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Tēnā koe Michael

OIA request 23/24 0902 Request for Citizenship, Intention to reside in New Zealand

Thank you for your Official Information Act (Act) request received by the Department of Internal Affairs (Department) on 28 April 2024.

You requested –

- 1. What is the definition of "reside"? Is it acceptable for a person to intend to reside in both New Zealand and their home country, and to travel frequently between the two?*
- 2. Are there any case laws that the citizenship office references when determining the term "reside"? For example, like term "ordinary resident" or "resident" defined in the Overseas Investment Act or the Work and Income Act.*
- 3. If a person intends to live in another country in the future (e.g., 10 years later) but not immediately after being granted citizenship, is this considered as intending to "continue to live in the country"?*
- 4. What are the internal guidelines/training documents that case officers use to determine an applicant's intention to continue residing in New Zealand?*

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

Please find attached:

- Appendix A - Citizenship guidance policies
- Appendix B - Responsibilities & Privileges, English, Intention, Review and Recommend - Facilitator Guide

Question one

I can advise that the Department considers "reside" to mean where the applicant is primarily based. Where an applicant resides in both New Zealand and their home country, the Department would, on a case-by-case basis, consider the reasons as to why they are residing in two places and assess any evidence provided.

Questions two and four

For internal citizenship guidelines and training documents I refer you to both Appendices A and B.

Appendix A contains citizenship by grant intention to reside policies and guidance from Tuwhiria Te Tikanga (Tuwhiria). Tuwhiria is the Department's online operational policy resource and knowledge management system. The main purpose of Tuwhiria is to standardise business knowledge across the Service Delivery and Operations branch (SDO). This enables staff to find accurate and up-to-date policies and procedures to ensure a consistent approach is applied.

Appendix B is pages 16-19, which is the Intention to Reside section from the New Zealand Facilitator Guide, a training manual used when training Life and Identity Services Officers (LISO) on how to process an application.

Some information has been withheld from Appendix B under section 9(2)(k) of the Act; preventing the disclosure or use of official information for improper gain or improper advantage. Also, some information has also been omitted from this document as it falls outside the scope of your request, any information of this nature has been marked as 'Out of Scope'

I can advise that relevant Crown Law Case Studies have been found within scope of your request within Tuwhiria at Appendix A, however, the case studies are legally privileged. Therefore, this portion of your request has been withheld under section 9(2)(h) of the Act on the grounds that withholding it is necessary to maintain legal professional privilege.

Question three

Intention to reside is assessed from the time an application is lodged until an individual has attended their Citizenship ceremony. If that or another requirement is not clearly met, then an applicant may choose for a submission to be prepared and presented to the Minister for an individual decision. It is important to note that if an applicant knows at any time prior to them being granted Citizenship that they intend to move overseas, even if it is 10 years later from when they apply, they will not meet the Intention to continue to reside in New Zealand requirement and should advise the Department.

Continuing to reside refers to the following, the applicant:

- Was residing in New Zealand before lodging their application
- Has an intention to continue to reside in New Zealand once granted citizenship, and
- Maintains this intention until they become a citizen.

This does not mean that the applicant must have physically resided in New Zealand for the entire time from lodgement until the ceremony, or that they will reside in New Zealand directly after gaining citizenship.

As this information may be of interest to other members of the public, the Department has decided to proactively release a copy of this response on the DIA website. All requestor data, including your name and contact details, will be removed prior to release. The released response will be made available here: <https://www.dia.govt.nz/Official-Information-Act-Requests-2>.

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.

Ngā mihi



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