



New Zealand House of Representatives
Te Whare Māngai o Aotearoa

Petitions Committee

Komiti Whiriwhiri Take Petihana

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Petition of Laura Ancell: Allow children of parents born out of wedlock to apply for citizenship

Presented to the House of Representatives
by Greg Fleming, Deputy Chairperson

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Petition of Laura Ancell

Recommendation

The Petitions Committee has considered the petition of Laura Ancell—Allow children of parents born out of wedlock to apply for citizenship—and recommends to the Government that, when reviewing citizenship policy, it amend section 9 of the Citizenship Act 1977.

Request for children whose parents were born out of wedlock to be eligible for citizenship

The petition was signed by 190 people, and was presented to the House on 24 September 2024 by Ricardo Menéndez March. It requests:

That the House of Representatives amend the Citizenship Act 1977 to allow people whose parents were not New Zealand citizens by descent due to having been born out of wedlock to apply for citizenship under section 9(1)(b) of the Act.

Comments from the petitioner

Personal story

At the hearing, Ms Ancell showed us photos of her father and grandfather. Ms Ancell's father was born in Brighton, England in 1946. Her father's father, her grandfather, was a member of the Royal New Zealand Air Force in England at the end of the Second World War. He was repatriated to New Zealand before Ms Ancell's grandmother realised she was pregnant. She raised her son, the petitioner's father, in the UK. He never knew his New Zealand biological father.

Ms Ancell's father died when she was young, and she had promised him she would identify his biological father, her grandfather. Ms Ancell told us this set her on a quest, and she eventually discovered that her grandfather was a New Zealander. She used hospital-stored cancer biopsy samples from both her deceased father and her deceased grandfather to prove her lineage through DNA.

Applying for citizenship

At the time of Ms Ancell's father's birth in the UK he would not have been eligible for New Zealand citizenship, despite having a New Zealand father. Because he was born to unmarried parents, he was ineligible under the British Nationality and New Zealand Citizenship Act 1948 (the 1948 Act).

Ms Ancell grew up in the UK but formed a connection with New Zealand. The petitioner told us that it took her two applications over three years and eight months to be granted New Zealand citizenship. In the first instance, Ms Ancell applied for citizenship under section

9(1)(b) of the Citizenship Act 1977 (the 1977 Act).¹ This provides for individuals “whose father or mother was, at the time of that person’s birth, a New Zealand citizen by descent” to be granted citizenship. The petitioner said her application was turned down due to her father not being a New Zealand citizen.

Ms Ancell told us she thinks it is wrong that her father’s parents not having been married when he was born affected her application for citizenship now. Therefore, she made a complaint to the Human Rights Commission, on the basis that she was discriminated against because of her grandparents’ marital status.

In response to Ms Ancell’s complaint, the Department of Internal Affairs suggested she reapply for citizenship under section 9(1)(c). This section allows for the Minister of Internal Affairs to grant citizenship if there are “exceptional circumstances of a humanitarian or other nature”. The petitioner did as suggested and was granted citizenship. Ms Ancell expressed her gratitude at having been made a citizen but is frustrated that it was not possible under the descent provision.

The petitioner emphasised that she was not petitioning for herself, but for others who found themselves in similar circumstances.

Requested amendments to the Citizenship Act 1977

The petitioner has requested that section 9 of the 1977 Act be amended to ensure others are not prevented from becoming citizens due to their parents’ or grandparents’ marital status. She asks that:

- individuals who have a parent who was not made a New Zealand citizen due to the marital status of their parents be eligible for citizenship
- individuals born to unmarried parents be acknowledged as citizens, including posthumously, and, if applicable, be allowed to apply for citizenship
- any changes apply, regardless of whether the parent now eligible for citizenship was the mother or father.

