

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 16 August 2017 11:55 a.m.
To: [REDACTED]
Subject: Fwd: The Australian request

Full trail below

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Sent from my iPhone

Begin forwarded message:

From: Media Internal Affairs <media@dia.govt.nz>
Date: 16 August 2017 at 11:49:08 AM NZST
To: [REDACTED] <[\[REDACTED\]@dia.govt.nz](mailto:[REDACTED]@dia.govt.nz)>
Subject: FW: The Australian request

Please see below full correspondence with the journalist who first came to us on this issue.

As mentioned – response was talked over with Jeff before sending off – and not put down in writing.

Cheers

[REDACTED]

From: Media Internal Affairs
Sent: Thursday, 27 July 2017 7:48 p.m.
To: [REDACTED]
Subject: Re: The Australian request

Hi [REDACTED]

Yes, they must apply.

Please contact citizenship@dia.govt.nz for the appropriate forms and information on the fees to start the process of requesting information from the citizenship register.

Cheers

[REDACTED]

Sent from my iPhone

On 27/07/2017, at 5:50 PM, [REDACTED] <[\[REDACTED\]@theaustralian.com.au](mailto:[REDACTED]@theaustralian.com.au)> wrote:

Hi [REDACTED]

Thanks for your quick response. To clarify, does an Australian have to apply to be a New Zealand citizen if one of their parents is a NZ citizen? Or do they automatically become citizens by descent?

Would you mind sending me a link to the website you mention?

Thanks again, [REDACTED]

On Thu, Jul 27, 2017 at 3:48 PM, Media Internal Affairs <media@dia.govt.nz> wrote:

Hi [REDACTED]

If a child is born in Australia to a parent who is a New Zealand citizen by birth, they can apply to be a New Zealand citizen by decent. Citizenship cannot be granted to a child whose parent has citizenship by way of immigration, only by birth.

In regards to foreign born New Zealand citizens - that information is held under a closed register. However if you believe this information is in the public interest, you can go through a process that includes a fee. The forms for this are available via our website.

If you require further general information on this we will have a someone available tomorrow morning for you to speak with.

Kind regards
[REDACTED]

Sent from my iPhone

On 27/07/2017, at 5:25 PM, [REDACTED] <[\[REDACTED\]@theaustralian.com.au](mailto:[REDACTED]@theaustralian.com.au)> wrote:

Hi there,

I'm hoping someone can advise me on Australian-New Zealand dual citizenship. If a person was born in Australia in 1967 but had a father who was a New Zealand citizen, would they automatically get New Zealand citizenship by descent?

Also, do you have a list of foreign born New Zealand citizens? If so, do you have a record for a Barnaby Joyce (he's an Australian politician)? And I'm hoping someone can tell me more generally under what circumstances Australians can get New Zealand citizenship?

A response within the next couple of hours would be ideal.

Thanks very much,
[REDACTED]

--
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 16 August 2017 11:26 a.m.
To: [REDACTED]
Subject: Fwd: The Australian request

1st response



Sent from my iPhone

Begin forwarded message:

From: [REDACTED] <[REDACTED]@theaustralian.com.au>
Sent: Thursday, 27 July 2017 5:50 p.m.
To: Media Internal Affairs
Subject: Re: The Australian request

Hi [REDACTED]

Thanks for your quick response. To clarify, does an Australian have to apply to be a New Zealand citizen if one of their parents is a NZ citizen? Or do they automatically become citizens by descent?

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If you require further general information on this we will have a someone available tomorrow morning for you to speak with.

Kind regards

[REDACTED]
[REDACTED]

Sent from my iPhone

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I'm hoping someone can advise me on Australian-New Zealand dual citizenship. If a person was born in Australia in 1967 but had a father who was a New Zealand citizen, would they automatically get New Zealand citizenship by descent?

Also, do you have a list of foreign born New Zealand citizens? If so, do you have a record for a Barnaby Joyce (he's an Australian politician)? And I'm hoping someone can tell me more generally under what circumstances Australians can get New Zealand citizenship?

A response within the next couple of hours would be ideal.

Thanks very much,

[REDACTED]

--

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Friday, 4 August 2017 10:37 a.m.
To: [REDACTED]
Subject: RE: Media query: NZ citizen by descent

And regulation 11...

From: [REDACTED]
Sent: Friday, 4 August 2017 10:29 a.m.
To: [REDACTED]
Subject: RE: Media query: NZ citizen by descent

It's a good question because the act says:

7 Citizenship by descent

- (1) Every person born outside New Zealand on or after 1 January 1978 is a New Zealand citizen by descent if, at the time of the person's birth,—
 - (a) his or her mother or father was a New Zealand citizen otherwise than by descent; or
 - (b) his or her mother or father was a New Zealand citizen by descent, and the person would otherwise be stateless.
- (2) A person who is a New Zealand citizen by virtue of subsection (1) may apply for his or her citizenship status to be registered in accordance with regulations made under this Act.
- (3) For the purposes of this section, the Secretary may issue a certificate stating a person's status under this section and, in the absence of evidence to the contrary, a certificate to such effect signed by the Secretary, or by a person authorised for the purpose by the Secretary, shall be sufficient evidence of the matters stated in the certificate.
- (4) The citizenship of any New Zealand citizen by descent that has lapsed before the commencement of the Citizenship Amendment Act 2000 is reinstated with effect from the time it lapsed.

