Policy - Documents required for citizenship applications

Background

Applicants applying for New Zealand citizenship by grant or descent are required to produce a variety of personal documents to support their application. These include documents that record key life events and provide personal details about the applicant.

See Guidelines: Documents provided by Citizenship applicants.

Policy statements

Documents provided by applicants are used to verify proper names, changes of name, and date and place of birth.

General documentation

General policy

Principles

General principles regarding documents are:

- Focus only on what matters what you need to achieve confidence in the applicant's identity
 and to make a sound decision. If missing information seems unlikely to impact your decision
 (or recommendation) don't pursue it.
- Use common sense. For example, photocopies should not be accepted at face value but if other sources (such as AMS) re-inforce the validity of the information, you may not need to insist upon an original.
- If information is required but not available, next best evidence should be sought.

Stamp or Seal

Official documents should have some sort of stamp or seal, date and place of issue, and serial number.

Scans and/or photocopies of original documents

Scans or images of documents are acceptable for online applications, these may be provided as part of the submitting of the application. If an applicant who has applied online is required to supply further evidentiary documents, they can supply these via email.

All non-original documents supplied with the application or via email must be in full colour and have a clear resolution.

Documents provided with paper applications must have the original documentation sighted. However, additional supporting documents may be provided via email, as long as the applicant has provided at least one original key identity document (e.g. passport). Professional judgement can be exercised to accept:

- Scans of original documents via email (if at least one original key identity document has been provided).
- Written explanations of why an original document is unavailable.
- Copies of documents when the applicant has confirmed in writing that the original is lost/unavailable.

Official certified copies

Some authorities will issue certified photocopies as replacements. These are acceptable provided they bear the original seal or stamp of the issuing authority.

We can accept certified copies of documents from a New Zealand High Commission or Embassy. Use the template <u>Citizenship by grant - certified copies of documents from NZ High Commission or Embassy.docx (cohesion.net.nz)</u> to write to the applicant

Damaged documents

A document that has been significantly damaged or altered in any way that could compromise the information you need it for is not acceptable.

If an applicant provides a document that appears to be damaged or altered, the options include:

- requesting a written explanation or statutory declaration from the applicant
- instructing the applicant to obtain a replacement from the issuing authority
- contacting the issuing authority to confirm details
- contacting Immigration New Zealand (INZ) to confirm the applicant's details, as recorded in the Applicant Management System (AMS) or the applicant's INZ record

Note: Contacting INZ is not usual practice when processing a determinations application, but it may be an option if the application is under investigation.

referring the document to Investigations for an assessment

Note:

Before deciding on a course of action, refer all documents that appear to have been tampered with, or altered, to a team leader.

New Zealand life events

We do not require certificates from applicants for life events registered in New Zealand (births, marriages, deaths and name changes) with the exception of name changes that occured prior to 25 January 2009.

These can be searched for in DCS, or a <u>referral</u> may need to be sent to BDM. **Note:** Name change records cannot be located in DCS.

Documents not provided

Applicants are expected to provide all required documentation when applying for New Zealand citizenship.

However, in some cases where an applicant fails to provide a document you may still have enough information to establish key identity attributes and enough name information to conduct a proper character check.

An applicant may be unable to obtain a requested document. Common reasons for this are:

- applicant is a refugee
- documents have been destroyed by war or natural disaster.

If a document is not provided, then the applicant should provide a written statement explaining their circumstances.

A decision on whether an applicant will be required to obtain the document will be made based on the explanation given, and the importance of the document in determining the identity and character of the applicant. Use your professional judgement and, if you are unsure, discuss with your peer network.

Birth certificates

Grant applications

If an applicant is under 16 years of age, a full (long) birth certificate or household register/family book that states their parents' names and the place of birth must be provided. This is for consent and presence purposes.

If an applicant is 16 years of age or over and does not have a full (long) birth certificate or household register/family book that states their parents' names, a short birth certificate without these details is acceptable. A birth certificate with the place of birth is still required, unless it is not possible for the applicant to obtain this.

Unregistered births

In some cases, an applicant may not be able to provide a birth certificate or record, if their birth was not registered in the country they were born. For example, in some countries there were long periods of time where it was not mandatory to register births.

The applicant must provide a written explanation as to why they are unable to obtain a birth certificate, and provide an alternative acceptable document. Specific information can be found below as to what documents are acceptable in place of a birth certificate for some countries. See the Country.Book for further information. Please consider the factors which might influence the evidence you request e.g. country of origin, age of applicant, other documents already provided.

