CHAPTER No. 12.

Citizenship.

GENERAL ANNOTATION.

ADMINISTRATION.

While the administration of this Chapter was not vested specifically in any Minister, it appears from the determination of the functions of Departments, and from the earlier history of the legislation, that it came within the responsibility of the Department of Foreign Affairs and Trade.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution. References in or in relation to this Chapter to—

"the Departmental Head"—should be read as references to the Secretary for Foreign Affairs and Trade;

"The Department"—should be read as references to the Department of Foreign Affairs and Trade.

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¹Subsidiary legislation has not been up-dated.

CHAPTER No. 12.

Citizenship Act.

ARRANGEMENT OF SECTIONS.

- 1. Interpretation—
 - "the regulations"
 - "this Act".
- 2. Renunciation of foreign citizenship.
- Renunciation of right to permanent residence in Australia or of foreign citizenship.
- 4. Application for automatic citizenship.
- 5. Registration of births overseas.
- 6. Citizenship by naturalization.
- 7. Renunciation of Papua New Guinea citizenship.
- 8. Regaining of citizenship by certain persons.
- 9. Certificate as to citizenship.
- 10. Citizenship Advisory Committee.
- 11. Regulations.

SCHEDULE.--

- FORM 1.—Renunciation of Foreign Citizenship.
- FORM 2.—Renunciation of Right to Permanent Residence in Australia or of Foreign Citizenship.
- FORM 3.—Application for Registration as a Citizen.
- FORM 4.—Renunciation of Papua New Guinea Citizenship.
- FORM 5.—Application for Certificate as to Citizenship.
- FORM 6.—Certificate of Citizenship.

CHAPTER No. 12.

Citizenship Act.

Being an Act to implement Part IV. (citizenship) of the Constitution.

1. Interpretation.

In this Act-

"the regulations" means any regulations made under this Act;

"this Act" includes the regulations.

2. Renunciation of foreign citizenship.

Where the Constitution permits or requires a person to renounce a foreign citizenship, he may do so-

- (a) after attaining the age of 18 years; and
- (b) by making before—
 - (i) a judicial officer²; or
 - (ii) some other person appointed by the Minister,
 - a declaration in Form 1.

(Replaced by No. 55 of 1976, s. 1.)

3. Renunciation of right to permanent residence in Australia or of foreign citizenship.

A person who wishes to renounce his right to permanent residence in Australia or his status as an Australian citizen or as a citizen of another country in accordance with Section 65(4) and (5)³ of the Constitution may do so by making before—

- (a) a judicial officer²; or
- (b) some other person appointed by the Minister,

a declaration in Form 2.

4. Application for automatic citizenship.

An application for registration as an automatic citizen under Section 65(2)(a) of the Constitution shall be in Form 3.

5. Registration of births overseas.

- (1) For the purposes of Section 66(2)(c) of the Constitution, the registration of a birth overseas may be made by giving to a person appointed by the Minister the prescribed
- (2) The registration shall be made within one year after the birth or, with the consent of the Minister, at any time after the end of that period.
- (3) The regulations may provide for the keeping of a register or registers of births overseas for the purposes of Part IV of the Constitution.

¹The original Act was made by the Constituent Assembly as a Provisional Act of the Parliament. See Constitution, Section 266(2).

This term was not defined for this purpose. It was however, defined for the purposes of Constitutional Laws by Constitution, Section Sch. 1.2(1). Compare, also, Citizenship Regulations, Section 1.
 But see, also, Constitution Section 64(2). Quaere, whether Section 3 applies in that case.

(4) A certificate under, or apparently under, the hand of a person appointed under Subsection (1) and purporting to set out details of registration of a birth is prima facie evidence of the facts set out in it.

6. Citizenship by naturalization.

An application for citizenship by naturalization under Section 67 of the Constitution shall be in the prescribed form and shall be verified as prescribed.

7. Renunciation of Papua New Guinea citizenship.

Citizenship of Papua New Guinea may be renounced by making before a judicial officer or some other person authorized by the Minister a declaration in Form 4.

8. Regaining of citizenship by certain persons.

For the purposes of Section 74(3) of the Constitution, where a child under the age of 19 years loses his citizenship the Minister may—

- (a) on application by or on behalf of the child; and
- (b) where he is satisfied that it is in the best interests of the welfare of the child to do so,

by order, grant citizenship of Papua New Guinea to the child.

9. Certificate as to citizenship.

- (1) An application under Section 81(1) of the Constitution shall be in Form 5.
- (2) A certificate under Section 81(2) of the Constitution shall be in Form 6.

