

Unvalidated References:

Citizenship Act 1975

Constitution

Constitution

Constitution

Constitution

Constitution

Constitution

Constitution

Constitution

Constitution

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

.....
Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 12.

Citizenship Regulation 1975

ARRANGEMENT OF SECTIONS.

PART I – PRELIMINARY.

1. Interpretation.
“authorized officer”
“judicial officer”

PART II – GENERAL.

2. Making of Declaration of Loyalty.
3. 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 1

Citizenship Regulation 1975

MADE under the *Citizenship Act 1975*.

Dated 200 .

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 Judge .

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 Gazette.

(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; and

(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

(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 1

PAPUA NEW GUINEA.

Citizenship Act 1975.

Form 1 – Application for Extension of Time.

Reg., Sec. 3. Form 1.

I, . . . , of . . . 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 extension of time*).

Dated . . . 20...

(*Signature of Applicant*)

* Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Citizenship Act 1975.

Form 2 – Application for Citizenship by Naturalization.

Act, Sec. 6. Form 2.Reg., Sec. 6.

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?:

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 . . . 20..

(Signature of Applicant.)

(Signature of authorized officer.)

PAPUA NEW GUINEA.

Citizenship Act 1975.

Form 3 – Certificate as to Citizenship by Naturalization.

Reg., Sec. 7. Form 3.

I, . . . , the Minister for . . . , certify that . . . whose personal details are set out below was on . . . 20... granted citizenship of Papua New Guinea by naturalization.

Date of birth:

Height:

Colour of eyes:

Colour of hair:

Visible distinguishing marks:

Dated . . . , 20...

Minister for . . .

PAPUA NEW GUINEA.

Citizenship Act 1975.

Form 4 – Application for Registration of a Birth Overseas.

Reg., Sec. 10. Form 4.

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 . . . , 20...

(Signature of Applicant.)

Citizenship Regulation 1975