They are automatically citizens but may apply for it to be registered. Does the non-act of registration doesn't mean they aren't citizens but if they aren't registered they can't renounce

From: [REDACTED]
Sent: Friday, 4 August 2017 10:24 a.m.
To: [REDACTED]
Subject: FW: Media query: NZ citizen by descent

Add in one more line so it is clear than an action must take place?

From: [REDACTED]
Sent: Friday, 4 August 2017 10:21 a.m.
To: [REDACTED]
Subject: Media query: NZ citizen by descent

Hi guys,
query and draft response below for feedback

Thanks

If a child is born in Australia to a parent who is a New Zealand citizen by birth, they can apply to be a New Zealand citizen by descent. Applications must be made to the New Zealand Department of Internal Affairs. Citizens by descent have all the rights of NZ citizenship.

INTERNAL AFFAIRS

Te Tari Taiwhenua

From: [REDACTED]@hotmail.com]

Sent: Thursday, 3 August 2017 4:46 p.m.

To: Media Internal Affairs

Subject: Media query: NZ citizen by descent

Hi. I'm an independent blogger and researcher in Australia. I have been doing lots of research on dual citizenship of MPs and Senators here, given the ongoing constitution problems you will be aware of.

I have been looking into Barnaby Joyce, the Deputy PM, whose father was born in NZ. An [article](#) I posted on this has already had over 30,000 reads and shares, and I am being asked further questions about it by politicians and journalists interested in the details of this. There is some confusion about the exact situation, particularly given the DIA statement about this case given to [The Australian](#), which suggests he would need to "register" his citizenship for it to take effect. I think however this must be a misquote or misunderstanding, given there is nothing I am aware of in law about needing to register citizenship.

I would therefore like to get clarification on this via an official statement from the DIA, which I will add to the article.

Would you please be able to provide a short statement on whether somebody born in Australia in 1969 with a NZ (non-descent) father is automatically a NZ citizen under NZ law? Alternatively, if they would need to register citizenship for it to take effect, what exactly is it they are registering and for what purpose?

I am not expecting you to comment directly on the Barnaby Joyce case, just a hypothetical case of somebody born in Australia in that era with a NZ father.

Many thanks in advance.

[REDACTED]

From: [REDACTED]@dia.govt.nz
Sent: Tuesday, 8 August 2017 12:05 p.m.
To: [REDACTED]
Subject: Re: An analysis of New Zealand citizenship by descent

click on doclink to access DMS Document ---> [Link](#)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 8 August 2017 12:09 p.m.
To: [REDACTED]
Subject: FW: An analysis of New Zealand citizenship by descent
Attachments: Engaging_Asia_The_Role_of_the_Diaspora.pdf

Hi [REDACTED]

Am looking for "An analysis of New Zealand citizenship by descent", link to a draft version is below which was sent to [REDACTED] but wondered if you had a copy of the final?

It seems like a pretty good analysis of cit by descent and BDM are getting a lot of general requests about how cit by descent works because of the Australian parliament issues you might have seen in the paper.

The attached document refers to it – so I'm thinking the report must have been finalised and released at some stage but can't find it on our systems.

Kind regards,

[REDACTED]

[REDACTED]

www.dia.govt.nz

Te Taiwhenua

This email may include legal advice and be legally privileged. It should not be disclosed on an information request without further legal advice.

[SEEMAIL]

From: [REDACTED]
Sent: Tuesday, 8 August 2017 12:05 p.m.
To: [REDACTED]
Subject: Re: An analysis of New Zealand citizenship by descent

click on doclink to access DMS Document ---> [REDACTED]

[Redacted]

From: [Redacted]
Sent: Tuesday, 8 August 2017 12:52 p.m.
To: [Redacted]
Subject: RE: An analysis of New Zealand citizenship by descent

Hi [Redacted], Yes, that document got finalised in December 2006, and ended up in a little bit of a different shape than the draft version you saw. Here's the link to the document as finalised:

Created	Title	Version	Author	State	ID	Type
> 1000	Policy Development					
> 1090	Identity					
> 1130	Citizenship					
> 1137	Citizenship Issues					
> POL-1137-2_2	General					
28/06/2006	An analysis of New Zealand citizenship by descent	1	[Redacted]			

Cheers

[Redacted]

[Redacted]

INTERNAL AFFAIRS

Te Taiwhenua

From: [Redacted]
Sent: Tuesday, 8 August 2017 12:09 p.m.
To: [Redacted]
Subject: FW: An analysis of New Zealand citizenship by descent

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Am looking for "An analysis of New Zealand citizenship by descent", link to a draft version is below which was sent to [Redacted] – but wondered if you had a copy of the final?

It seems like a pretty good analysis of cit by descent and BDM are getting a lot of general requests about how cit by descent works because of the Australian parliament issues you might have seen in the paper.

