

Citizenship Amendment Bill

Government Bill

As reported from the Justice and Electoral Committee

Commentary

Recommendation

The Justice and Electoral Committee has examined Part 7 of the Statutes Amendment Bill (No. 7) and recommends that it be passed as a separate bill called the Citizenship Amendment Bill.

This commentary sets out the details of our consideration of the bill and the major issues we addressed.

Background

The Statutes Amendment Bill (No. 7) was referred to the Justice and Law Reform Committee on 5 October 1999. At the end of the last Parliament it was carried over and referred to the Justice and Electoral Committee for consideration. The closing date for submissions was 25 February 2000. On 15 March 2000 we considered a request from the Minister of Internal Affairs that Part 7 of the Statutes Amendment Bill (No. 7) be reported back to the House as a separate bill. Part 7 amends section 7 of the Citizenship Act 1977 (the principal Act).

On 22 March 2000 we resolved to divide Part 7 from the Statutes Amendment Bill (No. 7) and name it the Citizenship Amendment

Bill (the bill). We received no submissions on Part 7. Our consideration took 15 minutes.

We received advice on the bill from the Ministry of Justice and the Department of Internal Affairs.

Citizens by descent born outside New Zealand must register citizenship

Section 7 provides that anyone born outside New Zealand on or after 1 January 1978 is a New Zealand citizen by descent, if at the time of their birth their parents are New Zealand citizens, otherwise than by descent. However, the section also provides that unless citizens by descent register their citizenship before attaining 22 years of age, then they automatically lose their citizenship at that time. The requirement to register by 22 years of age is designed to ensure that persons who are likely to have received the citizenship of their birth country, make an informed decision about whether they want to be a New Zealand citizen.

Provisions in principal Act not widely known

From 1 January 2000 provisions in section 7 of the principal Act began to affect New Zealand citizens by descent born overseas after 1977. The provisions are not widely known and already one person has lost their New Zealand citizenship rights held since birth by not registering within the required time. Two other citizens narrowly averted losing their citizenship by registering before their birthdays. The Identity Services Group of the Department of Internal Affairs has developed a publicity campaign called “Stay Kiwi” to promote registration (both in New Zealand and overseas) to minimise this risk. Furthermore, the Government is reviewing the principal Act and the issues surrounding citizenship by descent.

Further time to be provided to allow citizens by descent to register

Clause 25 of the bill amends section 7 of the principal Act to give citizens by descent born on or after 1 January 1978 until age 24 to register their citizenship. It also reinstates citizenship for those who have inadvertently missed their opportunity to register.

We understand that these amendments must be enacted urgently to prevent further citizens by descent from missing their opportunity to

register. Although we received no submissions on clause 25 we note that two aspects need further consideration. First, it is open to the possible interpretation that a person's reinstated citizenship could not be relinquished or removed under the general provisions of the principal Act. Secondly, a person's citizenship status between lapsing and reinstatement is left unclear. We accordingly recommend an amendment to clause 25 so that sections 15 and 16 of the principal Act (under which citizenship can be renounced or removed) will still have effect. The reinstatement of a person's citizenship will take effect from the time it lapsed.

Conclusion

We note that the bill will preserve the citizenship rights of those born overseas to New Zealanders for a further two years while the Government considers issues surrounding citizenship by descent and a review of the Citizenship Act 1977 is completed.

In light of the concerns raised about the risk of citizens by descent losing their opportunity to register their citizenship, we recommend that this bill be passed as soon as possible.

Key to symbols used in reprinted bill

As reported from a select committee

- | | |
|---------------------------------|--|
| <Subject to this Act,> | Words struck out by a majority |
| < <u>Subject to this Act,</u> > | Words inserted by a majority |
| | Indicates remaining clauses of Statutes
Amendment Bill (No 7) |

Note: This bill has been reformatted in accordance with the resolution of the House of 22 December 1999.

Hon Paul Swain

Citizenship Amendment Bill

Government Bill

Contents

1	Title	25	Citizenship by descent
2	Commencement		

The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Citizenship Amendment Act **2000**.
- (2) In this Act, the Citizenship Act 1977¹ is called “the principal Act”.

5

¹ RS Vol 31, p 45

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

25 Citizenship by descent

- (1) Section 7(2) of the principal Act is amended by omitting the figure “2”, and substituting the figure “4”. 10
- (2) Section 7 of the principal Act is amended by adding the following subsection:
 - “(4) The citizenship of any New Zealand citizen by descent that has lapsed before the commencement of **<Part 7 of the Statutes Amendment Act (No 7) 1999** is reinstated and remains in effect unless it lapses under subsection (2) > <this Act is reinstated with effect from the time it lapsed>.” 15

Legislative history

22 March 2000

Divided from the Statutes Amendment Bill (No. 7)
by and reported from Justice and Electoral Committee.
(Bill 334-2A)
