

1865

Green

# Green, D., 2009a



What's the story?  
Encyclopedia of New Zealand

## Citizenship

### 1840-1948: British subjects

From 1840, when New Zealand became a British colony after the signing of the Treaty of Waitangi, until 1948, when the British Nationality and New Zealand Citizenship Act was passed, most people living in New Zealand were officially British subjects. Even after the creation of a New Zealand citizenship in 1948, New Zealand citizens also remained British subjects until the passing of the Citizenship Act in 1977 did away with the description 'British subject' on passports.



Signing the Treaty of Waitangi

### Citizenship and naturalisation

A country's citizens possess full legal, social and political rights and obligations within its borders; non-citizens, no matter how long their residence, do not. Nearly all babies born in New Zealand, whatever the nationality of their parents, automatically become New Zealand citizens.



Born to be citizens

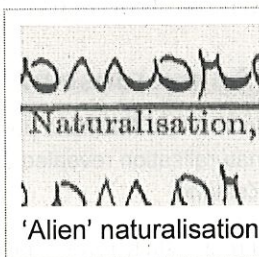
People who have arrived as migrants often want to take the further step of becoming citizens, whether to feel themselves full members of the new society they have chosen, or to enjoy particular privileges or escape specific deprivations. Until 1977 this procedure was called 'naturalisation'. Since then it has been termed 'citizenship by grant'.

Main centres			Māori		
£	s	d	£	s	d
17	6		9	6	

Discrimination against Māori citizens

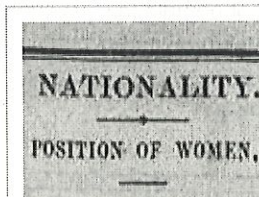
### British subjects, Māori, and aliens

When New Zealand became a British colony in 1840, people living in New Zealand became British subjects. British law came into force, and anyone born within the British Empire gained the same legal rights in New Zealand as they already possessed in Britain (as did their New Zealand-born descendants).



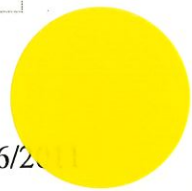
Māori gained 'all the Rights and Privileges of British Subjects' under Article Three of the Treaty of Waitangi. When the position of Māori was challenged because of their 'non-British' (communal) form of land tenure, their status as British subjects was confirmed by the Native Rights Act 1865. But full enjoyment by Māori of their citizenship rights was to be subverted in many ways over the next century.

In the mid-19th century 'aliens' (non-Britons) were free to enter and live in the Queen's dominions, which included New Zealand, but their property rights were restricted. French and German settlers complained, and from 1844, aliens could become 'natural born subjects of Her Majesty [Queen Victoria]' in New Zealand through proclamations by the governor that were later confirmed by the Privy Council. Once New Zealand became self-governing in 1854, an



Citizenship for women

3rd



annual naturalisation act replaced the ordinances. The Treaty of Waitangi had authorised settlement by 'people of [the Queen's] tribe'; extending the right to become British subjects to people other than natural-born British subjects was, in a sense, an early breach of the treaty.

## Citizenship of women and children

In the late 19th century married women and children had no independent citizenship rights. British women who married alien men automatically acquired their husband's nationality and lost their status as British subjects. From 1866, alien women married to British subjects (including men who were naturalised British subjects) were deemed to be British subjects themselves. After 1882 children of naturalised fathers or naturalised widows who had accompanied them to New Zealand were automatically naturalised, unless they were Chinese.

In the early 20th century women's organisations around the world sought independent nationality for women. Under the British Nationality and Status of Aliens (in New Zealand) Act 1923, the wives and children of men whose citizenship was taken away did not automatically lose their own citizenship. Children could now be named on their parents' naturalisation certificates, and could choose to give up their British nationality when they came of age. From 1935, alien women were no longer automatically naturalised along with their husbands, but had to make their own statutory declaration. British women whose husbands took up another nationality could retain the rights (and after 1946, the legal status) of British citizens.

## Discouraging 'undesirables'

'Undesirable' immigrants – including non-white British subjects – were mostly excluded by immigration restrictions introduced from the late 19th century. They were also discouraged from becoming naturalised citizens by a £1 naturalisation fee which was imposed on all applicants by the 1866 Aliens Act.

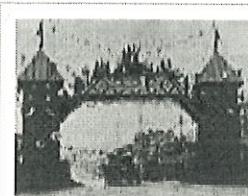
## Chinese immigrants

### 'An overdose of Yellow Peril'

In 1920 an Auckland police officer's report on a Chinese applicant for naturalisation revealed the depth of anti-Chinese prejudice in New Zealand:

'I respectfully report that all Chinese look alike to me, or nearly so, and unless Mr Young Sing Kow presents himself for identification I would not be able to say whether I knew him, or not. In any case I would not report favourably on such a person, no matter what his qualifications were, as I am of the opinion that we are getting an overdose of Yellow Peril.'<sup>1</sup>

Chinese people had to continue to pay this fee after it was abolished for all other applicants in the 1890s. They were denied naturalisation (or even permanent residence) between 1908 and 1951. Through that period, Chinese residents in New Zealand had to apply periodically for permission to stay. Nevertheless, during the Second World War resident Chinese were conscripted into the



An arch welcoming royal visitors



'Enemy aliens' on Somes Island

armed forces. After Chinese immigrants were allowed to become citizens, only 20 of the first 400 applicants for naturalisation – ‘the most highly assimilated [and educated] types’ – were accepted. Because of suspicion about their allegiance following the Communist victory in China, Chinese people, unlike others seeking citizenship, had for some years to renounce their previous nationality and show that they were ‘closer to the New Zealand way of life than to the Chinese’.<sup>2</sup>

#### Footnotes

1. IA 1, 116/7 pt 1, Archives New Zealand, Wellington › Back
2. Manying Ip, ‘Chinese New Zealanders: old settlers and new immigrants.’ In *Immigration and national identity in New Zealand: one people, two peoples, many peoples?*, edited by Stuart Greif. Palmerston North: Dunmore, 1995, p. 183. › Back

## Biographies



James Carroll, 1857–1926



Tommy Chan, 1889–1969



Miriam Bridelia Soljak, 1879–1971

How to cite this page: David Green, 'Citizenship - 1840–1948: British subjects', Te Ara - the Encyclopedia of New Zealand, updated 4-Mar-09

URL: <http://www.TeAra.govt.nz/en/citizenship/1>