



BILLE NAÍSIÚNTACHTA AGUS SAORÁNACHTA ÉIREANN,
1985
IRISH NATIONALITY AND CITIZENSHIP BILL, 1985

*Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann*

ARRANGEMENT OF SECTIONS

Section

1. Definition.
 2. Amendment of section 7 of Act of 1956.
 3. Acquisition of citizenship on marriage.
 4. Conditions for issue of certificate.
 5. Power to dispense with conditions of naturalisation in certain cases.
 6. Amendment of section 17 of Act of 1956.
 7. Amendment of section 21 of Act of 1956.
 8. Transitional provision.
 9. Short title, collective citation and construction.
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ACT REFERRED TO
Irish Nationality and Citizenship Act, 1956

1956, No. 26



BILLE NÁISIÚNTACHTA AGUS SAORÁNACHTA ÉIREANN,
1985
IRISH NATIONALITY AND CITIZENSHIP BILL, 1985

BILL

entitled

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AN ACT TO AMEND AND EXTEND THE IRISH NATIONALITY AND CITIZENSHIP ACT, 1956.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definition.

1.—In this Act “the Act of 1956” means the Irish Nationality and Citizenship Act, 1956. 10

Amendment of section 7 of Act of 1956.

2.—Section 7 of the Act of 1956, which relates to formalities to be complied with in certain cases, is hereby amended by the insertion of the following proviso after paragraph (b) of subsection (2):

“Provided that the citizenship of a person who, after the passing of the *Irish Nationality and Citizenship Act, 1986*, is registered under section 27 shall commence only as on and from the date of such registration.” 15

Acquisition of citizenship on marriage.

3.—The following section is hereby substituted for section 8 of the Act of 1956:

“8.—(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 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— 25 30

(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. 35

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

5 (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.”.

10 4.—The following section is hereby substituted for section 15 of the Act of 1956: Conditions for issue of certificate.

“15.—(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—

- 15 (a) is of full age;
- (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;
- 20 (d) intends in good faith to continue to reside in the State after naturalisation; and
- 25 (e) 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.

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

5.—The following section is hereby substituted for section 16 of the Act of 1956: Power to dispense with conditions of naturalisation in certain cases.

35 “16.—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:

- 40 (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) where the applicant is married to a naturalised Irish citizen;
- 45 (e) where the applicant is married to a person who is an Irish citizen (otherwise than by naturalisation);

- (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.”

Amendment of section 17 of Act of 1956.

6.—Section 17 of the Act of 1956 is hereby amended by the substitution of the following subsection for subsection (2):

“(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 five hundred pounds or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and imprisonment.”

Amendment of section 21 of Act of 1956.

7.—Section 21 of the Act of 1956 is hereby amended by the substitution of the following subsection for subsection (1):

“(1) 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.”

Transitional provision.

8.—For the period of six months commencing on the passing of this Act, any person who but for this Act could become an Irish citizen may continue to do so.

Short title, collective citation and construction.

9.—(1) This Act may be cited as the Irish Nationality and Citizenship Act, 1986.

(2) The Act of 1956 and this Act may be cited together as the Irish Nationality and Citizenship Acts, 1956 and 1986.

(3) The Act of 1956 and this Act shall be construed together as one Act.

BILLE NÁISIÚNTACHTA AGUS
SAORÁNACHTA ÉIREANN, 1985

BILLE

dá ngairtear

Acht do leasú agus do leathnú Acht Náisiúntachta
agus Saoránachta Éireann, 1956.

An tAire Dlí agus Cirt a thólaic

*Ritheadh ag Dáil Éireann ,
4 Meitheamh, 1986*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,
Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath
2, nó trí aon díoltóir leabhar.

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IRISH NATIONALITY AND CITIZENSHIP
BILL, 1985

BILL

entitled

An Act to amend and extend the Irish Nationality
and Citizenship Act, 1956.

Presented by the Minister for Justice

*Passed by Dáil Éireann ,
4th June, 1986*

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