

Gender and
Statelessness



Niue¹

Gender, Citizenship Laws and Statelessness

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CONFERRAL TO BIOLOGICAL CHILDREN

Children born in the country

A child born in Niue is a citizen if at the time of birth, at least one parent was a Niue citizen.² Every child born in Niue is a citizen by birth if the child would otherwise be stateless.³

Children born outside of the country

A child born outside Niue is a citizen if at the time at least one parent was a Niue citizen.⁴

ADOPTED CHILDREN

Under the Niue *Citizenship Act*, a person is deemed to be the child of a Niue citizen if the child has been legally adopted by that citizen under an adoption order.⁵ The child is then conferred with citizenship in the same manner as a biological child.

FOUNDLINGS

A child is deemed a citizen by birth if the child has recently been found abandoned in Niue, and investigations have failed to

establish the identity of at least one of the parents.⁶

REGISTRATION OF THE BIRTH OF A CHILD

Births in Niue are required to be registered within 14 days after the birth of the child.⁷ For births in a public hospital, the midwife or nurse in charge at the time of the birth is required to register the particulars.⁸ For births outside of a hospital, the father or mother of the child are responsible, or any person present at the birth of the child.⁹

LOSS AND RENUNCIATION OF CITIZENSHIP

A Niue citizen who is of age and full capacity, and who is recognised as a citizen of a foreign country may, at any time, make a declaration of renunciation of their Niue citizenship.¹⁰

A Niue citizen of full age and capacity may be deprived of their citizenship where they have voluntarily acquired the nationality or citizenship of another country, and acted in a manner contrary to the interests of Niue.¹¹

This can also occur where such an individual voluntarily exercised any of the privileges or

¹As a NZ territory, all references to citizenship refer to New Zealand citizenship acquired through connection to Niue. Niue citizenship per se does not strictly exist.

² *Citizenship Act 1977* s 6 ('*Citizenship Act*').

³ Ibid s 6(3)(a).

⁴ Ibid s 7.

⁵ Ibid s 3(2).

⁶ Ibid s 6(3)(b).

⁷ *Births and Deaths Registration Regulations 1984* r 6.

⁸ Ibid r 7.

⁹ Ibid r 7.

¹⁰ *Citizenship Act* (n 2) s 15.

¹¹ Ibid s 16.

performed any of the duties of another nationality or citizenship, in a manner that is contrary to the interests of Niue.¹²

A Niue citizen may also be deprived of citizenship if the citizenship was acquired by fraud.¹³ The Minister may not deprive a person of citizenship in such circumstances if doing so would leave the person stateless.¹⁴

NATURALISATION FOR SPOUSE OF CITIZEN

Niue citizenship law does not provide for naturalisation by marriage.

Citizenship by naturalisation may be authorised where a person has reached 16 years of age and is of full capacity, and applies in the prescribed manner.¹⁵ Additional requirements include that the applicant was present in Niue for a minimum of 1,350 days during the five years immediately preceding the date of the application; and for at least 240 of those days was entitled to reside indefinitely in Niue.¹⁶

DUAL NATIONALITY

The citizenship legislation for Niue does not explicitly state whether dual nationality is prohibited or permitted. Deprivation of citizenship only applies to persons with foreign citizenship, who have acted in a manner contrary to the interests of New Zealand.¹⁷ On this basis, it appears that foreign citizenship without acting contrary to the interests of New Zealand is permitted.

GENDER EQUALITY ACHIEVED

Gender equality with respect to conferral of citizenship has been achieved with Niue's *Citizenship Act*. It is unclear whether this is

the case for previous legislation due to difficulty finding historic legislation for Niue.

It is to be noted however that the *Citizenship Act* does however generally use the gender pronoun "he".

GENDER AND STATELESSNESS RISKS

Niue's citizenship legislation does not contain any major risks with respect to gender discrimination and statelessness on its face. Citizenship may be conferred by either parent in Niue. Additionally, the legislation covers citizenship for adoption, foundlings, and where a person may otherwise be stateless, which helps to mitigate risk.

UNHCR Representation in Canberra

Note: This factsheet only provides information of a general nature. It should not be relied on for any other purpose, such as legal advice. This factsheet should be read in light of the last date on which it was updated.

¹² Ibid s 16.

¹³ Ibid s 17.

¹⁴ Ibid s 17.

¹⁵ Ibid s 8(1).

¹⁶ Ibid s 8(2).

¹⁷ Ibid s 16.