

Grant of citizenship by reason of parent a citizen by descent

Introduction This policy outlines the relevant legislation and policy relating to the provision of the Citizenship Act 1977, which allows the Minister to authorise the grant of citizenship to an applicant whose mother or father was, at the time of the applicant's birth, a New Zealand citizen by descent.

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Legislation

**Citizenship
Act 1977
Section
9(1)(b)**

Section 9(1)(b) of the Citizenship Act 1977 allows the Minister of Internal Affairs to authorise the grant of citizenship to an applicant: 'Whose father or mother was, at the time of that person's birth, a New Zealand citizen by descent'.

Requirements

**Applicants
who can be
considered
under section
9(1)(b)**

An applicant should only be considered under section 9(1)(b), if the applicant is unable to clearly fulfil the requirements for the grant of citizenship under section 8(1) of the Citizenship Act 1977.

Fulfilment of section 9(1)(b) requirement

To fulfil the requirements of section 9(1)(b) of the Citizenship Act 1977, an applicant must:

- have been born on or after 1 January 1949, and
- either the applicant's father or mother must have been a New Zealand citizen by descent at the time of the applicant's birth.

Referral

All applications assessed as a section 9(1)(b), should be referred to the Determinations team, for confirmation that the applicant's father or mother was a New Zealand citizen by descent at the time of the applicant's birth.

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Requirements, Continued

Application of section 8(2) requirements

Section 9(2)

Section 9(2) of the Citizenship Act 1977 allows the Minister of Internal Affairs to have regard to the section 8(2) requirements when determining whether to authorise the grant of citizenship under section 9(1)(b). Sections 8(4), 8(5), 8(6), 8(7) and 8(8) provide alternative means of fulfilling certain section 8(2) requirements.

The nature of section 9(1)(b), i.e. the requirement that both the applicant and the applicant's parent(s) were born outside New Zealand, is such that an applicant under this section may be unable to fulfil all, or some, of the section 8(2) requirements.

Application of section 8(2) requirements

When considering an applicant under section 9(1)(b), the Minister may have regard to the requirements of section 8(2), subject to section 8(3) to (9), as the Minister thinks fit, and must have regard to the requirements of section 9A(1), subject to the Minister's discretion under section 9A(2) and (3). All applicants being considered under section 9(1)(b) must fulfil the good character requirement under section 8(2)(c).

Citizenship's policy is to recommend that the Minister not have regard to the other requirements of section 8(2), when considering an application under section 9(1)(b), provided the applicant has a demonstrable ongoing link with New Zealand.

Referral

All applications under section 9(1)(b) of the Citizenship Act 1977 must be referred to the Minister of Internal Affairs as a submission.

Legislation links

[Citizenship Act 1977](#)