

No. 42 of 2016.

Citizenship (Amendment) Act 2016.

Certified on: 22 DEC 2016



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ARRANGEMENT OF SECTIONS.

1. Renunciation of foreign citizenship (Amendment of Section 2).
2. New Sections 6A, 6B and 6C.

“6A. CITIZENSHIP BY NATURALIZATION- SPORTSPERSON.

6B. CITIZENSHIP BY NATURALIZATION - INVESTOR.

6C. DUAL CITIZENSHIP.”

3. Citizenship Advisory Committee (Amendment of Section 10).
4. New Section 12.

“12. FEES.”

5. Amendment of the Schedule.



AN ACT

entitled

Citizenship (Amendment) Act 2016.

Being an Act to provide for citizenship by naturalization, citizenship by descent and marriage and for dual citizenship, and for related purposes,

MADE by the National Parliament.

1. RENUNCIATION OF FOREIGN CITIZENSHIP (AMENDMENT OF SECTION 2).

The Principal Act is amended by repealing Section 2 and replacing it with the following:

“2. RENUNCIATION OF FOREIGN CITIZENSHIP AND HOLDING OF DUAL CITIZENSHIP.

(1) Where a person aged under 19 years is required 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 officer; or

(ii) some other person appointed by the Minister,

a declaration in Form 1.

(2) A person under 19 years of age who is a citizen or who is qualified to be a citizen may, after attaining the age of 18 years, make an application to hold a Papua New Guinea citizenship and the citizenship of a prescribed country.

(3) An application made under Subsection (2) shall be in Form 1A.”.

2. NEW SECTIONS 6A, 6B AND 6C.

The Principal Act is amended by inserting, immediately after Section 6, the following new sections:

“6A. CITIZENSHIP BY NATURALIZATION - SPORTSPERSON.

(1) In deciding an application for citizenship under Section 67(4)(a) of the *Constitution*, the following matters shall be taken into account:

(a) the applicant’s sporting background; and

(b) whether the applicant has specific qualifications or skills to be gainfully employed in the country; and

(c) the applicant’s knowledge of, or appropriate undertaking to learn, Pisin or Hiri Motu or a vernacular of the country; and

(d) whether the applicant has any other connection to the country.

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(2) An application for citizenship by naturalization under Section 67(4)(a) of the *Constitution* shall be -

- (a) in the prescribed form; and
- (b) verified as prescribed; and
- (c) accompanied by the prescribed fee.

(3) Where an application for citizenship by naturalization is refused, a prescribed portion of the prescribed fee shall be refunded to the applicant.

6B. CITIZENSHIP BY NATURALIZATION - INVESTOR.

(1) In deciding an application for citizenship under Section 67(4)(b) of the *Constitution*, the following matters shall be taken into account:

- (a) the applicant's business and investment background and standing in any other country; and
- (b) the applicant's background in creating employment and imparting skills to employees in any other country; and
- (c) whether the applicant has held or holds the relevant investor visa; and
- (d) the applicant's knowledge of or appropriate undertaking to learn Pisin or Hiri Motu or a vernacular of the country; and
- (e) whether the applicant has any other connection to the country.

(2) An application for citizenship by naturalization under Section 67(4)(b) of the *Constitution* shall be -

- (a) in the prescribed form; and
- (b) verified as prescribed; and
- (c) accompanied by the prescribed fee.

(3) Where an application for citizenship by naturalization is refused, a prescribed portion of the prescribed fee shall be refunded to the applicant.

6C. DUAL CITIZENSHIP.

(1) An application to hold a Papua New Guinea citizenship and acquire citizenship of a prescribed country under Section 64(2) of the *Constitution* shall be -

- (a) in the prescribed form; and
- (b) verified as prescribed; and
- (c) accompanied by the prescribed fee.

(2) An application for approval to hold citizenship of a prescribed country and acquire a Papua New Guinea citizenship under Section 64(3) of the *Constitution* shall be -

- (a) in the prescribed form; and
- (b) be verified as prescribed; and
- (c) be accompanied by the prescribed fee.

(3) For the purposes of Section 64(4)(a) of the *Constitution*, the applicant must produce -

- (a) a statutory declaration deposing to facts of the possibility of the applicant being granted citizenship from a prescribed country; and

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- (b) evidence in an acceptable form showing that the applicant has applied for citizenship for the prescribed country.

