

Restoring Citizenship Removed By Citizenship (Western Samoa) Act 1982 Bill

Member's Bill

Explanatory note

General policy statement

This Bill would provide entitlement to New Zealand citizenship for a group of people born in Western Samoa whose citizenship was removed through the enactment of the Citizenship (Western Samoa) Act 1982 (the **1982 Act**).

In 1982, the Privy Council ruled that, because earlier NZ legislation had treated those born in Western Samoa after 13 May 1924 as “natural-born British subjects” for the purposes of NZ law, that cohort of people received NZ citizenship when NZ established its own citizenship in 1948.

However, the government at the time did not want a large number of people from Western Samoa claiming NZ citizenship, so it enacted the 1982 Act, thereby overturning the Privy Council ruling.

The 1982 Act removed NZ citizenship from those people who, under the earlier NZ legislation, had NZ citizenship because they were born in Western Samoa between 13 May 1924 and 1 January 1949, and those claiming citizenship through those people by descent or marriage. (An exception was that the 1982 Act did not remove the citizenship of a person present in New Zealand at the time that the 1982 Act came into force.)

The effect of this Bill will be that a person whose NZ citizenship was removed by the 1982 Act will be eligible for citizenship as of right, instead of having to go through the standard residency and citizenship application processes.

The NZ Government will also need to consult with the Samoan Government about changing the Treaty of Friendship that exists between the two countries, as it will need to be amended in light of this Bill. In a report on a 2004 petition advocating for the changes proposed in this Bill (Petition 2002/44), the Government Administration

Committee recommended that the Treaty of Friendship be revisited, reviewed, and renewed.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill comes into force on the day after the date on which it receives the Royal Assent.

Clause 3 sets out the purpose of the Bill. The purpose of the Bill is to enable people who were New Zealand citizens in 1982 and whose New Zealand citizenship was removed by the Citizenship (Western Samoa) Act 1982 to apply for, and to receive as of right, New Zealand citizenship.

Clause 4 provides that the Bill binds the Crown.

Clause 5 provides for those people whose citizenship was removed by the Citizenship (Western Samoa) Act 1982 to apply for, and to receive as of right, New Zealand citizenship.

Clause 6 repeals the Citizenship (Western Samoa) Act 1982.

Teanau Tuiono

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Restoring Citizenship Removed By Citizenship (Western Samoa) Act 1982 Act **2023**.

2 Commencement

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

3 Purpose

The purposes of this Act are—

- (a) to enable people whose New Zealand citizenship was removed by the Citizenship (Western Samoa) Act 1982 to receive, on application, New Zealand citizenship as of right; and 10
- (b) to repeal the Citizenship (Western Samoa) Act 1982.

4 Act binds the Crown

This Act binds the Crown.

5 Grant of citizenship as of right to specified persons

- (1) This section applies to a person (a **specified person**) who,—
- (a) immediately before the commencement of the Citizenship (Western Samoa) Act 1982, was a New Zealand citizen; and 5
 - (b) under section 6 of the Citizenship (Western Samoa) Act 1982, was deemed never to have been a New Zealand citizen; and
 - (c) has not, since the commencement of the Citizenship (Western Samoa) Act 1982, obtained New Zealand citizenship. 10
- (2) The Minister of Internal Affairs must authorise the grant of New Zealand citizenship to a specified person who applies for New Zealand citizenship under this Act.
- (3) The Citizenship Act 1977, and any regulations made under that Act, apply with any necessary modifications to an application made under **subsection (2)** as if it were an application under section 10 of that Act. 15
- (4) Despite the repeal of the Citizenship (Western Samoa) Act 1982 by **section 6**, the provisions of that Act continue to apply for the purpose of determining whether **subsection (1)(b)** applies to a person.

6 Repeal of Citizenship (Western Samoa) Act 1982 20

The Citizenship (Western Samoa) Act 1982 (1982 No 11) is repealed.