

Gender and
Statelessness



Papua New Guinea

Gender, Citizenship Laws and Statelessness

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CONFERRAL TO BIOLOGICAL CHILDREN

Children born in the country

A person who is born in Papua New Guinea and has one parent who is a citizen, is automatically a citizen of Papua New Guinea.¹

Where the identity or the citizenship status of a parent of a child born in Papua New Guinea is unknown or doubtful, the parent shall be deemed to have been, in the absence of proof to the contrary, a person who was a citizen.²

Children born outside the country

A person who is born outside Papua New Guinea and has one parent who is a citizen, is automatically a citizen of Papua New Guinea.³

Irrespective of place of birth, a person who has one parent or grandparent who is or was qualified to be a citizen of Papua New Guinea, may apply to the Minister for citizenship by descent. In this instance, the application may only be made once the person has been resident in the country for a total of 12 months in the three years

preceding, and once the person has renounced any other citizenship.⁴

ADOPTED CHILDREN

For adopted children (including customary adoptions), for the purpose of citizenship, reference to a parent or grandparent is to be determined by reference to the child's natural parents or grandparents.⁵ An exception to this arises where the Minister allows an adoptive parent or grandparent to be taken into account for recognition of Papua New Guinean citizenship.⁶

FOUNDINGS

A founding discovered at any time in Papua New Guinea shall, in the absence of proof to the contrary, be deemed to be the child of parents at least one of whom was a citizen.⁷

REGISTRATION OF THE BIRTH OF A CHILD

Registration of overseas births may occur by providing the prescribed particulars to a person appointed by the Minister.⁸ This is to occur within one year after the birth, or any time after with the consent of the Minister.⁹

¹ *Constitution of the Independent State of Papua New Guinea 1975* s 66 ('Constitution').

² *Ibid* s 77(2).

³ *Ibid* s 66.

⁴ *Constitutional Amendment No 43 (Dual Citizenship) Law 2016* s 3 ('Dual Citizenship Amendment').

⁵ *Constitution* (n 1) s 78.

⁶ *Ibid*.

⁷ *Ibid* s 77(1).

⁸ *Citizenship Act 1975* s 5(1).

⁹ *Ibid* s 5(2).

LOSS AND RENUNCIATION OF CITIZENSHIP

A citizen of Papua New Guinea who has reached voting age and is of full capacity may renounce their citizenship.¹⁰ Renunciation may only occur where the person already holds some other nationality or citizenship; or where the renunciation is for the purpose of obtaining some other nationality or citizenship.¹¹

A citizen of Papua New Guinea may lose their citizenship in a number of circumstances. These include (but are not limited to) where the person:

- Has voluntarily obtained the nationality or citizenship of another country (other than by marriage);
- Exercises a right that is exclusive to nationals or citizens of another country;
- Makes a declaration of allegiance of allegiance to another country; or
- Has obtained citizenship by false representation.¹²

The Minister may deprive a child of their citizenship in circumstances where a parent of a child loses their citizenship, and the Minister is satisfied on application on behalf of the child that it is for the welfare of the child to do so.¹³

NATURALISATION FOR SPOUSE OF CITIZEN

Provision for naturalisation of a spouse was added by a constitutional amendment in 2016.¹⁴ A person may apply for citizenship by marriage if the person meets particular requirements.¹⁵ This includes having been resident in Papua New Guinea for 12

months of the three years preceding the application and be in a marriage that is not a marriage by custom but is valid under Papua New Guinean law.¹⁶

A person who has resided continuously in Papua New Guinea for at least eight years may apply to the Minister to be naturalised as a citizen.¹⁷

To be eligible, a person must meet requirements including good character; an intention to reside permanently in the country; and conversational ability in Pisin or Hiri Motu.¹⁸ Renunciation of any other citizenship is also required, unless an application is made to the Minister to allow dual citizenship.¹⁹

DUAL NATIONALITY

Dual nationality for certain prescribed countries was introduced in Papua New Guinea with the *Constitutional Amendment No 37 Citizenship Law*. Prior to this Act, dual citizenship was prohibited. This amendment allows for an application for dual citizenship for prescribed countries to be made to the Minister.²⁰

In assessing the application, the Minister may take into account that the applicant:

- Has relatives or a spouse who are citizens of the prescribed country (or Papua New Guinea for foreign applicants);
- Has business interests in the prescribed country (or Papua New Guinea for foreign applicants);
- Was born in the prescribed country (or Papua New Guinea for foreign applicants);
- Has genuine medical reasons;
- Has genuine religious reasons;

¹⁰ *Constitution* (n 1) s 72(1).

¹¹ *Ibid* 72(2).

¹² *Constitution* (n 1) s 70.

¹³ *Constitutional Amendment No 37 (Citizenship) Law 2014* s 7 ('*Citizenship Amendment*').

¹⁴ *Dual Citizenship Amendment* (n 4) s 3.

¹⁵ *Ibid* s 3.

¹⁶ *Ibid* s 3.

¹⁷ *Constitution* (n 1) s 67(1).

¹⁸ *Ibid* s 67(2).

¹⁹ *Citizenship Amendment* (n 13) s 6.

²⁰ *Ibid* s 5.

- Has genuine reasons concerning education or employment; and
- Any other reasons the Minister considers relevant.²¹

GENDER EQUALITY ACHIEVED

Gender equality was achieved with respect to citizenship laws in Papua New Guinea with the introduction of the *Constitution* and *Citizenship Act* in 1975. It is unclear whether discrimination existed prior to this date due to difficulty obtaining historic legislation.

It is to be noted that both the *Constitution* and *Citizenship Act* both use only the gender pronoun “he”.

GENDER AND STATELESSNESS RISKS

Papua New Guinea has comprehensive laws with respect to citizenship. Risk of statelessness is reduced by covering areas of law such as citizenship for foundlings, adoptive children, and where the citizenship status of a parent is unknown.

Amendments to legislation to allow for dual nationality also provide scope for children to inherit the citizenship of either parent. However, as this is for prescribed countries only, the benefits of this amendment may be limited.

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.*

²¹ *Dual Citizenship Amendment* (n 4) s 2.