



23 June 2020

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Felix Lee

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Dear Felix

OIA request 19/20 0761 Request for information regarding Citizenship application forms

Thank you for your Official Information Act (Act) request received by the Department of Internal Affairs (Department) on 24 May 2020.

Specifically you requested –

1. *When was the CBRN (Chemical, Biological, Radiological and Nuclear Weapons) question added to the application form?*
2. *What's the reasoning for adding this question? If there are any document/briefing/notes about adding this question, please provide it.*
 - 2.1 *If there are any review done since about whether this question is effective in achieving its aim, please provide it.*
3. *What is the policy of granting citizenship to people who have been involved with CBRN weapons?*
 - 3.1. *Does it matter if the applicant were acting for a government when they made or used those weapons?*
 - 3.2. *Does it matter if they were acting for a friendly or unfriendly government?*
4. *For each of the past 10 years, please tell me the number of people, and their existing citizenship, who answered "yes" to the CBRN question and were:*
 - 4.1. *granted citizenship?*
 - 4.2. *denied citizenship?*
5. *Same as question 4 but for the war crime/crime against humanity question (question 30).*
6. *Same as question 4 but for the terrorism question (question 28).*

In response to your request I can provide you with the following information.

Questions 1 – 3

A question whether an applicant has “ever been involved in the making or use of weapons such as biological, chemical, nuclear or radiological weapons” has been in the citizenship application form for some time. We have not, without significant further research, been able to narrow down the time frame, but can confirm that it was not present in the forms printed in 2002 but has been in place since at least 2010.

We have not been able to locate a written operational policy document which details the reasoning for introducing the question at that time, or confirm the exact date without doing substantial further research.

You have also asked for the reason for including the question. In answering, it may be helpful to outline how this information is used.

The answers to these questions are taken into account in determining whether the applicant meets the good character requirement under section 8(1)(c).

The purpose of having a specific question is two-fold. Firstly, having a specific question prompts applicants to provide information, which can then be assessed, alongside the results of standard character checks (which include checks with the New Zealand Police Vetting Service, Overseas Police Checks, and the standard check that is made with the New Zealand Security Intelligence Service for all applicants for Citizenship by Grant aged over 14).

When an applicant ticks yes to this question, their application is referred to the Department’s internal investigations team for review and assessment of whether the applicant meets the good character requirement.

Of note: people who have been employed by legitimate weapons manufacturers fall within the scope of this question (e.g. a person who worked manufacturing weapons which are used by the NZ Army or New Zealand Police force would be required to answer this question “yes” and provide an explanation).

In assessing an individual’s ability to meet the good character requirement, each individual’s circumstance is different, and their own circumstance may be taken into account. Each case is assessed on its own merits. Provided the applicant answers this question honestly, a history of working in weapons manufacture does not in itself automatically prevent an individual from meeting the good character requirement.

The second purpose of having a specific question is that an applicant who does not answer the question honestly may be subject to subsequent legal consequences (such as deprivation).

Questions 4 – 6

In questions 4 (including 4.1 and 4.2), 5 and 6 you have asked for statistics on the frequency of affirmative responses to certain questions on the citizenship application form.

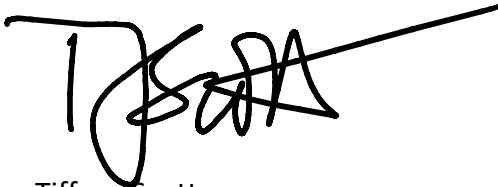
Until October 2019 all citizenship applications were submitted on a paper. While certain components of the applicant's information were transferred into an electronic system in order to register citizenship decisions, the system did not log the answer to each individual question, as the processing was done using the paper application forms. This means that there is no database containing the responses to all of the citizenship form questions, including the certain questions you have noted for the paper forms in use prior to October 2019, or applications made on paper since that date.

There is no database to draw this data from, and reviewing 10 years of archived paper applications is prohibitive, so we cannot give you a specific statistic.

However, we have identified that, since 2012, 25 applications have been referred to the investigations team because they answered 'yes' to one of those three questions. Investigators involved have indicated that they do not recall having seen an applicant answer "yes" to the questions on terrorism, or on War Crimes/ Crimes against humanity.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

A handwritten signature in black ink, appearing to read 'TJ Scott', with a long horizontal line extending to the right from the end of the signature.

Tiffany Scott
Manager Branch Development and Support
Service Delivery and Operations