KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL **WAI 3513**

IN THE MATTER OF	**the Treaty of Waitangi Act 1975**
AND	
IN THE MATTER OF	**an application for an urgent hearing by JOHN RUDDOCK on behalf of his whānau and Māori who do not qualify for citizenship by descent**

CROWN RESPONSE TO APPLICATION FOR URGENCY

8 Ākuhata | August 2025

Te Tari Ture o te Karauna
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MAY IT PLEASE THE TRIBUNAL:

Introduction

1. This memorandum responds to the application for urgent hearing filed by John Ruddock (the **claimant**).[1] The Claimant is a citizen of New Zealand by descent and filed on behalf of his whānau and Māori who do not qualify for citizenship by descent.

2. The Crown opposes urgency on the basis that the grounds set out in the *Guide to Practice and Procedure* have not been made out.

The claim and related facts

3. The claimant seeks an urgent inquiry into the Citizenship Act 1977 (the **Act**) and its failure to protect Māori citizenship rights. In particular, the claim raises that:

   3.1 Māori do not qualify for citizenship under the Act as of right;[2]

   3.2 the Act does not explicitly require consideration of the Treaty;[3]

   3.3 neither the Act nor its associated guidance require recognition that Māori applying for citizenship are tangata whenua;[4] and

   3.4 the Act impacts on the rangatiratanga of Māori overseas and prevents them from maintaining connections with their tūrangawaewae, and culture more generally.[5]

4. Although the statement of claim is about the Act and its underlying policy more generally, the application for urgency refers to facts particular to the claimant, including that:

   4.1 his tamariki were born overseas;

   4.2 following the end of his relationship with their mother, he and his tamariki moved to New Zealand in April 2025;[6]

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1 Wai 3513 #3.1.1.

2 Wai 3513 #1.1.1 at [4].

3 Wai 3513 #1.1.1 at [4].

4 Wai 3513 #1.1.1 at [14] and [18].

5 Wai 3513 #1.1.1 at [34].

6 Wai 3513 #A1 at [5].

4.3 custody matters are not finally settled;[7]

4.4 his tamariki are required to apply for citizenship,[8] despite being uri of Ngāpuhi;[9] and

4.5 his tamariki are currently overstayers and have not been able to attend school since arriving in New Zealand.[10]

The application for urgency

5. The claimant claims that the impact of the laws on his tamariki and whānau is causing significant and irreversible prejudice, including but not limited to impacting on their schooling and diminishing their mana.[11] The claimant considers it inconsistent with the Treaty that Māori must apply through Crown-determined immigration processes in order to remain on their tūrangawaewae.[12]

6. While the claimant has applied directly to the Minister to consider the citizenship applications on behalf of his tamariki, he has found the process lengthy and expensive.[13] Nor does he consider he should have to undertake such a process.[14] The claimant states that his issues may be better addressed in the courts but that he does not wish to usurp the statutory role of the Tribunal.[15]

7. The claimant states he is ready to proceed to hearing "with reasonable notice."[16]

Crown position

8. The Crown opposes urgency.

9. When considering the statement of claim alongside the application for urgency, it is apparent there is a disjuncture between the causes of action

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7 Wai 3513 #A1 at [7].

8 Wai 3513 #A1 at [6].

9 Wai 3513 #1.1.1 at [2]-[3].

10 Wai 3513 #3.1.1 at [6], #A1 at [9].

11 Wai 3513 #3.1.1 at [6].

12 Wai 3513 #3.1.1 at [8].

13 Wai 3513 #3.1.1 at [11].

14 Wai 3513 #3.1.1 at [12].

15 Wai 3513 #3.1.1 at [13]-[14].

16 Wai 3513 #3.1.1 at [15].

and the facts the claimant relies on in seeking an urgent inquiry. While the statement of claim considers the legislative framework and its broad application, the urgency application concerns, at its heart, the personal circumstances of the claimant and his whānau.