The attached document refers to it – so I'm thinking the report must have been finalised and released at some stage but can't find it on our systems.

Kind regards,

[Redacted]

[Redacted]

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 9 August 2017 11:11 a.m.
To: [REDACTED]
Subject: PQ: 07136 (2017) - Hipkins Chris - Due ministers office : 15/08/2017

Member : Hipkins Chris
Portfolio : Internal Affairs
Date Lodged : 09/08/2017

Question :
Would a child born in Australia to a New Zealand father automatically have New Zealand citizenship?

Due ministers office : 15/08/2017

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[REDACTED]

From: [REDACTED]
Sent: Wednesday, 9 August 2017 11:10 a.m.
To: [REDACTED]
Subject: PQ: 07135 (2017) - Hipkins Chris - Due ministers office : 15/08/2017

Member : Hipkins Chris
Portfolio : Internal Affairs
Date Lodged : 09/08/2017

Question :

Are children born in Australia to parents who are New Zealand citizens automatically citizens of New Zealand; if not, what process do they need to follow in order to become New Zealand citizens?

Due ministers office : 15/08/2017

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OFFICIAL INFORMATION ACT

[Redacted]

From: [Redacted]
Sent: Wednesday, 9 August 2017 7:34 p.m.
To: [Redacted]
Cc: [Redacted]
Subject: Re: Ombudsman - proactive request

SMH

From: [Redacted]@fairfaxmedia.com.au
Sent: Wednesday, 9 August 2017 3:21 p.m.
To: Media Internal Affairs
Subject: Citizenship questions

Hi media team

Hope you're well. [Redacted] from the Sydney Morning Herald and The Age, in Canberra.

I am examining some questions relating to the ongoing dual citizenship saga in Australia. I have a hypothetical.

- If a man born in Australia in 1967 has a father born in New Zealand in 1924, is he a citizen by descent?
- Does the son need to activate or register that citizenship for it to take effect or is it automatic?
- If it is automatic and the father renounces at any point, does the son retain or lose the citizenship?

Kind regards,

[Redacted]

[Redacted]

The Sydney Morning Herald and The Age

Fairfax Media

Suite 119, Press Gallery
Parliament House
Canberra ACT 2600

[Redacted]

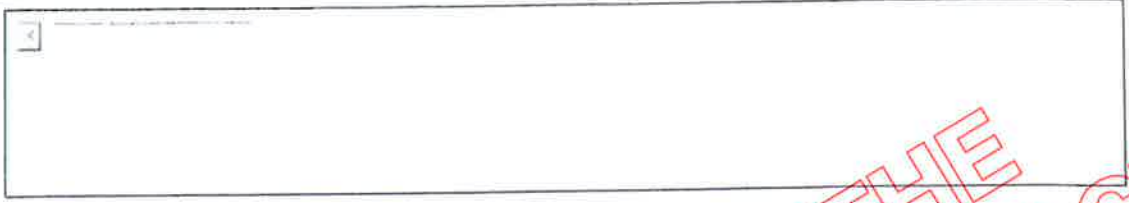
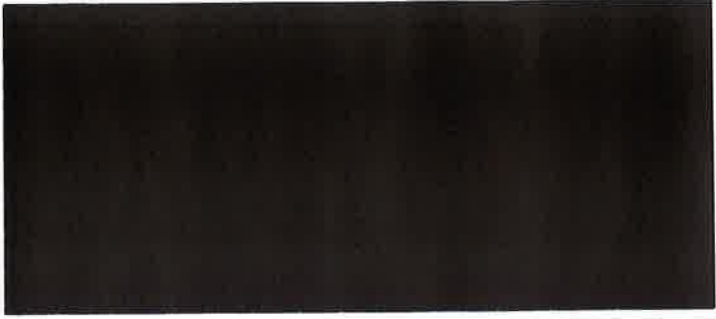
www.fairfaxmedia.com.au | [Subscribe to the SMH](#)

[Redacted]