Late registration of birth

On occasion an applicant will provide a birth certificate which shows that their birth was registered recently, for example:

- within a few years before, or since their arrival in New Zealand, or
- after the issuance of a passport used to travel to New Zealand.

In most cases we can rely on the information from the INZ API and the applicant's passport for all the information we need, and do not need to get further information for applicants with late birth registration.

You should only request another document if this is needed to establish the applicant's identity or biodata (such as birth name, date, or place of birth).

Depending on the country this may be:

- a school leaving certificate
- affidavit regarding the late registration
- national identity card
- voter registration card, or
- driver licence.

Note: the alternative document should include the applicant's date of birth.

If the applicant cannot provide an acceptable document, or one with a date of birth, they should complete a written statement explaining why.

Dolor the Translation of documents

Background

Some documents are in a language other than English, or contain a partial English translation. A document only needs to be translated if you are unable to establish key information to a satisfactory level of confidence. This may be achieved in a number of ways including:

Checking against an AMS record (Immigration NZ)

In these cases, you should make a file note so that other Citizenship staff can have confidence in the information.

If the applicant wishes to use the Department of Internal Affairs Translation Service see System step request a translation

Note: A fee is only necessary if the applicant wishes to have a copy of the translation provided to them. There is **no charge** for translations required for the application.

Translation arranged by Citizenship

The approved provider of this service is the New Zealand Translation Service. Citizenship Case Officer are required to:

- ensure that the translation fee is paid (if required) by the applicant
- arrange translation of the document into English.

Translation arranged by the applicant

Translations provided by an applicant are not equivalent to the original document they are translating. In all cases, where translations are provided on their own (without the document in its original

language), you must ask the applicant if they have the document(s) and to provide it. If the applicant is unable to provide the document(s), see: **Documents not provided** at the top of this page.

Citizenship case officers must ensure that translated documents accurately reflect the original document. This can be achieved by ensuring that documents received from an applicant have been translated by an approved agency such as:

- the issuing government agency
- the issuing country's diplomatic post to New Zealand
- a court in the country of origin if the court has been authenticated by that country's diplomatic post in New Zealand

In other cases, you may use professional judgement (and, if necessary, discuss with your manager) to establish whether the translation is acceptable. For example, the translation may have already been accepted by Immigration NZ. You must record the reasons for your decision in an application note. See: <u>Using professional judgment.</u>

Note:

The Department may accept translations from overseas organisations which demonstrate on certification stamp/seal that they are an agency that has been authorised by their government to translate documents.

Lost or damaged documents

Citizenship is obliged to ensure that applicant documents are kept safe and secure, or remedy any situation in which Citizenship is responsible for a document being lost or damaged.

If a document is lost or damaged:

- inform a team leader
- admit to the applicant that it is lost or damaged
- inform applicant that Citizenship will pay the cost to replace the document
- inform applicant they will need to arrange replacement, unless the document can be organised/replaced by Citizenship. For example, British documents are easily replaced and can be obtained through the internet.

Note:

Applicants who obtain a replacement document should advise their Citizenship case officer, in writing, of the cost. This must then be included as a file note in the applicant's record. Citizenship case officers are to arrange payment through their team leader.

Incorrect or misleading documents

The Department is not obliged to accept any document at face value.

If there is evidence to suggest that information contained in a document is incorrect or misleading, the document cannot be received as evidence of the truth of the information it contains. A decision as to the strength of the evidence to the contrary must be made at the time on the basis of all information available.

Following an investigation conducted by the Investigations team, the Legal Adviser should be consulted and review any draft letters to the applicant based on their legal advice (as per professional legal privilege).

If there is a strong case that the documents are incorrect or misleading, then the Department must:

- advise the applicant of its preliminary view
- give the applicant an adequate opportunity to comment, and to provide any further documentation to clarify the matters of concern.

Prima facie evidence

Documents are written evidence of a fact. They provide evidence of personal details about the applicant, their parent(s) and other family relationships, e.g.:

- Napplicant's name, date and place of birth, adoption, marriage, or change of name
- applicant's parents' details
- other matters relevant to an application.

New Zealand documents

New Zealand certificates of birth, marriage, civil union, and death are defined by section 79 of the Births, Deaths and Marriage Registration Act 2021 as being admissible as evidence in any legal proceedings and is presumed, in the absence of evidence to the contrary, to be an accurate record of the information recorded in the registry as at the date of issue.

Foreign documents

Section 141 of the Evidence Act 2006 provides that a foreign document is to be accepted as evidence that it is a genuine document unless the contrary is proved.