10. The Crown's position is that, for different reasons, neither the statement of claim nor the circumstances of the claimant's whānau are sufficiently urgent to justify an urgent inquiry.[17] No facts are raised in this matter of such significant impact to warrant redirecting resource from other Tribunal priorities.[18]

Immigration processes are not complete

11. It is not accurate to state that no other reasonable remedy is available to the claimant in these circumstances.

12. As is set out in the application for urgency,[19] pathways are available such as application for residency and application for grant of citizenship. The applicant has taken up these options and is now concerned about the time taken to consider and determine them.[20]

13. The claimant has yet to have his applications for citizenship for his tamariki determined as they were filed relatively recently and remain live. Crown counsel is instructed that a submission for citizenship on behalf of the claimant was received on 5 July 2025, and the applications for citizenship made by the claimant were received on 30 July 2025. Crown counsel has no instructions in relation to the residency application but refers to the claimant's evidence that he has made the relevant applications.[21]

14. The Crown has been in touch with claimant counsel and offered assistance in managing and progressing the claimant's citizenship applications in a timely manner. This offer remains live.

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17 Waitangi Tribunal *Guide to Practice and Procedure* (2023) at 3.28-30.

18 Waitangi Tribunal *Guide to Practice and Procedure* (2023) at 3.27.

19 Wai 3513 #A1 at [7]-[8] and #3.1.1 at [11]-[12].

20 Wai 3513 #A1 at [8].

21 Wai 3513 #A1 at [8].

15. The applications made by the claimant should be allowed to progress and be determined. It would be premature to initiate an urgent inquiry into the claim when the claimant's options under the Citizenship Act and Immigration Act 2009 have not been exhausted. If an inquiry were to occur, it is unlikely the legislative reform the claimant seeks would impact on the timeliness of his applications.

Prejudice alleged is neither significant nor irreversible

16. The Crown does not contest that the immigration process is difficult and stressful for the claimant and his whānau, in the context of a change in family circumstances. In the meantime, his children are unable to access services available to New Zealand residents and citizens, particularly schooling.[22]

17. However, the Crown does not consider this meets the threshold usually required for grant of urgency. Access to services such as schooling will be available to the claimant's children on grant of citizenship or residency and is not irreversible. While the requirement to go through immigration process may have felt unreasonable for the claimant,[23] it is not significant prejudice of the type anticipated by the *Guide to Practice and Procedure*[24] and has not prevented the claimant from making his applications.

The policy underpinning the Citizenship Act 1977

18. On the wider issues, the claimant has noted an expectation that the inability to obtain citizenship as of right is likely to impact ever greater numbers of Māori born overseas.[25] The Citizenship Act was enacted in 1977 and has been in force since 1978; it cannot reasonably be characterised as an issue of urgency.[26]

19. Citizenship issues, including the policy settings that underpin the Act, can instead be considered as part of the Tribunal's kaupapa inquiry programme. A discrete urgent inquiry into the claimant's particular issues

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22 Wai 3513 #3.1.1 at [6].

23 Wai 3513 #3.1.1 at [6] and [8].

24 Waitangi Tribunal *Guide to Practice and Procedure* (2023) at 3.28.

25 Wai 3513 #3.1.1 at [6].

26 Citizenship Act 1977, s 1(2).

would sever them from the wider context a kaupapa inquiry enables and anticipates. The Crown does not consider this either necessary or pragmatic in the circumstances.

Conclusion

20. For the reasons set out above, the Crown submits that the application for urgency should be declined.

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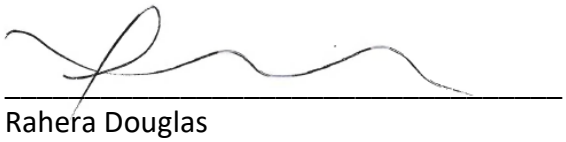

Rahera Douglas
Counsel for the Crown

TO: The Registrar, Waitangi Tribunal

AND TO: Claimant Counsel