

Irish Nationality and Citizenship Act 1956

Following is the text of the 1956 Act (No. 26 of 1956) as amended by the Irish Nationality and Citizenship Act 1986 (No. 23 of 1986), the Irish Nationality and Citizenship Act 1994 (No. 9 of 1994), the Irish Nationality and Citizenship Act 2001 (No. 15 of 2001), the Irish Nationality and Citizenship Act 2004 (No. 38 of 2004) and the Civil Law (Miscellaneous Provisions) Act 2011 (No. 23 of 2011).

Every effort has been made to ensure the accuracy of this material to the extent that it represents Acts of the Oireachtas. No legal liability is accepted however for any errors that may remain. The original texts of the Acts as passed, from which the text in this document is derived, can be obtained from the Government Publications Sale Office, Molesworth St., Dublin 2. Texts of all of the Acts can be viewed on the website of the Attorney General's Office at <www.irlgov.ie/ag> and can also be viewed on the Oireachtas website <www.oireachtas.ie>:

Department of Justice and Equality

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IRISH NATIONALITY AND CITIZENSHIP ACT, 1956.

AN ACT TO MAKE PROVISION FOR THE ACQUISITION AND LOSS OF IRISH NATIONALITY AND CITIZENSHIP. [17th July, 1956.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I PRELIMINARY

Short title.

1.—This Act may be cited as the Irish Nationality and Citizenship Act, 1956.

Interpretation.

¹2.—(1) In this Act—

“the Act of 1935” means the Irish Nationality and Citizenship Act, 1935 (No. 13 of 1935);

[“*alien*”]²

³“civil partner” means a civil partner within the meaning of section 3 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

“consular office” includes a consulate-general, consulate or vice-consulate, whether in charge of a career or honorary consular officer;

“diplomatic officer” means an ambassador extraordinary and plenipotentiary, envoy extraordinary and minister plenipotentiary, chargé d’affaires, counsellor or secretary of embassy or legation, or attaché;

⁴“Act of 1996” means the Refugee Act 1996;

⁵“Act of 2003” means the Immigration Act 2003;

⁶“Act of 2004” means the Immigration Act 2004;

⁷“EEA state” means a state, other than a Member State, that is a contracting party to the EEA Agreement;

⁸“EEA Agreement” has the same meaning as it has in the European Communities (Amendment) Act 1993;

“foreign aircraft” means an aircraft which is not an Irish aircraft;

“foreign ship” means a ship which is not an Irish ship;

[“*full age*”]⁹

¹ Section 5 of the Status of Children Act 1987 is relevant to the interpretation of this Act. It reads as follows:

It is hereby declared that, in relation to a child, any reference to “father”, “mother” or “parent” in the Irish Nationality and Citizenship Acts ... includes and shall be deemed always to have included the father, mother or parent, as the case may require, who was not married to the child’s other parent at the time of the child’s birth or at any time during the period of ten months preceding the birth.

² Defn. r. 15/2001 s. 2(a)(i)

³ Defn. ins. 23/2011 s. 33(a)

⁴ Defn. ins. 38/2004 s. 2(a)

⁵ Defn. ins. 38/2004 s. 2(a)

⁶ Defn. ins. 38/2004 s. 2(a)

⁷ Defn. ins. 38/2004 s. 2(a)

⁸ Defn. ins. 38/2004 s. 2(a)

⁹ Defn. r. 15/2001 s. 2(a)(ii)

[“Ireland”]¹⁰

“Irish citizen” means a citizen of Ireland;

“Irish aircraft” means an aircraft registered in the State;

“Irish ship” means a ship registered in the State or a ship which, if not registered in the State or under the law of any other country, is wholly owned by a person qualified to own a ship registered in the State or by persons all of whom are so qualified;

¹¹“Member State” means a Member State of the European Communities;

¹²“mental incapacity” means, in relation to a person, incapacity by reason of a mental condition to manage and administer the person’s affairs;

“the Minister” means the Minister for Justice, Equality and Law Reform;¹³

“naturalised Irish citizen” means a person who acquires Irish citizenship by naturalisation, whether under this or any other enactment;

“non-national” means a person who is not an Irish citizen;¹⁴

“prescribed” means prescribed by regulations made by the Minister;

“public service” when used in relation to the employment of a person, refers to employment in the service of the Government, whether or not in the civil service, or in the service of any public corporation or authority maintained wholly or partly out of public funds or in respect of which a Minister of State is responsible.

(1A)¹⁵ In this Act—

(a) a reference to a section is a reference to a section of this Act, unless it is indicated that a reference to some other enactment is intended,

(b) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that a reference to some other provision is intended, and

(c) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended, whether before or after the commencement of the Irish Nationality and Citizenship Act 2004, by or under any subsequent enactment.

(2)¹⁶ In this Act a reference to the island of Ireland includes a reference to its islands and seas.

Regulations.

3.—(1) The Minister may make regulations in relation to any matter or thing referred to this Act as prescribed or to be prescribed, but no such regulation shall be made in relation to the amount or collection of fees without consent of the Minister for Finance.

