

## Renunciation of New Zealand Citizenship

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**Introduction** The Citizenship Act provides that a New Zealand citizen who is of full capacity and at least 18 years of age may renounce New Zealand citizenship, provided he or she is the citizen of another country.

The Minister of Internal Affairs may refuse to register a declaration of renunciation only if the applicant is living in New Zealand or New Zealand is at war.

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## Rights lost by renunciation

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### General

People who renounce New Zealand citizenship no longer have the right to:

- unrestricted entry to New Zealand and to reside in New Zealand indefinitely (under New Zealand immigration legislation)
  - hold a New Zealand passport and any New Zealand citizenship document
  - free medical treatment or social security assistance offered on the basis that the person is a New Zealand citizen
  - pass on entitlement to gain New Zealand citizenship by birth to any future children born in New Zealand (assuming that neither parent has the right to reside in New Zealand indefinitely at the time of birth)
  - pass on New Zealand citizenship to any children born to that person outside New Zealand after they have renounced New Zealand citizenship under New Zealand law
  - obtain assistance from the Ministry of Foreign Affairs and Trade when travelling overseas.
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## Date renunciation effective

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### **General**

The applicant stops being a New Zealand citizen from the date of registration. A copy of their declaration (noted and registered by the Citizenship Office and returned to the applicant) is their proof of renunciation.

Once a person has renounced New Zealand citizenship he or she can regain citizenship only by meeting the requirements for a grant under section 8 or 9 of the Citizenship Act. He or she cannot regain citizenship by way of a grant as of right under section 10 of the Citizenship Act or section 7 of the Citizenship (Western Samoa) Act.

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## Renunciation imposed by another country

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### **General**

Some countries (e.g. the USA), require new citizens to renounce any former citizenship or allegiance as part of the American citizenship oath.

Making such an oath has no effect in New Zealand and does not mean that a person has legally renounced his or her New Zealand citizenship.

Registration is the only way a person can renounce New Zealand citizenship.

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## Age of declarant

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### **General**

Only a person who has attained the age of 18 years can renounce New Zealand citizenship. Acceptable evidence of the declarant's age is a full birth certificate from the country of birth.

If the declarant is under 18 years old, he or she cannot renounce citizenship and must be informed in writing. There are no refunds.

Parents or guardians cannot approve renunciation on behalf of a person under 18 years of age.

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## Full capacity of declarant

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### General

Only a person of full capacity can renounce New Zealand citizenship.

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## Citizenship of another country (dual nationality)

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**General** Before a person can renounce New Zealand citizenship he or she must already be a citizen of another country. This provision protects declarants from becoming stateless.

Confirmation that a person will become a citizen of a foreign country after renouncing New Zealand citizenship is not sufficient to enable them to renounce New Zealand citizenship.

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**Evidence of citizenship of another country** A declarant must provide evidence from another country showing that he or she is already recognised as a citizen of that country. Acceptable evidence could include a:

- letter from the appropriate authorities stating that the person is a citizen of the country (only acceptable in some cases), or
- citizenship certificate from the relevant country.

In every case, the law of the relevant country must be checked.

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**If person cannot become citizen of their new country until New Zealand citizenship renounced** A person may get caught in a 'catch-22' situation where they cannot become a citizen of their new country until they have renounced their New Zealand citizenship, but they cannot renounce their New Zealand citizenship until they have become a citizen of the other country.

The person should be advised (ideally at the time of their first enquiry) that there is no discretion for the Minister to register a declaration of renunciation on the basis that the person will become a citizen of another country immediately after New Zealand citizenship is renounced.

**Note:**

Sometimes country that wants the client to renounce New Zealand citizenship has some legal discretion to grant (or restore) citizenship before New Zealand citizenship is renounced.

## Where dual nationality not recognised

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### General

Some countries do not recognise dual nationality.

In those countries, a person automatically loses his or her citizenship on becoming a citizen of another country. This means that a person who has obtained a grant of New Zealand citizenship may no longer be recognised by the law of his or her country of origin as a citizen.

The person may be unaware that he or she has lost the other citizenship and may still hold a passport or citizenship certificate from that country.

### Proof of loss of other citizenship

If a declarant is claiming citizenship of a country that does not usually allow dual citizenship, he or she must provide proof from that country that he or she is still recognised as a citizen.

A passport or citizenship document issued from that country before the person acquired New Zealand citizenship is not sufficient proof of dual nationality.

#### Note:

In some cases, the person may have obtained a passport from a foreign country without that country being aware that the person had acquired New Zealand citizenship.

<b>If...</b>	<b>then...</b>
it appears that the country does not allow dual citizenship or only allows it in certain circumstances	the citizenship law of the country concerned must be checked.
the declarant is not a citizen of another country	he or she cannot renounce New Zealand citizenship. The declarant must be informed of this in writing. There are no refunds.



