

Visitor policy for children adopted overseas before their New Zealand citizenship is confirmed (V3.30)

QUESTIONS & ANSWERS

Q: Is this a new policy?

A: No. This policy was enacted before 1999 and there have been no changes since then.

Q: What does the policy say?

A: Policy V3.30 states that:

Children entering New Zealand with their adoptive parents may be issued with a visa authorising a permit for a maximum stay of 6 months, provided that:

- a) the Department of Internal Affairs confirms that there are no apparent obstacles to granting the child citizenship; and
- b) a birth certificate for the child and evidence of the adoptive parents' citizenship are submitted.

Q: Which children apply under this policy?

A: The child must be overseas when adopted. At least one of the adopted parents of the child must be a New Zealand Citizen. The child must be under 14 years of age (DIA requirement for Citizenship by Descent). Children aged 14 and over cannot apply for Citizenship by Descent and so they apply for entry to New Zealand under other policies.

Q: Why does INZ have this policy?

A: This policy helps reduce the risk that adopted children arriving in New Zealand with no guaranteed path to residence or citizenship will become unlawful. It also ensures that New Zealand complies with the Hague Convention on Inter Country Adoption and assists in the prevention of child trafficking and abuse.

Q: What has been happening?

A: Some children have been issued visas when they have either *applied* for citizenship or on the understanding that they *would apply* and qualify for citizenship once they arrived in NZ.

Q: Why is this practice not sufficient?

A: DIA verifies the documentation provided by the adoptive parents to ensure that there are no impediments to granting citizenship. This mitigates risks such as the birth mother not consenting to the adoption or the supporting documentation not being acceptable and INZ must comply with the DIA established process.

Q: What are the consequences for children under 14 years of age adopted overseas who have a New Zealand citizen parent?

A: Children will need to apply for and be approved Citizenship before they can travel to New Zealand.

Q: What does this mean to the parents?

A: Children may only be approved a visa *after* DIA is satisfied that there is no apparent obstacle to granting the child citizenship. When DIA is satisfied that there is no obstacle then, at that point, they will grant Citizenship rather than issue a letter and the child is eligible to apply for a NZ passport.

Q: Can children apply under any other policy?

A: No. Children cannot apply under any other Student or Visitor policy as they are coming to New Zealand to live with their adopted parents and their intention is to live in NZ permanently. Children with NZ citizen parents must apply for Citizenship for the child rather than a temporary visa. Children 14 and over should apply for residence under Dependent Child policy.

Q: If I am a NZ citizen adopting a child under 14, can I bring the child into New Zealand before their citizenship is granted?

A: No

Q: How do I apply for Citizenship for my child?

A: Obtain an application form for Citizenship by Descent, country specific information and timeframes from DIA. Apply for citizenship and await the outcome.

Q: How do I find out more from DIA?

A: You can contact DIA by phoning 0800 22 5151 (in New Zealand) or by going to their website www.dia.govt.nz

Q: How long will it take to have a passport issued after Citizenship is approved?

A: DIA say that generally a passport may be issued within 10 working days of the application being received, providing the application is correct and complete. Therefore adoptive parents may prefer to apply for a New Zealand passport for their child rather than apply for a Visitor Visa which also has a processing time of 10 working days.

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Note: definition of 'adoption'

Adoption means:

- a. a legal adoption, or
- b. an adoption by custom which has occurred at an early age within an extended family.