10. Citizenship Advisory Committee.

- (1) In this section, "Local Government Council" includes a local level government established or operating under or by virtue of a provincial law.
- (2) For the purposes of Division IV.4 of the Constitution, a Citizenship Advisory Committee is hereby established.
- (3) The four permanent members of the Citizenship Advisory Committee shall be appointed by the Head of State, acting on advice given after consultation with the Permanent Parliamentary Committee with special functions in relation to citizenship matters.
- (4) Where the person to whom a matter before the Citizenship Advisory Committee relates resides in an area which has a provincial government, the ad hoc member of the Committee shall be the person recommended to the Minister by the provincial government of that area.
- (5) A provincial government shall not make a recommendation to the Minister in accordance with Subsection (4) unless it has first sought the views of—
 - (a) the Local Government Council; or
 - (b) where there is no Local Government Council—the leaders of the local community,

in the area in which the person, to whom a matter before the Committee relates, resides.

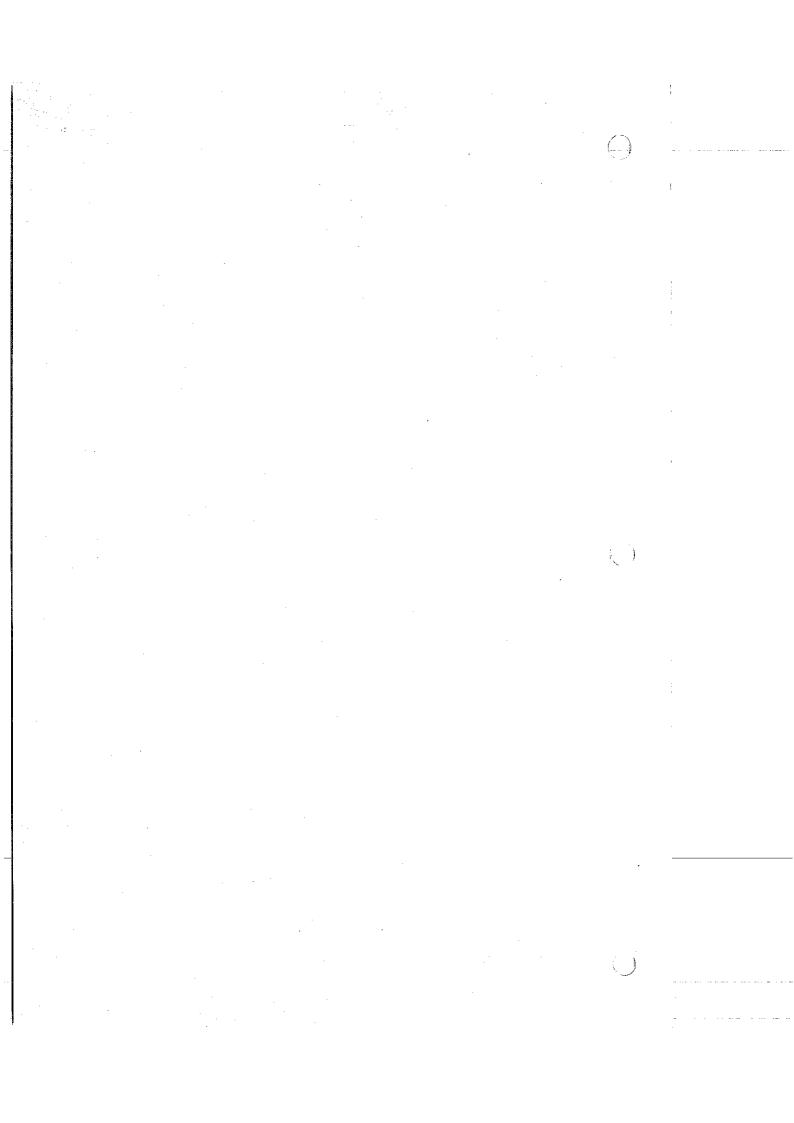
(6) Where the person to whom a matter before the Citizenship Advisory Committee relates resides in an area which has no provincial government but has an Area Authority, the ad hoc member of the Committee shall be the person recommended to the Minister by the Area Authority of that area.

- (7) An Area Authority shall not make a recommendation to the Minister in accordance with Subsection (6) unless it has first sought the views of—
 - (a) the Local Government Council; or
 - (b) where there is no Local Government Council—the leaders of the local community,

in the area in which the person, to whom a matter before the Committee relates, resides.