(2) Every regulation made by the Minister under the section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling the regulation is passed by either House within the next subsequent twenty-one days on which that has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

¹⁰ Defn. r. 15/2001 s. 2(a)(iii)

¹¹ Defn. ins. 38/2004 s. 2(a)

¹² Defn. ins. 38/2004 s. 2(a)

¹³ Defn. subst. 15/2001 s. 2(b)

¹⁴ Defn. ins. 15/2001 s. 2(c)

¹⁵ Subs. ins. 38/2004 s. 2(b)

¹⁶ Subs. Ins 15/2001 s.2(d)

Expenses.

4.—All expenses incurred by the Minister or by the Minister for External Affairs in carrying this Act into effect shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Repeals and saving for existing citizenship.

5.—(1) The Irish Nationality and Citizenship Act 1935 (No. 13 of 1935) and the Irish Nationality and Citizenship (Amendment) Act 1937 (No. 39 of 1937) are hereby repealed.

(2) Every person who, immediately before the passing of this Act, was a citizen of Ireland shall remain an Irish citizen, notwithstanding the foregoing repeals.

**PART II
CITIZENSHIP**

Citizenship by birth in the island of Ireland

6.—(1)¹⁷ Subject to section 6A (inserted by section 4 of the Irish Nationality and Citizenship Act 2004), every person born in the island of Ireland is entitled to be an Irish citizen.

(2)¹⁸ (a) Subject to subsection (5), a person who is entitled under subsection (1) to be an Irish citizen shall be an Irish citizen from the date of his or her birth if—

(i) he or she does any act that only an Irish citizen is entitled to do, or

(ii) in the case of a person who is not of full age or who is suffering from a mental incapacity, any act is done on his or her behalf that only an Irish citizen is entitled to do.

(b) The fact that a person so born has not done, or has not had done on his or her behalf, such an act shall not of itself give rise to a presumption that the person is not an Irish citizen or is a citizen of another country.

(3) A person born in the island of Ireland is an Irish citizen from birth if he or she is not entitled to citizenship of any other country.

[(4)¹⁹ repealed]

(5) A person born in the island of Ireland who has made a declaration of alienage under section 21 shall remain entitled to be an Irish citizen, but shall not be an Irish citizen unless, in the prescribed manner, that person declares that he or she is an Irish citizen; and such person shall be an Irish citizen from the date of the declaration.

(6)²⁰ In this section “person” does not include a person born in the island of Ireland on or after the commencement of the Irish Nationality and Citizenship Act 2004—

(a) neither of whose parents was at the time of the person’s birth—

(i) an Irish citizen or entitled to be an Irish citizen,

(ii) a British citizen,

(iii) a person entitled to reside in the State without any restriction on his or her period of residence (including in accordance with a permission granted under section 4 of the Act of 2004), or

¹⁷ Subs. repl. 38/2004 s. 3(a)

¹⁸ Subs. repl. 38/2004 s. 3(b)

¹⁹ Subs. repealed 38/2004 s. 3(c)

²⁰ Subs. ins. 38/2004 s. 3(d)

(iv) a person entitled to reside in Northern Ireland without any restriction on his or her period of residence,

and

(b) at least one of whose parents was at that time entitled to diplomatic immunity in the State.

Entitlement to Irish citizenship of persons born to certain non-nationals.

6A²¹.—(1) A person born in the island of Ireland shall not be entitled to be an Irish citizen unless a parent of that person has, during the period of 4 years immediately preceding the person's birth, been resident in the island of Ireland for a period of not less than 3 years or periods the aggregate of which is not less than 3 years.

(2) This section does not apply to—

(a) a person born before the commencement of the Irish Nationality and Citizenship Act 2004,

(b) a person born in the island of Ireland—

(i) to parents at least one of whom was at the time of the person's birth an Irish citizen or entitled to be an Irish citizen,

(ii) if the person was born to parents one of whom was deceased at the time of the person's birth and—

(I) the other parent was at that time, or

(II) the deceased parent was, immediately before he or she died,

an Irish citizen or entitled to be an Irish citizen, or

(iii) if the person was born to parents both of whom were deceased at the time of the person's birth, and at least one of whom was, immediately before his or her death, an Irish citizen or entitled to be an Irish citizen,

(c) a person born in the island of Ireland—

(i) to parents at least one of whom was at the time of the person's birth a British citizen or a person entitled to reside in Northern Ireland without any restriction on his or her period of residence,

(ii) if the person was born to parents one of whom was deceased at the time of the person's birth and—

(I) the other parent was at that time, or

(II) the deceased parent was, immediately before he or she died,

a British citizen or a person entitled to reside in Northern Ireland without any restriction on his or her period of residence,

(iii) if the person was born to parents both of whom were deceased at the time of the person's birth and at least one of whom was, immediately before his or her death, a British citizen or a person entitled to reside in Northern Ireland without any restriction on his or her period of residence, or

(d) a person born in the island of Ireland—

(i) to parents at least one of whom was at the time of the person's birth a person entitled to reside in the State without any restriction on his or her period of residence (including in accordance with a permission granted under section 4 of the Act of 2004),

