

***Constitutional Amendment No. 43 (Dual Citizenship) Law 2016.***

Certified on: 29 AUG 2016



*Constitutional Amendment No. 43 (Dual Citizenship) Law 2016.*

**ARRANGEMENT OF SECTIONS.**

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 naturalisation (Amendment of Section 67).
5. Automatic loss of citizenship (Amendment of Section 70).
6. Functions of the Committee (Amendment of Section 76).



*Constitutional Amendment No. 43 (Dual Citizenship) Law 2016,*

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Section 49 of the *Constitution* is repealed and replaced with the following:

**“49. RIGHT TO PRIVACY.**

(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*).

(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 their right to vote at elections.”.

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

Section 64 of the *Constitution* is amended -

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

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

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

“whilst holding Papua New Guinean citizenship”.

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

Section 66 of the *Constitution* is amended -

(a) by deleting the heading “CITIZENSHIP BY DESCENT” and replacing it with the following new heading:

“CITIZENSHIP BY DESCENT AND MARRIAGE”; and

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(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 judgement (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 judgement (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 the 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 years preceding it, been resident in the country for a total of 12 months; and
- (b) be of good character;
- (c) be in a marriage that is not a marriage under Papua New Guinean 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 of Loyalty.”

**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, figure and symbol:

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“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 recognised medals or honors 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 naturalised 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 judgement (but subject to Division 4 (*citizenship advisory committee*)) grant or refuse the application.

(5) To be eligible for naturalisation under Subsection (4), a person must meet the requirements of Subsection (2) with the exception of Subsection (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 an 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 judgement (but subject to Division 4 (*citizenship advisory committee*)) withdraw or cancel the citizenship and the person loses his 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.”.

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I hereby certify that the above is a fair print of the *Constitutional Amendment No. (Dual Citizenship) Law 2016* which was made by the National Parliament.

  
Acting Clerk of the National Parliament.


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*Constitution.*

**CERTIFICATION UNDER SECTION 14.**

I, **THEO ZURENUOC**, Speaker of the National Parliament, hereby certify that the requirements of Section 14(1), (2) and (3) of the *Constitution* were complied with in respect of the *Constitutional Amendment No. (Dual Citizenship) Law 2016* and that law was made by the National Parliament as follows:

- (a) the first vote was taken on 3 November 2015 when the number of seats in the National Parliament were 111 and those voting for the proposal were 90 and none voted against the proposal; and
- (b) the second vote was taken on 31 March 2016 when the number of seats in the National Parliament were 111 and those voting for the proposal were 91 and none voted against the proposal.

  
Speaker of the National Parliament.

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