



5 October 2023

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Matt

dia.govt.nz

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Tēnā koe Matt

OIA request 23/24 0170 Request for citizenship processing timeframes.

Thank you for your Official Information Act (Act) request received by the Department of Internal Affairs (Department) on 7 September 2023.

You requested –

1. *Please can you advise if the department of immigration NZ shares all information with the DIA?*
 - a. *If an applicant had declared any criminal history to the department of immigration and provided appropriate information to be granted a waiver for both residency and permanent residency visa's is the specific information shared with the DIA?*
 - b. *If the above is yes, are your online systems capable of handling this information; or does ticking yes to the question, have you ever been convicted of a criminal offence, automatically put you into workstream 1, requiring review of a case officer?*
2. *Does the DIA have an 'goals' on improving the current wait time to be granted Citizenship?*
 - a. *If yes to the above, what's the DIA expectation on wait time for citizenship via all workstreams 12 months from now?*
3. *Is it within the legality of the Citizenship Act 1977 to apply for Citizenship ahead of the presence requirement if an applicant where to date there application for in the future?*
4. *Would I be correct in saying that the Citizenship Act 1977 presence requirement has not changed in its entirety?*
5. *Has the DIA had or been involved in any conversations with the Minister about either lengthening or shortening the presence requirement needed to apply for Citizenship since its introduction?*
 - a. *If yes to the above, please can you advise what conversations have been held and when they where?*
 - b. *If no to the above, are the DIA aware of any other fore coming change to the legislation that may effect applications over the next 12 -18 months?*

As advised by email on 18 September 2023, questions 1 and 1(a) of your request were transferred to the Ministry of Business, Innovation and Employment (MBIE) in accordance with section 14(b) of the Act. This is because the information you have requested is not held by the Department, but is believed to be held by, and more closely related to the functions of MBIE.

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

Question 1(b)

This information has been withheld pursuant to section 9(2)(k) of the Act. This is because the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.

Question 2

I can advise that the information requested is already available via a proactively released OIA response, available here: [OIA 2324 0116 \(dia.govt.nz\)](https://www.dia.govt.nz/oia/2324-0116). I must, therefore, refuse this part of your request pursuant to section 18(d) of the Act: that the information requested is or will soon be publicly available.

Question 2(a)

The Department does not hold this information as it cannot predict what will happen in the future. I must, therefore, refuse this part of your request under 18(e) of the Act: the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

Question 3

The Citizenship Act 1977 states that an applicant must have been present in New Zealand, as a resident, for a certain amount of time. To meet the presence requirement, the applicant needs to have been in New Zealand for at least 1,350 days across the five years *immediately preceding* their citizenship application. This must include at least 240 days in each of the five years.

Presence is calculated from the date a completed application is received by the Department, together with the required fee.

Should you be interested, information on the *reduction in presence requirement* is publicly available in the Citizenship Guidance document. This document is published on the Department's website, [https://www.dia.govt.nz/diawebsite.nsf/Files/citizenship-2022/\\$file/Citizenship-Guidance-Document-March-2023.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/citizenship-2022/$file/Citizenship-Guidance-Document-March-2023.pdf)

Questions 4, 5, 5(a) and 5(b)

When the Citizenship Act 1977 was amended in 2005, Parliament considered that all applicants for a grant of citizenship should reside in New Zealand for long enough to demonstrate their commitment to the country and suitability for a grant of citizenship. The presence requirement is deemed to be an appropriate measure of an applicant's commitment to the country. There are no plans to review the requirement.

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 its website. All requestor data, including your name and contact details, will be removed prior to release. The released response will be made available here: <https://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 black ink, appearing to be 'K. Raggett', written in a cursive style.

Kate Raggett
Manager Operational Policy and Official Correspondence
Service Delivery and Operations