(ii) if the person was born to parents one of whom was deceased at the time of the person's birth and—

²¹ Section ins. 38/2004 s. 4

(I) the other parent was at that time, or
(II) the deceased parent was, immediately before he or she died,
a person entitled to reside in the State without any restriction on his or her period of residence (including in accordance with a permission granted under section 4 of the Act of 2004), or

(iii) if the person was born to parents both of whom were deceased at the time of the person's birth and one of whom was, immediately before his or her death, a person entitled to reside in the State without any restriction on his or her period of residence (including in accordance with a permission granted under section 4 of the Act of 2004),

or

(e) a person born in the island of Ireland—

(i) neither of whose parents was at the time of the person's birth—

(I) an Irish citizen or entitled to be an Irish citizen,

(II) a British citizen,

(III) a person entitled to reside in the State without any restriction on his or her period of residence (including in accordance with a permission granted under section 4 of the Act of 2004), or

(IV) a person entitled to reside in Northern Ireland without any restriction on his or her period of residence,

and

(ii) at least one of whose parents was at that time entitled to diplomatic immunity in the State.

(3) In this section "British citizen" means a citizen of the United Kingdom of Great Britain and Northern Ireland.

Residence in the island of Ireland for the purposes of section 6A.

6B²².—(1) Where a parent of a person to whom section 6A (inserted by section 4 of the Irish Nationality and Citizenship Act 2004) applies dies before the person's birth, the period commencing on the date of the parent's death and expiring on the date of the person's birth shall be reckonable for the purposes of calculating a period of residence in the island of Ireland under that section, if—

(a) the parent was, immediately before his or her death, residing in the island of Ireland, and

(b) the period in respect of which he or she was, immediately before his or her death, resident in the island of Ireland is reckonable for the purposes of that section.

(2) Where a national of—

(a) a Member State (other than the United Kingdom of Great Britain and Northern Ireland),

(b) a state (other than a Member State) that is a contracting party to the EEA Agreement, or

(c) the Swiss Confederation,

makes a declaration in such manner as may be prescribed that he or she has resided in the island of Ireland for such period as is stated in that declaration, he or she shall, for the purposes of section 6A, be regarded as having been resident in the island of Ireland—

(i) for that period, if during the entire of that period he or she was a national of a Member State, an EEA state or the Swiss Confederation, or

²² Ins. 38/2004 s. 4

(ii) if he or she was such a national for part only of that period, for that part of the period, unless the contrary is proved.

(3) (a) If a person who is the guardian of, or *in loco parentis* to, a person (in this paragraph referred to as the “second-mentioned person”) who—

(i) has not attained the age of 18 years, and

(ii) is the child of a person (in this paragraph referred to as the “parent”) who was, at the time of the second-mentioned person’s birth, a national of a state referred to in subsection (2),

makes a declaration in such manner as may be prescribed that the parent resided in the island of Ireland for such period as is specified in that declaration, the parent shall, for the purposes of section 6A, be regarded as having been resident in the island of Ireland—

(I) for that period, if during the entire of that period he or she was a national of a Member State, an EEA state or the Swiss Confederation, or

(II) if he or she was such a national for part only of that period, for that part of the period, unless the contrary is proved.

(b) If a person who is duly authorised to act on behalf of a person (in this paragraph referred to as the “second-mentioned person”) who—

(i) is suffering from a mental incapacity, and

(ii) is the child of a person (in this paragraph referred to as the “parent”) who was, at the time of the second-mentioned person’s birth, a national of a state referred to in subsection (2),

makes a declaration in such manner as may be prescribed that the parent resided in the island of Ireland for such period as is specified in that declaration, the parent shall, for the purposes of section 6A, be regarded as having been resident in the island of Ireland—

(I) for that period, if during the entire of that period he or she was a national of a Member State, an EEA state or the Swiss Confederation, or

(II) if he or she was such a national for part only of that period, for that part of the period, unless the contrary is proved.

(c) If a person (in this paragraph referred to as the “declarant”) who—

(i) has attained the age of 18 years, and

(ii) is the child of a person (in this paragraph referred to as the “parent”) who was, at the time of the declarant’s birth, a national of a state referred to in subsection (2),

makes a declaration in such manner as may be prescribed that the parent resided in the island of Ireland for such period as is stated in that declaration, the parent shall, for the purposes of section 6A, be regarded as having been resident in the island of Ireland—

(I) for that period, if during the entire of that period he or she was a national of a Member State, an EEA state or the Swiss Confederation, or

(II) if he or she was such a national for part only of that period, for that part of the period, unless the contrary is proved.

(4) A period of residence in the State shall not be reckonable for the purposes of calculating a period of residence under section 6A if—

(a) it is in contravention of section 5(1) of the Act of 2004,

(b) it is in accordance with a permission given to a person under section 4 of the Act of 2004 for the purpose of enabling him or her to engage in a course of education or study in the State, or

(c) it consists of a period during which a person (other than a person who was, during that period, a national of a Member State, an EEA state or the Swiss Confederation) referred to in subsection (2) of section 9 (amended by section 7(c)(i) of the Act of 2003) of the Act of 1996 is entitled to remain in the State in accordance only with the said subsection.