## Declarant resident in New Zealand

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**Minister may refuse to register declaration**

The Minister of Internal Affairs may refuse to register a declaration of renunciation if the declarant is resident in New Zealand.

**Note:**

This recognises that a consequence of renouncing New Zealand citizenship is that the person would become subject to the provisions of the Immigration Act 1987. If a person renounces New Zealand citizenship and does not have any kind of immigration permit, the person may be unlawfully in New Zealand. However, even if the applicant is resident in New Zealand he or she may be able to renounce citizenship. Depending on the circumstances of the case, the Minister may register the declaration.

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**Immigration status checks**

If the declarant is resident in New Zealand, the Department of Labour (Immigration Service) must be contacted, to determine what the person's immigration status would be if he or she were no longer a New Zealand citizen. It may be that the person would still have a valid residence permit. The person may be an Australian citizen and therefore exempt from the requirement to have a permit. In these cases, the renunciation would not make the person unlawfully in New Zealand.

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**Further declarations**

Declarants resident in New Zealand may be asked to complete a further declaration giving more information. This information may assist the Minister when deciding whether or not to register the renunciation. For example, a declarant may be planning to leave New Zealand permanently once the renunciation is registered, or may have a valid residence permit, and intends to remain in New Zealand as a resident.

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## Declarant resident in New Zealand, Continued

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### **Reasons for renunciation**

A declarant is required to provide a statutory declaration stating the reasons for wanting to renounce citizenship. When considering whether a declaration should be registered, the Minister can only consider matters that are relevant to the provisions of the Act and other relevant legislation. This would include whether the person would be unlawfully in New Zealand on renouncing his or her citizenship, and whether the person intends to leave New Zealand.

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## If New Zealand at war with another country

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### **General**

The Minister may refuse to register a declaration if a state of war exists between New Zealand and another country.

New Zealand does not have to be at war with the declarant's country of origin. Even if New Zealand is at war with that country, the Minister may decide to register the renunciation.

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## Submission to Minister (if declarant meets requirements)

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### General

After assessment of a declarant's entitlement to registration of declaration of renunciation, a submission to the Minister of Internal Affairs must be prepared.

If the declarant...	then the submission...
meets the requirements for renunciation and is not resident in New Zealand	must advise the Minister that the declaration must be registered.
is resident in New Zealand	<p>must:</p> <ul style="list-style-type: none"> <li>refer to the fact that the declarant is resident in New Zealand</li> <li>draw attention to any further information the declarant has provided</li> <li>advise the Minister on the declarant's immigration status if the declaration is registered</li> <li>recommend whether the Minister should exercise their discretion to decline to register the renunciation.</li> </ul> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>When deciding on the recommendation, each case must be considered on its merits.</li> <li>The consequences of renunciation must be weighed against the legislation provision that a declarant who meets the legislative requirements may generally renounce citizenship as a matter of right.</li> </ul>
would be unlawfully in New Zealand on renunciation	should recommend that the Minister decline to register the declaration.
would not be unlawfully in New Zealand on renunciation	may recommend registration depending on the circumstances of the case. The Citizenship Office's Legal Advisor must review the submission.

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## Registration of renunciation (Regulation 8)

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**General** The registration of declarations of renunciation is governed by the Citizenship Regulations 2002.

Regulation 8 provides that:

- a declaration must be:
  - filed in duplicate in the form provided by the Secretary of Internal Affairs
  - made before an authorised person. See guidelines - Citizenship statutory declarations for information about who may take declarations for registration of renunciation.
- both copies of the declaration must be sent to the Department of Internal Affairs, with the prescribed fee.

Unless the Minister declines to register the declaration, one copy must be officially noted as having been registered and returned to the declarant, and the other copy must be filed in the Department. The declarant must deliver any New Zealand travel documents or New Zealand citizenship certificates to the Secretary of Internal Affairs.

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**Other agencies to be informed of registration**

Once a registration of renunciation has been made, the following agencies must be informed in writing:

- Office of Births, Deaths and Marriages (BDM).  
This is to ensure that any subsequent children born in New Zealand to this person will not mistakenly be recorded as New Zealand citizens by birth.
  - Passports Office (and any New Zealand travel documents returned)
  - New Zealand Immigration Service.
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**Renunciation and Deprivation Register**

A register of those who have renounced (or been deprived of) New Zealand citizenship is kept by the Citizenship Office.

Any person may inspect the register and make copies of any entry in it.

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## Legislation links

[Citizenship Act 1977, Section 15 Renunciation of citizenship](#)

[Citizenship Regulations 2002, Regulation 8 Declarations of renunciation of citizenship](#)

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