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# RESIDENCY INFORMATION FOR FAMILY MEMBERS AND PARTNERS OF IRISH CITIZENS

Fact Sheet

January 2012

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**Disclaimer: This leaflet contains guidelines only. Official policy and legislation can change. Check with the Irish Naturalisation and Immigration Service for the latest information: [www.inis.gov.ie](http://www.inis.gov.ie)**

## INTRODUCTION

### 1) *Who is this leaflet for?*

This leaflet provides information on residency in Ireland for:

- the non-EEA (European Economic Area) spouses, civil partners, de facto partners or fiancé(e)s of Irish citizens who are living in Ireland
- the non-EEA spouses, civil partners, de facto partners or fiancé(e)s of Irish citizens who are coming to live in Ireland
- the non-EEA children and other dependents of Irish citizens
- the non-EEA parents of Irish citizens (who are minors)
- the non-EEA spouses, civil partners or de facto partners of Irish citizens who have exercised their EU Treaty Rights in another EU Member State
- the EEA spouses or partners of Irish citizens.

### 2) *As an Irish citizen do I have a legal entitlement to have my non-EEA family members join me in Ireland?*

There is no automatic entitlement under Irish law for an Irish citizen to have their non-EEA spouse, civil partner, de facto partner or other family member to join them in Ireland. If the non-EEA person is already resident in Ireland on a different immigration status, there is also no legal entitlement to residency based on marriage/civil partnership or a relationship with an Irish citizen. However, applications for residency based on marriage/civil partnership or de facto relationship with an Irish citizen can be granted provided certain conditions are fulfilled. These conditions are explained in this factsheet.

**NOTE 1:** *All citizens of non-EEA countries, whether they require a visa or not, are subject to immigration control on arrival in Ireland.*

**NOTE 2:** The European Economic Area consists of the following countries: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom. For immigration purposes Switzerland is also included in this group.

3) *What are the steps for applying for residency based on marriage or partnership with an Irish citizen?*

- 1) The first step is entering Ireland (if you do not already live there)
- 2) The second step is registering with the Garda National Immigration Bureau (GNIB) (if you are not already registered)
- 3) The third step is applying for residency based on your relationship:
  - You should apply **in person** to the **GNIB** if you are the **spouse or civil partner** of an Irish citizen. The GNIB may ask you to make an application to the **Spouse of an Irish National Unit** at the Irish Naturalisation and Immigration Service (INIS)
  - You should apply **in writing** to the **General Immigration Division** at the INIS if you are the **de facto partner** of an Irish citizen.

4) *What is the difference between a **civil partner** of an Irish citizen and a **de facto partner** of an Irish citizen?*

Since the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 came into force on 13<sup>th</sup> January 2011 it means that a same-sex couple can register their relationship and therefore have access to similar rights and entitlements as a married couple.

A **civil partner** is a person in a same-sex relationship which has been registered as a civil partnership in Ireland or a similar legal relationship in another country.

A civil partner and a spouse of an Irish citizen are treated in the same manner for immigration purposes.

A **de facto partner** is a same-sex or opposite-sex partner of an Irish citizen whose relationship is not registered as a civil partnership.

A de facto partner of an Irish citizen is not treated in the same manner as a spouse of an Irish citizen for immigration purposes.

## STEP 1: ENTERING IRELAND

### (A) For the non-EEA spouses and partners of Irish citizens who are citizens of non-visa-required countries

1) *I am the non-EEA **spouse/partner** of an Irish citizen. What do I need to do when I first arrive in Ireland?*

If you are a citizen of a non-visa-required country you do not need an entry visa to enter Ireland.

**NOTE:** *All citizens of non-EEA countries, whether they require a visa or not, are subject to immigration control on arrival in Ireland.*

**IMPORTANT:** You should inform the Immigration Officer at the point of entry of your intention to apply for residency based on your marriage/civil partnership or de facto relationship with an Irish citizen.

You should bring documentation providing a full account of the relationship history and proof of finances with you. If your Irish spouse, civil partner, de facto partner or fiancé(e) is accompanying you they should go with you to the non-EU passport control/immigration counter. The Immigration Officer at the airport usually issues a temporary entrance clearance stamp in your passport.

For a list of countries whose passport holders do not require visas to enter Ireland go to: [www.dfa.ie](http://www.dfa.ie).

### (B) For the non-EEA spouses and partners of Irish citizens who are citizens of visa-required countries

1) *I am the non-EEA **spouse** of an Irish citizen. How do I apply for a visa to come to Ireland?*

All visa applications must be made online. You can access the online form at: <https://www.visas.inis.gov.ie>.