- (8) Where the person to whom a matter before the Citizenship Advisory Committee relates resides in an area which has no provincial government and no Area Authority, the ad hoc member of the Committee shall be the person recommended to the Minister by the Local Government Council of the area in which the person, to whom a matter before the Committee relates, resides.
- (9) A person recommended to the Minister in accordance with Subsection (4), (6) or (8) shall be appointed to the Citizenship Advisory Committee by the Minister by instrument.
 - (10) Unless their respective appointments are earlier terminated—
 - (a) the appointments of the permanent members who are members of the Parliament terminate—
 - (i) at the end of the first meeting of the Parliament after the general election after their appointment; or
 - (ii) where a member ceases to be a member of the Parliament other than by reason of general election—on the day he ceases to be a member; and
 - (b) the appointments of the other permanent members terminate at the end of the period of six years after their respective appointments; and
 - (c) the appointment of each ad hoc member terminates immediately after the matter or class of matters in relation to which he has been appointed is concluded.
- (11) The Citizenship Advisory Committee shall meet in the province in which the person to whom a matter before the Committee relates resides.
- (12) In respect of a matter referred to the Citizenship Advisory Committee by the Minister, members of the Committee shall have the same powers as Commissioners in respect of a matter referred to them under the Commissions of Inquiry Act and the provisions of that Act shall apply accordingly with such alterations as are necessary to make them applicable.
- (13) Subject to Subsection (11), the powers and procedures of the Citizenship Advisory Committee are as prescribed.

(Amended by No. 33 of 1978.)



11. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, for carrying out or giving effect to this Act and generally for carrying out or giving effect to Part IV. of the Constitution, and in particular for prescribing penalties of fines not exceeding K500.00 or imprisonment of terms not exceeding six months for offences against the regulations.

SCHEDULE.

PAPUA NEW GUINEA.

Citizenship Act.

Sec. 2.

Form 1.

RENUNCIATION OF FOREIGN CITIZENSHIP.

I, , having attained the age of 18 years and being to the best of my knowledge a national or citizen of , renounce that nationality or citizenship and any other nationality or citizenship (other than citizenship of Papua New Guinea) that I have, and my rights to any privileges arising out of it.

Declared at

19

(Signature and Designation of Witness.)

(Signature of Declarant.)

(Amended by No. 55 of 1976, s. 2.)

PAPUA NEW GUINEA.

Citizenship Act.

Sec. 3.

Form 2.

RENUNCIATION OF RIGHT TO PERMANENT RESIDENCE IN AUSTRALIA OR OF FOREIGN CITIZENSHIP.

Ĩ.

- (a) having been born at (insert name of town and country) and having (state number) grandparents born within the territorial limits of Papua New Guinea or an adjacent area namely:—
 (insert names of grandparents and places where born); and
- (b) being to the best of my knowledge-
 - (i) entitled to permanent residence in Australia; or
 - (ii) a national or citizen of

renounce that right to permanent residence in Australia or that nationality or citizenship and any other nationality or citizenship (other than citizenship of Papua New Guinea) that I have, and my rights to any priveleges arising out of it, and state that I consider myself to be a citizen of Papua New Guinea.

Declared at

19

(Signature and Designation of Witness.)

(Signature of Declarant.)

PAPUA NEW GUINEA.

Citizenship Act.

Sec. 4.

Form 3.

APPLICATION FOR REGISTRATION AS A CITIZEN.

I, , having being born at (insert name of town and country) and having (state number) grandparents born within the territorial limits of Papua New Guinea namely:—

(insert names of grandparents and places where born)

apply under Section 65(2)(a) of the Constitution for registration as a citizen of Papua New Guinea.

Dated

19

(Signature of Applicant.)

PAPUA NEW GUINEA.

Citizenship Act.

Sec. 7.

Form 4.

RENUNCIATION OF PAPUA NEW GUINEA CITIZENSHIP.

I, , having reached voting age and being of full capacity, renounce my citizenship of Papua New Guinea and my rights to any privileges arising out of that citizenship, and declare that—

- * I already hold the nationality or citizenship of
- * The renunciation is for the purpose of obtaining the nationality or citizenship of

Dated

19

(Signature and Designation of Witness.)

(Signature of Declarant.)

* Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Citizenship Act.

Sec. 9(1).

Form 5.

APPLICATION FOR CERTIFICATE AS TO CITIZENSHIP.

I, , being a person whose status or entitlement in relation to citizenship is, or may be, in doubt, apply for a certificate stating that I am/may become* a citizen.

