

Citizenship Amendment Act (No 2) 2001

Public Act 2001 No 95
Date of assent 9 December 2001

Contents

	Page
1 Title	1
2 Commencement	2
Part 1	
Amendments to principal Act	
3 Special provisions relating to parentage	2
4 Citizenship by birth	2
5 Citizenship by descent	2
6 Citizenship by grant	2
7 Grant of citizenship to spouse of New Zealand citizen	3
8 Grant of citizenship as of right in certain cases	3
9 Renunciation of citizenship	3
Part 2	
Reinstatement of lapsed citizenship	
10 Reinstatement of lapsed citizenship by descent	4

The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Citizenship Amendment Act (No 2) 2001.

- (2) In this Act, the Citizenship Act 1977 is called “the principal Act”.

2 Commencement

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

Part 1

Amendments to principal Act

3 Special provisions relating to parentage

- (1) Section 3(2) of the principal Act is amended by inserting, after paragraph (a), the following paragraph:

“(aa) he or she has been legally adopted by that citizen, in Niue, Tokelau, or the Cook Islands, by an adoption order that has the same operation and effect as an adoption order made under the Adoption Act 1955; or”.

- (2) Section 3(2) of the principal Act is amended by inserting in the proviso, after the words “Adoption Act 1955”, the words “(or in accordance with the law relating to the discharge of adoption orders in Niue, Tokelau, or the Cook Islands)”.

4 Citizenship by birth

Section 6(4)(b) of the principal Act is amended by inserting, after subparagraph (ii), the following subparagraph:

“(iia) a person working overseas for the public service of Niue, Tokelau, or the Cook Islands; or”.

5 Citizenship by descent

Section 7 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

“(2) A person who is a New Zealand citizen by virtue of subsection (1) may apply for his or her citizenship status to be registered in accordance with regulations made under this Act.”

6 Citizenship by grant

- (1) Section 8 of the principal Act is amended by inserting, after subsection (4), the following subsection:

“(4A) The Minister may, after consultation with the Minister of Immigration, waive the requirement in subsection (2)(b) if satisfied that the applicant is entitled to reside indefinitely in Niue, Tokelau, or the Cook Islands.”

(2) Section 8 of the principal Act is amended by adding the following subsection:

“(6) The intention referred to in subsection (2)(f)(i) must be a continuing intention throughout the period from the date of application until the date the Minister makes the decision on whether to authorise the grant of citizenship.”

7 Grant of citizenship to spouse of New Zealand citizen

Section 8A of the principal Act is amended by adding the following subsection:

“(4) The Minister may, after consultation with the Minister of Immigration, waive the requirement in subsection (2)(b) if satisfied that the applicant is entitled to reside indefinitely in Niue, Tokelau, or the Cook Islands.”

8 Grant of citizenship as of right in certain cases

Section 10 of the principal Act is amended by adding, as subsection (2), the following subsection:

“(2) This section does not apply to a person who has previously been deprived of New Zealand citizenship by order under section 16 or section 17, or renounced his or her citizenship under section 15.”

9 Renunciation of citizenship

Section 15 of the principal Act is amended by adding the following subsection:

“(4) A person who has ceased to be a New Zealand citizen under this section may regain New Zealand citizenship only by way of a grant of citizenship under section 8 or section 8A or section 9.”

Part 2

Reinstatement of lapsed citizenship

10 Reinstatement of lapsed citizenship by descent

The citizenship of any New Zealand citizen by descent that has lapsed under section 7(2) of the principal Act before the commencement of this Act is reinstated with effect from the time it lapsed.

Legislative history

4 October 2001	Introduction (Bill 160-1)
16 October 2001	First reading and referral to Government Administration Committee
16 November 2001	Reported from Government Administration Committee
4 December 2001	Second reading, committee of the whole House, third reading
9 December 2001	Royal assent
