



**PAPUA NEW GUINEA HIGH COMMISSION**  
**Office of the High Commissioner**

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Papua New Guinea Parliament on March 31<sup>st</sup>, 2016 passed the Constitutional Amendment for the Dual Citizenship. Copy is attached.

Papua New Guinea Immigration and Citizenship Services (PNGICS) will work on the Implementation which will include application form, new passports, etc and will determine in due course when the Dual Citizenship will come into effect.

The High Commission will update once the Administrative and Regulatory arrangements are endorsed.

PNG HIGH COMMISSION  
CANBERRA



## THE CONSTITUTION.

### ALTERATION TO THE CONSTITUTION.

The Government proposes to alter the *Constitution* and, pursuant to the requirements of Section 14(2) (*Making of Alterations to the Constitution and the Organic Laws*) of the *Constitution*, I, THEODORE ZURENUOC, the Speaker of National Parliament, hereby publish the proposed law -

Draft of 09/02/2015



### PROPOSED LAW TO ALTER THE CONSTITUTION.

entitled

*Constitutional Amendment (Dual Citizenship) Law 2015.*

### ARRANGEMENT OF CLAUSES.

1. Right to privacy (Amendment of Section 49).
2. Dual citizenship (Amendment of Section 64).
3. Citizenship by descent (Amendment of Section 66).
4. Citizenship by naturalization (Amendment of Section 67).
5. Automatic loss of citizenship (Amendment of Section 70).
6. Functions of the Committee (Amendment of Section 76).



PROPOSED LAW TO ALTER THE *CONSTITUTION*

entitled

*Constitutional Amendment (Dual Citizenship) Law 2015,*

Being a Law to alter the *Constitution* to implement Dual Citizenship and for related matters,

MADE by the National Parliament.

**1. RIGHT TO PRIVACY (AMENDMENT OF SECTION 49).**

Section 49 of the *Constitution* is amended by repealing the subsection and replacing it with the following:

“(1) Every person has a right to reasonable privacy in respect of his private and family life, his communications with other persons and his personal papers and effects, except to the extent that the exercise of that right is regulated or restricted by law that complies with Section 38 (*general qualifications on qualified rights*); and

(2) Subsection (1) does not prevent any law from authorising the capture, storage and use of personal information including finger or palm print and iris image to identify a person in order for the person to obtain a passport, visa or to exercise right to vote at elections.”.

**2. DUAL CITIZENSHIP (AMENDMENT OF SECTION 64).**

Section 64 of the *Constitution* is amended in -

- (a) Subsection (2), by deleting the words “to be a citizen of a prescribed country” and replacing it with the following words:

“to hold citizenship of a prescribed country whilst holding Papua New Guinea citizenship”; and

- (b) Subsection 4, by inserting between the words “prescribed country” and “under Subsection (2)”, the following words:

“whilst holding Papua New Guinea citizenship”.



*Constitutional Amendment (Dual Citizenship)*

3. **CITIZENSHIP BY DECENT (AMENDMENT OF SECTION 66).**

Section 66 of the *Constitution* is amended -

- (a) by deleting the heading "CITIZENSHIP BY DECENT" and replacing it with the following new heading:

**"CITIZENSHIP BY DECENT AND MARRIAGE"; and**

- (b) by inserting after Subsection (2), the following new subsections:

"(3) A person who has or had one parent or grandparent who, under Subsection (1) -

- (a) is or was a citizen; or
- (b) is or was qualified to be a citizen,

and, who does not fall under Subsection (2), may apply to the Minister responsible for citizenship matters to be a citizen by descent, and the Minister may, if he is satisfied as to the matters referred to in Subsection (5), in his deliberate judgment (but subject to *Division 4 (Citizenship Advisory Committee)*) grant or refuse the application.

(4) A person who is the spouse of a citizen may apply to the Minister responsible for citizenship matters to be a citizen by marriage, and the Minister may, if he is satisfied as to the matters referred to in Subsection (6), in his deliberate judgment (but subject to *Division 4 (Citizenship Advisory Committee)*) grant or refuse the application.

(5) To be eligible for citizenship by descent under Subsection (3), a person must -

- (a) prior to application being made in the three years preceding it, been resident in the country for a total of 12 months; and
- (b) be of good character; and
- (c) subject to Section 64, renounce, in such a manner as is prescribed by or under an Act of the Parliament, any other citizenship and make the Declaration of Loyalty.

(6) To be eligible for citizenship by marriage under Subsection (4), a person must -

- (a) prior to the application being made in the three preceding years it, been resident in the country for a total of 12 months; and
- (b) be of good character; and
- (c) be in a marriage that is not a marriage under Papua New Guinea custom but is otherwise genuine and valid under Papua New Guinea laws; and
- (d) subject to Section 64, renounce, in such a manner as is prescribed by or under an Act of the Parliament, any other citizenship and make the Declaration Loyalty."

*Constitutional Amendment (Dual Citizenship)*

**4. CITIZENSHIP BY NATURALISATION (AMENDMENT OF SECTION 67).**

Section 67 of the *Constitution* is amended -

(a) in the beginning of Subsection (1) -

- (i) by changing the upper case of the word "A" to the lower case "a"; and
- (ii) inserting at the beginning of Subsection (1), the following words and symbol:

"Except as provided in Subsection (4),"; and

(b) by inserting after Subsection (3), the following new subsections:

"(4) A person -

- (a) who is in a particular sport and is likely to win one of the three highest and recognized medal or honor to represent Papua New Guinea in a regional or global sporting competition; or
- (b) who has the resources and capital, the commitment and credentials to invest in the country's economy to create employment and impart skills to citizens,

may apply to the Minister responsible for citizenship matters to be naturalized as a citizen, and the Minister may, if he is satisfied as to the matter provided in an Act of Parliament referred to in Subsection (6), in his deliberate judgment (but subject to *Division 4 (Citizenship Advisory Committee)*) grant or refuse the application.

(5) To be eligible for naturalization under Subsection (4), a person must meet the requirements of Subsection (2) with the exception of Paragraph (2)(c).

(6) An Act of Parliament may make further provisions on matters referred to under Subsections (4) and (5) and the procedures for making application."

**5. AUTOMATIC LOSS OF CITIZENSHIP (AMENDMENT OF SECTION 70).**

Section 70 of the *Constitution* is amended by inserting after Subsection (3), the following new subsection:

"(4) Where the Minister responsible for citizenship matters is of the opinion that a person who was granted citizenship under Section 67(4) obtained citizenship by a false representation or concealment of a material fact on his part, the Minister may, in his deliberate judgment, (but subject to *Division 4 (Citizenship Advisory Committee)*) withdraw or cancel the citizenship and the person loses his citizenship."

*Constitutional Amendment (Dual Citizenship)*

**6. FUNCTIONS OF THE COMMITTEE (AMENDMENT OF SECTION 76).**

Section 76 of the *Constitution* is amended by inserting after Subsection (5), the following new subsection:

“(6) A recommendation of the Committee unanimously made to the Minister not to grant citizenship or dual citizenship to a person shall not be rejected.”.