In Section 1 of the visa application form it is important to make it clear that the purpose of the visa application is for you to **join your Irish spouse** and the visa being applied for is a **long-stay (D) visa** (there is no specified time period within which you wish to leave Ireland). When applying for this type of visa you do not need to fill in the proposed date for leaving Ireland only the proposed entry date.

## 2) What documents do I need for my visa application?

**NOTE:** The information in this section is taken from the Irish Naturalisation and Immigration Service website – [www.inis.gov.ie](http://www.inis.gov.ie). Information can change regularly, so check the website before submitting any application to ensure you have the most up-to-date information.

### **Family Member of Irish Citizen - Documents Required**

Source: [www.inis.gov.ie](http://www.inis.gov.ie) (January 2012)

If both you and your Irish spouse are legally resident in a country other than Ireland, and you both wish to move to Ireland, the following documents must be submitted:

- Fully complete the online application form, and submit your signed summary application form, photographs and fee (if applicable)
- In addition to the signed summary application form, please also submit a signed letter of application
  - outlining your reason for coming to Ireland,
  - giving details of any members of your family who are currently in Ireland, or any other EU State.
- Passport, valid for 12 months, and copy of previous passport if applicable. (If your passport is relatively new, it may assist your application if you provide your previous passport showing any previous visas for any other country, and your previous travel history)
- If you have been refused a visa for any other country, details of this must be given. Submit the original letter issued to you by the authorities of that country. Concealment of visa refusals will result in your Irish visa application being refused
- A detailed statement of your bank account covering a six-month period immediately prior to your visa application, and showing sufficient funds to cover your costs
- Clear copy of spouse's passport, or other documentary evidence attesting to spouse's Irish citizenship, showing evidence of residency in country you are moving from
- Marriage Certificate.

### **Children**

If you have children (under 18 years) who do not hold Irish passports, and therefore require a visa, a separate application must be submitted, along with a birth certificate, for each child.

If you wish a child (under 18 years) from a previous marriage or relationship to travel with you, evidence that you have been given full custody and access rights to this child must be shown (Court Order).

Where the other parent of this child has some custody or access rights, a sworn affidavit by this parent consenting to the child being removed from their home country is required.

**Family Member of Irish Citizen - Documents Required**

Source: [www.inis.gov.ie](http://www.inis.gov.ie) (January 2012)

**Visits**

If you wish to accompany your Irish spouse on a visit to Ireland, and you are both returning to your country of residence following your visit, the documentation listed above is required, plus:

- Evidence that you will be accompanying your Irish spouse – e.g. return airline/ferry tickets in both names.

**NOTE:** If your Irish spouse is residing in Ireland, and you have not resided together since your marriage, whether your visa application is to visit or join your spouse, in addition to the documentation listed above you **MUST** also submit the following:

- A full account of relationship history – when and where you met, evidence of this such as visas, entry/exit stamps on the passport of your Irish spouse.

Please note that for Immigration purposes it is not sufficient for a relationship to have developed solely over the internet or by telephone/sms. A relationship must include a number face to face meetings (excluding webcam) between the parties. You must satisfy the visa officer that the relationship is bona-fide

- If, while your spouse was residing in Ireland, you married by proxy, you may if you wish seek a declaration as to marital status pursuant to Section 29 of the Family Law Act 1995 from the circuit court
- Evidence of your spouse's finances – P60, payslips, bank statement for 6 months prior to application.

**NOTES**

All letters submitted should be on official company headed paper and give full contact details for verification purposes. These must include a full postal address, name of contact, position in company, telephone number (landline) and email address where relevant. (Email addresses such as Yahoo or Hotmail are not accepted).

Website address should also be included, if available. All of the above documents must be submitted with your application. All documentation must be in English or accompanied by a notarised translation. The provision of all the documentation listed in no way guarantees that a visa will be granted.

**3) Do I need to include anything else with my visa application?**

The following documentation might also be useful for visa applications where spouses have not lived together since their marriage:

- a) In order to provide a full account of the relationship history:
  - copies of a range of emails/letters sent since the relationship began
  - copy of telephone bills showing record of calls made to each other
  - copies of tickets showing when your Irish spouse visited you
  - holiday photos (digital format is best, especially if it shows the date the photo was taken)
  - a statement from you about your relationship history
  - a statement from your spouse about your relationship history
- b) If there are cultural differences in terms of courtship and marriage this should be explained and evidence of this should be submitted, for example, a signed declaration from a religious or cultural leader
- c) If you have children together then the birth certificates could be included in the application
- d) Evidence of financial support: Copies of money transfers if your Irish spouse has been financially supporting you.