Note:

A document might be genuine, but the details it claims to record may be false. Therefore, foreign documents are prima facie evidence only.

Specific countries' documentation (grant applicants only)

Cambodian documents

Translations into English

Any translation of a Cambodian document into English must:

- be carried out by the Cambodian Ministry of Foreign Affairs and International Cooperation
 Legal Affairs Department, or translated by Translation Services. If the latter, see <u>Procedure</u> Translation Request processing.
- show the Cambodian Ministry of Foreign Affairs and International Cooperation seal, or
- be re-translated or confirmed by the Cambodian Ministry of Foreign Affairs and International Cooperation.

Note:

Cambodian Nationals who wish to have their documents translated and sealed can send them directly to the Cambodian Ministry for translation.

Cambodian documents provided with the following attributes are not acceptable to Citizenship:

- issued in original Khmer script, with
- overtyped English language translation, and

• the notation 'Foreign language, is not acceptable on this document'.

Chinese documents

Record of birth for applicants born before 1950

Chinese applicants should be asked to provide a Family Register or Notarial certificate. However, if born in China before 1950, the applicant may not be able to provide one without extreme difficulty, due to record keeping systems prior to 1950. As long as other documents are provided, such as a Hong Kong certificate of Identification or passport, then it is acceptable to request and accept a Statutory Declaration stating they are unable to provide a Family Register or Notarial certificate.

Applicants born after 1950 should be able to provide a Family Register or Notarial certificate.

Note:

Birth certificates issued by a hospital in China are not acceptable.

Notarial certificates

Notarial certificates contain both English and Chinese pages. If a notarial certificate is provided by a Chinese applicant to evidence their birth and/or marriage details, the certificate must be checked to ensure it contains the following security features on both the Chinese and English language pages:

- embossed notarial seal impressed in the identical location
- watermark
- serial number in red ink located on the bottom left or right corner of the page.

Note: A photograph may be included on the notarial certificate.

Certificate discrepancies

If a discrepancy is located on the notarial certificate's English language page, the notarial certificate must be re-translated by Translation Services. See <u>Procedure - Translation Request processing.</u>

If Translation Services provides a translation identical to the notarial certificate translation, and the discrepancy was located on the English language page, then the document may be accepted as valid.

If, after translation, the integrity of the document remains in question, then an assessment must be made with due regard to the:

- Chinese province where the certificate was produced. Three provinces of particular concern are:
 - Fujian
 - Liaoning
 - Guangdong
- integrity of other documents, i.e. can information on the certificate be verified using other documentation provided by the applicant?
- overall assessment of the applicant, e.g. fraud convictions, computer alerts.

Indian documents

Applicants born before 1970 are unlikely to have their birth registered.

In most cases, the INZ API and the passport provide all the information we need. You should only request another document if you need this to confirm the applicant's identity or their biodata.

If the reason that a birth certificate is unavailable is that the person's birth was not registered, a written explanation as well as one of the following documents is acceptable:

- school leaving certificate
- baptismal certificate
 - ration card or family ration book
- electoral registration card
- Aadhar identity card.

The first two are preferable as they are primary documents, and should be requested first.

Note: Only school records which include the applicant's date of birth should be accepted and only applicant's who are Christian will have a baptismal certificate.

If one of the above cannot be provided, then a 'No record found' or 'Birth record search' or 'Non-availability' certificate issued by a Registrar of Births, and a sworn affidavit stating birth and parental details can be accepted.

Record of birth for applicants born after 1970

Indian legislation, specifically the Registration of Births and Deaths Act 1969, required all births to be registered, and this provides the basis for the provision of a birth certificate for all born after 1 January 1970. However, as reported in the 2003 census, some 54% of births in that year were unregistered.

If a birth certificate is not provided by any applicant born after 1 January 1970, use professional judgement to decide if you need further information. In most cases, the INZ API and the applicant's passport provide all the information we need.

If you do need another document, the applicant should obtain a 'No record found' or 'Birth record search' or 'Non-availability' certificate which states that there is no record for the named person. As records are not centralised, this certificate must come from the relevant Indian authority in the area in which they were born.

The applicant will also need to provide one of the alternative documents noted in the above section.

Information on obtaining a birth certificate is available on the Indian government website page

Obtain Birth Certificate.

Make a file note if you need to make any decision without a birth certificate.

No name on birth certificate

The applicant should also provide their school leaving certificate (or another alternative document listed above, if this is not available). If the applicant cannot provide this document, they should complete a written explanation stating why.

