



Citizenship Regulations 2002

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 18th day of March 2002

Present:

Her Excellency the Governor-General in Council

Pursuant to section 28 of the Citizenship Act 1977, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Citizenship Regulations 2002.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Citizenship Act 1977

citizenship means the status of New Zealand citizenship; and
citizen has a corresponding meaning

Department means the Department of Internal Affairs

Secretary means the Secretary for Internal Affairs.

Applications for and certificates of citizenship

4 Application for grant of citizenship

An application for the grant of citizenship under section 8 or section 8A or section 9 or section 10 of the Act must—

- (a) be in the form provided by the Secretary; and
- (b) be accompanied by the prescribed fee; and
- (c) be lodged with an office of the Department.

5 Certificates evidencing grant of citizenship

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.

6 Evidentiary certificate of citizenship

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

- (a) be made in the form provided by the Secretary and addressed to the Secretary;
- (b) be accompanied by the prescribed fee (if any);
- (c) be lodged with an office of the Department.

*Oath of allegiance***7 Taking of oath of allegiance**

- (1) The oath of allegiance set out in the First Schedule of the Act, or an affirmation to the same effect, may be taken—
 - (a) in New Zealand, before a District Court Judge, a solicitor of the High Court of New Zealand, a Justice of the Peace, a member of Parliament, the mayor or deputy mayor of a territorial authority, the chairperson or deputy chairperson of a regional council, or the Secretary;
 - (b) in any island of Tokelau, before the person elected as the Faipule for that island;
 - (c) in any other country, before a New Zealand representative or such other British overseas representative as is authorised for the purpose by the Minister.
- (2) In any country in which there is no New Zealand or British overseas representative, the oath of allegiance or an affirmation to the same effect may be taken before—
 - (a) any other Commonwealth representative; or
 - (b) a Judge; or
 - (c) a person who is authorised by the law of that country to administer oaths; or
 - (d) a person who is authorised for that purpose by the Minister.
- (3) Where the Minister makes a grant of citizenship conditional on the applicant taking the oath of allegiance or making an affirmation to the same effect,—
 - (a) the Secretary must advise the applicant in writing of the requirement; and
 - (b) the oath must be taken or the affirmation made within 1 year of the date of that letter; and
 - (c) if the oath is not taken or the affirmation is not made within that time or within any further time that the Minister may allow, the grant of citizenship lapses.

*Renunciation and deprivation of citizenship***8 Declarations of renunciation of citizenship**

- (1) A declaration of renunciation of citizenship under section 15 of the Act must be subscribed in duplicate in the form provided by the Secretary.
- (2) A declaration of renunciation of citizenship may be made—

- (a) in New Zealand, before a District Court Judge or the Secretary:
 - (b) in any other country, before a New Zealand representative or any other British overseas representative authorised for the purpose by the Minister.
- (3) In any country in which there is no New Zealand or British overseas representative, a declaration of renunciation of citizenship may be made before—
 - (a) any other Commonwealth representative; or
 - (b) a Judge; or
 - (c) a person who is authorised by the law of that country to administer oaths; or
 - (d) a person who is authorised for the purpose by the Minister.
- (4) Both copies of a declaration of renunciation of citizenship must—
 - (a) be transmitted by the person making it, or by the person before whom it is made, to the Department:
 - (b) be accompanied by the prescribed fee (if any).
- (5) Unless the Minister declines to register the declaration pursuant to section 15(3) of the Act, the Minister must cause 1 copy to be officially noted as having been registered. That copy must be returned to the declarant, and the other copy must be filed in the Department.
- (6) The person who has renounced citizenship, or any other person having in their possession or control any certificate to the effect that the person who has renounced citizenship is a citizen, or a New Zealand passport or emergency travel document in the name of that person or in which the name of that person appears, must deliver up the certificate or passport or emergency travel document to the Secretary.

9 Deprivation of citizenship

A person who has been deprived of citizenship under section 16 or section 17 of the Act, or any other person having in their possession or control a certificate to the effect that the person who has been deprived of citizenship is a citizen, or a New Zealand passport or emergency travel document in the name of that person or in which the name of that person appears, must deliver up the certificate or passport or emergency travel document to the Secretary.

10 Giving notice relating to deprivation of citizenship

A notice by the Minister under section 19 of the Act of the Minister's intention to deprive a person of citizenship must be given to the person concerned or sent to the person at his or her last known address.

Registers

11 Register of citizenship by descent

- (1) A person who wishes to have his or her birth, or the birth of any other person, registered for the purposes of section 7(2) or section 13(4)(b) of the Act may apply to the Secretary on the form provided by the Secretary.
- (2) The application may be lodged with any office of the Department, or with any New Zealand overseas representative, and must be accompanied by the prescribed fee (if any).
- (3) On being satisfied of the relevant person's entitlement to be registered for the purposes of section 7(2) or section 13(4)(b) of the Act, the Secretary must cause an appropriate entry of the matter to be inserted in a register recording citizens by descent.
- (4) If a person registered as a citizen by descent has renounced or been deprived of citizenship, the Secretary must cause an appropriate entry of the matter to be inserted in the register.
- (5) The Secretary may remove the name of a person from the register if satisfied that the person's name was registered as a result of—
 - (a) fraud; or
 - (b) false representation; or
 - (c) wilful concealment of relevant information; or
 - (d) administrative error.

12 Register of persons granted citizenship

- (1) There must be set up and maintained within the Department a register of persons who are granted citizenship.
- (2) If a person registered as having been granted citizenship has renounced or been deprived of citizenship, the Secretary must cause an appropriate entry of the matter to be inserted in the register.