**4) I am the non-EEA *civil partner* of an Irish citizen. How do I apply for a visa to come to Ireland and what documents do I need for my visa application?**

*See (2) and (3) above.*

You should include your Civil Partnership Certificate (and translation if applicable) with your visa application.

**5) I am the non-EEA *de facto partner* of an Irish citizen. How do I apply for a visa to come to Ireland and what documents do I need for my visa application?**

You must also apply for a visa online. In Section 1 of the visa application form it is important to make it clear that the purpose of the visa application is for you to **join your Irish partner** and the visa being applied for is a **long-stay (D) visa** (there is no specified time period within which you wish

to leave Ireland). When applying for this type of visa you do not need to fill in the proposed date for leaving Ireland only the proposed entry date.

*See 3 (a)-(d) above for documents that may be required.*

The following documentation might also be useful for partners:

- a) If you have a registered partnership certificate you should include this
- b) If you are coming to Ireland to get married, you should include a letter from the Registry Office or religious institution/representative showing the intended date of the ceremony.

**6) I am the non-EEA *fiancé(e)* of an Irish citizen. What documents do I need for my visa application?**

*See 3 (a)-(d) and 5 (a)-(b) above.*

**NOTE:** The Irish visa system does not have a fiancé(e) category. If you intend to travel to Ireland for the purposes of getting married to an Irish citizen in Ireland then in practice it may be possible to obtain a holiday/visit visa and then after entering Ireland and getting married to apply for residency.

**NOTE:** All visa decisions are processed by the Irish Naturalisation and Immigration Service ([www.inis.gov.ie](http://www.inis.gov.ie)). Negative decisions can be appealed but there remains no legal entitlement for any non-EEA person to be granted a visa to come to Ireland, regardless of their marital status or otherwise.

**7) What documents can my Irish spouse or partner provide?**

Your Irish spouse or partner can include a 'letter of invitation' with the visa application. This invitation should explain the purpose of the visa application – to enable you to join your Irish spouse or partner in order to live in Ireland on a long-term basis.

Your Irish spouse or partner can also state that they will provide for you financially. They should provide a detailed bank statement (for 6 months) and a copy of their Irish passport or Irish Certificate of Naturalisation. They can also provide a letter from their employer confirming their employment, payslips and P60s. They should also provide proof of their address such as a letter from their landlord, rental contract and/or utility bills.

**8) *If my visa is granted what do I do when I arrive in Ireland?***

If your visa is granted, you must, upon arrival in Ireland, present yourself to an Immigration Officer at the point of entry and then, if permission to enter the State is given, **register with the GNIB.**

*See STEP 2: Registering with the Garda National Immigration Bureau (GNIB) for further information.*

## **STEP 2: REGISTERING WITH THE GARDA NATIONAL IMMIGRATION BUREAU (GNIB)**

*1) I am coming to live in Ireland and I am the non-EEA **spouse/civil partner** of an Irish citizen. How do I apply for residency based on my relationship?*

When you enter Ireland you must register with the Garda National Immigration Bureau within 90 days of your arrival or within the period specified on the stamp given at the point of entry (which may be less than 90 days).

- If you are living in **Dublin** you register with the **Garda National Immigration Bureau** offices (GNIB), 13/14 Burgh Quay, Dublin 2
- If you are living **outside of Dublin** you register with your **Garda District Headquarters** where there will be an Immigration Officer.

**NOTE:** It is the same process if you are already living in Ireland.

**IMPORTANT:** Your Irish spouse/civil partner should go with you to the GNIB.

*2) I am coming to live in Ireland and I am the non-EEA **de facto partner** of an Irish citizen. How do I apply for residency based on my relationship?*

**IMPORTANT:** Partners of Irish citizens will have to make a **written application** for residency to the **General Immigration Division** at the INIS.

*See STEP 3: Residency Applications for further information.*

## STEP 3: RESIDENCY APPLICATIONS

### (A) For the non-EEA spouses, partners or fiancé(e)s of Irish citizens

1) *I am the non-EEA **spouse** of an Irish citizen. How do I apply for residency?*

You should go to the GNIB **with your spouse** and ask for **Stamp 4 residency** which allows you to live **and** work in Ireland based on your marriage. You may be asked for the following documentation:

- Your original marriage certificate
- Your original passport
- Your Irish spouse's original passport
- Evidence of your joint address

**IMPORTANT:** The period of registration granted can vary, and it is very important to make sure that you are always registered. This will ensure that you are fully legal in the country. Registering as soon as possible will allow you to build up 'reckonable residency', which is essential for permanent residency or citizenship.