The following personal particulars and other details are provided in support of my application:—
(insert all details relevant to the application)

Dated

19 .

(Signature of Applicant.)

* Strike out whichever is inapplicable.

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PAPUA NEW GUINEA. Citizenship Act.

Sec. 9(2).

Form 6.

CERTIFICATE OF CITIZENSHIP.

I, , the Minister for certify that (full name of citizen) of (address) is/may become* a citizen of the Independent State of Papua New Guinea by virtue of (insert the provision by virtue of which the person is or may become a citizen).

Dated

19 .

Minister.

* Strike out whichever is inapplicable.

CHAPTER No. 12.

Citizenship Regulation.

ARRANGEMENT OF SECTIONS.

PART I.—PRELIMINARY.

- 1. Interpretation-
 - "authorized officer"
 - "judicial officer".

PART II.—GENERAL.

- 2. Making of Declaration of Loyalty.
- Extension of time for renouncing right to permanent residence in Australia, etc.
- 4. Documents to be handed to person after renunciation, etc.
- 5. Appropriate authority to be notified of renunciation.
- 6. Application for naturalization.
- 7. Certificate as to citizenship by naturalization.
- 8. Evidence as to birth of grandparents.
- 9. Citizenship register.
- 10. Registration of births overseas.

PART III.—CITIZENSHIP ADVISORY COMMITTEE.

- 11. Interpretation of Part III.
 - "the Chairman"
 - "the Committee".
- 12. Chairman.
- 13. Procedures of the Committee.
- 14. Powers of the Committee.

PART IV.—MISCELLANEOUS.

- 15. Evidence of declarations.
- 16. Evidence of entries in registers.

PART V.—OFFENCES.

- 17. Offences in relation to certificates.
- 18. False representations, etc.

SCHEDULE.—

- FORM 1.—Application for Extension of Time.
- FORM 2.—Application for Citizenship by Naturalization.
- FORM 3.—Certificate as to Citizenship by Naturalization.
- FORM 4.—Application for Registration of a Birth Overseas.

CHAPTER NO. 12.

Citizenship Regulation.

MADE under the Citizenship Act.

PART I.—PRELIMINARY.

1. Interpretation.

In this Regulation, unless the contrary intention appears—

"authorized officer", in relation to any matter, means an officer authorized for the purpose of the matter by the Minister;

"judicial officer" means a Magistrate (other than a magistrate of a village court) or a Judge¹.

PART II.—GENERAL.

2. Making of Declaration of Loyalty.

For the purposes of Part IV. of the Constitution, the Declaration of Loyalty may be made before a judicial officer or an authorized officer.

3. Extension of time for renouncing right to permanent residence in Australia, etc.

- (1) An application for an extension of time under Section 65(6) of the Constitution shall be in Form 1.
- (2) Each extension of time granted under Section 65(6) of the Constitution shall be notified in the National Gazette².
- (3) Where a person has been granted an extension of time under Section 65(6) of the Constitution, he shall, before making the Declaration of Loyalty, produce to the judicial officer or other person before whom he intends to make it a certificate under the hand of the Minister certifying that an extension of time was granted.

4. Documents to be handed to person after renunciation, etc.

A judicial officer or other person before whom a renunciation and the Declaration of Loyalty is made under Section 65(5) of the Constitution shall—

- (a) hand to the person making the renunciation and the Declaration of Loyalty;
- (b) forward to the Minister,
- a copy, certified under his hand, of-
 - (c) the renunciation; and
 - (d) any certificate of extension of time granted to the person making the renunciation; and

¹ Compare footnote² to Citizenship Act, Section 2.

² Being of transitory interest only, these polifications are not printed in this Revised Edition

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Citizenship

(e) the Declaration of Loyalty,

and shall, in addition, forward to the Minister any statutory declaration received by him in relation to the matter.

5. Appropriate authority to be notified of renunciation.

Where-

- (a) a person has renounced his right to permanent residence in Australia or his status as an Australian citizen or as a citizen of another country; or
- (b) a citizen of a country other than Papua New Guinea has applied for and been granted Papua New Guinea citizenship,

the Minister shall cause a copy, certified under his hand, of the renunciation or grant to be forwarded to the appropriate authority in Australia or the country of former citizenship of the person concerned.

6. Application for naturalization.

An application for citizenship by naturalization under Section 67 of the Constitution shall—

- (a) be in Form 2; and
- (b) be signed by the applicant; and
- (c) be witnessed by an authorized officer; and
- (d) be accompanied by references from at least two citizens who have known the applicant for not less than two years certifying as to the good character of the applicant and his suitability for citizenship of Papua New Guinea.