(5) A period of residence in Northern Ireland shall not be reckonable for the purposes of calculating a period of residence under section 6A—

(a) if—

(i) the person concerned is not during the entire of that period a national of a Member State, an EEA state or the Swiss Confederation, and

(ii) the residence of the person concerned in Northern Ireland during that period is not lawful under the law of Northern Ireland,

or

(b) if the entitlement of the person concerned to reside in Northern Ireland during that period is subject to a condition that is the same as or similar to a condition which, if applicable in respect of an entitlement to reside in the State, would, by virtue of subsection (4), render a period of residence in the State pursuant to such an entitlement not reckonable for the purposes of calculating a period of residence under the said section 6A.

(6) A declaration referred to subsection (2) or (3) shall be accompanied by such verifying documents (if any) as may be prescribed.

Citizenship by descent.

7.²³—(1) A person is an Irish citizen from birth if at the time of his or her birth either parent was an Irish citizen or would if alive have been an Irish citizen.

(2) The fact that the parent from whom a person derives citizenship had not at the time of the person's birth done an act referred to in section 6(2)(a) shall not of itself exclude a person from the operation of subsection (1).

(3) Subsection (1) shall not confer Irish citizenship on a person born outside the island of Ireland if the parent through whom he or she derives citizenship was also born outside the island of Ireland unless—

(a) that person's birth is registered under section 27, or

(b) the parent through whom that person derives citizenship was at the time of that person's birth abroad in the public service:

Provided that the Irish citizenship of a person who, after 1 July 1986, is registered under section 27 shall commence only as on and from the date of such registration.

(4) Nothing in this section shall confer Irish citizenship on a person not an Irish citizen immediately before its coming into operation, nor deprive of Irish citizenship a person who immediately before its coming into operation was an Irish citizen.

[Acquisition of citizenship on marriage.

8²⁴.—(1) *A person who is an alien at the date of that person's marriage to a person who is, or who after the marriage becomes, an Irish citizen (otherwise than by naturalisation or by virtue of this section or*

²³ Section repl. 15/2001 s. 3(1): deemed to have come into operation on the 2nd day of December, 1999, being the day of the making of the declaration by the Government under Article 29.7.3^o of the Constitution (15/2001 s. 9(3)).

²⁴ Section repl. 23/1986 s. 3; r. by 15/2001 s. 4(1) with effect from 30 November 2002, but with the following saver (15/2001 s. 4(2)):

Section 8 ... shall continue to apply to a person being a non-national who, before [30 November 2002], marries a person who is, or who after the marriage becomes, an Irish citizen (otherwise than by naturalisation or by virtue of section 8 or 12 ...) and who makes a declaration under that section before the expiration of 3 years from [30 November 2002].

section 12) shall not become an Irish citizen merely by virtue of the marriage, but may do so by lodging, not earlier than three years from the date of the marriage or from the date on which the person last mentioned became an Irish citizen (otherwise than as aforesaid), whichever is the later, a declaration in the prescribed manner with the Minister, or with any Irish diplomatic mission or consular office, accepting Irish citizenship as post-nuptial citizenship: provided that—

(a) the marriage is subsisting at the date of lodgment of the declaration, and

(b) the couple are living together as husband and wife and the spouse who is an Irish citizen submits an affidavit to that effect when the declaration is being lodged.

(2) A person who lodges a declaration under subsection (1) shall be an Irish citizen from the date of lodgment.

(3) A person who, before the passing of this Act, married a person who was an Irish citizen (otherwise than by naturalisation) and became a naturalised Irish citizen shall be deemed to have lodged a declaration under subsection (1) on the passing of this Act and thereafter shall be an Irish citizen by virtue thereof and not by naturalisation.]

Citizenship of posthumous children.

9.²⁵— *Repealed.*

Citizenship of foundlings.

10.²⁶—Every deserted newborn child first found in the State shall, unless the contrary is proved, be deemed to have been born in the island of Ireland to parents at least one of whom is an Irish citizen.

Citizenship of adopted children.

11.—(1) Upon an adoption order being made, under the Adoption Act 1952 (No. 25 of 1952), in a case in which the adopter or, where the adoption is by a married couple, either spouse is an Irish citizen, the adopted child, if not already an Irish citizen, shall be an Irish citizen.

(2) Section 25 of the Adoption Act 1952 is hereby repealed.

Grant of citizenship as token of honour.

12.—(1) The President may grant Irish citizenship as a token of honour to a person or to the child or grandchild of a person who, in the opinion of the Government, has done signal honour or rendered distinguished service to the nation.

(2) A certificate of Irish citizenship shall be issued to the person to whom Irish citizenship is so granted and he shall, from the date of the certificate, be an Irish citizen.

(3) Notice of the issue of the certificate of citizenship shall be published as soon as may be in Iris Oifigiúil.