**NOTE:** GNIB may tell you to make this application through the **Spouse of an Irish National Unit** at the **Irish Naturalisation and Immigration Service (INIS)** in Dublin. The processing time for residency applications can be up to **12 months**. See pages 18 – 21.

2) *I am the non-EEA **civil partner** of an Irish citizen. How do I apply for residency?*

You should go to the GNIB **with your civil partner** and ask for **Stamp 4 residency** which allows you to live **and** work in Ireland based on your civil partnership. You may be asked for the following documentation:

- Your original civil partnership certificate
- Your original passport
- Your Irish civil partner's original passport
- Evidence of your joint address

**IMPORTANT:** The period of registration granted can vary, and it is very important to make sure that you are always registered. This will ensure that you are fully legal in the country. Registering as soon as possible will allow you to build up ‘reckonable residency’, which is essential for permanent residency or citizenship.

**NOTE:** GNIB may tell you to make this application through the **Spouse of an Irish National Unit** at the **Irish Naturalisation and Immigration Service (INIS)** in Dublin. The processing time for residency applications can be up to **12 months**. *See pages 18 – 21.*

*3) I am the non-EEA **de facto partner** of an Irish citizen. How do I apply for residency?*

You should apply for residency to the General Immigration Division at the Irish Naturalisation and Immigration Service. *See pages 18 – 21.*

If you apply for residency based on a relationship with an Irish citizen you need to show proof of a **2 year de facto relationship**. You and your partner must produce documentary evidence proving your relationship. If you are granted residency you then register with the GNIB. You are likely to be issued with Stamp 4.

**IMPORTANT:** The INIS will recognise proven partnerships (same-sex or opposite-sex) currently recognised in other EU countries.

*4) I am the non-EEA **fiancé(e)** of an Irish citizen. How do I apply for residency?*

*See STEP 3 (A) (1), (2) and (3) above.*

If you are coming to Ireland to get married, you should include a letter from the Registry Office or religious institution/representative showing the intended date of the ceremony.

The INIS does not give specific recognition to fiancé(e)s. If you intend to travel to Ireland for the purposes of getting married to an Irish citizen in Ireland then in practice it may be possible to obtain a holiday/visit visa and then after entering and getting married you can apply for residency.

**(B) For non-EEA children and other dependents of Irish citizens**

*1) I am an Irish citizen and I would like my children to join me in Ireland. They do not have Irish passports and they are under 18 years of age. How do they apply for residency?*

Since your children are less than 18 years of age you will need to prove that they are dependent on you financially and that you have sufficient funds to support them if they come to live in Ireland.

- If your children are citizens of a non-visa-required country they do not need a visa to enter Ireland.
- If they are **under 16 years of age** they **do not need to register with the Garda National Immigration Bureau**. However, when they reach the **age of 16**, it is important they **register with the GNIB**. This will ensure that they are fully legal in the country, and registration is essential if they ever wish to apply for citizenship
- If your children are citizens of a visa-required country they will need a visa to join you in Ireland. They should apply for a **join parent visa**:
  - In Section 1 of the online visa application form it is important to make it clear that the purpose of the visa application is for your child to join you in Ireland (**Join Parent**) and the visa being applied for is a **long-stay (D) visa** (there is no specified time when they wish to leave Ireland). When applying for this type of visa you do not need to fill in the proposed date for leaving Ireland only the proposed entry date.

**NOTE:** If your children intend to come to Ireland for the long term you should not apply for a short-stay visa (C-Visa)

The following information may be included (a) in the visa application or (b) when registering with the GNIB:

- Signed visa application declaration form
- Your child's passport, valid for at least 12 months
- A copy of your passport
- Your child's birth certificate
- If the other parent of your child has some custody or access rights, a sworn affidavit by this parent consenting to the child coming to Ireland to join you is required.

If the visa is granted your child must register with the GNIB when they enter Ireland (if they are 16 years of age or older). This will ensure they are fully legal in the country, and registration is essential if they ever wish to

### STEP 3: Residency Applications

apply for citizenship. If your children are under 16 years of age you should inform the GNIB that they are in the country.

**NOTE:** If you are an Irish citizen through birth or descent your children may be eligible for citizenship based on descent. For further information see the Citizenship Section on [www.inis.gov.ie](http://www.inis.gov.ie)

*2) I am an Irish citizen and I would like my daughter to join me in Ireland. She does not have Irish citizenship and she is over 18 years of age. How does she apply for residency?*

*See (B) (1) above.*

It is more difficult to apply for residency for children who are over 18 years of age as they may not be seen as your dependents.