13 Registers of persons renouncing or deprived of citizenship

- (1) There must be set up and maintained within the Department—
 - (a) a register of persons who have renounced citizenship; and
 - (b) a register of persons who have been deprived of citizenship.
- (2) If a citizen has renounced or been deprived of citizenship, the Secretary must cause an appropriate entry of the matter to be inserted in the appropriate register.
- (3) A certified copy of any such entry to the effect that a person has renounced or been deprived of citizenship is sufficient evidence, without proof of the signature and in the absence of proof to the contrary, of the facts stated in the certificate.

14 Maintenance of registers

- (1) Subject to the direction of the Minister, the Secretary is responsible for keeping and maintaining the registers referred to in regulations 11 to 13.
- (2) The registers may be kept—
 - (a) in the form of duplicates of certificates; or
 - (b) in writing; or
 - (c) in the form of information stored by electronic means that is readily retrievable; or
 - (d) a combination of those methods.

15 Inspection of registers

- (1) Except as provided in regulation 16, any person may, during ordinary office hours, inspect any register maintained in a form referred to in regulation 14(2)(a) or (b) and make copies of any register entry.
- (2) Except as provided in regulation 16, any person may inspect any register maintained in a form referred to in regulation 14(2)(c) and make copies of any register entry.

16 Restriction of access to register entries in certain cases

- (1) The Secretary may authorise the withholding from public inspection of any particular entry in a register—
 - (a) for a period of 10 years from the date of the entry; and

- (b) on application by the person concerned, for a further period or periods of 10 years.
- (2) The Secretary may give such an authorisation only if satisfied that not to do so would risk the safety of the applicant or any other person.
- (3) An authorisation under this regulation does not prevent—
 - (a) the person to whom the entry relates from seeing their own particulars, or consenting to a third party seeing their particulars; or
 - (b) access to the entry concerned by a government department for the purpose of carrying out its statutory functions.

Miscellaneous provisions

17 Fees

- (1) The fees set out in the Schedule are payable in respect of the matters specified in that Schedule.
- (2) The fees are inclusive of goods and services tax (where applicable).

18 Fee for grant of citizenship not payable by certain immigrant children

- (1) Despite anything to the contrary in these regulations, no fee is payable in respect of an application for a grant of citizenship under the Act that—
 - (a) is made by a person who can show, to the satisfaction of the Secretary, that he or she was an immigrant child and not a refugee child; and
 - (b) is made in respect of the person himself or herself; and
 - (c) is made after 13 November 1995.
- (2) No person may make more than 1 application free of charge under this regulation.
- (3) In this regulation,—

immigrant child means a child who, before attaining the age of 18 years, came to New Zealand from Great Britain between 1 January 1949 and 31 December 1954 in accordance with an arrangement between the Government of New Zealand and his or her parents or guardian that the child would live in New Zealand subject to the provisions of Part I of the Child Welfare Amendment Act 1948; but does not include any person

who came to New Zealand accompanied by and in the charge of his or her parent or any of his or her relatives

refugee child means a child who came to New Zealand as an immigrant pursuant to an arrangement made for that purpose between the Government of New Zealand and the International Refugee Organisation.

19 Offences

Every person who knowingly fails to deliver up any document in contravention of regulation 8(6) or regulation 9 commits an offence and is liable on summary conviction to a fine not exceeding \$200.

20 Revocation

The Citizenship Regulations 1978 (SR 1978/181) are revoked.

**Schedule
Fees**

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	Matter	Fee (\$)
1	Application for grant of citizenship under Citizenship Act 1977 (other than to child under the age of 16 years)	360.00
2	Application for grant of citizenship under Citizenship Act 1977 for child under the age of 16 years	160.00
3	Application for grant of citizenship under section 7(1) of the Citizenship (Western Samoa) Act 1982 (other than to child under the age of 16 years)	360.00
4	Application for grant of citizenship under section 7(1) of Citizenship (Western Samoa) Act 1982 for child under the age of 16 years	160.00
5	Application under section 21(1) of Citizenship Act 1977 for certificate confirming that an applicant is a New Zealand citizen	100.00
6	Application under section 21(1) of Citizenship Act 1977 for certificate confirming that an applicant is not a New Zealand citizen	65.00
7	Application for registration of persons born outside New Zealand (if application made in New Zealand) (citizenship by descent)	100.00
8	Application for registration of persons born outside New Zealand (if application made outside New Zealand) (citizenship by descent)	100.00
9	Application for replacement certificate of citizenship	100.00
10	Application for registration of declaration of renunciation of citizenship (overseas or in New Zealand)	380.00

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on the 28th day after the date of their notification in the *Gazette*, revoke and replace the Citizenship Regulations 1978.

The only substantive changes between these regulations and the 1978 regulations relate to the various registers kept under the regulations, and are as follows:

- provision is made for the descent register to be updated to record the case where a citizen by descent has renounced or been deprived of citizenship;
 - a person's details may be removed from the descent register if the Secretary is satisfied that the registration was the result of fraud, false representation, wilful concealment of relevant information, or administrative error;
 - the descent register is now made available for public inspection, as with the other registers kept under the regulations, but the new *regulation 16* makes special provision for withholding entries on any of the registers if the Secretary is satisfied that it would prevent risk to the safety of any person;
 - new *regulation 14* now allows the registers to be kept either electronically or in paper form.
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Date of notification in *Gazette*: 21 March 2002.

These regulations are administered in the Department of Internal Affairs.