Citizenship of persons born on ships and aircraft.

13.—(1)²⁷ A person born in an Irish ship or an Irish aircraft wherever it may be is deemed to be born in the island of Ireland.

(2)²⁸

²⁵ Section repealed 38/2004 s. 5

²⁶ Section replaced 38/2004 s. 6

²⁷ Subs. am. 38/2004 s. 7

²⁸ Subs. r. 15/2001 s. 3(2) with effect from 2 December 1999.

PART III
NATURALISATION

Certificates of naturalisation.

14.—Irish citizenship may be conferred on a non-national²⁹ by means of a certificate of naturalisation granted by the Minister.

Conditions for issue of certificate.

15³⁰.—(1) Upon receipt of an application for a certificate of naturalisation, the Minister may, in his absolute discretion, grant the application, if satisfied that the applicant—

³¹(a)(i) is of full age, or

(ii) is a minor born in the State;

(b) is of good character;

(c) has had a period of one year's continuous residence in the State immediately before the date of the application and, during the eight years immediately preceding that period, has had a total residence in the State amounting to four years;

(d) intends in good faith to continue to reside in the State after naturalisation; and

³²(e) has, before a judge of the District Court in open court, in a citizenship ceremony or in such manner as the Minister, for special reasons, allows—

(i) made a declaration, in the prescribed manner, of fidelity to the nation and loyalty to the State, and

(ii) undertaken to faithfully observe the laws of the State and to respect its democratic values..

(2) The conditions specified in paragraphs (a) to (e) of subsection (1) are referred to in this Act as conditions for naturalisation.

(3)³³ In this section “applicant” means, in relation to an application for a certificate of naturalisation by a minor, the parent or guardian of, or person who is *in loco parentis* to, the minor.

³⁴(4) In this section and section 15A, ‘citizenship ceremony’ means a ceremony, held before a judge, or a retired judge, of the District Court, Circuit Court, High Court or Supreme Court, or such other person as may be designated for that purpose by the Minister, at a place and in a form approved by the Minister, at which the applicant has made the declaration and undertaking referred to in subsection (1)(e) or section 15A(1)(h).

Naturalisation of spouses of Irish citizens.

³⁵15A.—(1) Notwithstanding the provisions of *section 15*, the Minister may, in his or her absolute discretion, grant an application for a certificate of naturalisation to the non-national spouse or civil partner of an Irish citizen if satisfied that the applicant—

(a) is of full age,

(b) is of good character,

²⁹ “Alien” repl. 15/201 s. 8(a).

³⁰ Section replaced by 23/1986 s. 4

³¹ Para. repl. 38/2004 s. 8

³² Para. repl. 23/2011 s.33(b)(i)

³³ Subs. ins. 38/2004 s. 8

³⁴ Subs. ins. 23/2011 s. 33(b)(ii)

³⁵ Section substituted 23/2011 s.33(c)

(c) and that citizen—

- (i) are married to each other, have been married to each other for a period of not less than 3 years, and are living together, as attested to by affidavit submitted by the citizen to the Minister in the prescribed form, or
- (ii) are civil partners of each other, have been civil partners of each other for a period of not less than 3 years, and are living together, as attested to by affidavit submitted by the citizen to the Minister in the prescribed form,

(d) is, in the case of a spouse, in a marriage recognised under the laws of the State as subsisting,

(e) had, immediately before the date of the application, a period of one year's continuous residence in the island of Ireland,

(f) had, during the 4 years immediately preceding that period, a total residence in the island of Ireland amounting to 2 years,

(g) intends in good faith to continue to reside in the island of Ireland after naturalisation, and

(h) has, before a judge of the District Court in open court, in a citizenship ceremony or in such manner as the Minister, for special reasons, allows—

- (i) made a declaration, in the prescribed manner, of fidelity to the nation and loyalty to the State, and
- (ii) undertaken to faithfully observe the laws of the State and to respect its democratic values.

(2) The Minister may, in his or her absolute discretion, waive the conditions at *paragraph (c), (e), (f) or (g) of subsection (1)* or any of them if satisfied that the applicant would suffer serious consequences in respect of his or her bodily integrity or liberty if not granted Irish citizenship.

(3) *Paragraph (g) of subsection (1)* shall not apply to an applicant for a certificate of naturalisation to whom

subsection (4) applies.

(4) Any period of residence outside the island of Ireland, during which—

(a) the applicant for a certificate of naturalisation to which this section applies was—

- (i) married to and living with his or her spouse, or
- (ii) in a civil partnership with and living with his or her civil partner, and

(b) the applicant's spouse or, as the case may be, civil partner was in the public service, shall be reckoned as a period of residence in the island of Ireland for the purposes of calculating—

- (i) continuous residence under *paragraph (e) of subsection (1)*, or
- (ii) total residence under *paragraph (f) of that subsection*.

Power to dispense with conditions of naturalisation in certain cases.