Whether your daughter is a citizen of a visa-required or non-visa-required country she must register with the GNIB after she enters Ireland. *See STEP 2: Registering with the Garda National Immigration Bureau (GNIB) for further information.*

*3) I am an Irish citizen and I would like my parents to join me in Ireland. They are citizens of a non-EEA country. Can they apply for residency?*

The immigration system does not normally grant long term visas or residency permission to people on the basis that they are the parent of an Irish citizen.

If your parents would like to join you in Ireland they would have to show that they are self-sufficient but this would not guarantee residency in Ireland.

The following information on self-sufficiency is taken directly from the INIS website:

### STEP 3: Residency Applications

**Permission to remain for non-EEA nationals: [www.inis.gov.ie](http://www.inis.gov.ie) (January 2012)**

All non-EEA nationals need permission to remain in the State. Permission to remain will be in the form of an endorsement in your passport confirming the conditions and period of time for which you have permission to remain in the State.

You will need to provide the following in connection with your application for Permission to Remain: (a) valid passport; (b) evidence that you have sufficient funds with which to support yourself and any dependants; (c) any information requested in connection with the purpose of your arrival in the State.

In addition if you come within the following category you will require certain specific documentation relating to the purpose for which you wish to remain in the State:-

Other: (e.g. retired person, long term visitor, dependant of person already residing here, etc.) If you are coming to the State and are not economically active (other than a student) but intend to remain for longer than three months in the State, then you must be in a position to show that you have the resources to cover your stay in the State without recourse to public funds, services or State benefits.

The above is not an exhaustive list and you may be asked for additional documentation in support of your application.

## STEP 4: RENEWAL OF RESIDENCY

**IMPORTANT:** You should always ensure that your residency status is kept up-to-date.

### *1) My residency is due for renewal. What do I need to do?*

- If you are living in **Dublin** you should go (with your Irish spouse or partner) to the **Garda National Immigration Bureau** offices (GNIB), 13/14 Burgh Quay, Dublin 2
- If you are living **outside of Dublin** you should go (with your Irish spouse or partner) to the local **Garda District Headquarters** where there will be an Immigration Officer.

### *2) My residency is due for renewal. What should I do if my Irish spouse or partner has died?*

You will need to inform the local Immigration Officer of your spouse or partner's death. You may need to apply in writing for a renewal of your Stamp 4 to the Spouse of an Irish National Unit or General Immigration Division at INIS. *See pages 18 – 21.*

### *3) My residency is due for renewal. What should I do if my marriage has broken down and I am separated or divorced from my Irish spouse?*

You will need to inform the local Immigration Officer if you are separated or divorced from your Irish spouse. They may tell you to write to the Spouse of an Irish National Unit at INIS to request a renewal of your Stamp 4. *See pages 18 – 21.*

**NOTE:** In this situation each application for residency renewal is dealt with on a case-by-case basis.

### *4) My residency is due for renewal. What should I do if my relationship with my partner has ended?*

You will need to inform the local Immigration Officer if your relationship has ended. They may tell you to write to the General Immigration Division at INIS to request a renewal of your Stamp 4. *See pages 18 – 21.*

**NOTE:** In this situation each application for residency renewal is dealt with on a case-by-case basis.

5) *My Irish spouse or partner is violent and abusive towards me. I am worried about my residency which is due for renewal in a few months. What should I do?*

You can contact a support organisation for people in violent or abusive relationships. If you are a woman you can contact your local women's domestic service – for a full list of women's domestic violence support organisations see: [www.safeireland.ie](http://www.safeireland.ie). If you are a man you can contact Amen. *See Appendix 1 – Contact Organisations.*

A domestic violence support organisation will provide you with practical and emotional support, information and advocacy.

You can report any physical or sexual attacks by your spouse or partner to the Gardaí (police) and/or seek a civil protection order from the courts. A domestic violence support organisation can also give you information on this.

If you have been physically hurt you should go to a doctor or hospital to ensure your injuries are treated and documented.

You will need to inform the local Immigration Officer of the situation.

### **IMPORTANT**

You should always inform your local Immigration Officer of any changes in your personal circumstances, for example, if your relationship ends.

It is always advisable to apply for renewal of your Stamp 4 residency in advance of the expiry date of your permission to remain. The expiry date is on the stamp in your passport and on your GNIB card.

If you change address you should inform your local Immigration Officer and/or INIS if your residency was granted by the General Immigration Division.