7. Certificate as to citizenship by naturalization.

The Minister shall cause to be delivered to each person who becomes a citizen by naturalization a certificate in Form 3.

8. Evidence as to birth of grandparents.

Where a person is required to produce evidence as to the birth of his grandparents and documentary evidence is not available for that purpose, the Minister may accept a statutory declaration from him, declaring the required details, in place of the documentary evidence.

9. Citizenship register.

The Minister shall cause to be kept a book to be known as the "Citizenship Register", into which he shall cause to be entered—

- (a) the details of all renunciations and Declarations of Loyalty received by him under Section 4; and
- (b) the following details of each applicant for citizenship by naturalization:—
 - (i) his full name; and
 - (ii) his date and place of birth; and
 - (iii) his previous citizenship; and
 - (iv) the number of his certificate of naturalization; and
 - (v) the date on which citizenship of Papua New Guinea was granted; and
 - (vi) if children under 16 years of age are included in the certificate, the names of the children; and

(c) the details of all certificates as to citizenship issued under Section 81 of the Constitution.

10. Registration of births overseas.

- (1) An application for the registration of a birth overseas under Section 5 of the Act shall be in Form 4 and shall be accompanied by documentary evidence (other than a statutory declaration) that, in the opinion of the Minister, establishes the citizenship of the parents of the child.
- (2) The Minister shall cause a book to be kept to be known as the "Register of Births Overseas" into which the details of each birth overseas registered for the purposes of Section 66(2)(c) of the Constitution shall be entered.

PART III.—CITIZENSHIP ADVISORY COMMITTEE.

11. Interpretation of Part III.

In this Part-

"the Chairman" means the Chairman of the Committee;

"the Committee" means the Citizenship Advisory Committee established by Section 10 of the Act.

12. Chairman.

The Head of State, acting on advice, shall appoint one of the permanent members of the Committee to be the Chairman of the Committee.

13. Procedures of the Committee.

- (1) The Committee shall meet at such times and places as are fixed by the Chairman, but in any event not less frequently than once every three months.
 - (2) At a meeting of the Committee-
 - (a) three is a quorum; and
 - (b) the Chairman shall preside at meetings of the Committee at which he is present, and in his absence the members present shall elect one of their own number to preside at that meeting; and
 - (c) all matters shall be decided in accordance with a majority of votes; and
 - (d) the member presiding has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.
 - (3) The Committee shall cause minutes of its meetings to be kept.
- (4) Subject to this Regulation, the procedures of the Committee are as determined by it.

14. Powers of the Committee.

In relation to any matter referred to it under Section 76 of the Constitution, the Committee may make such inquiries as seem to it necessary to enable it to advise the Minister in relation to the matter.

PART IV.—MISCELLANEOUS.

15. Evidence of declarations.

- (1) A declaration or a document made under or for the purposes of this Regulation may be proved in legal proceedings by the production of a copy of the original declaration or document certified by the Minister or by an authorized officer to be a true copy.
- (2) The production of the declaration or document or of the copy of the declaration or document, is prima facie evidence that the person named in it as declarant or signatory made the declaration or signed the document, as the case may be, on the date specified in it

16. Evidence of entries in registers.

An entry in a register made under this Regulation may be proved by a copy certified by the Minister or an authorized officer to be a true copy of the entry, and the copy of the entry is prima facie evidence of any matters authorized by this Regulation to be inserted in the register.

PART V.—OFFENCES.

17. Offences in relation to certificates.

- (1) A person who, except in accordance with this Regulation or any other law-
 - (a) parts with the possession of a certificate of Papua New Guinea citizenship; or
 - (b) receives, or has in his possession, a certificate of Papua New Guinea citizenship not granted to him,

is guilty of an offence.

(2) A person who, without lawful authority, alters, or causes or permits to be altered, a certificate of Papua New Guinea citizenship is guilty of an offence.

Penalty: A fine not exceeding K200.00.

18. False representations, etc.

A person who, for a purpose of or in relation to this Regulation-

- (a) makes or causes or permits to be made, a representation that is, to his knowledge, false or a statement that is to his knowledge false in a material particular; or
- (b) conceals, or causes or permits to be concealed, a material circumstance, is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding six months.

SCHEDULE.

PAPUA NEW GUINEA.

Citizenship Act.

Reg., Sec. 3.

Form 1.

APPLICATION FOR EXTENSION OF TIME.

