

## Citizenship by birth in New Zealand 2006

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**Introduction** Most people born in New Zealand are New Zealand citizens. The Citizenship Act defines New Zealand as including the Cook Islands, Niue and Tokelau. This means that most people born in the Cook Islands, Niue or Tokelau are New Zealand citizens in the same way as most people born in the North, South, Stewart or Chatham Islands.

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**Citizenship verified at birth registration** People born in New Zealand on or after 1 January 2006 have their citizenship status verified as part of the **birth registration process**. The Office of Births, Deaths and Marriages (with help from the Citizenship Office) checks the citizenship and immigration status of a person's parents to confirm whether or not the person is a citizen by birth.  
The person's birth record will state if he or she is a citizen by birth.

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**Confirmation of citizenship** People born in New Zealand on or after 1 January 2006 can also apply have their citizenship status confirmed.

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# Legislation

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**Requirements** A person born in New Zealand on or after 1 January 2006 is a New Zealand citizen if:

- at the time of his or her birth, at least one parent was:
- a New Zealand citizen, or
- entitled in terms of the Immigration Act 1987 to be in New Zealand indefinitely, or
- entitled to reside indefinitely in the Cook Islands, Niue or Tokelau

or

- the person
- would otherwise be stateless (see guidelines - Citizenship by reason of statelessness).
- is a foundling (see guidelines - Confirming birth occurred in New Zealand 1949-).

## Exceptions

A person born in New Zealand on or after 1 January 2006 is not a citizen by birth if he or she was born:

- to parents who do not meet the above criteria
- to a parent who had immunity from jurisdiction and neither parent was a New Zealand citizen. See guidelines - Confirming parental immunity from jurisdiction.
- aboard a ship or aircraft registered in another country, or aboard an unregistered ship or aircraft of a government of a foreign country. See guidelines - Confirming citizenship of person born on ship or aircraft outside New Zealand.
- to parents who are enemy aliens and the birth occurred in a place occupied by the enemy (this situation has never occurred).

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## Legislation, Continued

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### Tokelauans born in Samoa for medical reasons

A person born in Samoa is a New Zealand citizen by birth if:

- his or her mother travelled from Tokelau to give birth, for reasons of medical necessity, and
  - the person would have been a citizen if he or she had been born in Tokelau.
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### Adoption and citizenship by birth

Section 6(6) of the Citizenship Act provides that a person who is a citizen by birth does not lose citizenship as a result of being adopted by parents who are neither citizens nor persons entitled to reside indefinitely in New Zealand.

If a person is not a citizen by birth, but is subsequently adopted in New Zealand by a citizen or a parent entitled to reside indefinitely in New Zealand, the person becomes a New Zealand citizen. The post-adoptive birth register entry will record that the person is a citizen.

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### Application for evidentiary certificate

If a person born on or after 1 January 2006 in New Zealand, or the Cook Islands, Niue or Tokelau, applies for an evidentiary certificate, the birth record must be checked to see if the applicant was recorded as a citizen at birth.

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### Proof of parent's New Zealand citizenship

If the parent was born in New Zealand, his or her birth details must be verified from the Births Register.

If the parent was born in the Cook Islands, Niue or Tokelau, his or her original birth certificate must be sighted.

If a **parent** of the applicant **was** a New Zealand citizen at the time of the applicant's birth, then the **applicant is** a New Zealand citizen and must be issued a confirmation certificate.

If a **parent was not** a New Zealand citizen, then the **applicant is not** a New Zealand citizen and must be issued a denial certificate.

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## Legislation, Continued

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**Proof that parent entitled to reside indefinitely in New Zealand**

If a **parent** of the applicant **was** entitled to reside indefinitely in New Zealand at the time of the applicant's birth, the **applicant is** a New Zealand citizen and must be issued a confirmation certificate.  
If a **parent was not** entitled to reside indefinitely in New Zealand, the **applicant is not** a New Zealand citizen and must be issued a denial certificate.

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**Renunciation check not required**

Currently, there is no need to check the renunciation registers, because a person must be at least 18 years of age to renounce New Zealand citizenship.

A person born on or after 1 January 2006 will not be able to renounce New Zealand citizenship until 2024 at the earliest.

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## Legislation

**Citizenship Act 1977:**

- [Section 2\(1\) Interpretation](#)
- [Section 6 Citizenship by birth](#)

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