

CIT 2005011583 BR

14 July 2008

MINISTER OF INTERNAL AFFAIRS

APPLICATION FOR NEW ZEALAND CITIZENSHIP

Applicant:	Yang LIU (aka Yongming YAN)
Date of Birth:	20 October 1972 (alternatives: June 1969 and 15 July 1971)
Place of Birth:	China
Present Citizenship:	Chinese

SUMMARY

Reason for Submission

- The applicant does not clearly meet section 8(2)(c) of the Citizenship Act 1977, being the good character requirement.

General Information

- Mr Liu's application was lodged on 10 May 2005.
- Mr Liu has resided in New Zealand since 8 December 2001.
- Mr Liu fulfils all the standard requirements contained in sections 8(1) and 8(2) of the Citizenship Act 1977 with the exception of the good character requirement.
- Mr Liu remains the subject of an Interpol wanted to arrest in China 'red notice' for allegedly committing serious financial fraud in China to the value of 10,000,000 RMB (approximately \$NZ 2,700,000).
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- []
- Mr Liu remains the subject of an active Immigration New Zealand Fraud Branch criminal investigation concerning his true identity.
- It is alleged that Mr Liu has fraudulently obtained and used Chinese identity documents relating to another identity including obtaining two false passports.

- An Immigration New Zealand search warrant has been executed to seize Mr Liu's Chinese passports and other identity documents which were held by the Department of Internal Affairs whilst his application was being processed.
- As a result of the seizure of his passport Mr Liu claims he is 'stateless' although he has provided no evidence to support his belief.
- On two separate occasions Hon. Dover Samuels MP has written to you in support of Mr Liu's application.
- Hon. Pansy Wong MP has written to you in support of Mr Liu's application.
- Hon. Chris Carter, Minister for Ethnic Affairs has written in support of Mr Liu's application.
- Despite remaining under multi-agency inter-governmental investigations Mr Liu has requested that you consider his application at this time.
- It is considered that Mr Liu does not meet the good character requirement and is not eligible for the grant of citizenship.

Recommendation:

It is recommended you **DECLINE** the grant of New Zealand citizenship to **Mr Yang LIU** within the terms of sections 8(1), 9(1)(c) & 9(1)(d) of the Citizenship Act 1977.

Geoff May

Geoff May
for Secretary for Internal Affairs

Grant of Citizenship APPROVED ✓

~~**Grant of Citizenship DECLINED**~~

[Signature]

Hon. Shane Jones
Delegated Minister for Internal Affairs

released to tgifiedition

Mr Yang Liu

CRITERIA FOR THE GRANT OF CITIZENSHIP

Application of legislation

- The application is considered under sections 8(1) and 9(1)(d) of the Citizenship Act 1977.
- A copy of the relevant legislation is at **Tag A**.

Section 8(1)

Section 8(1) stipulates that the Minister may authorise the grant of New Zealand citizenship to any person, including a person who may be a New Zealand citizen by descent who –

- a) has attained the age of 16 years; and
- b) is of full capacity; and
- c) applies for citizenship in the prescribed manner; and
- d) satisfies the Minister that he or she meets each of the requirements specified in subsection (2)

Requirements Clearly Fulfilled

Section 8(2)(a)	Entitlement to reside indefinitely in New Zealand in terms of the Immigration Act 1987
Section 8(2)(b)	Presence in New Zealand Section 8(2)(b) is replaced by the former section 8(2)(a). This requires that the applicant was, throughout the period of 3 years immediately preceding the date of his application, ordinarily resident in New Zealand
Section 8(2)(d)	Sufficient knowledge of the Responsibilities and Privileges attaching to citizenship
Section 8(2)(e)	Sufficient knowledge of English
Section 8(2)(f)	Intention to continue to reside in New Zealand or to be in the employ of an authorised organisation

Requirements Not Clearly Fulfilled

Section 8(2)(c)	Good Character
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Good Character

It is the Department's view that Mr Liu is not able to meet the good character requirement pursuant to section 8(1) of the Citizenship Act 1977.

Mr Liu is the subject of a published Chinese arrest warrant and the subject of an international Interpol 'red notice' dated 17 June 2005. It is alleged he misappropriated a significant sum of money in China by entering into a false contract

in 2000 using one of his companies. According to the Chinese in 1999 he stole another person's identity by falsely registering their birth. He then used this deception to obtain, two false Chinese passports. **See Tag B.**

Policy guidelines state that information about an applicant may be received from individuals or by other government agencies. If the information could be regarded as adversely affecting an applicant's ability to fulfil this requirement the Department should attempt to establish the veracity of the detrimental information.