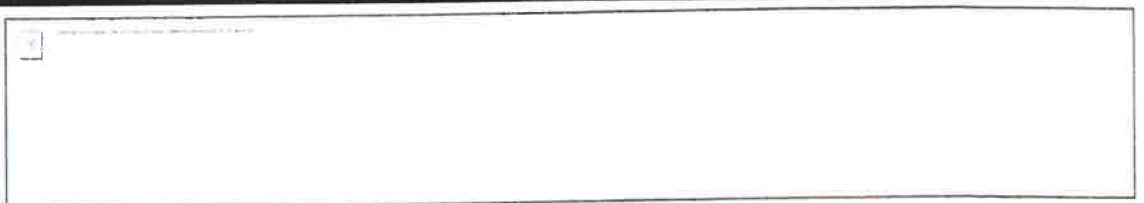
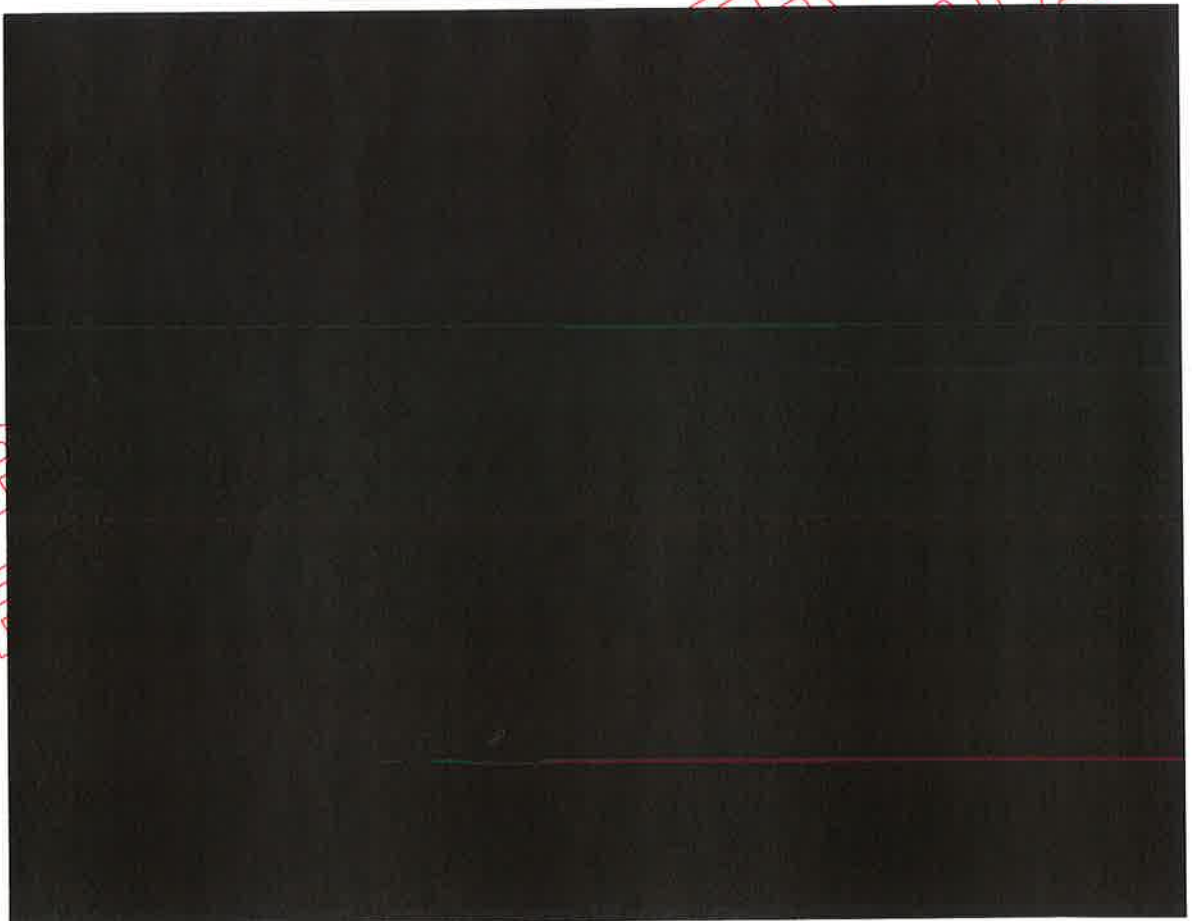
Sent from my iPad

On 9/08/2017, at 7:15 PM, [Redacted]@dia.govt.nz wrote:

Hi - I am now working with MFAT on the Australian issue. It is being escalated to higher levels. We won't be responding to the Australian media request for sometime. What is the second request?



On 9/08/2017, at 6:08 PM, [redacted] <[redacted]@dia.govt.nz> wrote:



[REDACTED]

From: [REDACTED]
Sent: Thursday, 10 August 2017 10:11 a.m.
To: [REDACTED]
Subject: FW: Media query: NZ citizen by descent

Refinement of earlier request fyi

[REDACTED]



From: [REDACTED]@hotmail.com]
Sent: Wednesday, 9 August 2017 12:28 p.m.
To: Media Internal Affairs
Subject: Re: Media query: NZ citizen by descent

Hi [REDACTED]

I haven't had any response back to this enquiry about citizenship rules yet. Would you be able to follow up for me? I am doing an updated story tomorrow so would need something from DIA by first thing tomorrow latest.

To keep it simple, I really just need an answer on three quick and related questions:

- Is it accurate to say that a person born in Australia in 1969 to a NZ-born father would automatically have gained NZ citizenship at birth?
- Is it accurate to say such a person would still be a NZ citizen today unless they have since renounced that citizenship?
- Is it also accurate to say that no registration or application is required for that person to be regarded as a NZ citizen (not a NZ passport holder)?

I would really like to get a response from DIA instead of having to say I'm still chasing a response. Any help you can give is appreciated.

Thanks
[REDACTED]

From: Media Internal Affairs <media@dia.govt.nz>
Sent: Friday, 4 August 2017 7:14 AM
To: [REDACTED]
Cc: Media Internal Affairs
Subject: RE: Media query: NZ citizen by descent

Hi [REDACTED]

Thank you for your email. I will forward your enquiry to the appropriate team for response.