16³⁶.—The Minister may, in his absolute discretion, grant an application for a certificate of naturalisation in the following cases, although the conditions for naturalisation (or any of them) are not complied with:

- (a) where the applicant is of Irish descent or Irish associations;
- (b) where the applicant is a parent or guardian acting on behalf of a minor of Irish descent or Irish associations;
- (c) where the applicant is a naturalised Irish citizen acting on behalf of a minor child of the applicant;

*[(d) and (e) repealed]*³⁷

³⁶ Section repl. 23/1986 s. 5

- (f) where the applicant is or has been resident abroad in the public service;
- (g) where the applicant is a person who is a refugee within the meaning of the United Nations Convention relating to the Status of Refugees of the 28th day of July 1951 and the Protocol Relating to the Status of Refugees of the 31st day of January 1967 or is a Stateless person within the meaning of the United Nations Convention relating to the Status of Stateless Persons of the 28th day of September 1954.

(2)³⁸ For the purposes of this section a person is of Irish associations if—

- (a) he or she is related by blood, affinity or adoption to,³⁹ or is the civil partner of, a person who is an Irish citizen or entitled to be an Irish citizen, or
- (b) he or she was related by blood, affinity or adoption to,⁴⁰ or was the civil partner of, a person who is deceased and who, at the time of his or her death, was an Irish citizen or entitled to be an Irish citizen.

Calculation of period of residence in relation to application for naturalisation.

16A.⁴¹—(1)⁴² A period of residence in the State shall not be reckoned when calculating a period of residence for the purposes of granting a certificate of naturalisation if—

- (a) it is in contravention of section 5(1) of the Act of 2004,
- (b) it is in accordance with a permission given to a person under section 4 of the Act of 2004 for the purpose of enabling him or her to engage in a course of education or study in the State, or
- (c) it consists of a period during which a person (other than a person who was, during that period, a national of a Member State, an EEA state or the Swiss Confederation) referred to in subsection (2) of section 9 (amended by section 7(c)(i) of the Act of 2003) of the Act of 1996 is entitled to remain in the State in accordance only with the said subsection.

(2) This section does not apply to a person to whom the provisions of the Aliens Act, 1935, do not apply by virtue of an order made under section 10 of that Act.

(3) This section does not apply in the calculation of a period of residence in the State for the purposes of an application for a certificate of naturalisation made before [30 November 2002].

Form of application.

⁴³17.—An application for a certificate of naturalisation shall be—

- (a) in the prescribed form, and
- (b) accompanied by—
 - (i) such fee (if any) as may be prescribed, and
 - (ii) such evidence (including statutory declarations) to vouch the application as the Minister may require.

(2)⁴⁴ [*repealed*]

³⁷ Paragraphs r. 15/2001 s.8(b).

³⁸ Subs. ins. 38/2004 s.10

³⁹ Reference to “civil partner” inserted 23/2011 s. 33(d)(i)

⁴⁰ Reference to “civil partner” inserted 23/2011 s. 33(d)(ii)

⁴¹ Section ins. 15/2001 s. 6 with effect from 30 November 2002.

⁴² Subs. repl. 38/2004 s. 11

⁴³ Section substituted 23/2011 s.33(e)

⁴⁴ Subsection repealed 38/2004 s. 12

Effect and operation of certificate of naturalisation.

18.—(1) Every person to whom a certificate of naturalisation is granted shall, from the date of issue and so long as the certificate remains unrevoked, be an Irish citizen.

(2) A certificate of naturalisation shall be in the prescribed form and be issued on payment of the prescribed fee, and notice of issue shall be published in the prescribed manner in *Iris Oifigiúil*.

Revocation of certificates of naturalisation.

19.—(1) The Minister may revoke a certificate of naturalisation if he is satisfied—

- (a) that the issue of the certificate was procured by fraud, misrepresentation whether innocent or fraudulent, or concealment of material facts or circumstances, or
- (b) that the person to whom it was granted has, by any overt act, shown himself to have failed in his duty of fidelity to the nation and loyalty to the State, or
- (c)⁴⁵ that (except in the case of a certificate of naturalisation which is issued to a person of Irish descent or associations) the person to whom it is granted has been ordinarily resident outside the State or, in the case of an application for a certificate of naturalisation granted under section 15A, resident outside the island of Ireland (otherwise than in the public service) for a continuous period of seven years and without reasonable excuse has not during that period registered annually in the prescribed manner his name and a declaration of his intention to retain Irish citizenship with an Irish diplomatic mission or consular office or with the Minister, or
- (d) that the person to whom it is granted is also, under the law of a country at war with the State, a citizen of that country, or
- (e) that the person to whom it is granted has by any voluntary⁴⁶ act, other than marriage or entry into a civil partnership, acquired another citizenship.

(2) Before revocation of a certificate of naturalisation the Minister shall give such notice as may be prescribed to the person to whom the certificate was granted of his intention to revoke the certificate, stating the grounds therefor and the right of that person to apply to the Minister for an inquiry as to the reasons for the revocation.

(3) On application being made in the prescribed manner for an inquiry under subsection (2) the Minister shall refer the case to a Committee of Inquiry appointed by the Minister consisting of a chairman having judicial experience and such other persons as the Minister may think fit, and the Committee shall report their findings to the Minister.