Where a person is wanted for arrest overseas and the subject of an Interpol red notice they are invited to a formal Department interview to provide them with a fair opportunity to discuss and respond to the issues raised **See Internal Affairs Ministerial Briefing dated 29 June 2007 at Tag C.**

Mr Liu was given the opportunity to make a statement in respect of being wanted to arrest in China. He was given advice on how the matter might be resolved by contacting the Chinese authorities or attending to the matter through the Chinese court system.

Mr Liu has made a number of written submissions which are presented to you for consideration.

[**Summary** - Mr Liu made a number of submissions supporting his application in interviews, telephone conversations and by email.]

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On 28 April 2008 an Immigration New Zealand search warrant was served on the Department for the seizure of Mr Liu's identity documents which he had provided in support of his New Zealand citizenship application. **See Search Warrant at Tag H.**

Immigration New Zealand is actively investigating Mr Liu on the basis that he may have entered New Zealand under a false identity. Immigration New Zealand has indicated it hopes to get this matter finished as soon as possible, but there is no clear timeframe at this stage. **See Immigration New Zealand alert dated 24 October 2006 and email dated 24 June 2008 at Tags I1& I2 respectively.**

However, at this time Mr Liu remains a permanent resident of New Zealand despite remaining under investigation by the Immigration Fraud Branch. **See Immigration New Zealand report dated 19 June 2008 at Tag J.**

The Jilin Public Security Bureau of the Chinese government considers that Mr Liu is actually 'Yong Ming Yan' and that in 1999 he took another person's identity ('Yang Liu dob 20 October 1972') by registering a fake household birth register. It is suggested that he subsequently obtained two Chinese false passports in this false identity. **See Report at Tag K.**

The Department cannot be satisfied that Mr Liu is living in New Zealand and has applied for New Zealand citizenship under his true identity.

Mr Liu has explained that this difference has a reasonable explanation.

[*Summary* - Mr Liu made a number of submissions relating to his identity.]

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Mr Liu's solicitor Ms Lyn Lim, Forest Harrison has made a comprehensive submission in support of her client's opinion that he can fulfil the good character requirement. **See submissions dated 15 January 2008 and 2 April 2008 at Tags L & M.**

Mr Liu rejects the allegations made by the Chinese government. He strenuously denies any wrong doing or the commission of any crime, economic or otherwise in China.

[**Summary** - Mr Liu made submissions rejecting the allegations]

Mr Liu believes he is of good character. He is of the view that his 'start up' [] export venture may eventually be worth in excess of \$[] per annum in export income to New Zealand. **See submission (pages 8-9) dated 15 January 2008 at Tag L.**

Mr Liu has also stated that he has worked to develop trade and good relations between New Zealand and China. He has been involved in the formalisation of agreements agricultural agreements between New Zealand and China. **See letter dated 2 April 2007 at Tag S.**

Mr Liu has not provided any evidence to support the statements in the above two paragraphs. Mr Liu has written that he will petition you directly if any supporting evidence becomes available before his application is considered.

Furthermore Mr Liu has provided a number of letters in support of his citizenship application. These letters are from members of the business and the Chinese ethnic communities in New Zealand. **See support letters at Tag T.**

In addition, the Hon. Dover Samuels MP, Labour List Member (**see support letters dated January & 13 May 2008 at Tag U**), the Hon. Pansy Wong MP, National Member of Parliament (**See support letter dated 22 January 2008 at Tag V**) and the Hon. Chris Carter, Minister for Ethnic Affairs (**see support letter dated 12 February 2008 at Tag X**) have all written to you in support of Mr Liu's citizenship application. These letters attest primarily to Mr Liu's business and community contributions to New Zealand.

The Department is not in a position to know with any degree of certainty whether Mr Liu has committed offences in China as the issues have not been determined by the Chinese Courts. Nor is the Department able to []

What is known is that Mr Liu remains wanted and subject to arrest in China, is unwilling to resolve the Interpol red notice matter, []

[] is under active investigation by Immigration New Zealand and has allegedly obtained and used false identity documents. As a result the Department considers that Mr Liu has been unable to discharge the onus of satisfying you that he meets the good character requirement under section 8(1) of the Citizenship Act 1977.

