

Citizenship otherwise than by descent (Parent on overseas service from 1978)

Introduction A person can be born in a foreign country because his or her New Zealand citizen parent was working there at the request of the New Zealand Government. There are special provisions in the Citizenship Act to ensure that foreign-born children are not disadvantaged as a result of their parent's overseas service for New Zealand.

This policy should be referred to if:

- the applicant was born outside New Zealand to a New Zealand citizen parent, and
 - there is an indication that the New Zealand citizen parent was on overseas service for New Zealand at the time of the applicant's birth.
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Legislation

Legislative requirements

The legislative requirements that an applicant must fulfil and provide evidence of, are that:

- the applicant was born outside New Zealand on or after 1 January 1978, and
- either parent was a New Zealand citizen at the time of the applicant's birth, and that same parent was either:
 - the head of a New Zealand Mission or Post, or
 - an employee of the State Services, or
 - a member of the New Zealand Armed Forces, or
 - an officer or employee of the New Zealand Trade and Enterprise, or
 - an officer or employee of the New Zealand Tourism Board, or
 - working outside New Zealand for the public service of Niue, Tokelau or the Cook Islands

Note:

- If both parents are New Zealand citizens, then the claim parent must be the person who is employed.
- If the claim parent is on leave without pay at the time of the child's birth, then the applicant is not a citizen otherwise than by descent under these provisions.
- If the claim is through the father, then paternity must be established.

Evidence of employment

Written evidence of the parent's employment on overseas service for the New Zealand Government must be provided. If evidence not provided, the Human Resources department of the relevant agency must be contacted and asked to provide written verification.

Adoption by parent on overseas service

If the child has been adopted by a New Zealand citizen parent on overseas service:

- the application must first be assessed against the overseas service provisions.
- the adoption must then be assessed against the legal requirements of the Citizenship Act 1977.

Continued on next page

Legislation, Continued

Confirmation of citizenship otherwise than by descent, where parent on overseas service

If requirements met	<p>If requirements are met, the applicant must be issued a Certificate of Confirmation Otherwise Than By Descent From 1.1.78.</p> <p>If the claim parent is a citizen by descent, the claim parent should be advised in writing that the child has a claim, but that any other children may not, if the parent is no longer on overseas service for the New Zealand Government. Suggest that the parent may wish to upgrade their citizenship status to a grant of citizenship.</p>
If requirements not met	<p>If you are not satisfied that requirements have been met, then the applicant must be advised in writing.</p>

Legislation links

[Citizenship Act 1977, Section 6\(4\) Citizenship by birth \(Parent on overseas service\)](#)

[State Sector Act 1988, Schedule 1 Departments of the Public Service](#)