Kind regards

Media Team

The Department of Internal Affairs Te Tari Taiwhenua

147 Lambton Quay | PO Box 805, Wellington 6140, New Zealand | www.dia.govt.nz

The Department of Internal Affairs Te Tari Taiwhenua - dia ...

www.dia.govt.nz

Services provided include passports, citizenship and birth, death and marriage registration, lottery and community grants, charities registration, gambling and ...



From: [REDACTED]@hotmail.com]

Sent: Thursday, 3 August 2017 4:46 p.m.

To: Media Internal Affairs

Subject: Media query: NZ citizen by descent

Hi. I'm an independent blogger and researcher in Australia. I have been doing lots of research on dual citizenship of MPs and Senators here, given the ongoing constitution problems you will be aware of.

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I am not expecting you to comment directly on the Barnaby Joyce case, just a hypothetical case of somebody born in Australia in that era with a NZ father.

Many thanks in advance.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Thursday, 10 August 2017 10:00 a.m.
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: WPQs due 15 August - all citizenship related
Attachments: PQ: 07136 (2017) - Hipkins Chris - Due ministers office : 15/08/2017; ATT00001.htm;
PQ: 07135 (2017) - Hipkins Chris - Due ministers office : 15/08/2017; ATT00002.htm;
PQ: 07135 (2017) - Hipkins Chris - Due ministers office : 15/08/2017; ATT00003.htm

Hi [REDACTED]

Thanks for your time on the phone just now.

These questions all look to be for SDO. Could you please confirm once you've had a chance to look through them.

Again, my apologies I haven't forwarded these earlier.

Regards

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 9 August 2017 3:06 p.m.
To: [REDACTED]
Subject: Fwd: WPQs due 15 August - all citizenship related

Hi [REDACTED]

Can you please assign these.

Thanks

[REDACTED]

Sent from my iPad

Begin forwarded message:

From: [REDACTED] <[REDACTED]@parliament.govt.nz>
Date: 9 August 2017 at 2:53:47 PM NZST
To: Ministerial Correspondence <Ministerial.Correspondence@dia.govt.nz>, [REDACTED]
Subject: WPQs due 15 August - all citizenship related

Hi there
For processing please.

[REDACTED]

[Redacted]

From: [Redacted]
Sent: Thursday, 10 August 2017 11:03 a.m.
To: [Redacted]
Subject: written PQs - citz by descent (australia)

Hi everyone

Just been made aware that we have 2 written PQs, I believe these are linked to the questions we have been asked from Australia.

Question no.

7136 (2017). Chris Hipkins to the Minister of Internal Affairs

Would a child born in Australia to a New Zealand father automatically have New Zealand citizenship?

7135 (2017). Chris Hipkins to the Minister of Internal Affairs

Are children born in Australia to parents who are New Zealand citizens automatically citizens of New Zealand? If not, what process do they need to follow in order to become New Zealand citizens?

[Redacted] is sending through the documentation now do I'll know shortly what the timeframe is etc.

Ngā mihi

[Redacted]

[Redacted]

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Now there's one place to go for step-by-step information to help you and your baby get off to the best start

smartstart.services.govt.nz

[Redacted]

From: [Redacted]
Sent: Thursday, 10 August 2017 12:30 p.m.
To: [Redacted]
Subject: Fwd: Citz query

Fyi

[Redacted]

Begin forwarded message:

From: [Redacted]@fairfaxmedia.com.au
Date: 10 August 2017 at 10:44:52 AM NZST
To: [Redacted]@dia.govt.nz
Subject: Re: Citz query

Thanks [Redacted]

We're very much hoping for a response today if possible.

I guess ultimately it boils down to: is someone in that hypothetical situation automatically considered and NZ citizen or do they have to activate their citizenship by registering?

Talk soon.

[Redacted]

On 9 August 2017 at 17:35 [Redacted]@dia.govt.nz wrote:

Thanks for your questions
We'll get a response back to you ASAP
Cheers

[Redacted]

[Redacted]

Sent from my iPad

From: [Redacted]@fairfaxmedia.com.au
Sent: Wednesday, 9 August 2017 3:21 p.m.
To: Media Internal Affairs
Subject: Citizenship questions

Hi media team

Hope you're well. [REDACTED] from the Sydney Morning Herald and The Age, in Canberra.

I am examining some questions relating to the ongoing dual citizenship saga in Australia. I have a hypothetical.

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- If it is automatic and the father renounces at any point, does the son retain or lose the citizenship?

Kind regards,

[REDACTED]

--

[REDACTED]

smh.com.au

The Sydney Morning Herald

THE AGE

[Redacted]

From: [Redacted]
Sent: Thursday, 10 August 2017 2:29 p.m.
To: [Redacted]
Cc: [Redacted]
Subject: Re: Very urgent - LEGAL ADVICE CONFIDENTIAL

Thanks. MFAT dont have an alternative view but want to make sure we have a very robust opinion give significant ramifications.

