Citizenship (Western Samoa) (Restoration) Amendment Act 2024

Public Act	2024 No 48
Date of assent	25 November 2024
Commencement	see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Citizenship (Western Samoa) (Restoration) Amendment Act 2024.

2 Commencement

This Act comes into force on the day after Royal assent.

Part 1
Amendments to Citizenship (Western Samoa) Act 1982

3 Principal Act

This Part amends the Citizenship (Western Samoa) Act 1982.

4 Section 6 amended (Persons to whom this Act applies not New Zealand citizens)

In section 6, after "under section 7", insert "or 7A".

5 Section 7 amended (Grant of citizenship as of right in certain cases)

After section 7(2), insert:

(3) A person granted New Zealand citizenship under section 7A—

(a) may later apply for and be granted citizenship under subsection (1)(b)(i); but

(b) may not later apply for or be granted citizenship under subsection (1)(b)(ii).

6 New section 7A inserted (Grant of citizenship of special nature as of right in certain other cases)

After section 7, insert:

7A Grant of citizenship of special nature as of right in certain other cases

Who may apply for citizenship under this section

(1) A person to whom any 1 or more of paragraphs (a) to (d) of section 4(1) apply may apply in the prescribed manner to the Minister of Internal Affairs for New Zealand citizenship under this section.

Special nature of citizenship under this section

(2) A mother's or father's New Zealand citizenship granted under this section is not a basis for citizenship by descent for a child born outside New Zealand (*see* section 7(1)(a)(ii) of the Citizenship Act 1977).

(3) A person granted New Zealand citizenship under this section—

(a) may later apply for and be granted New Zealand citizenship under—

(i) section 7(1)(b)(i) of this Act (*see* section 7(3)(a) of this Act); or

(ii) section 8, 9, or 10 of the Citizenship Act 1977; but

(b) may not later apply for or be granted New Zealand citizenship under section 7(1)(b)(ii) of this Act (*see* section 7(3)(b) of this Act).

Minister's duty in response to application

(4) The Minister must grant New Zealand citizenship under this section to a person if the person has—

(a) applied in the prescribed manner to the Minister under this section; and

(b) proved to the Minister's satisfaction that the person is a person to whom any 1 or more of paragraphs (a) to (d) of section 4(1) apply.

Application is subject to Citizenship Act 1977 sections and regulations

(5) An application for citizenship under this section is subject to the following sections of the Citizenship Act 1977 and to any regulations made under that Act (which apply, with all necessary modifications, to the application under this section as if it were an application under section 10 of that Act):

(a) section 4A (delegation of powers by Secretary):

(b) section 11 (Minister may require oath or affirmation of allegiance to be taken):

(c) section 12 (certificate of New Zealand citizenship):

(d) section 24 (general provisions as to certificates and other documents):

(e) section 27 (offences and penalties):

(f) section 28 (regulations).

Part 2
Amendments to other legislation

Subpart 1—Amendment to Citizenship Act 1977

7 Principal Act

This subpart amends the Citizenship Act 1977.

8 Section 7 amended (Citizenship by descent)

Replace section 7(1)(a) with:

(a) his or her mother or father was a New Zealand citizen otherwise than by—

(i) descent; or

(ii) grant under section 7A of the Citizenship (Western Samoa) Act 1982; or

Subpart 2—Amendments to Citizenship Regulations 2002

9 Principal regulations

This subpart amends the Citizenship Regulations 2002.

10 Regulation 4 amended (Application for grant of citizenship)

In regulation 4, insert as subclause (2):

(2) In subclause (1), a reference to an application under section 10 of the Act includes a reference to an application under section 7 or 7A of the Citizenship (Western Samoa) Act 1982 (*see* sections 7(2) and 7A(5) of that Act).

11 New regulation 17A inserted (Fee for application under section 7A of Citizenship (Western Samoa) Act 1982)

After regulation 17, insert:

17A Fee for application under section 7A of Citizenship (Western Samoa) Act 1982

(1) The fee for an application for grant of citizenship under section 7A of the Citizenship (Western Samoa) Act 1982 is $177.78.

(2) The fee is exclusive of goods and services tax.

(3) The fee must be refunded to the applicant if their application is approved.

12 Regulation 18A amended (Refund for withdrawal of application for grant of citizenship in certain cases)

After regulation 18A(1)(b), insert:

(c) $136.30, in the case of a person who has paid the fee set out in regulation 17A.

Subpart 3—Amendments to Immigration Act 2009

13 Principal Act

This subpart amends the Immigration Act 2009.

14 Section 174 amended (Effect of suspension)

In section 174(1)(c), replace "section 7(1)(b)(i)" with "sections 7(1)(b)(i) and 7A".

15 Section 213 amended (Effect of suspension)

In section 213(1)(d), replace "section 7(1)(b)(i)" with "sections 7(1)(b)(i) and 7A".

Legislative history

3 August 2023	Introduction (Bill 277–1)
10 April 2024	First reading and referral to Governance and Administration Committee
9 October 2024	Reported from Governance and Administration Committee (Bill 277–2)
23 October 2024	Second reading
6 November 2024	Committee of the whole House (Bill 277–3)
20 November 2024	Third reading
25 November 2024	Royal assent

This Act is administered by the Department of Internal Affairs.

Wellington, New Zealand:
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