Section 9(1)(d)

Public Interest and Exceptional Circumstances

Under the former section 9(1)(d) of the Citizenship Act 1977 you may authorise the grant of New Zealand citizenship if because of exceptional circumstances of a humanitarian or other nature relating to the applicant, you are satisfied that granting a certificate of New Zealand citizenship to the applicant would be in the public interest.

Mr Liu's circumstances are outlined above.

The Department does not consider that Mr Liu's circumstances are exceptional within the meaning of the Act. The public interest criterion must arise directly from the applicant's exceptional circumstances and provide some "advantage" or "positive benefit" to the public by the applicant becoming a New Zealand citizen.

Mr Liu has not provided any actual evidence in support of his claims that he has developed trade and good relations between New Zealand and China or that he has been involved in the formalisation of agricultural agreements between the two countries.

It is therefore considered that Mr Liu is not eligible for the grant of citizenship under the former section 9(1)(d) of the Citizenship Act 1977.

Section 9(2)

Statelessness

The former section 9(2) of the Citizenship Act 1977 states without limiting any of the foregoing provisions of section 9 or of section 8 of this Act, you may authorise a grant of citizenship to any person who would otherwise be stateless.

Mr Liu claims to be 'effectively stateless' on the basis that the Chinese government has cancelled his Chinese passport and he is unable to conduct business overseas.
See email dated 27 May 2008 at Tag Y.

Mr Liu has not established that he is stateless by showing that he is no longer recognised as being a citizen of China. The Department considers that his passport confiscation relates to the aforementioned criminal matters as opposed to his claim of deprivation of Chinese nationality.

As such the Department considers that Mr Liu is not eligible for consideration under this section of the Act.



Hon. Dover Samuels MP

Parliament Buildings,
Wellington.

30 January 2008



"Experience that Delivers"

Hon Rick Barker
Minister of Internal Affairs
Parliament Buildings



Re: Citizenship Application for Yang (Bill) Liu

Kia ora Minister

Nga mihi kia koe

I personally know Mr Liu, his partner, Vienna their two young children Tiffany & Emily

Vienna is a New Zealand Citizen, both children born in Auckland

Mr Liu has Permanent Residence and has lived in Auckland for six years or more. During the years that I have know him he has demonstrated to be a caring father and husband, with humility and generosity of spirit.

It is my understanding and confirmed by many New Zealand Chinese, that Bill is a decent law abiding person, and would make a model New Zealand citizen. I agree with them.

Mr Liu is well known for his public profile, his advocacy of open democracy, social justice and Human Rights.

The same principles that make us proud to be New Zealanders

Unfortunately there are those who think otherwise.

Over the years Bill has developed a constructive and meaningful relationship with Tangata Whenua, he has also made investments into the fishing and hospitality industry.

I know that he and his family deeply respects the New Zealand democratic system of Government our country's record on Human Rights, and our Anti Nuclear Policy.

They look forward to the day when they can live their lives in peace and security, with the knowledge that they are now a New Zealand family

Noho ora mai

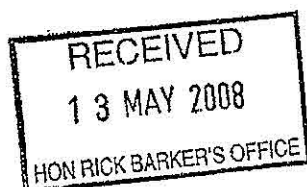
A handwritten signature in black ink, appearing to read 'Dover Samuels', written in a cursive style.

Hon Dover Samuels, MP

Hon. Dover Samuels MP

Parliament Buildings,
Wellington.

13 May 2008



"Experience that Delivers"

Hon Rick Barker
Minister of Internal Affairs
Parliament Buildings
Wellington

Re: Application for New Zealand Citizenship for Mr Yang (Bill) Liu

Tena koe Minita,

I have received a letter from Ms Lyn Lim, Partner of law firm Forest Harrison, Barristers and Solicitors of Auckland acting for Mr Yang Liu regarding Mr Lius application for NZ Citizenship CIT T005011583.

I wrote to you in January 2008 providing a character reference for Mr Yang (Bill) Liu in relation to his application for New Zealand citizenship which he submitted in May 2005.

I am now seeking your urgent consideration making a decision in bringing this matter to a closure one way or another

In my view Mr Liu has been denied his rights to natural justice, no New Zealander would put up with the continuous scrutiny re questioning, invasion of privacy, raid on his residence when his wife and children were present.

Based on the information received by Mr Liu and his solicitors, after continued requests for full disclosure the information provided by the Immigration Service and Internal Affairs does not justify those actions. The existence of unsubstantiated and suspect allegations have seemingly been recycled for political reasons

Minister it is not simply good enough.

You should require your officers to place the relevant and substantiated information before you so you can make an informed decision on the fate of Mr Liu and his family based on facts and not unsubstantiated allegations and innuendos.

