony in one or more locations.

Where an applicant has been approved for a grant of citizenship subject to taking the oath, and subsequently become part of a class where the oath may be waived, the Secretary may issue a citizenship certificate.

**Public ceremonies**

Public ceremonies are either held by a local authority (such as a council) or the Department.

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

**Private ceremonies**

The following classes of applicants are currently approved for a private ceremony if they request it:

* the applicant, or a family member of the applicant who applied at the same time, was approved for an English language waiver
* the applicant has a family emergency overseas or the applicant (or other family member) needs to travel overseas for medical help
* the applicant’s spouse, civil union partner, or de facto partner has a family emergency overseas, or the applicant’s spouse, civil union partner, or de facto partner’s 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 their 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 enough English to publicly swear allegiance; or
* the applicant is living overseas and was approved via schedule.

For the avoidance of doubt, the family of an applicant’s spouse, civil union partner or de facto partner may be considered a member of the applicant’s family.

Samoan citizen applicants living in Samoa can attend a ceremony in Samoa held in the New Zealand High Commission. Their grants of citizenship are approved via schedule if all other requirements are met.

If a public ceremony is available within an appropriate timeframe, an applicant approved for urgency may be given priority allocation to an existing public ceremony, rather than having a separate ceremony scheduled.

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

**Evidence to support a request for a private ceremony[[4]](#footnote-5)**

Where sufficient information is not provided during the citizenship application to determine an applicant’s eligibility for a private ceremony, applicants will be asked for evidence to support their request.

The nature of the evidence that the applicant can be expected to provide will depend on:

* the pre-approved reason relied on for requesting a private ceremony
* the circumstances surrounding the request.

If, based on the evidence provided, the Department is satisfied that the applicant’s circumstances fall within one or more of the pre-approved reasons they may be approved to attend a private ceremony.

If an applicant is unable, due to circumstances beyond their control, to obtain documentary evidence then the Department may accept a signed written statement.

The signed written statement must:

* explain the attempts made to request supporting evidence
* explain the circumstances preventing supporting evidence being obtained
* include any other evidence demonstrating that their circumstances meets a pre-approved reason for a private ceremony (such as phone calls, text messages or emails to the applicant showing why the applicant needs to travel urgently)
* be signed by the applicant (including digital signature).

It is an offence to provide false information for the purposes of obtaining New Zealand citizenship by grant. The person providing the written statement can be prosecuted if the information provided is incorrect under section 27 of the Act.

Additionally, the Department could make a recommendation to the Minister to deprive the applicant of their New Zealand citizenship under section 17 of the Act if the information provided is later determined to be false.

# RENUNCIATION OF NEW ZEALAND CITIZENSHIP

|  |
| --- |
| **Legislation**[Section 15](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443886)**Summary**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:* the individual is resident in New Zealand; or
* 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 Secretary (or Life and Identity Services Officer to whom the power is delegated) removes their name from the citizenship register.

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

The Minister may decline an application to renounce citizenship if the applicant where the individual is resident in New Zealand and would become stateless.

Issues the Minister considers include:

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

# DEPRIVATION OF NEW ZEALAND CITIZENSHIP

|  |
| --- |
| **Legislation**[Section 16](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443889)**Summary**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.

**Legislation**[Section 17](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443892)**Summary**The Minister may deprive a person of their citizenship if satisfied that they obtained citizenship by:1. fraud; or
2. false representation; or
3. wilful concealment of relevant information; or
4. 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.

**Legislation**[Section 19](http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443897)**Summary**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.

# POLICY FOR ASSESSMENT OF EVIDENCE OF IDENTITY

In order to present an application to the Minister or their delegate, the Department must establish the identity of the applicant. An applicant can provide a combination of documents to satisfy the Minister or their delegate 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’s licence.

The Department may also confirm an applicant’s identity by accessing the identity information from Immigration New Zealand that has previously been verified.

To bind the applicant to their identity documents (i.e. ensure that the documents provided belong to the person presenting them) Life and Identity Services Officers may require applicants to attend a face-to-face appointment.

Where practicable, applicants may be offered the opportunity to do this using the “liveness” software which the Department provides, instead of attending an appointment.