[Redacted]

[Redacted]

On 10/08/2017, at 2:25 PM, [Redacted] <[Redacted]@dia.govt.nz> wrote:

Hi [Redacted]

I'm working on putting it into a memo now. Will keep focus on section 13 for now rather than section 7, but section 7 is even more straightforward.

[Redacted] is out of office today so may have to run it past [Redacted] if he delegates to her.

Will contact CLO to let them know we need someone urgently allocated a peer review tomorrow morning.

If MFAT legal have expressed a different opinion we should provide that to CLO as well.

Kind regards,

[Redacted]

[Redacted]

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<image001.gif>

This email may include legal advice and be legally privileged. It should not be disclosed on an information request without further legal advice.

[SEEMAIL]

From: [REDACTED]
Sent: Thursday, 10 August 2017 1:42 p.m.
To: [REDACTED]
Cc: [REDACTED]
Subject: Very urgent - LEGAL ADVICE CONFIDENTIAL

Hi

I have just met with Mfat, including with their [REDACTED]

As the advice below has significant constitutional implications for Australia and impacts on the highest levels of Government, can I please have [REDACTED] advice as a formal memo signed off by [REDACTED]. Also, can this be peer reviewed by Crown Law? And can this be done very quickly?

[REDACTED]

[REDACTED]

OFFICIAL INFORMATION ACT

[REDACTED]
From: [REDACTED]@mfat.govt.nz>

Sent: Thursday, 10 August 2017 5:10 p.m.

To: [REDACTED]

Cc: [REDACTED]

Subject: Australian Deputy Prime Minister, Barnaby Joyce, potentially a NZ Citizen

Attachments: Australia Political - Barnaby Joyce potentially a NZ citizen.docx

[SEEMAIL] [REDACTED]

Dear [REDACTED]

Further to our discussion and with you up against deadline, attached is the short note on the situation with regard to Hon Barnaby Joyce.

Cheers,

[REDACTED]

[REDACTED]

OFFICIAL INFORMATION ACT



Private Secretary
Minister of Foreign Affairs

cc. Foreign Policy Adviser
Department of Prime Minister and Cabinet

Australian Deputy Prime Minister, Barnaby Joyce, potentially a New Zealand Citizen

The Department of Internal Affairs has received two media inquiries from Australia on the rules covering New Zealand citizenship by descent. Both inquiries are similar, seeking a statement on whether somebody born in Australia with a New Zealand father "is automatically a New Zealand citizen under New Zealand law". The Minister of Internal Affairs has today received a related written question from Chris Hipkins MP, which will be responded to on Tuesday 15 August.

2 Both media inquiries pertain to the situation of Australian Deputy Prime Minister, Barnaby Joyce. He was born in Australia in 1967 to a New Zealand father. While Mr Joyce is not registered as a New Zealand citizen, his father is one.

3 The Citizenship Act 1977 provides that:

(1) Every person born outside New Zealand on or after 1 January 1978 is a New Zealand citizen by descent if, at the time of the person's birth,—

(a) his or her mother or father was a New Zealand citizen otherwise than by descent...

(2) A person who is a New Zealand citizen by virtue of subsection (1) may apply for his or her citizenship status to be registered in accordance with regulations made under this Act.

4 While the current Act applies to those born from 1978, prior to that year the same applied to citizenship by descent flowing from a father. The Department of Internal Affairs' view is that a person is a New Zealand citizen by descent whether they have registered that fact or not.



What are the potential ramifications of Mr Joyce being a New Zealand citizen?

6 Whether Mr Joyce is a New Zealand citizen or not is relevant because Section 44(i) of the Australian Constitution disqualifies as a Member of Parliament any person who "is a subject or citizen or entitled to the rights or privileges of a citizen of a foreign power".

7 Since 14 July, two Australian Green Senators have resigned as a result of dual citizenship by birth. One, Scott Ludlum, is a New Zealander who was registered as a citizen and held a New Zealand passport.

8 Nationals Senator, Matt Canavan, has discovered he is a dual Australian-Italian citizen by descent following an application for registration made by his mother – he claims without his knowledge. He has stood down as Minister of Resources. Rather than relinquish his seat, Senator Canavan is appealing his case to the High Court.

9 One Nation Senator Malcolm Roberts claims to have sought to renounce his British citizenship before the July 2016 Federal Election. But the British Government only confirmed renunciation after the election, which may be problematic since he was chosen as a Senator prior to renunciation being complete. He, too, is testing his case through the High Court.

10 Liberal Member of Parliament Julia Banks' father was born in Greece and it appears she qualifies for Greek citizenship. The Liberal Party argues she is not registered as a Greek citizen and therefore does not enjoy the benefits of citizenship; the Labor opposition has said it is waiting for further information. Banks' case is not currently being tested in the courts.

Next Steps

12 There is already some reporting in the Australian media about the possibility that Barnaby Joyce is a New Zealand citizen. We expect the story may gather pace in the next day or two.