## **A. GUIDELINES FOR RESIDENCY APPLICATIONS TO THE IRISH NATURALISATION AND IMMIGRATION SERVICE**

The GNIB generally grant residency for non-EEA **spouses/civil partners** of Irish citizens provided that:

- you are a non-visa required national who entered the State legally in the last 90 days
- you are a visa required national and you are within the period of your permission to remain granted when you entered the State (this does not include entry on a visit visa)
- you have current permission to remain on another basis (for example, work permit holder, green card permit holder, long term resident, student).

However, the GNIB may ask you to apply for residency to the **Spouse of an Irish National Unit**.

If you apply for residency based on a de facto relationship with an Irish citizen you need to show a **2-year de facto relationship**. You and your partner must produce dated documentary evidence confirming the existence of the relationship.

**IMPORTANT:** You should not apply to the GNIB. You must make a **written application** to the **General Immigration Division**.

This section provides information on applying for residency to the Spouse of an Irish National Unit or the General Immigration Division at the Irish Naturalisation and Immigration Service.

*1) I am the non-EEA **spouse/civil partner** of an Irish citizen. I went to my local Immigration Officer and requested Stamp 4 residency. She advised me to apply to the Spouse of an Irish National Unit. What do I do next?*

There is no application form to apply for Stamp 4 residency. Crosscare Migrant Project recommends writing a cover letter to the Spouse an Irish National Unit asking for Stamp 4 residency. This type of residency will entitle you to live **and** work in Ireland without an employment permit.

As well as the cover letter you should include the following information and documentation. This list is taken from the Irish Naturalisation and Immigration Service's website ([www.inis.gov.ie](http://www.inis.gov.ie)):

- Details of your immigration history in the State
- Your current legal status
- Your original marriage certificate/civil partnership certificate
- Detailed information regarding your relationship history (including how you met, holidays you have taken, when you started living together) and the context in which your marriage took place
- Evidence of your current address of your joint habitual residence
- Your original Passport and birth certificate
- Your Irish spouse/civil partner's original passport and birth certificate
- Divorce papers (if applicable)
- Photographs
- Accommodation details: Rent Book, Joint Tenancy Agreement/ Proof of Home Ownership, Utility Bills, Financial Statements, letter from Community Welfare Officer/Social Worker or Tax Credit form from the Revenue Commissioners

**IMPORTANT:** While you are waiting for your application to be processed you will not be entitled to work (unless you are already resident in Ireland and your immigration status allows you to work, for example, work permit – Stamp 1 or student visa – Stamp 2).

**NOTE 1:** You should send this application by **registered post**.

**NOTE 2:** If you are applying for a renewal of your stamp 4 send the above information (if applicable) and current evidence of your finances with a cover letter explaining any changes in your situation since you got your stamp 4 residency.

2) *I am the non-EEA **de facto partner** of an Irish citizen. I went to my local Immigration Officer and asked her what I need to do to apply for Stamp 4 residency. She advised me to apply to the General Immigration Division. What do I do next?*

There is no application form to apply for Stamp 4 residency. Crosscare Migrant Project recommends writing a cover letter to the ‘General Immigration Division’ asking for Stamp 4 residency. This type of residency will entitle you to live **and** work in Ireland without an employment permit. The cover letter should include the following:

- Information about when you first met, how you met and where you met, for example, were you introduced by friends, did you meet at work or at a night club, pub etc.
- You can also provide the following information:
  - Have you been on holidays in Ireland or elsewhere in the world? Give details and prove this with tickets/travel itinerary and stamps in your passports
  - Has your partner visited your home country? Give details why/why not and when they visited
  - When did you start living together and where have you lived together
  - Were you living in different countries at any stage? If so, how did you keep in contact when you were apart?
  - What events, for example, weddings/parties have you attended together. If you have invitations with both your names on them provide them as proof.

As well as the cover letter you should include the following documentation:

- Copies of your current and previous passports since you arrived in Ireland
- A copy of your Irish partner’s passport
- A copy of your current GNIB card (if you have one)
- A copy of your bank statement for the past 6 months (if you have a joint bank account you should include a recent statement as well)
- A copy of your Irish partner’s bank statement for the past 6 months
- Details of your Irish partner’s employment/self-employment
- A copy of your private health insurance policy
- A copy of utility bills and your rental agreement in both your names as proof of your address (You should provide all of your bills since

you started living together. If you cannot provide utility bills in both your names you should explain why this is the case)

- Copies of emails you sent to each other since the beginning of your relationship
- Proof of telephone calls since the start of your relationship from your mobile phone provider
- Proof of your relationship on social networks, such as Facebook
- A letter from your Irish partner about your relationship
- Letters from your friends and family regarding your relationship
- Photographs of you and your Irish partner. These photos can be from events and parties you attended together, holidays you took together, with other family members and with friends. The photos should be from the start of your relationship until the present day.  
**IMPORTANT:** The photographs should be provided on a disc/CD to prove the dates when the photographs were taken.
- Cards you have given to each other on special occasions, for example, birthday, Valentine's Day etc.
- Party/Wedding invitations you have received as a couple
- Any other documentation to prove you are living together and have been together as a couple for at least 2 years.

