

## **Citizenship Amendment Regulations 2006**

### **Preamble**

At Wellington this 16th day of October 2006

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

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- 1 Title**  
These regulations are the Citizenship Amendment Regulations 2006.

**2 Commencement**

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

**3 Principal regulations amended**

These regulations amend the Citizenship Regulations 2002.

**4 Register of citizenship by descent**

Regulation 11 is amended by revoking subclauses (1) to (3) and substituting the following subclauses:

- “(1) There must be set up and maintained within the Department a register of citizenship by descent.
- “(2) The purpose of the register is to provide a record of persons who have registered their citizenship by descent status.
- “(3) 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) of the Act may apply to the Secretary on the form provided by the Secretary.
- “(3A) The application may be lodged with any office of the Department, or with any New Zealand representative, and must be accompanied by the prescribed fee (if any).
- “(3B) On being satisfied of the relevant person’s entitlement to be registered for the purposes of section 7(2) of the Act, the Secretary must cause an appropriate entry of the matter to be inserted in the register of citizenship by descent.”

**5 Register of persons granted citizenship**

Regulation 12 is amended by inserting the following subclause after subclause (1):

- “(1A) The purpose of the register is to provide a record of persons who have acquired citizenship by grant.”

**6 Registers of persons renouncing or deprived of citizenship**

Regulation 13 is amended by inserting the following subclause after subclause (1):

- “(1A) The purpose of the registers is, respectively,—
  - “(a) to provide a record of persons who have renounced citizenship:

“(b) to provide a record of persons who have been deprived of citizenship.”

**7 New regulation 15 substituted**

Regulation 15 is revoked and the following regulation substituted:

**“15 Public access to registers**

“(1) Except as provided in subclause (2), information from a register referred to in regulations 11 to 13 (a **citizenship register**) may be disclosed—

“(a) only in respect of a named individual; and

“(b) only on request, in a manner specified by the Secretary, by—

“(i) the individual concerned; or

“(ii) a person who has the authorisation of the named individual; or

“(iii) a person who needs confirmation of the citizenship status of a parent or grandparent to establish a claim to citizenship; or

“(iv) a person who satisfies the Secretary that he or she requires the information for a genuine and proper purpose that is related to the purpose of the relevant register.

“(2) Despite subclause (1), information from a citizenship register may be disclosed for any of the following purposes:

“(a) to avoid prejudice to the maintenance of the law by a public sector agency:

“(b) for the exercise of security-related functions of the New Zealand Security Intelligence Service:

“(c) for the conduct of any proceedings before any court or tribunal:

“(d) for statistical or research purposes where the information will not be published in a form that could reasonably be expected to identify any individual concerned.”

**8 Regulation 16 revoked**

Regulation 16 is revoked.

## 9 New regulation 18A inserted

The following regulation is inserted after regulation 18:

### “18A Refund for withdrawal of application for grant of citizenship in certain cases

- “(1) Where a person who has applied for a grant of citizenship withdraws that application before completion of its initial processing, the person is entitled to a refund of—
- “(a) \$150, in the case of a person who has paid the fee set out in item 1 or item 3 of the Schedule;
- “(b) \$75, in the case of a person who has paid the fee set out in item 2 or item 4 of the Schedule.
- “(2) No refund is payable if the person withdraws the application after completion of its initial processing.
- “(3) For the purposes of this regulation, initial processing of an application is treated as completed once—
- “(a) an employee of the Department has given written notification to the applicant of the option to withdraw the application; and
- “(b) the applicant has responded to that written notification.”

## 10 Schedule amended

- (1) The Schedule is amended by omitting item 5 and substituting the following item:

5	Application under section 21(1) of Citizenship Act 1977 for a certificate confirming that an applicant is a New Zealand citizen—	
	(a) if the applicant's New Zealand citizenship has previously been granted, registered, or confirmed	110.00
	(b) if the applicant's	200.00

New Zealand  
citizenship has  
not previously  
been granted,  
registered, or  
confirmed

- (2) The Schedule is amended by inserting the following item after item 6:

6A	Application for written confirmation of citizenship status of another person (if authorised by regulation 15)	110.00
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- (3) The Schedule is amended by adding the following item:

11	Provision of printout or copy of entry in register in respect of a named person (if authorised by regulation 15)	26.00
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Diane Morcom,  
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*, amend the Citizenship Regulations 2002.

The amendments—

- amend regulations 11, 12, and 13 to include a statement of the purposes of the various citizenship registers that record citizenship by descent or grant, and renunciations and deprivations of citizenship:
- revoke and replace existing regulation 15, which currently allows public inspection of the citizenship register. The new regulation 15 provides that, except in the more general circumstances described in new regulation 15(2), information in respect of named individuals may be supplied only on the request of the individual concerned or a person authorised by them, or of a person who needs confirmation of the citizenship status of a parent or grandparent to establish a claim to citizenship, or of a person who satisfies the Secretary for Internal Affairs that he or she requires the information for a genuine and proper purpose:
- revoke regulation 16 as no longer required in light of the new regulation 15:
- provide in the new regulation 18A for a partial refund of fees for applications for a grant of citizenship where the application is withdrawn before initial processing has been completed:
- amend the existing fee for applications for certificates confirming New Zealand citizenship to provide differing fees depending on whether or not the applicant has previously had his or her citizenship granted, registered, or confirmed:
- provide 2 new fees in respect of confirmation of a person's citizenship status requested by a third party, and provision of a printout or copy of an entry in a register in respect of a named person.

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