

Chapter 12.  
***Citizenship Act 1975.***

Certified on: / /20 .



INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 12.

***Citizenship Act 1975.***

**ARRANGEMENT OF SECTIONS.**

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    “the regulations”  
    “this Act”
2. Renunciation of foreign citizenship.
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4. Application for automatic citizenship.
5. Registration of births overseas.
6. Citizenship by naturalization.
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8. Regaining of citizenship by certain persons.
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**SCHEDULE 1**



INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

***Citizenship Act 1975,***

Being an Act to implement Part IV (*citizenship*) of the *Constitution*.

**1. INTERPRETATION.**

In this Act—

“**the regulations**” means any regulations made under this Act;

“**this Act**” includes the regulations.

**2. RENUNCIATION OF FOREIGN CITIZENSHIP.**

<sup>1</sup>Where the *Constitution* permits or requires a person 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.

**3. RENUNCIATION OF RIGHT TO PERMANENT RESIDENCE IN AUSTRALIA OR OF FOREIGN CITIZENSHIP.**

A person who wishes to renounce his right to permanent residence in Australia or his status as an Australian citizen or as a citizen of another country in accordance with Section 65(4) and (5) of the *Constitution* may do so by making before—

(a) a judicial officer; or

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<sup>1</sup> Section 2 replaced by No. 55 of 1976, s1.

(b) some other person appointed by the Minister,  
a declaration in Form 2.

#### 4. APPLICATION FOR AUTOMATIC CITIZENSHIP.

An application for registration as an automatic citizen under Section 65(2)(a) of the *Constitution* shall be in Form 3.

#### 5. REGISTRATION OF BIRTHS OVERSEAS.

(1) For the purposes of Section 66(2)(c) of the *Constitution*, the registration of a birth overseas may be made by giving to a person appointed by the Minister the prescribed particulars.

(2) The registration shall be made within one year after the birth or, with the consent of the Minister, at any time after the end of that period.

(3) The regulations may provide for the keeping of a register or registers of births overseas for the purposes of Part IV of the *Constitution*.

(4) A certificate under, or apparently under, the hand of a person appointed under Subsection (1) and purporting to set out details of registration of a birth is *prima facie* evidence of the facts set out in it.

#### 6. CITIZENSHIP BY NATURALIZATION.

<sup>2</sup>(1) An application for citizenship by naturalization under Section 67 of the *Constitution* shall be—

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

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

#### 7. RENUNCIATION OF PAPUA NEW GUINEA CITIZENSHIP.

Citizenship of Papua New Guinea may be renounced by making before a judicial officer or some other person authorized by the Minister a declaration in Form 4.

#### 8. REGAINING OF CITIZENSHIP BY CERTAIN PERSONS.

For the purposes of Section 74(3) of the *Constitution*, where a child under the age of 19 years loses his citizenship the Minister may—

- (a) on application by or on behalf of the child; and

<sup>2</sup> Section 6 repealed and replaced by *Citizenship (Amendment) Act* 1996 (No. 6 of 1996), s1.

- (b) where he is satisfied that it is in the best interests of the welfare of the child to do so,

by order, grant citizenship of Papua New Guinea to the child.

**9. CERTIFICATE AS TO CITIZENSHIP.**

- (1) An application under Section 81(1) of the *Constitution* shall be in Form 5.
- (2) A certificate under Section 81(2) of the *Constitution* shall be in Form 6.

**10. CITIZENSHIP ADVISORY COMMITTEE.**

<sup>3</sup>(1) [*Repealed.*]

(2) For the purposes of Division IV.4 of the *Constitution*, a Citizenship Advisory Committee is hereby established.

(3) The four permanent members of the Citizenship Advisory Committee shall be appointed by the Head of State, acting on advice given after consultation with the Permanent Parliamentary Committee with special functions in relation to citizenship matters.

(4) Where the person to whom a matter before the Citizenship Advisory Committee relates resides in an area which has a Provincial Government, the *ad hoc* member of the Committee shall be the person recommended to the Minister by the Provincial Government of that area.

(5) A Provincial Government shall not make a recommendation to the Minister in accordance with Subsection (4) unless it has first sought the views of—

- (a) the Local-level Government; or
- (b) where there is no Local-level Government—the leaders of the local community,

in the area in which the person, to whom a matter before the Committee relates, resides.

(6 - 8)<sup>4</sup> [*Repealed.*]

(9) A person recommended to the Minister in accordance with Subsection (4) shall be appointed to the Citizenship Advisory Committee by the Minister by instrument.

(10) Unless their respective appointments are earlier terminated—

- (a) the appointments of the permanent members who are members of the Parliament terminate—
  - (i) at the end of the first meeting of the Parliament after the general election after their appointment; or

<sup>3</sup> Section 10 amended by No. 33 of 1978.

