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Tēnā koe P Kelly

Official Information Act 1982 request 2122-0253 – Citizenship for Māori born outside of New Zealand

Thank you for your Official Information Act (Act) request received by the Ministry of Business, Innovation and Employment on 27 August 2021. Your request was partially transferred to the Department of Internal Affairs (Department) on 22 September 2021 for response.

You requested –

Does Immigration NZ or the Minister have any documentation on whether a Maori person who is not a citizen of New Zealand has any special immigration rights or status as a result of their Maori descent, for example protection from deportation? If so, please provide it.

In response to your request I can provide you with the following information.

New Zealand Citizenship

It is first important for me to provide some contextual information around New Zealand citizenship.

New Zealand citizenship is governed by the Citizenship Act 1977 (Act) ([Citizenship Act 1977](#)) and the Citizenship (Western Samoa) Act 1982 (WS Act) ([Citizenship \(Western Samoa\) Act 1982](#)). The Department of Internal Affairs is responsible for the administration of these Acts.

There are three types of New Zealand citizenship; by birth, by descent and by grant.

- **Citizenship by birth** - A person may be a New Zealand citizen by birth if they were born in New Zealand before 1 January 2006 or if they were born in New Zealand on or after 1 January 2006 and at least one of their parents is a New Zealand citizen or permanent resident.
- **Citizenship by descent** - A person may be registered as a New Zealand citizen by descent if they were born overseas and have at least one parent who was a New Zealand citizen by birth or grant at the time of their birth. New Zealand citizenship by descent is limited to the first generation born outside New Zealand since the Act came into force on 1 January 1978.

- **Citizenship by grant** - A person may be eligible to apply for citizenship by grant under sections 8, 9, or 10 of the Citizenship Act 1977 or under section 7 of the Citizenship (Western Samoa) Act.

In considering the relevance of whakapapa, it is useful to make a distinction between types of citizenship where a person's parent's status may determine or be a factor in their eligibility for citizenship, and types of citizenship where wider whakapapa may be taken into account. This has been broken down for you further in the table found in Appendix A, attached.

The Citizenship Guidance Document guides day-to-day decision-making. This is a document which is a guide for applicants, officials who process citizenship applications within the Department and the Minister of Internal Affairs (Minister) in decision-making on citizenship applications. This document is published on our website; a link to this document in both Word and PDF format can be found here [Citizenship Guidance Document](#) (please select November 2020 version).

In addition to the information outlined above, in July 2006 the Identity and General policy team prepared a paper outlining citizenship issues for Māori born outside New Zealand which looked at the development of New Zealand citizenship law and the implication for Māori born in foreign countries. The paper was prepared as a project under the Department's Effectiveness for Māori strategic plan 2006-2009 and summarises the policy considerations and legislative history which lead to the current legislation.

Please refer to Appendix B, attached, for a copy of this document.

Deportation

Immigration New Zealand (INZ) is responsible for deportation and has provided the Department with the following information regarding Māori whakapapa and deportation:

'A non-New Zealand citizen may become subject to deportation for a variety of reasons such as not holding a visa to be in New Zealand, being in breach of a visa, obtaining a visa by fraud or being convicted of criminal offending.

All individuals subject to deportation have an opportunity to provide INZ with information about their personal circumstances, which may include family or other settlement factors in New Zealand.

New Zealand is a signatory to a number of international conventions that provide for factors to be considered in assessing whether deportation will proceed'.

If you would like any further information regarding deportation, please contact Immigration New Zealand directly on 0508 558 855 or visit their website at www.immigration.govt.nz.

As this information may be of interest to other members of the public, the Department has decided to proactively release a copy of this response on the DIA website. All requestor data including your name and contact details, will be removed prior to release. The released response will be made available here: www.dia.govt.nz/Official-Information-Act-Requests-2.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Ngā mihi

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke extending to the right.

Julia Taylor
Manager Operational Policy and Official Correspondence
Service Delivery and Operations