14 Meantime, the High Commissioner in Canberra will be asked to explain the situation to Mr Joyce urgently, including:



- The Department of Internal Affairs' preliminary view that he is in fact a New Zealand citizen by descent



*Australia Division
Ministry of Foreign Affairs and Trade
10 August 2017*

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[REDACTED]

From: [REDACTED]@fairfaxmedia.com.au>
Sent: Thursday, 10 August 2017 6:04 p.m.
To: [REDACTED]
Subject: Re: Citz query

Hi [REDACTED]

Just further to our earlier correspondence.

Below I have included some links and quotes from various DIA online sources. All point towards the idea that citizenship by descent is automatic, and can be registered if you want a passport. We have spoken to several experts who say this is right based on their reading of the legislation.

And yet in an article in The Australian a few weeks ago a DIA source was quoted as contradicting all this advice - which is puzzling to say the least.

Hoping you could have regard to this in your response.

Regards,
[REDACTED]

* <https://www.govt.nz/browse/nz-passports-and-citizenship/passport-application/get-yourself-an-nz-passport-when-born-overseas/#what-you-need-to-know>

"If you were born overseas and at least 1 of your parents is a New Zealand citizen by birth or grant, you are an NZ citizen by descent. To get yourself an NZ passport, you need to register your citizenship."

* <https://www.govt.nz/browse/nz-passports-and-citizenship/getting-nz-citizenship/apply-for-nz-citizenship/if-you-have-nz-citizenship-by-descent/>

"Citizens by descent have all the rights of NZ citizenship, but you can't pass on your citizenship to any children born overseas. For a child born overseas to have NZ citizenship, 1 or both parents must be an NZ citizen by birth or by grant before the child is born."

* http://webcache.googleusercontent.com/search?q=cache:zBGxgrG6tDkJ:education.citizenship.govt.nz/primary/teachers/factsheets/resources/factsheet-04_by-descent.doc+&cd=13&hl=en&ct=clnk&gl=au

"A person born outside of New Zealand is a New Zealand citizen by descent if he or she has at least one parent who is a New Zealand citizen at the time of his or her birth (provided that parent is not themselves a citizen by descent)."

Like a citizen by birth, a New Zealand citizen by descent acquires his or her citizenship status automatically at the time of his or her birth. However many people choose to register their citizenship by descent status with the Citizenship Office of the Department of Internal Affairs in order to obtain a certificate to prove they are a New Zealand citizen."

* <https://www.dia.govt.nz/press.nsf/d77da9b523f12931ec256ac5000d19b6/048f5da4b127b5a1cc257dff0078b3f3?OpenDocument>

“Babies born in Australia and other countries to New Zealand parents are still Kiwis. Before an overseas based family brings their new baby home to meet the Kiwi cousins, they need to register him/her as a citizen by descent before they can apply for a New Zealand passport.

On 10 August 2017 at 11:26, [REDACTED]@dia.govt.nz> wrote:
Sorry [REDACTED] won't be today but ASAP
Cheers
[REDACTED]

On 10/08/2017, at 10:45 AM, [REDACTED]@fairfaxmedia.com.au> wrote:

Thanks [REDACTED]

We're very much hoping for a response today if possible.

I guess ultimately it boils down to: is someone in that hypothetical situation automatically considered and NZ citizen or do they have to activate their citizenship by registering?

Talk soon,
[REDACTED]

On 9 August 2017 at 17:35, [REDACTED]@dia.govt.nz> wrote:
Thanks for your questions [REDACTED]
We'll get a response back to you ASAP
Cheers
[REDACTED]

From: [REDACTED]@fairfaxmedia.com.au]

Sent: Wednesday, 9 August 2017 3:21 p.m.

To: Media Internal Affairs

Subject: Citizenship questions

Hi media team

Hope you're well. [REDACTED] from the Sydney Morning Herald and The Age, in Canberra.

I am examining some questions relating to the ongoing dual citizenship saga in Australia. I have a hypothetical.

- If a man born in Australia in 1967 has a father born in New Zealand in 1924, is he a citizen by descent?
- Does the son need to activate or register that citizenship for it to take effect or is it automatic?
- If it is automatic and the father renounces at any point, does the son retain or lose the citizenship?

Kind regards,

[Redacted]

[Redacted]

THE
NATIONALITY ACT

RELEASED
SPECIAL INTEREST

[Redacted]

[REDACTED]

From: [REDACTED]@mfat.govt.nz>
Sent: Thursday, 10 August 2017 9:33 p.m.
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Meeting with Deputy PM Joyce regarding citizenship

[SEEMAIL] [REDACTED]

[REDACTED]

Cheers

[REDACTED]

Sent with BlackBerry Work
(www.blackberry.com)

[REDACTED]

From: [REDACTED]@mfat.govt.nz>
Date: Thursday, 10 Aug 2017, 8:37 PM
To: [REDACTED]@mfat.govt.nz>
Cc: [REDACTED]@mfat.govt.nz>, [REDACTED]
[REDACTED]@mfat.govt.nz>, [REDACTED]@mfat.govt.nz>
[REDACTED]@mfat.govt.nz>
Subject: Meeting with Deputy PM Joyce regarding citizenship [SEC=RESTRICTED]

[REDACTED]

Hi [REDACTED]

[REDACTED] and I just called on Deputy PM Barnaby Joyce to inform him of New Zealand's preliminary analysis that he is a New Zealand citizen by descent. In the course of the meeting we also handed across an academic analysis of New Zealand citizenship by descent and relevant sections from the Citizenship Act 1977 (thanks [REDACTED] for sending these through).