I, being a person to whom Section 65(4) of the Constitution applies, apply for an extension of time in which to renounce my right to residence in Australia/my status as a citizen of Australia/my status as a citizen of *(insert name of country of citizenship) on the following grounds:—

(insert the reasons for the application for extention of time).

Dated

10

(Signature of Applicant)

*Strike out whichever is inapplicable.

PAPUA NEW GUINEA. Citizenship Act.

Act, Sec. 6.

Reg., Sec. 6.

Form 2.

APPLICATION FOR CITIZENSHIP BY NATURALIZATION.

I, , of , apply to be naturalized as a citizen of Papua New Guinea and submit the following details in support of that application:—

Full name:

Date of birth:

(Birth certificate or other evidence of birth must be attached to this application).

Height:

Colour of eyes:

Colour of hair:

Country of birth:

Visible distinguishing marks:

Country of citizenship:

Date of first entry into Papua New Guinea:

Dates of departure from Papua New Guinea and length of stays outside Papua New Guinea:

Have you ever been convicted of any offence?:

(Insert details of all convictions)

Name of employer(s) since arrival in Papua New Guinea:

Duration of employment with each employer:

Qualifications for employment:

Do you speak English, Pisin or Hiri Motu fluently? : (state which you are fluent in):

Reasons for seeking Papua New Guinea citizenship: (give full details):

Are you prepared to renounce your present citizenship?:

Have you at any time accepted pay and conditions of employment that were not in general applicable to citizens or persons who, on Independence Day, qualified for citizenship under Section 65 of the Constitution?: (if so give full details):

Are the major part of your investments and business interests in this country and for how long have they been so?:

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Do you intend to reside permanently in this country?:

Are you prepared to make the Declaration of Loyalty?:

NOTE: This application must be accompanied by references from at least two citizens of Papua New Guinea who have known you for not less than two years certifying as to your good character and suitability for citizenship of Papua New Guinea.

Dated

19

(Signature of Applicant.) (Signature of authorized officer.)

PAPUA NEW GUINEA.

Citizenship Act.

Reg., Sec. 7.

Form 3.

CERTIFICATE AS TO CITIZENSHIP BY NATURALIZATION.

, the Minister for personal details are set out below was on

, certify that whose 19 , granted citizenship of Papua New

Guinea by naturalization.

Date of birth:

Height:

Colour of eyes:

Colour of hair:

Visible distinguishing marks:

Dated

Minister for

PAPUA NEW GUINEA.

Citizenship Act.

Reg., Sec. 10.

Form 4.

APPLICATION FOR REGISTRATION OF A BIRTH OVERSEAS.

I, , of , being a citizen of Papua New Guinea, apply to have the birth of my child (insert full names of child) who was born at (insert name of town and country) on (insert date of birth) registered.

I submit the following particulars in support of the application:-

Name of father:

Date and place of birth of father:

Occupation of father:

Citizenship of father:

Name of mother:

Date and place of birth of mother:

Occupation of mother:

Citizenship of mother:

Date and place of marriage (if any) of mother and father:

Reason for being overseas:

Note: Attach birth certificate of child.

Dated

, 19 .

(Signature of Applicant.)

CHAPTER No. 12.

Citizenship.

APPENDIXES.

APPENDIX 1.

SOURCE OF CITIZENSHIP ACT.

Part A.—Previous Legislation.

Citizenship Act 1975 (No. 94 of 1975)

as amended by-

Citizenship (Amendment) Act 1976 (No. 55 of 1976)

Citizenship (Amendment) Act 1978 (No. 33 of 1978).

Part B.—Cross References.

Section, etc. in Revised Edition.	Previous Reference ¹ .	Section, etc., in Revised Edition.	Previous Reference ¹ .
1	1	7	7
2	2	8	8
3	3	9	9
4	4	10	10
5	5	11	11
6	6	Schedule	Schedule

¹Unless otherwise indicated, references are to the Act set out in Part A.

APPENDIX 2.

SOURCE OF CITIZENSHIP REGULATION.

Part A.—Previous Legislation.

Citizenship Regulation 1975 (Statutory Instrument No. 54 of 1975).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .	Section, etc., in Revised Edition.	Previous Reference ¹ .
1	1	11	14
2	2	12	15
3 .	3, 4, 5.	13	16
4	6	14	17
5	7	15	18
6	8	16	19
7	9	. 17	20
8	10	18	21
9 10	11 12, 13.	Schedule	Schedule

¹Unless otherwise indicated, references are to the regulation set out in Part A.