<sup>4</sup> Section 10 amended by No. 33 of 1978.

- (ii) where a member ceases to be a member of the Parliament other than by reason of general election—on the day he ceases to be a member; and
- (b) the appointments of the other permanent members terminate at the end of the period of six years after their respective appointments; and
- (c) the appointment of each *ad hoc* member terminates immediately after the matter or class of matters in relation to which he has been appointed is concluded.

(11) The Citizenship Advisory Committee shall meet in the province in which the person to whom a matter before the Committee relates resides.

(12) In respect of a matter referred to the Citizenship Advisory Committee by the Minister, members of the Committee shall have the same powers as Commissioners in respect of a matter referred to them under the *Commissions of Inquiry Act 1951* and the provisions of that Act shall apply accordingly with such alterations as are necessary to make them applicable.

(13) Subject to Subsection (11), the powers and procedures of the Citizenship Advisory Committee are as prescribed.

## 11. REGULATIONS.

<sup>5</sup>The Head of State, acting on advice, may make regulations, not inconsistent with this Act, for carrying out or giving effect to this Act and generally for carrying out or giving effect to Part IV of the *Constitution*, and in particular for prescribing penalties of fines not exceeding K500.00 or imprisonment of terms not exceeding six months for offences against the regulations and for prescribing fees as authorized by this Act.

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<sup>5</sup> Section 11 amended by *Citizenship (Amendment) Act 1996* (No. 6 of 1996), s2.



SCHEDULE 1

**<sup>6</sup>PAPUA NEW GUINEA.**

***Citizenship Act 1975.***

***Form 1 – Renunciation of Foreign Citizenship.***

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

Declared at . . . , . . . 20...

(*Signature and Designation of Witness.*)      (*Signature of Declarant.*)

**PAPUA NEW GUINEA.**

***Citizenship Act 1975.***

***Form 2 – Renunciation of Right to Permanent Residence in Australia or of Foreign Citizenship.***

I, . . .

(a) having been both at (*insert name of town and country*) and having (*state number*) grandparents both within the territorial limits of Papua New Guinea or an adjacent area namely:—(*insert names of grandparents and places where born*); and

(b) being to the best of my knowledge—

(i) entitled to permanent residence in Australia; or

(ii) a national or citizen of

renounce that right to permanent residence in Australia or that nationality or citizenship and any other nationality or citizenship (other than citizenship of Papua New Guinea) that I have, and my rights to any privileges arising out of it, and state that I consider myself to be a citizen of Papua New Guinea.

Declared at . . . , . . . 20...

(*Signature and Designation of Witness.*)      (*Signature of Declarant.*)

<sup>6</sup> Schedule 1 amended by No. 55 of 1976, s2.

**PAPUA NEW GUINEA.**

**Citizenship Act 1975.**

**Form 3 – Application for Registration as a Citizen..**

I, . . . , having been both at (*insert name of town and country*) and having (*state number*) grandparents both within the territorial limits of Papua New Guinea namely:—  
(*insert names of grandparents and places where born*)  
apply under Section 65(2)(d) of the *Constitution* for registration as a citizen of Papua New Guinea.

Dated . . . 20...

(*Signature of Applicant.*)

**PAPUA NEW GUINEA.**

**Citizenship Act 1975.**

**Form 4 – Renunciation of Papua New Guinea Citizenship..**

I, . . . , having reached voting age and being of full capacity, renounce my citizenship of Papua New Guinea and my rights to any privileges arising out of that citizenship, and declare that—

\* I already hold the nationality or citizenship of . . .

\* The renunciation is for the purpose of obtaining the nationality or citizenship of . . .

Dated . . . 20...

(*Signature and Designation of Witness.*)

(*Signature of Declarant.*)

\* Strike out whichever is inapplicable.

**PAPUA NEW GUINEA.**

**Citizenship Act 1975.**

**Form 5 – Application for Certificate as to Citizenship..**

I, . . . , being a person whose status or entitlement in relation to citizenship is, or may be, in doubt, apply for a certificate stating that I am/may become\* a citizen.

The following personal particulars and other details are provided in support of my application:—

(*insert all details relevant to the application*)

Dated . . . 20...

(*Signature of Applicant.*)

\* Strike out whichever is inapplicable.

**PAPUA NEW GUINEA.**

**Citizenship Act 1975.**

**Form 6 – Certificate of Citizenship..**

I, . . . , the Minister for . . . certify that (*full name of citizen*) of (*address*) is/may become\* a citizen of the Independent State of Papua New Guinea by virtue of (*insert the provision by virtue of which the person is or may become a citizen*).

Dated . . . 20...

Minister.

\* Strike out whichever is inapplicable.

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<sup>i</sup>Amended by No. 55 of 1976, s2.

Office of Legislative Counsel, PNG