(4) Where there is entered in a certificate of naturalisation granted to a person under the Act of 1935 the name of any child of that person, such entry shall for the purposes of this Act be deemed to be a certificate of naturalisation under the Act of 1935.

(5) A certificate of naturalisation granted or deemed under subsection (4) to have been granted under the Act of 1935 may be revoked in accordance with the provisions of this section and, upon such revocation, the person concerned shall cease to be an Irish citizen.

(6) Notice of the revocation of a certificate of naturalisation shall be published in *Iris Oifigiúil*.

⁴⁷Acquisition of citizenship by person who is married or a civil partner.

20.—Acquisition of Irish citizenship by a person shall not of itself confer Irish citizenship on his or her spouse or civil partner.

⁴⁵ Para. am. 15/2001 s. 8(c).

⁴⁶ Reference to “civil partnership” inserted 23/2011 s.33(f)

⁴⁷ Section replaced by 23/2011 s.33(g)

PART IV
LOSS OF CITIZENSHIP

Renunciation of citizenship.

21.—(1)⁴⁸ If an Irish citizen of full age is or is about to become a citizen of another country and for that reason desires to renounce citizenship, he or she may do so, if ordinarily resident outside the State, by lodging with the Minister a declaration of alienage in the prescribed manner, and, upon lodgment of the declaration or, if not then a citizen of that country, upon becoming such, shall cease to be an Irish citizen.

(2) An Irish citizen may not, except with the consent of the Minister, renounce Irish citizenship under this section during a time of war as defined in Article 28.3.3⁰ of the Constitution.

⁴⁹Non-effect of death or loss of citizenship on person's spouse, civil partner or children.

22.—(1) The death of an Irish citizen shall not affect the citizenship of his or her surviving spouse, civil partner or children.

(2) Loss of Irish citizenship by a person shall not of itself affect the citizenship of his or her spouse, civil partner or children.

⁵⁰Marriage or civil partnership not to effect loss of citizenship.

23.—A person who marries, or enters into a civil partnership with, a non-national shall not, merely by virtue of the marriage or civil partnership, cease to be an Irish citizen, whether or not he or she acquires the nationality of the non-national.

Loss of citizenship by operation of foreign law under section 21 of Act of 1935.

24.—No person shall be deemed ever to have lost Irish citizenship under section 21 of the Act of 1935 merely by operation of the law of another country whereby citizenship of that country is conferred on that person without any voluntary act on his part.

Preservation of obligations on cesser of citizenship.

25.—If a person ceases to be an Irish citizen the cesser of his citizenship shall not of itself operate to discharge any obligation, duty or liability undertaken, imposed or incurred before the cesser.

PART V
GENERAL

Mutual citizenship rights.

26.—(1) Where the Government are satisfied that under the law of another country (whether by virtue of a convention between that country and the State or otherwise) Irish citizens enjoy in that country some or all of the rights and privileges of a citizen of that country, the Government may by order (in this section referred to as a citizenship rights order) declare that citizens of that country shall enjoy in the State similar citizenship rights and privileges to those enjoyed by Irish citizens in that country, but subject to such conditions (if any) as the Government may think fit to impose.

⁴⁸ Subsection replaced by 23/1986 s. 7

⁴⁹ Section replaced by 23/2011 s.33(h)

⁵⁰ Section replaced by 23/2011 s.33(i)

(2) Every citizenship rights order shall have effect in accordance with its terms.

(3) The Government may by order revoke or amend an order under this section.

(4) The Government shall not, by a citizenship rights order, confer upon a citizen of another country any right or privilege reserved by law to any class or group of persons, howsoever defined, of which he is, at the relevant time, not a member.

(5) Every order under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling the order is passed by either House within the next twenty-one days after that House has sat after the order was laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

(6) Every order made before the passing of this Act under section 23 of the Act of 1935 conferring citizenship rights on the citizens of another country shall continue in full force and effect until revoked or amended by an order made under this section.

Registry of births abroad.

27.—(1)⁵¹ A foreign births entry book shall be kept at such Irish diplomatic missions and consular offices as the Minister for Foreign Affairs may, from time to time, specify in regulations.

(1A) A foreign births register shall be kept in the Department of Foreign Affairs in Dublin.

(2)⁵² The birth outside the island of Ireland of a person deriving citizenship through a father or mother so born may be registered, in accordance with the foreign births regulations, either in any foreign births entry book or in the foreign births register, at the option of the person registering the birth.

(3) Particulars of all births entered in a foreign births entry book shall be transmitted, from time to time, in accordance with the foreign births regulations, to the Department of Foreign Affairs⁵³ for entry in the foreign births register.

(4) A document purporting to be a copy of an entry in a foreign births entry book or in the foreign births register, and to be duly authenticated, shall be admitted in evidence without proof of the signature or seal whereby it is authenticated or of the authority of the person whose signature or seal appears thereon and shall, until the contrary is proved, be deemed a true copy of the entry and accepted as proof of the fact and terms thereof.