[REDACTED]

[REDACTED] noted that initial analysis from the Department of Internal Affairs indicated that DPM Joyce was a New Zealand citizen through descent. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

From: [REDACTED]@fairfaxmedia.com.au>
Sent: Monday, 14 August 2017 9:51 a.m.
To: [REDACTED]
Subject: Re: Citz query

Hi [REDACTED]

It's been five or six days now since we first asked these questions. We're planning on publishing a story today, so last chance to have some input.

Kind regards,
[REDACTED]

On 9 August 2017 at 17:35, [REDACTED]@dia.govt.nz> wrote:
Thanks for your questions. [REDACTED]
We'll get a response back to you ASAP
Cheers
[REDACTED]

[REDACTED]

Sent from my iPad

From: [REDACTED]@fairfaxmedia.com.au
Sent: Wednesday, 9 August 2017 3:21 p.m.
To: Media Internal Affairs
Subject: Citizenship questions

Hi media team

Hope you're well. [REDACTED] from the Sydney Morning Herald and The Age, in Canberra.

I am examining some questions relating to the ongoing dual citizenship saga in Australia. I have a hypothetical.

- If a man born in Australia in 1967 has a father born in New Zealand in 1924, is he a citizen by descent?
- Does the son need to activate or register that citizenship for it to take effect or is it automatic?
- If it is automatic and the father renounces at any point, does the son retain or lose the citizenship?

Kind regards,
[REDACTED]

--

[REDACTED]

From: [REDACTED]
Sent: Monday, 14 August 2017 4:20 p.m.
To: [REDACTED]
Subject: Articles on Mr Joyce

[REDACTED]

http://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=11903860
<https://www.stuff.co.nz/world/australia/95754061/australias-deputy-pm-barnaby-joyce-has-possible-dual-new-zealand-citizenship>

Kind regards,

[REDACTED]

[REDACTED]

INTERNAL AFFAIRS

Te Tari Taiwhenua

This email may include legal advice and be legally privileged. It should not be disclosed on an information request without further legal advice.

[SEEMAIL]

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[Redacted]

From: [Redacted]
Sent: Monday, 14 August 2017 4:24 p.m.
To: [Redacted]
Subject: Re: Minister confirms citz status

Agreed

[Redacted]

Sent from my iPad

On 14/08/2017, at 4:22 PM, [Redacted] <[Redacted]@dia.govt.nz> wrote:

I've spoken to [Redacted]. The minister made these statements based on information in the public domain. I continue to advise against it and as a Department we should continue to say we do not comment on an individual's citizenship status. Others may use the information on our website and from personal records to draw their own conclusions.

[Redacted]

[Redacted]

On 14/08/2017, at 4:12 PM, [Redacted] <[Redacted]@dia.govt.nz> wrote:

[Redacted]

From: [Redacted] <[Redacted]@thenewdaily.com.au>
Sent: Monday, 14 August 2017 3:54 p.m.

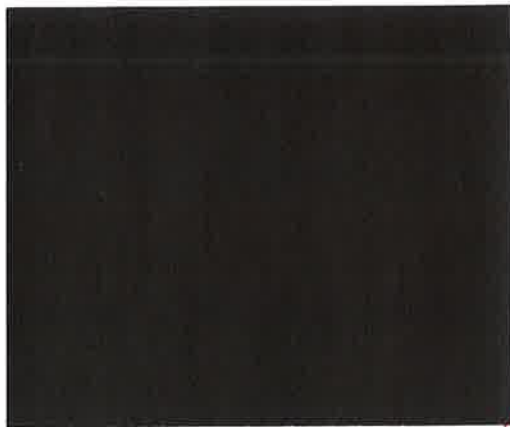
To: Media Internal Affairs

Subject: Re: Media enquiry - [REDACTED]

Hi [REDACTED]

All good, the Minister was just on Sky News and confirmed it.

Thanks very much.



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OFFICIAL INFORMATION ACT

From: [REDACTED]

Sent: Monday, 14 August 2017 3:32 p.m.

To: Media Internal Affairs

Subject: Media enquiry - [REDACTED]

Hi there,

My name is [REDACTED] I'm a journalist at [REDACTED], a national news website based in Melbourne.

I am reaching out to confirm some reports online that Internal Affairs has confirmed Australia's Deputy PM Barnaby Joyce is a New Zealand citizen. Is this correct?

Kind regards,



[Redacted]

From: [Redacted]
Sent: Monday, 14 August 2017 4:42 p.m.
To: [Redacted]
Importance: High

<http://www.radionz.co.nz/news/world/337141/nz-govt-says-australia-s-joyce-is-nz-citizen>

Ngā mihi

[Redacted]



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