I have known Mr Liu, his partner with their two New Zealand born children, Tiffany and Emily for a number of years. Vienna is a New Zealand citizen, both children were born in Auckland, New Zealand

I have spoken to many Chinese community and business leaders in Auckland and everyone speaks very highly of Mr Liu and his family. I understand that our Parliamentary Chinese colleague, Pansy Wong MP and the Hon Chris Carter MP; Minister of Ethnic Affairs have provided references for Mr Liu also. He is known for his public profile in advocating for open democracy, social justice and human rights, principles which make us proud to be New Zealanders. Unfortunately there are other countries that don't share the same values.

The delay of not getting a decision on his application has been very telling on Mr Liu, his relationship with his wife, his children and the in-laws who are assisting him. His mental health has deteriorated and he cannot sleep at night.

The constant uncertainty, probing and re-hashing of the same old line of questions, covering the same ground over and over again is debilitating, highly stressful and in my view akin to mental torture. You would never put up with this and neither would I.

New Zealand is a civilised country where we believe everyone should get a fair go. Do you really think that Mr Liu and his family have been fairly treated?

The authorities have had more than reasonable time to get on and complete their enquiries, likewise Mr Liu and his family have a right to get on with their lives and live in peace and quiet as law abiding citizens.

A recent case in Christchurch, a Judge threw out a case because of the length of time and delay, in that instance there were charges laid and there was a complainant.

In this case Mr Liu has not broken any laws and has no convictions. There is no complaint laid and under our legal judicial system Innocent Until Proven Guilty.

I enclose a copy of Ms Lim's letter for your perusal and consideration. Ms Lyn Lim highlights some of the matters that I have raised in my letter to you.

I would appreciate if you gave this matter your most urgent consideration.

Naku noa



Hon Dover Samuels, MP

Encl:

FILE COPY



PANSY WONG
National Member of Parliament
黃徐毓芳國會議員



To whom it may concern
Department of Internal Affairs
P O Box 805
Wellington

22nd January, 2008

Dear Sir/ Madam,

Re: Mr. Yang (Bill) Liu's application for citizenship

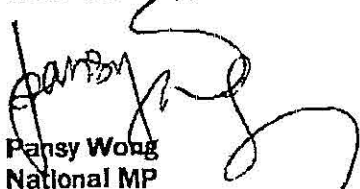
Mr Yang Liu was introduced to me as a young, successful and generous businessman in 2005. Since our introduction he has made financial contributions towards Asian youth development projects which include supporting budding young artists. He also participates in Asian community organisations.

His enterprising spirit and drive has seen him become the owner of popular Chinese restaurant Jade Terrace in Manuaku/which employs around thirty staff. Mr Liu has been actively seeking business opportunities to utilise his knowledge of Asian consumers. His joint venture business with Talleys, Sealord and Sanford which exports seafood and goes under the name of 'Life Fish' demonstrates he is type of Asian business migrant that New Zealand's immigration policy aims to attract. This venture also provides job opportunities for around thirty people and earns export revenue for our country.

I have learnt that he applied to become New Zealand citizen in 2005 and the delay in having it granted is due to an inquiry by the Immigration Service into his residence status. My understanding is that the Minister of Immigration has decided not to revoke his residence status and the Department of Internal Affairs should therefore commence considering Mr Liu's application taking into account his numerous contribution towards business and the community.

I hope Mr. Yang Liu will hear from the Department shortly with regard to his application.

Yours sincerely,


Pansy Wong
National MP

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Office of Hon Chris Carter
MP for Te Atatu
Minister of Education
Minister for Ethnic Affairs
Minister Responsible for the Education Review Office

12 February 2008

To whom it may concern

Re: Application for Citizenship of Mr Yang (Bill) Liu

I write in support of the application for New Zealand citizenship of Mr Yang (Bill) Liu.

Since moving to Auckland, Mr Liu has been an active businessman and employer. He has made significant investments in Auckland and elsewhere in New Zealand. He has also formed strong relationships with local iwi and ethnic community organisations.

As Minister for Ethnic Affairs, it is encouraging for me to hear about people such as Mr Liu who are able to settle well and make a positive contribution to the economic and cultural life of our country. Mr Liu is proud of his New Zealand residency. His family are well settled here and he tells me that New Zealand is his home.

I hope Mr Liu will hear from the Department shortly with regard to his application.

Yours sincerely

Hon Chris Carter
Minister for Ethnic Affairs