(4) For the purposes of Section 64(2) and (6) of the *Constitution*, where a Papua New Guinea citizen makes an application to hold citizenship of a prescribed country whilst holding a Papua New Guinea citizenship (the applicant), the Minister may take into account the following:

- (a) the applicant has relatives or spouse who are citizens of the prescribed country; and
- (b) the applicant has business interests in the prescribed country; and
- (c) the applicant was born in the prescribed country; and
- (d) the applicant has genuine medical reasons; and
- (e) the applicant has genuine religious reasons; and
- (f) the applicant has genuine reasons concerning education or employment; and
- (g) any other reasons the Minister considers relevant.

(5) For the purposes of Section 64(3) and (6) of the *Constitution*, where a citizen of a prescribed country makes an application for approval to be a Papua New Guinea citizen, the Minister may take into account the following:

- (a) the applicant has relatives or spouse who are Papua New Guinea citizens; and
- (b) the applicant has business interests in Papua New Guinea; and
- (c) the applicant was born in Papua New Guinea; and
- (d) the applicant has genuine medical reasons; and
- (e) the applicant has genuine religious reasons; and
- (f) the applicant has genuine reasons concerning education or employment; and
- (g) any other reasons the Minister considers relevant.

- (6) The approval of the Minister to hold dual citizenship shall be in Form 7.”.

3. CITIZENSHIP ADVISORY COMMITTEE (AMENDMENT OF SECTION 10).

Section 10 of the Principal Act is amended by repealing Subsection (6) and replacing it with the following:

“(6) Where the Provincial Government fails to recommend a person to be an *ad hoc* member within 30 days of being requested to do so, the Minister may, acting on the advice of the head of the PNG Citizenship and Immigration Services, appoint a person from the province concerned.”.

4. NEW SECTION 12.

The Principal Act is amended by adding after Section 11, the following new section:

“12. FEES.

(1) The Minister responsible for financial matters may, by instrument, after consultation with the Minister responsible for the administration of this Act, establish fees applicable to applications required under this Act and the Regulations.

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(2) The Minister responsible for the administration of this Act may waive or reduce fees for any application required under this Act or the Regulations where special circumstances exist concerning the income and other means of a category of applicants that, in the opinion of the Minister, are unable to meet the full fees.”.

5. AMENDMENT OF THE SCHEDULE.

The Principal Act is amended in the Schedule -

(a) by repealing Form 1 and replacing it with the following new forms:

“



Citizenship Act.

Act., Sec. 2(1).

Form 1.

RENUNCIATION OF FOREIGN CITIZENSHIP BY PERSON UNDER 19 YEARS.

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

Date of Birth:

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

Height:

Color of hair:

Country of birth:

Names of natural parents:

Places of birth of natural parents:

Citizenship of natural parents:

Visible distinguishing marks:

Other country of possible citizenship:

Are you prepared to make the Declaration of Loyalty?

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NOTE: This application must be accompanied by -

- (a) your birth certificate or other acceptable document evidencing your birth; and
- (b) the birth certificate or a statutory declaration from your parent who is a citizen deposing that he/she is a citizen or, if your citizen parent is deceased, a statutory declaration from a citizen that your deceased parent was a citizen of Papua New Guinea.

Dated _____ day of _____, 20__.

(Signature of Applicant)



Citizenship Act.

Act., Sec. 2(3).

Form 1A.

APPLICATION BY PERSON AGED UNDER 19 YEARS TO HOLD DUAL CITIZENSHIP.

I, _____, having attained the age of 18 years and being to the best of my knowledge a national or citizen (or being qualified to hold the nationality or citizenship) of _____ (*prescribed country*) apply for approval to hold that nationality or citizenship and to hold the citizenship of Papua New Guinea.

Dated _____ day of _____, 20__.

(Signature of Applicant)"; and

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(b) by adding immediately after Form 6, the following new form:

“



Citizenship Act.

Act., Sec. 6(6).

Form 7.

APPROVAL TO HOLD DUAL CITIZENSHIP.

I, _____, the Minister, give approval for _____ (*full name of citizen*)
of _____ (*address*) to hold citizenship of Papua New Guinea and the
citizenship of _____ being a prescribed country by virtue of _____
(*insert the provision by virtue of which the person may hold dual citizenship*).

Dated _____ day of _____, 20 _____.

(*Signature of Minister*)”.

I hereby certify that the above is a fair print of the *Citizenship (Amendment) Act 2016* which has been made by the National Parliament.

Acting Clerk of the National Parliament.

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I hereby certify that the *Citizenship (Amendment) Act 2016* was made by the National Parliament on 2 November 2016.



Speaker of the National Parliament.

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