



**National Council of
Women of New Zealand**

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**Submission to the Government Administration Select Committee on the
Identity (Citizenship and Travel Documents) Bill**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 41 nationally organised societies. It has 33 Branches throughout the country attended by representatives of those societies and some 150 other societies. The Council's function is to serve women, the family and the community at local, national and international levels through research, study, discussion and action.

NCWNZ since its formation in 1896 has taken an interest in matters of national security, and also human rights issues. This submission is written based on comments of members of the Public Issues Standing Committee.

Part 1

Amendments to Citizenship Act 1977

Clause 8 New sections substituted

The new clauses 8 and 9 outline the provisions that will be required to gain New Zealand citizenship by grant, the granting of citizenship in special cases and disqualifying convictions.

Section 8 Citizenship by grant

Members agree that the qualification period for migrants to qualify for citizenship should rise from three years of residency to a minimum of 1,350 days during the five years immediately preceding an application for citizenship. This still gives an applicant considerable scope to travel overseas. The longer qualification period, however, will give a better indication of a real commitment on behalf of the applicant to become a New Zealander.

Section 8 (2)(f)

It is also felt that a commitment to reside in New Zealand as set out in Section 8(2)(f) is important, otherwise the citizenship could merely be seen as an 'escape valve' from a country where the applicant would, on the whole, prefer to stay rather than a commitment to become a New Zealander.

Section 8(7)

The Ministerial discretion under Clause 8(7) must not be able to be used as a 'short cut' for applicants to avoid the full 5 year wait. The criteria to be taken into account for discretion to shorten the 5 year period, need to be listed.

Section 8(9)

Defines the intention to reside in New Zealand as essential throughout the period from the date of application for citizenship until the date that the applicant becomes a citizen. We think that intention to reside in New Zealand, as a New Zealand citizen, should be a life-long intention. This stated intention could stop New Zealand citizenship being used merely to gain admittance to Australia.





By the repeal of **Section 8A** of the principal act, spouses of New Zealand citizens no longer receive special treatment and have to meet the same requirements for the grant of citizenship as other persons. Members agree with this proposal to preserve the integrity of New Zealand citizenship as something special. This proposal should remove the 'marriages of convenience' that have occurred until now.

Section 9A Disqualifying convictions

Section 9A(1)

Applicants with a criminal conviction and sentenced to five or more years imprisonment, those convicted and sentenced to imprisonment of less than five years within the preceding seven years, or those convicted within the preceding three years but who did not receive a sentence of imprisonment, will not usually be granted citizenship. The Minister is given discretion for exceptional circumstances for applicants that come under this category, members hope this discretion will be rarely used.

Section 9A(3)

The Minister is able to refuse a grant of citizenship if s/he is not satisfied that the applicant is of good character; however the requirements of a good character are not specified. Members support this section as another way of maintaining the integrity of New Zealand citizenship.

Section 9B. Minister may rescind approval at any time up until applicant becomes citizen

Members agree that this ability must be available to the Minister, which allows recognition of new information that may have come to hand, or if the person concerned clearly lacks the commitment required to gain citizenship.

Clause 15 New section substituted

Section 27 (2). Offences and Penalties. New offences of citizenship fraud are proposed, incurring penalties of 10 years in prison and /or a fine of \$50,000. The maximum penalties for existing fraud offences are increased. NCWNZ supports these as a means of deterring fraudsters.

Part 2

Amendments to Passports Act 1992

Clauses 24 and 25 Life of Passport

The shortening of the validity of a New Zealand passport from 10 to 5 years created a mixed reaction from members. Some supported the proposal as a measure to counteract forgery and misuse. Some thought modern technology should be able to alleviate concerns, eg the introduction of some form of personal identification to tie the titular holder of the passport with the person presenting at border control. Costs are involved with any option, but doubling the cost to the traveller appears to be rather high. In the interests of security NCWNZ is compelled to give its reluctant support to this proposal.

Clauses 27 – 43 Cancellation of travel documents

In the present climate of threats from terrorism, it is necessary that the Minister of Internal Affairs be allowed to refuse to issue, or cancel, a New Zealand travel document on grounds of national security.



Clause 43

It is also appropriate for the Court, when sentencing a person for a terrorism-related offence, to make an order forbidding the issue of a passport for a period, now extended from a maximum of 10 to 15 years, and cancel his/her existing passport.

NCWNZ also supports the new proposals to provide for the issue, renewal, and cancellation of refugee travel documents to meet our obligations under the United Nations 1951 Convention and 1967 Protocol relating to the Status of Refugees.

NCWNZ notes that safety is the prime concern in support of the proposed legislation included in this part.

Clause 45 New section substituted

Section 36. Disclosure of travel document and related information.

NCWNZ has already given qualified support for the disclosure of information in our submission to the Border Security Bill (SL/03/14). Therefore NCWNZ supports this clause for reasons of safety, and feels that legitimate travellers will not be adversely affected.

CONCLUSION

With people-smuggling and terrorism likely to continue, if not increase, it is vital that the New Zealand passport maintains its integrity and that the holding of New Zealand citizenship is valued as something special and not to be given out lightly. New Zealand remains fortunate with its unique environment and low population, which could easily be spoilt by lack of vigilance at its borders.

There is a proposal to add another clause to the Bill to remove automatic citizenship rights for children born in New Zealand whose parents are not permanent residents or citizens. This would be supported in order to remedy a loop-hole currently used by some couples, provided that the rights of the child would be maintained through the citizenship of his/her parents.

Thank you for the opportunity to respond to this Bill, NCWNZ looks forward to seeing the final document.

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National President

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Public Issues Standing Committee