**Applicants who clearly meet the requirement**

If the Department is satisfied of the applicant’s identity, they are assessed under the relevant section of the Citizenship Act and, provided they meet the requirements of that section, may be placed 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

Applications for citizenship by grant must be submitted in the prescribed manner. The definition of the prescribed manner is provided in the Citizenship Regulations.

|  |
| --- |
| [Regulation 4](http://legislation.govt.nz/regulation/public/2002/0073/latest/link.aspx?id=DLM116653)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
2. be accompanied by the prescribed fee
3. be lodged with an office of the Department.

[Regulation 5](http://legislation.govt.nz/regulation/public/2002/0073/latest/link.aspx?id=DLM116654)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](http://legislation.govt.nz/regulation/public/2002/0073/latest/link.aspx?id=DLM116655)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
2. be accompanied by the prescribed fee (if any)
3. be lodged with an office of the Department.
 |

**Applications for citizenship by grant**

All applications for citizenship should be made on a prescribed form that is either:

* a completed and signed application form submitted by post or otherwise delivered to the Department, or
* a completed online application form submitted to the Department electronically.

Applications sent to the Minister’s office directly will be referred to the Department and will generally be processed by the Department only after a full application has been received and the fee has been paid.

**Applicants who do not apply in the prescribed manner**

Applicants who do not apply in the prescribed manner are given the opportunity to remedy the defect.

Applicants, who have a reason for not applying in the prescribed manner, may ask for the application to be presented to the Minister as a submission, and to have the requirement waived.

The Minister will take into account what has not been provided and the reasons for this in determining whether to waive the requirement.

# LOST CONTACT POLICY

If an applicant loses contact with the Department during the processing of their citizenship application, the applicant is given 6 months to re-establish contact, during which time the Department will also attempt to contact them.

If, after this 6-month period, no contact has been made with the applicant, the application may be placed on a lost contact schedule or forwarded to the Minister as a submission, based on the information available.

**Lost contact schedule**

An application is placed on the lost contact schedule when contact is lost during the initial processing of an application. In these instances, the Citizenship Office is unable to verify identity or assess eligibility.

Applications placed on the lost contact schedule will be recommended to be declined.

**Lost contact submission**

An application will continue as a submission only when the applicant loses contact after agreeing to proceed as a submission. The submission will be forwarded to the Minister with a recommendation to either approve or decline the grant of citizenship. The recommendation of the submission will be determined by the supporting information available.

**Lost contact procedure**

There is a comprehensive process the Department must follow before an application will be placed on a lost contact schedule or 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, their agent
* sending emails and making telephone calls to the applicant and, if applicable, their agent
* attempting to contact any family members who applied at the same time as the applicant
* searching the online white pages to see if the applicant or agent may have changed address.

# REQUIRED INFORMATION AND ‘RELUCTANT’ APPLICANTS

Some applicants do not supply required information or documentation to the Department after multiple requests to do so (‘reluctant applicants’).

In some cases, applicants who are still in contact with the Department 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, with undue time and resources to contact applicants.

**Policy**

When an applicant has not provided requested information after 6 months of it being requested, the Department may present the application to the Minister based on the information provided up until that point.

**Process**

The Department must communicate to the applicant what information is required, why the information is being requested, and that if, after 6 months, the requested information has not been provided, their application may be progressed without it.

After 6 months, if the requested information has not been provided, the applicant should be given the opportunity to provide an explanation as to why he or she cannot provide the information requested.

The Life and Identity Services 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 or provide the information
* the delay is beyond the applicant’s control
* the information can be supplied by the applicant within a reasonable timeframe.

When an applicant does not provide the required information after 6 months (or any other extended period agreed to by the Life and Identity Services 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.

1. The definition of New Zealand in section 4 of the Immigration Act governs entitlement under this section. The Immigration Act definition does not include the Cook Islands, Niue or Tokelau (the Realm countries), which is why presence and entitlement to residence in the Realm countries are covered separately. The Citizenship Act definition (which includes the Realm countries) applies in other sections. [↑](#footnote-ref-2)
2. Information on the Criminal Records (Clean Slate) Act 2004 is available on the Ministry of Justice website at www.justice.govt.nz/criminal-records/clean-slate/. [↑](#footnote-ref-3)
3. The Minister delegated the power to waive the requirement to take the oath or affirmation and attend a public ceremony for public health reasons on 16 March 2020. [↑](#footnote-ref-4)
4. The Department of Internal Affairs adopted the policy with regard to supporting evidence on 22 January 2020. This guidance document was updated to include information about evidence on 10 June 2020. [↑](#footnote-ref-5)