Late registration of birth

See Birth Certificates section above for further information. Unregistered or late registered births are most common for applicants born in India. If required, an applicant should be asked to provide an additional document - typically this can be their school leaving certificate. If an applicant cannot provide any additional document(s) they must complete a written explanation stating why.

Indian High Commission birth certificates

Birth certificates issued by the Indian High Commission are not accepted by Citizenship as proof of identity.

Spelling discrepancies on documents

If there are minor discrepancies in the spelling of names, INZ should be consulted to determine the spelling shown on their records. Also, ask the applicant to provide evidence of the name and spelling they are using in New Zealand.

Iraqi documents

Background

With the exception of several large cities, Iraq is a largely rural population. Rural Iraqis make up a large proportion of those who come to New Zealand seeking citizenship by grant, through migration or as refugees. These people have usually had little interaction with the Iraqi government and documentation they are able to provide is often limited.

Birth certificates

Birth certificates are issued by hospitals for the Iraq Ministry of Health and are used to obtain Certificates of Identity. However, they are not usually retained and are rarely provided by applicants. Therefore, birth certificates are not expected to be provided as a mandatory document.

Passport

All applicants should provide a passport, if available. A passport may not be available where an applicant arrived in New Zealand as a refugee, or on a false passport.

Iraqi Certificate of Identity

All applicants should provide a Certificate of Identity, if available.

Niuean, Tokelau and Cook Island documents

marion Acx Niuean, Tokelau and Cook Island documents In addition to the usual documents Guidelines -<u>Documents provided by Citizenship applicants (cohesion.net.nz)</u> we would require the following:

- Payment confirmation-if applications are received in the Diplomatic bag from the NZHC offices, there would be either a pink slip receipt or a letter with a receipt/payment details. <u>Guidelines — Assess digitised CBG applications (cohesion.net.nz)</u>
- Authorisation to release information form-this is to be completed by the applicant to authorise the Department of Internal Affairs (DIA) to release personal information to Immigration New Zealand (INZ) for the purpose of determining whether they qualify for the waiver in accordance with section 8(4)(a) of the Citizenship Act 1977. Authority to release information to Immigration NZ form

- Residency certificate or Passport with residency stamps (Cook Island by descent) Guidelines -Cook Islands, Niue, and Tokelau citizenship applicants (cohesion.net.nz)
- Police clearance from Cook Islands, Niue or Tokelau- Niuean, Tokelau, or Cook Islander resident applicants visiting or living in New Zealand are required to provide their own police checks from the appropriate nation's agency. Applicants should have been advised of this by LISOs or the New Zealand High Commission. Guidelines - Requesting overseas police clearances (cohesion.net.nz)

The police clearances must be less than 6 months old during the processing or up until the DIA Minister makes a decision. The applicant may need to provide further police reports depending on how long their application takes following the INZ Minister's decision.

The exception to this rule is if the applicant has been living in New Zealand. If so, Niuean, Tokelau, or Cook Island resident applicants will undergo the standard New Zealand police check for time spent in New Zealand, and the overseas police check policy should be applied for any time spent living in Niue, Tokelau or Cook Islands, or elsewhere, during the relevant period.

- Travel records
 - o Tokelau-Applicants must provide documents from the Tokelau Apia Liaison Office (TALO) and the Samoan Immigration Division.
 - Cook Islands-Applicants can obtain a document from the Ministry of Foreign Affairs and Immigration
 - o Niue-Applicants can obtain one from the Niue Immigration Office-Department of Finance and Planning

In some cases, we may need to confirm travel from the passport pages. If there are discrepancies with the applicants travel movements, the applicant must contact the issuing authority to get this amended. It is important that we obtain the correct records to work out if an applicant meets the presence requirement (if this cannot be done, the applicant may need to be a submission to the DIA Minister) If the authoritative source amends the details, we must accept them.

Please note, some applicants will lodge their applications through the New Zealand High Commission offices, where payment would be made and certified copies of their documents with their physical on Acx application are provided. These are acceptable.

A sample copy of the documents can be found below

Cook Island documents Cook Island documents Redacted.pdf (cohesion.net.nz)

Niue documents Niue documents Redacted.pdf (cohesion.net.nz)

Tokelau documents Tokelau documents Redacted.pdf (cohesion.net.nz)

If the applicant needs assistance with obtaining a document they could contact the NZHC offices. See below

Cook Islands

9(2)(a)

Niue

9(2)(a)

Tokelau

9(2)(a)

Samoan documents

Disclosure

Samoan applicants are not required to answer the disclosure question on their application form, as this is not a requirement under the Citizenship (Western Samoa) Act 1982.