Letters of support are important but only provide additional information. The INIS generally do not interview couples. The decision whether to grant you permission to remain will be made based only on the documentary evidence you submit.

**IMPORTANT:** The INIS will want to see a **start date** for your relationship. The start date must be clear from the documentary evidence you provide otherwise your application will be refused.

### *3) What can I do if I have an existing Deportation Order?*

Applications from persons with an existing Deportation Order will not be considered. Any applicant who is the subject of a Deportation Order and who wishes to make an application for revocation of the Deportation Order on the basis of marriage to an Irish national, pursuant to Section 3(11) of the Immigration Act, 1999, should send their application to the Repatriation Section. *See Appendix 1 – Contact Organisations.*

## **B. RESIDENCY APPLICATIONS FOR NON-EEA PARENTS OF IRISH CITIZENS WHO ARE MINORS**

### *1) What is the Zambrano decision?*

On 8th March 2011, the Court of Justice of the European Union ruled in the case of **Gerardo Ruiz Zambrano v Office national de l'emploi (ONEm)** that “*Article 20 of the TFEU (Treaty on the Functioning of the European Union) must be interpreted as meaning that it precludes a Member State from refusing a third country national upon whom his minor children, who are European Citizens, are dependent, a right of residence in the Member State of residence and nationality of those children, and from refusing to grant a work permit to that third country national, in so far as such decisions deprive those children of the genuine enjoyment of the substance of the rights attaching to the status of European citizen*”.

### *2) What does this mean in Ireland?*

The Zambrano decision means that all non-EEA parents of Irish citizens must be given the right to live and work in Ireland as long as they meet the requirements made by the Zambrano judgment. The Irish child must be a minor, be dependent on their parent(s) and living in Ireland.

### *3) I am a non-EEA citizen and I have Stamp 2 permission to remain. My child is an Irish citizen. I heard that I can change my immigration status to Stamp 4.*

You can apply to the local Immigration Officer for a change of status to Stamp 4 if your child is an Irish citizen and is currently living in Ireland. You should go to your local Immigration Officer along with your Irish child and bring the following documents:

- Your passport
- Your current GNIB card
- Your Irish child's passport
- Your Irish child's birth certificate
- Documentary evidence of your address in the country

If you meet all the requirements you may be granted Stamp 4 permission to remain for 3 years. For further information go to: [www.inis.gov.ie](http://www.inis.gov.ie).

4) *I am a non-EEA citizen and I do not have any permission to remain in the State. My child is an Irish citizen. Can I apply for Stamp 4?*

If you have no current permission to remain in the State you can make a written application to the Repatriation Division. Crosscare Migrant Project recommends writing a cover letter to the Repatriation Division and including the following documentation:

- A colour copy of the bio-data page of your Irish child's passport
- Your Irish child's original birth certificate
- A colour copy of the bio-data page of your passport
- Two colour passport-sized photographs, signed on the back by you
- Documentary evidence that your Irish child is living in the State, for example, letter from their crèche/school, letter from their GP (doctor)
- Proof of your address and residence in Ireland, for example, current utility bills
- Documentary evidence of the role you are playing in your child's life, for example, letters from schools, crèches etc.
- Any other information that you think is relevant to your application.

You should also answer the following questions in your cover letter:

- Have you ever been convicted of a criminal offence in the State or abroad? If so, you must give specific details
- Are there any charges pending against you in the State or abroad? If so, you must give specific details
- Are there any Court Orders against you in relation to Family Law matters, for example, Barring Order, Care Order, Protection Order, Safety Order?

If you meet all the requirements you may be granted Stamp 4 permission to remain for 3 years. For further information go to: [www.inis.gov.ie](http://www.inis.gov.ie).

