

Grant of citizenship under section 10 of the Citizenship Act 1977

Introduction Prior to 1970, a person born outside New Zealand could not acquire citizenship by having a mother who was a New Zealand citizen. To address this gender discrimination, section 10 of the Citizenship Act 1977 provides a way for some overseas-born children of New Zealand citizen women to acquire New Zealand citizenship.

The Minister of Internal Affairs must authorise a grant to any applicant who meets the conditions.

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Section 10 requirements

The legislative requirements which an applicant must fulfil to be eligible for a grant of citizenship under section 10 are that:

- they were born outside New Zealand on or after 1 January 1949 and before 1 January 1978, and
- their mother was a New Zealand citizen otherwise than by descent at the time of the applicant's birth.

To meet these requirements, an applicant must have been born between the dates specified and the applicant's mother must not have renounced or been deprived of her New Zealand citizenship before the applicant's birth.

Evidence that mother a citizen other than by descent

A person may be a New Zealand citizen other than by descent by a number of means including:

- by birth in New Zealand
(Note:
A child born in New Zealand to a person holding diplomatic or similar status may not be a New Zealand citizen other than by descent.), or
 - grant of New Zealand citizenship, or
 - by being a British Subject resident in New Zealand throughout all of 1948.
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Evidence of mother's citizenship

Acceptable evidence is:

- full birth certificate showing birth in New Zealand, or
 - citizenship certificate showing grant of citizenship before the date of the applicant's birth or adoption, or
 - official confirmation of New Zealand citizenship showing date of claim before the applicant's birth or adoption.
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Evidence that mother a citizen other than by descent, Continued

Renunciation/ deprivation of mother's citizenship

The Renunciation and Deprivation List must be checked.

If an applicant's mother renounced or was deprived of her New Zealand citizenship before the applicant's birth, the applicant is eligible for a grant of citizenship under section 10 only if the mother subsequently re-acquired New Zealand citizenship before the applicant's birth.

Refer to sections 15, 16 and 17 of the Citizenship Act 1977.

Section 10 grant by adoption

A section 10 grant may be made to a person who was adopted outside New Zealand on or after 1 January 1949 and before 1 January 1978. This is provided for in section 3(2)(b) of the Citizenship Act 1977.

Evidence of compliance with section 17

Acceptable evidence is a determination that the current overseas adoption legislation complies with section 17 of the Adoption Act 1955.

Grant through birth or adoptive mother

When determining whether the mother of an adopted person was a New Zealand citizen other than by descent at the time of the applicant's birth, the applicant's mother may be either the natural or adoptive mother - whichever is more favourable. Refer to section 3 of the Citizenship Act.

Note:

The citizenship status of both the adoptive mother and the natural mother may need to be checked.

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Section 10 grant by adoption, Continued

Evidence required if adopted applicant is claiming through adoptive mother

Acceptable evidence is:

- adoption order issued by a court, judicial or public authority, and linking the pre-adoptive name to the post-adoptive name
 - post-adoptive birth certificate (not available in all countries)
 - pre-adoptive birth certificate (where the post-adoptive birth certificate not available)
 - completed form: CIT ADOPT A (Commonwealth countries) or CIT ADOPT B (Non-commonwealth countries).
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Evidence required if adopted applicant is claiming through natural mother

Acceptable evidence is:

- adoption order issued by a court, judicial or public authority, and linking the pre-adoptive name to the post-adoptive name
 - post-adoptive birth certificate (not available in all countries)
 - pre-adoptive birth certificate (where the post-adoptive birth certificate not available).
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Minister to approve section 10 grant

If the application clearly meets the requirements, and there is no doubt as to their identity, the application must be sent to the Minister on a schedule.

Section 10 provides for a mandatory grant of citizenship. An application must be referred to the Minister of Internal Affairs as a submission if there is some doubt as to an applicant's identity or their ability to meet the legal requirements.

Good character assessment not required

The Citizenship Act does not require applicants under section 10 to meet the standard residence, character and English language requirements for a grant of citizenship. Therefore, applicants are not subject to Police and SIS checks.

Oath of allegiance not required

The Minister of Internal Affairs may, under section 11 of the Citizenship Act, make the section 10 grant conditional on taking an oath of allegiance. However, the Department does not recommend this to the Minister. Therefore, applicants are not required to attend a citizenship ceremony.

Legislation links

Citizenship Act 1977:

- [Section 3 Special provisions relating to parentage \(adoption outside New Zealand\)](#)
- [Section 10 Grant of citizenship as of right in certain cases](#)
- [Section 15 Renunciation of citizenship](#)
- [Section 16 Deprivation of New Zealand citizenship in special cases](#)
- [Section 17 Deprivation of New Zealand citizenship in case of fraud, etc.](#)

[Adoption Act 1955, Section 17 Effect of overseas adoption](#)