Ms Ancell outlined five key reasons she is asking for these changes:

- She believes the law discriminates against people whose parents were not married at the time of their birth. These circumstances are out of their control. This, she says, is inconsistent with New Zealand’s commitments to equality enshrined in legislation such as the New Zealand Bill of Rights Act 1990. Although the current Citizenship Act does not require parents to be married for a child to receive New Zealand citizenship by descent, older provisions still apply to people born when those laws were in place, such as the petitioner’s father.
- The petitioner noted that family law has evolved since the enactment of the Citizenship Act in 1977. The Family Court and legal practices no longer consider the marital status of a child’s parents. Children born to New Zealand citizens today can receive citizenship by descent even if their parents are not married.

¹ Citizenship Act 1977 No 61 (as at 26 November 2024), Public Act – New Zealand Legislation.

- Ms Ancell argues that societal norms that make assessments based on marriage are outdated. She would like the historical harm of such policies righted.
- Ms Ancell believes citizenship is fundamental to a person's identity, and denying citizenship denies connections to heritage. She added that tikanga Māori concepts of whanaungatanga (relationships) and whakapapa and mana (authority and influence) are highly valued.
- The petitioner is concerned about individuals like her, who have been affected by the 1948 Act, and their ability to live, work, and vote in New Zealand.

Ms Ancell explained that she sees her requested changes as giving people an opportunity that was previously unavailable.

Comments from the Department of Internal Affairs

We invited the Department of Internal Affairs | Te Tari Taiwhenua (DIA) to make written and oral submissions. The department acknowledged Ms Ancell's work in this area. It noted that it was unable to specifically comment on her case or the Minister's decision publicly as this information is confidential. However, it said that the department has improved its practices based on the petitioner's experience.

Policy and administration of the Citizenship Act 1977

DIA explained that New Zealand citizenship is an enduring relationship between a citizen and the country. Citizens can live, work, and stand for election in New Zealand. They can acquire and use a New Zealand passport.

The department manages and processes applications under the Citizenship Act 1977. Citizenship can be granted in four ways:

- by birth—when a person is born in New Zealand to at least one parent entitled to reside in New Zealand indefinitely (section 6)
- by descent—when a person is born overseas to at least one parent who is a New Zealand citizen not by descent (section 7)
- by grant—the Minister of Internal Affairs may grant citizenship to an individual who meets the requirements set out in this section (section 8)
- by Ministerial discretion—the Minister of Internal Affairs may grant citizenship to an individual who does not meet the requirements of section 8 (section 9).

Citizenship restrictions for children born out of wedlock

Before the Citizenship Act 1977, the British Nationality and New Zealand Citizenship Act 1948 was in force. During this period, a child would be a citizen if their father was a citizen at the time of their birth. The 1948 Act defined a "child" as someone who was "legitimate"—born to married parents.

A later Act changed the status of children born to unwed parents to be legally equal with children whose parents were married. It also removed references to legitimacy from the 1948 Act.

However, DIA explained that these amendments only granted citizenship by descent to children whose fathers were married at the time of their conception, birth, or between their conception and birth. The Citizenship Act 1977 changed this: children born overseas to unmarried New Zealand citizens after 1977 are automatically citizens.

Implications of the petition request

DIA told us its four main concerns about the practicality of the petitioner's request.

It said that Ms Ancell's request raises questions about New Zealand's broader citizenship settings. For example, individuals born overseas might have parents who did not register for citizenship for reasons unrelated to their marital status.

Secondly, DIA is confident that the 1977 Act already enables individuals born out of wedlock overseas, and their descendants, to apply for citizenship. This is under section 9(1)(c), the same way Ms Ancell was able to obtain her citizenship. The department emphasised that being granted citizenship under section 9(1)(b)—by descent—is not automatic. Like section 9(1)(c), the decision to grant citizenship by descent is at the Minister's discretion. DIA mentioned that it is comparatively rare for the Minister to review a citizenship application. It estimated that 500 applications out of 25,000 are reviewed. When a Minister's decision is required, the Minister of Internal Affairs can waive any or all requirements.

The department told us that it was not aware of any other cases like Ms Ancell's, and believes the situation is uncommon. DIA is not sure how many cases were previously declined citizenship due to illegitimacy. Therefore, DIA argued that it was not clear how the petition request would affect people seeking New Zealand citizenship, or its workload.

