

FORM D

IRISH NATIONALITY AND CITIZENSHIP ACT 1956

Declaration under section 28A of the Act of 1956, by a person who is the guardian of or *in loco parentis* to a person not of full age in respect of whom a certificate of nationality is being sought under section 28 of that Act.

NOTES

- 1) This is a declaration which is required from a person who is the guardian of, or *in loco parentis* to, a child born on or after 1 January 2005 in the island of Ireland, its islands and seas, in respect of periods of residence in Northern Ireland of a parent of the child during the four years preceding the birth of the child, during which periods the relevant parent was **NOT** a national of an EU Member State, a state (other than an EU Member State) that is a contracting party to the EEA Agreement or the Swiss Confederation.
- 2) This declaration is **NOT** required in connection with the entitlement to Irish citizenship of a child born before 1 January 2005 in the island of Ireland, its islands and seas.
- 3) This declaration is **NOT** required in connection with the entitlement to Irish citizenship of a child born on or after 1 January 2005 in the island of Ireland, its islands and seas, where that child had, **at the time of his or her birth**, a parent (or a deceased parent) who was:
 - (a) an Irish citizen or entitled to be an Irish citizen;
 - (b) 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 Immigration Act 2004);
 - (c) a British citizen; or
 - (d) entitled under the immigration laws of the United Kingdom to reside in the United Kingdom (and thus Northern Ireland) without any restriction on his or her period of residence.
- 4) This declaration is **NOT** appropriate in relation to the citizenship entitlement of a child born on or after 1 January 2005 in the island of Ireland, its islands and seas, to parents one of whom was, at the time of the birth, entitled to diplomatic immunity in the State. For children born between 2 December 1999 and 31 December 2004, the correct form of declaration is in Forms 1 and 2 of the Schedule to the Irish Nationality and Citizenship Regulations, 2002 (S.I. No. 567 of 2002).

I..... (Name
in full)

of.....
..... (address)

hereby declare that

(a) I am [the guardian of] [*in loco parentis* to]

..... (name of child in full) of
.....
.....(address)

born at a place in the island of Ireland, its islands and seas,
on (insert date of birth);

(b) his/her [father] [mother] (*delete as appropriate*)
..... (insert name of parent) is/was a
national of (insert name of country of
nationality of father/mother); and

(c) during the period of four years immediately preceding the birth of
..... (*insert name of child in full*) his/her [father] [mother] resided
in Northern Ireland for the following period(s):

from to

from to
(*repeat as necessary*)

during all of which period(s), his/her [father] [mother] was:

- (i) a national of a State other than a Member State of the European Union, the European Economic Area or the Swiss Confederation; and
- (ii) lawfully permitted to be present in that jurisdiction on foot of a permission granted by the immigration authorities of the United Kingdom, which permission was granted to [him] [her] other than for the purpose of:
 - (I) enabling [him] [her] to engage in a course of education or study; or
 - (II) having a claim to be recognised as a refugee within the meaning of the 1951 Geneva Convention relating to the status of refugees and the 1967 Protocol relating to the status of refugees determined by the United Kingdom authorities.

I attach the following documentary evidence in support of the above declaration:

- (a) the birth certificate of the child referred to above;
- (b) documentation verifying that I am the guardian of or *in loco parentis* to the child referred to above;
- (c) the parent's passport showing UK immigration stamps for the relevant period; and
- (d) copies of two of the following in respect of each year of reckonable residence (*six documents in total*) being claimed in respect of the parent:
 - (i) information or correspondence, in writing, from a public body issued to him or her at his or her address in Northern Ireland confirming the payment of income tax or social insurance or relating to the assessment of income tax;
 - (ii) information or correspondence from a public body issued to him or her confirming the provision of any other public service to him or her at his or her address in Northern Ireland;
 - (iii) driving licence issued to him or her at his or her address in Northern Ireland in a year in relation to which a claim of residence in Northern Ireland is being made;

- (iv) information or correspondence from a public body issued to him or her confirming the payment of social security benefits to him or her at his or her address in Northern Ireland;
- (v) information or correspondence issued to him or her relating to the provision to him or her at his or her address in Northern Ireland of public services (gas, electricity, water, telephone, etc);
- (vi) information or correspondence relating to the payment by him or her of rent, mortgage repayments, etc., in respect of his or her dwelling in Northern Ireland;
- (vii) such other documentation as may be required by the Minister for Justice, Equality and Law Reform or the Minister for Foreign Affairs.

I declare that the information given by me in this declaration is correct and that the accompanying documents relate to the parent of(*insert name of child in full*).

Signature (*Mr./Ms.*)

Date.....

Declared and subscribed before me a (*insert qualification**) by the person named above who is personally known to me (or, who is identified to me by.....who is personally known to me).

Signature.....

Name in Block Capitals (*Mr./Ms.*)

Address

.....

.....

Day-time telephone number

Date

IMPORTANT NOTICE

A person who knowingly or recklessly makes (whether in the State or outside the State) a false declaration for citizenship purposes 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.**

** A declaration made under section 28A of the Act shall—*

- (a) if made in the territory of the State, be made before one of the following persons recognised or acting as such within the State:*
 - (i) a notary public,*
 - (ii) a commissioner for oaths,*
 - (iii) a peace commissioner,*
 - (iv) a minister of religion stating his or her denomination and address of place of worship,*
 - (v) a member of Dáil Éireann or Seanad Éireann or a member of the European Parliament for a constituency within the State,*
 - (vi) a member of a local authority for the purposes of the Local Government Act 2001 (No. 37 of 2001),*
 - (vii) a barrister or solicitor,*
 - (viii) a registered medical practitioner for the purposes of the Medical Practitioners Acts 1978 to 2002, or*
 - (ix) a qualified teacher who is a member of the teaching staff of a primary or secondary school or a third level institution,*
- (b) if made in any place other than the territory of the State, be made before one of the following persons:*
 - (i) a person to whom section 5 of the Diplomatic and Consular Officers (Provision of Services) Act 1993 (No. 33 of 1993) applies,*
 - (ii) a notary public,*
 - (iii) any person who is, by the law of the country in which the declaration is made, a commissioner for oaths or other person authorised to take affidavits and for that purpose to administer oaths.*