Section 7(1)(b)(i) Proof of residence

Acceptable section 7(1)(b)(i) evidence must confirm that the applicant was in New Zealand at any time during the day of 14 September 1982. Ambiguous, circumstantial, or vague evidence is not acceptable.

Section 7(1)(b)(ii) Permanent Residency and Date of Arrival

Record the:

- earliest date of permanent residency using the travel documents provided, and
- date of arrival leading up to permanent residency.

Ensure that the applicant has not lost permanent residency.

If you need to confirm the applicant's date of arrival and/or permanent residency, and they do not have this information on their current travel document, you should request their previous travel document.

Note:

If Western Samoans are New Zealand citizens by descent through adoption, then the permanent residence date is the day they were adopted.

Samoans who have been adopted

If a birth certificate begins with a prefix 'A' ('COR' or 'COA') you must request the adoption order.

If there is some doubt that the applicant knows they have been adopted, contact the New Zealand High Commission in Apia for this information.

Adoption papers can be obtained from the Samoan Justice Department.

Proof of Samoan citizenship

An applicant must be a Western Samoan to apply under the Citizenship (Western Samoa) Act 1982.

- A Samoan passport or certificate of identity or Consulate-General issued photo letter is usually sufficient evidence to demonstrate Samoan citizenship.
- A foreign passport that has a stamp from the Government of Samoa issued under the Immigration Act 2004 and Citizenship Act 2004 is a citizen of Samoa.
 - See example in the Country Book.
 - o See <u>letter: Samoan Citizenship</u>.
- When there is doubt, confirm that the applicant is still a Western Samoan citizen (i.e. they have not had a travel document for a very long time).

Citizenship cannot accept confirmation of Western Samoan citizenship through AMS.

Note:

If you have any queries regarding Samoan birth details, Nana Anae at the New Zealand High Commission in Apia is able to investigate on Citizenship's behalf.

Korean documents

Until 31 December 2007 Korean authorities produced the Family Census Registration document (household register). From 1 January 2008 this document is no longer produced and has been replaced by five basic certificates.

What documents are now produced?

- **Standard certificate** records information only on the applicant themselves such as name, date and place of birth but **does not record the names of their parents**
- **Family Relationship certificate** these are issued for each person and records name, names of parents and of partner and children if these exist
- Marriage Certificate
- Two certificates for adoption.

What documents do we now require?

Many families may still be able to provide the old Census Document issued before 1 January 2008 that records the **full** birth records for all family members. INZ may even have this or a copy (as a last resort).

If not:

- Males 16 and over and never-married females 16 and over require the Standard Certificate only
- Married female applicants require:
 - o Standard Certificate and Relationship Certificate, OR
 - Standard Certificate and Marriage Certificate.

Note:

The Relationship Certificate records spouse but not the date of marriage. If you are given the Relationship Certificate and are concerned about the date of the marriage (for instance if there is a major discrepancy between the date of marriage on the application form and the date the marriage is registered on the relationship certificate) ask for the Marriage Certificate too. You may also want to ask for the Marriage Certificate if you are concerned about the possibility of bigamy.

• **All applicants under 16 years** must provide **both** the Standard Certificate and **their own** Family Relationship Certificate.

Translations of new Korean documents

Each document is required to be translated separately. Translation agencies are not able to translate more than one document into a single selective translation.

This may mean that Korean applicants incur a higher fee for translations if using a translation agency, however the information is required for our purposes. If Translation Services are used there will be no fee.

Pakistan documents

Late birth registrations are common in Pakistan. Most birth certificates from Pakistan will record a date of registration but it is not always translated into English. If it's not clear from the certificate which is the date of registration you can send this to Translations.

Refugee documents

Refugees should provide the travel document they first used to enter New Zealand.

An applicant who is a United Nations mandated refugee, or been granted refugee status by INZ should never be advised to contact their home country to obtain a document before their application can be completed.

It is appropriate, however, to ask the applicant in the first instance if a document is in their possession.

An applicant who applied for refugee status with the INZ, but withdrew their application, or had their application declined, is expected to provide the same documentation required by applicants who are not refugees.

Immigration New Zealand Certificate of Identity

These are issued to applicants granted refugee status, or applicants who arrived in New Zealand on a ieri. false passport that has since been destroyed by INZ. This is a primary document that should be requested, if available.

For more information see the **Country Book** located in Cohesion