DIA described the necessary work if we recommended that the Government take action on the petition's request. It would need to review the relevant legislation and run a public consultation. Reviewing the Citizenship Act 1977 is not in its workplan.

During the hearing, we were interested to hear about potential implications of the requested law change on individuals who were adopted, or donor-conceived people. DIA explained that in both cases the birth parent or donor does not pass on their citizenship. The legal bond between someone who donates their gamete—sperm or egg cells—and their biological child is severed. Similarly, when a child is adopted the legal bond with any birth parents ceases.

Further comments from the petitioner

The petitioner responded to some of DIA's comments. Ms Ancell worked with a lawyer to address concerns expressed by the department.

Ms Ancell was granted citizenship by Ministerial discretion. The petitioner does not believe that all cases which involve parents or grandparents born out of wedlock before 1977 would meet the threshold required for citizenship to be granted in this way. The 1977 Act describes the threshold as "exceptional circumstances of a humanitarian or other nature". Ms Ancell acknowledges that she was in a privileged position, having lived in New Zealand previously. She believes that the ties she built with her whakapapa may have helped her case. The petitioner argues that others would not have the opportunity to live in New Zealand by means other than being granted citizenship.

Ms Ancell is not convinced by DIA's argument that her proposed amendments to the 1977 Act could increase the department's workload. It was our understanding that DIA was referring to the work involved in changing the legislation and related operational processes rather than processing applications resulting from the proposed amendments.

The petitioner considers that processing applications under section 9(1)(c) would be more time consuming for DIA because it must provide advice to the Minister of Internal Affairs. She thinks her change would not affect the number of people eligible for citizenship but would make the consideration of this type of citizenship application easier.

Further, the petitioner is concerned that DIA had made slightly different comments about the number of people in this situation in previous correspondence. She said she had received a letter from DIA that said "while Laura's circumstances are exceptional to her, they are not necessarily rare or out of the ordinary to the department". We think this highlights DIA's point that it is unsure of the numbers involved.

The petitioner provided suggested wording to change the Citizenship Act 1977. Ms Ancell said that it is a minor amendment which would not require a full review, or major changes to DIA's workplan as the department suggested.

Our response to the petition

We thank Ms Ancell for bringing this issue to our attention, and for having the courage to share her personal history. We are impressed by her determination to become a New Zealand citizen and her desire to help others in a similar situation.

We agree with the petitioner that citizenship should not only pass to people whose parents are married. We were reassured to know that people who, like Ms Ancell, are determined to become citizens have a way to do so through section 9(1)(c) of the Citizenship Act 1977.

However, gathering evidence to reach the threshold required for the decision to be taken by a Minister takes time and resources. The petitioner acknowledged that she was lucky to have these, and we agree that not everybody will. We also think that the Government should correct the unfair distinction between people whose parents were born to married and those born to unmarried parents while the British Nationality and New Zealand Citizenship Act 1948 was in force.

Consequently, we recommend to the Government that, when reviewing citizenship policy, it amend section 9 of the Citizenship Act 1977. The amendments would be to make those born overseas before 1977 to unmarried parents, and where one of their parents was a New Zealand citizen by descent, eligible to apply for citizenship under section 9(1)(b). We think this is important work but not urgent as there is an existing mechanism applicants can use to gain citizenship.

Appendix

Committee procedure

The petition was signed by 190 people. It was presented to the House by Ricardo Menéndez March on 24 September 2024 and referred to us that day. We met between 14 November 2024 and 31 July 2025 to consider it. We received written submissions and heard oral evidence from the petitioner and the Department of Internal Affairs.

Committee members

Greg O'Connor (Chairperson)
Carl Bates (to 29 January 2025)
Kahurangi Carter (from 29 January 2025)
Greg Fleming
Paulo Garcia (from 29 January 2025)
Francisco Hernandez (to 29 January 2025)

Related resources

The documents we received as evidence in relation to this petition are available on [the Parliament website](#).

A recording of our hearing can be accessed online on [the Parliament website](#).