

No. 26/1956: IRISH NATIONALITY AND CITIZENSHIP ACT, 1956

PART I PRELIMINARY

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

2. —In this Act—

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

"alien" means a person who is not an Irish citizen;

"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;

"foreign aircraft" means an aircraft which is not an Irish aircraft;

"foreign ship" means a ship which is not an Irish ship.

"full age" means the age of twenty-one years, and upwards;

"Ireland" means the national territory as defined in Article 2 of the Constitution.

"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;

"the Minister" means the Minister for Justice;

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

"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.

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.

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.

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

6.—(1) Every person born in Ireland is an Irish citizen from birth.

(2) Every person is an Irish citizen if his father or mother was an Irish citizen at the time of that person's birth or becomes an Irish citizen under subsection (1) or would be an Irish citizen under that subsection if alive at the passing of this Act.

(3) In the case of a person born before the passing of this Act, subsection (2) applies from the date of its passing. In every other case, it applies from birth.

(4) A person born before the passing of this Act whose father or mother is an Irish citizen under subsection (2), or would be if alive at its passing, shall be an Irish citizen from the date of its passing.

(5) Subsection (1) shall not confer Irish citizenship on the child of an alien who, at the time of the child's birth, is entitled to diplomatic immunity in the State.

7.—(1) Pending the re-integration of the national territory, subsection (1) of section 6 shall not apply to a person, not otherwise an Irish citizen, born in Northern Ireland on or after the 6th December, 1922, unless, in the prescribed manner, that person, if of full age, declares himself to be an Irish citizen or, if he is not of full age, his parent or guardian declares him to be an Irish citizen. In any such case, the subsection shall be deemed to apply to him from birth.

(2) Neither subsection (2) nor (4) of section 6 shall confer Irish citizenship on a person born outside Ireland if the father or mother through whom he derives

citizenship was also born outside Ireland, unless—

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

(b) his father or mother, as the case may be, was at the time of his birth resident abroad in the public service.

8.—(1) A woman who is an alien at the date of her marriage to a person who is an Irish citizen (otherwise than by naturalisation) shall not become an Irish citizen merely by virtue of her marriage, but may do so by lodging a declaration in the prescribed manner with the Minister, or with any Irish diplomatic mission or consular office, either before or at, any time after the marriage accepting Irish citizenship as her post-nuptial citizenship.

(2) A woman who lodges a declaration under subsection (1) shall be an Irish citizen from the date of her marriage, if the declaration was lodged before the marriage, or if lodged thereafter, then from the date of lodgment.

(3) A woman 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.

9.—A child born posthumously whose father was on the date of his death an Irish citizen shall acquire Irish citizenship under this Act on the same conditions as if his father were alive when he was born.

10.—Every deserted infant first found in the State shall, unless the contrary is proved, be deemed to have been born in Ireland.

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.

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*.

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

(2) A person who is born the child of aliens in a foreign ship or in a foreign aircraft while the ship or aircraft is within Ireland or its territorial seas is deemed not to be

born in Ireland, if at the birth the child acquired the citizenship of another country.

PART III NATURALISATION

14. —Irish citizenship may be conferred on an alien by means of a certificate of naturalisation granted by the Minister.

15. —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 complies with the following conditions (in this Act referred to as conditions for naturalisation):

(*a*) he is of full age;

(*b*) he is of good character;

(*c*) he has (in the case of application made after the expiration of one year from the passing of this Act) given notice of his intention to make the application at least one year prior to the date of his application;

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

(*e*) he intends in good faith to continue to reside in the State after naturalisation;

(*f*) he has made, either before a Justice of the District Court in open court or in such manner as the Minister, for special reasons, allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

16. —The Minister may, if he thinks fit, 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 his minor child;

(*d*) where the applicant is a woman who is married to a naturalised Irish

citizen;

(e) where the applicant is married to a woman who is an Irish citizen (otherwise than by naturalisation);

(f) where the applicant is or has been resident abroad in the public service.

17. —(1) An application for a certificate of naturalisation shall—

(a) be in the prescribed form, and

(b) be accompanied by such evidence (including statutory declarations) to vouch the application as the Minister may require.

(2) If any person, for the purposes of or in relation to an application for a certificate of naturalisation, gives or makes to the Minister any statement or information which is to his knowledge false or misleading in any material respect, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and imprisonment.

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*.

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) 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 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 voluntary act other than marriage 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*.

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

PART IV LOSS OF CITIZENSHIP

21. —(1) If an Irish citizen, who is either of full age or a married woman under that 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.

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

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

23. —A person who marries an alien shall not, merely by virtue of the marriage, cease

to be an Irish citizen, whether or not he or she acquires the nationality of the alien.

24. —No person shall be deemed over 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.

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

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.

(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.

27. —(1) A foreign births entry book shall be kept in every Irish diplomatic mission and consular office and a foreign births register shall be kept in the Department of External Affairs in Dublin.

(2) The birth outside Ireland of a person deriving citizenship through a father or mother born outside Ireland 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 External Affairs 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) The Minister for External 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 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.

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 Ireland, 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.

29. —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 Ireland.

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.

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.