(5)⁵⁴ The Minister for Foreign Affairs may make regulations (in this Act referred to as the foreign births regulations) respecting the form and manner of keeping of foreign births entry books and the foreign births register, the registration of births therein, the amendment or deletion of incorrect entries therein, the transmission of particulars of births from foreign births entry books for entry in the foreign births register, the inspection of the books and register by the public, the furnishing of extracts therefrom, and (with the consent of the Minister for Finance) the fees (if any) to be charged for registration of births in the books and register, for the inspection thereof and for furnishing extracts therefrom.

(6)⁵⁵ Where the foreign births regulations provide for the amendment or deletion of incorrect entries made in any foreign births entry book or the foreign births register, the regulations may, at the discretion of the Minister for Foreign Affairs, also provide for notice to be given and the time in which notice shall be given, before any such proposed amendment or deletion is made, to any person (whose whereabouts is known and can readily be found) affected by the proposal and the manner, the time in which and to whom representations may be made in respect of the proposal by any such person.

⁵¹ Subss. (1) and (1A) repl. 15/2001 s. 7(a).

⁵² Am. 15/2002 s. 7(b).

⁵³ Dept. title am. 15/2001 s. 7(c).

⁵⁴ Subs. am. 15/2001 s. 7(d) and (e).

⁵⁵ Subs. ins. 15/2001 s. 7(f).

Certificates of nationality.

28.—(1) Any person who claims to be an Irish citizen, other than a naturalised Irish citizen, may apply to the Minister or, if resident outside the island of Ireland⁵⁶, to any Irish diplomatic officer or consular officer for a certificate, of nationality stating that the applicant is, at the date of the certificate, an Irish citizen; and the Minister or officer, if satisfied that—

(a) the applicant is an Irish citizen, and

(b) the issue of the certificate is necessary in all the circumstances of the case,

may issue a certificate of nationality to him accordingly.

(2) A document purporting to be a certificate of nationality, duly authenticated by the seal of the Minister or of a diplomatic or consular officer shall, until the contrary is proved, be evidence that the person named therein was, at the date thereof, an Irish citizen.

⁵⁷(3) The Minister may revoke a certificate of nationality if he or she is satisfied that the issue of the certificate was obtained by fraud, misrepresentation (including innocent misrepresentation) or failure to disclose material information.

Applications for certificates of nationality by persons to whom section 6A applies

28A.⁵⁸—(1) A person who makes an application under section 28 shall make and provide to the Minister or an Irish diplomatic or consular officer a declaration in such manner as may be prescribed that his or her parent resided in Northern Ireland for such period as is stated in that declaration.

(2) The Minister or an Irish diplomatic or consular officer may require a person who makes an application under section 28 to produce to him or her—

(a) documents of such a class as may be prescribed, or

(b) such other documents as he or she considers necessary or expedient to enable him or her to perform his or her functions under this section.

(3) For the purposes of this section different classes of documents may be prescribed in respect of different classes of person making an application under section 28.

(4) This section applies to a person who claims to be entitled to be an Irish citizen under section 6A(1) by virtue of one of his or her parents having resided—

(a) in Northern Ireland for a period of not less than 3 years or periods the aggregate of which is not less than 3 years, or

(b) in Northern Ireland and the State for periods the aggregate of which is not less than 3 years,

but shall not include a person one of whose parents was, during the entire of that period or those periods and at the time of the person's birth, a national of a Member State, an EEA state or the Swiss Confederation.

(5) An application under section 28 in respect of a minor shall be made on his or her behalf by his or her parent or guardian, or by a person who is *in loco parentis* to him or her.

(6) An application under section 28 in respect of a person who is suffering from a mental incapacity shall be made on his or her behalf by a person duly authorised to act on his or her behalf.

Extension to all citizens of statutory rights conferred on persons born in Ireland.

29.⁵⁹—An Irish citizen, wherever born, shall be entitled to all the rights and privileges conferred by the terms of any enactment on persons born in the State.

⁵⁶ Am. 15/2001 s. 8(e).

⁵⁷ Subs. ins. 38/2004 s. 13

⁵⁸ Section ins. 38/2004 s. 14

Offences.

29A.⁶⁰—A person who knowingly or recklessly makes (whether in the State or outside the State)—

(a) a declaration under this Act, or

(b) a statement for the purposes of any application under this Act,

that is false or misleading in any material respect shall be guilty of an offence and shall be liable—

(i) on summary conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding 12 months, or to both, or

(ii) on conviction on indictment to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years, or to both.

Fees payable on declaration.

30.—Whenever any person is by this Act required or empowered to make a declaration for the purposes of this Act, regulations made under this Act may require that such person shall pay, on the making of such declaration, such fee as may be prescribed.

Collection and disposal of fees.

31.—(1) All fees payable under this Act shall be collected and taken in such manner as the Minister for Finance shall, from time to time, direct and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the said Minister.

(2) The Public Offices Fees Act, 1879, shall not apply in respect of any fees payable under this Act.

⁵⁹Am. 15/2001 s. 8(f).

⁶⁰Section ins. 38/2004 s.15