

10 March 2014

Mr Nigel Jones

Email address [fyi-request-1452-dbb8ac25@requests.fyi.org.nz](mailto:fyi-request-1452-dbb8ac25@requests.fyi.org.nz)

Dear Mr Jones,

Thank you for your request of 11 February 2014 under the Official Information Act 1982 (**Act**), asking the following:

1. Since 2005 how many New Zealand Passports were cancelled under the Passports Act 1992 or other relevant legislation. Except cancellation of an old passport due to:
  - a. Expiration
  - b. Reported loss of passport
  - c. Renewal
  - d. Death of the passport holder
  
2. A breakdown of total cancellations covered by part 1, into reasons for cancellation and the relevant sections of legislation that they were cancelled under.

As you have already noted, there are a number of reasons why a New Zealand passport may be recalled or cancelled under the Passports Act 1992 (**Passport Act**). Reasons may include things such as, a determination that a passport has been obtained falsely, a person has denounced their New Zealand Citizenship, the passport has been damaged or defaced, or that particulars recorded in the passport are incorrect.

Sections 8 to 9A of the Passports Act provide the bases for cancellation of a passport. Copies of sections 8 to 9A of the Passports Act have been included as an appendix to this letter.

Unfortunately I am unable to extract information from the passport system to provide you with a detailed breakdown of actual numbers of cancellations relating to each of the reasons without substantial collation and research. Accordingly your request has been refused in part under section 18(f) of the Act.

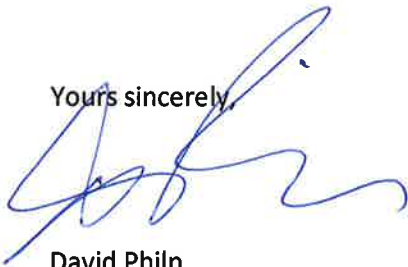


However, in light of recent media interest in the matter of passport cancellation I have assumed that you are specifically seeking information around the cancellation of New Zealand passports in reliance on section 8A of the Passports Act. I am able to advise you that a total of seven New Zealand passports have been recalled and cancelled on the grounds of national security, under section 8A of the Passports Act.

You have the right, by way of complaint under section 28(3) of the Act to an Ombudsman, to seek an investigation and review of the decision to withhold information. The Ombudsman's address for contact purposes is:

The Ombudsman  
Office of the Ombudsmen  
PO Box 10-152  
WELLINGTON

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'David Philp', is written over the 'Yours sincerely,' text.

David Philp  
General Manager, Identity and Passport Services

## *Recall of passports*

### **8 Cancellation of passport where holder ceases to be entitled to passport**

- (1) The Minister may, by notice in writing, recall any New Zealand passport, and cancel it or retain possession of it, in any of the following cases:
- (a) where the holder has not attained the age of 16 years and the parent or guardian who gave his or her consent to the issue of the passport has written to the Minister withdrawing that consent; or
  - (b) where the passport was issued to the holder in the mistaken belief that the holder was, at the time of issue, a New Zealand citizen; or
  - (c) *[Repealed]*
  - (d) where the holder has renounced New Zealand citizenship under [section 15](#) of the Citizenship Act 1977; or
  - (e) where the holder has been deprived of New Zealand citizenship under [section 16](#) or [section 17](#) of the Citizenship Act 1977; or
  - (f) where 2 or more valid New Zealand passports are in existence in respect of the holder and there is no longer any sufficient reason why that should continue to be the case.

(2) *[Repealed]*

Section 8(1)(c): repealed, on 22 October 2003, by [section 4\(1\)](#) of the Passports Amendment Act 2003 (2003 No 92).

Section 8(2): repealed, on 22 October 2003, by [section 4\(2\)](#) of the Passports Amendment Act 2003 (2003 No 92).

### **8A Cancellation of passport on grounds of national security**

- (1) The Minister may, by notice in writing, recall any New Zealand passport, and cancel it or retain possession of it, if the Minister believes on reasonable grounds that—
- (a) the person is a danger to the security of New Zealand because the person intends to engage in, or facilitate,—
    - (i) a terrorist act within the meaning of [section 5](#) of the Terrorism Suppression Act 2002; or
    - (ii) the proliferation of weapons of mass destruction; or
    - (iii) any unlawful activity designed or likely to cause devastating or serious economic damage to New Zealand, carried out for purposes of commercial or economic gain; and
  - (b) the danger to the security of New Zealand cannot be effectively averted by other means; and
  - (c) the cancellation of the passport, or its retention by the Minister, will prevent or effectively impede the ability of the person to carry out the intended action.
- (2) If the Minister cancels or retains possession of a passport under this section,—
- (a) the Minister must notify the person in writing of the cancellation or retention, and the reasons for it; and
  - (b) the person is not entitled to obtain that passport or another New Zealand passport during the 12-month period starting with the date of the notice, unless the Minister's decision under this section is revoked by the Minister or by a court.
- (3) The Minister may, at any time before the expiry of the 12-month period referred to in subsection (2)(b), apply to a Judge of the High Court for an order to extend for a further period not exceeding 12 months the period during which the person is not entitled to obtain the passport or another New Zealand passport.
- (4) The Judge must make the order applied for if satisfied that—
- (a) the information presented in support of the application is credible, having regard to its source or sources; and
  - (b) the information reasonably supports a finding that paragraphs (a), (b), and (c) of subsection (1) still apply in relation to the person concerned.

Section 8A: inserted, on 21 April 2005, by [section 11](#) of the Passports Amendment Act 2005 (2005 No 44).

## **9 Cancellation of passport on other grounds**

- (1) The Minister may, by notice in writing, recall any New Zealand passport, and cancel it or retain possession of it, where—
- (a) it is produced in support of an application for the issue of another passport in substitution for the first one; or
  - (b) it has expired and is incapable of being renewed; or
  - (c) it has been so damaged or defaced as to render it, in the opinion of the Minister, unsuitable for use; or
  - (d) there is reasonable cause to believe that particulars recorded in it are incorrect; or
  - (e) there is reasonable cause to believe that the passport, or any renewal or endorsement of the passport, has been obtained by means of any false representation or any statement that is false in a material particular.
- (2) Subject to [sections 3](#) and [4](#), where the Minister retains or cancels a passport under this section, the Minister shall, on the application of the holder of that passport, issue, as soon as practicable, another New Zealand passport to replace that passport.

Section 9(1)(d): amended, on 21 April 2005, by [section 12](#) of the Passports Amendment Act 2005 (2005 No 44).

## **9A Cancellation of passport pursuant to court order**

The Minister must recall a New Zealand passport by notice in writing, and cancel it, if an order that it must be cancelled is made under [section 32A](#).

Section 9A: inserted, on 18 June 2002, by [section 5](#) of the Passports Amendment Act 2002 (2002 No 24).

Section 9A: amended, on 21 April 2005, by [section 13](#) of the Passports Amendment Act 2005 (2005 No 44).