## **C. RESIDENCY APPLICATIONS FOR NON-EEA SPOUSES OR PARTNERS OF IRISH CITIZENS WHO HAVE RESIDENCY IN ANOTHER EU MEMBER STATE**

1) *I am a non-EEA citizen living in another EU Member State. My **spouse/partner** is an Irish citizen. My spouse/partner has exercised their right to movement within the EU and I have residency based on this. We would like to move to Ireland to live there. How can I apply for residency in Ireland?*

If you are from a visa-required country then you may have to apply for a visa to enter Ireland as the spouse or partner of an Irish citizen who is exercising their EU Treaty Rights in another Member State.

*See STEP 1: Entering Ireland.*

**NOTE:** The ‘Residence card of a family member of a Union citizen’ (Stamp 4 EU FAM) is also an Irish **re-entry** visa.

If you are from a non-visa required country then you can present to immigration control without a visa.

**IMPORTANT:** It is advisable for you to inform the Immigration Officer at the point of entry of your intention to apply for residency based on your marriage/civil partnership or relationship and that your spouse/partner is exercising their EU Treaty Rights in another EU Member State. Evidence of this should be provided to the Immigration Officer.

You should download and complete FORM EU1 (available in pdf format from [www.inis.gov.ie](http://www.inis.gov.ie)) and submit it to the EU Treaty Rights Section of the Irish Naturalisation and Immigration Service. *See Appendix 1 – Contact Organisations.*

You should send a cover letter explaining that your spouse/partner has exercised their EU Treaty Rights as an EU citizen in another Member State with the application form. You should also include evidence that you were living in the other EU Member State for a certain period of time, for example, payslips, rental agreements or household bills.

**NOTE 1:** You should send the application form and supporting documentation by **registered post**.

**NOTE 2:** If you are not married or in a civil partnership then the Irish Naturalisation and Immigration Service (INIS) usually look for evidence that your **de facto relationship** (same-sex or opposite-sex) has existed for at least 2 years before you make your application.

When you receive a receipt from the EU Treaty Rights Section you may be asked to register temporarily with the Garda National Immigration Bureau. You should register with the GNIB within 90 days of arriving in Ireland even if you have not received this receipt.

**NOTE 3:** If your application is successful you will be issued with a **Stamp 4 EU FAM** (Family Member of an EU national). This Certificate of Registration (GNIB card) can be used as an Irish re-entry visa.

## **D. EEA SPOUSE, PARTNER, FIANCÉ(E) OR PARENT OF AN IRISH CITIZEN**

### *1) What residency rights do EEA citizens have in Ireland?*

The EU Directive of 2004/38/EC and the European Communities (Free Movement of Persons) (No.2) Regulations 2006 (as amended by the European Communities (Free Movement of Person) (Amendment) Regulations 2008) is the most relevant legislation governing free movement rights of EU citizens and their family members coming to reside in Ireland. EU and EEA citizens do not need to register with the Garda National Immigration Bureau.

An EU national may reside in the State for a period longer than 3 months if s/he:

- Is in employment or is self-employed, or
- Has sufficient funds to support themselves and any dependents and has comprehensive sickness insurance, or
- Is enrolled in an educational institution, including vocational training course and has comprehensive sickness insurance, or
- Is the family member of an EU citizen in one of the previous three categories.

### *2) I am a Romanian national married to an Irish citizen. What are my residency rights?*

You do not need to register with the local Immigration Officer because you are an EU national. Romanian nationals do not need to register their presence in the state.

### *3) I am a Bulgarian national married to an Irish citizen. What are my residency rights?*

You do not need to register with the local Immigration Officer because you are an EU national. Bulgarian nationals do not need to register their presence in the state.

*4) Do I need a work permit?*

No. If you are a Romanian or Bulgarian national married to an Irish citizen or a citizen of another EU member state who is living in Ireland (excluding Romania and Bulgaria) you have the right to live **and** work in Ireland without a work permit. For more information go to the Department of Jobs, Enterprise and Innovation's website: [www.entemp.ie](http://www.entemp.ie).

*5) I am a Romanian national and my partner is an Irish national. Do I need a work permit?*

No. You will first need to write to the General Immigration Division at the INIS for them to recognise that you are the partner of an Irish national. If the INIS are satisfied that you have been together for 2 or more years they will issue you with a letter stating this.

You will then have to write to the Department of Jobs, Enterprise and Innovation and they will issue you with a letter stating that you do not require a work permit to work in Ireland.

*6) I am a Bulgarian national and my partner is an Irish national. Do I need a work permit?*

No. You will first need to write to the General Immigration Division at the INIS for them to recognise that you are the partner of an Irish national. If the INIS are satisfied that you have been together for 2 or more years they will issue you with a letter stating this.

You will then have to write to the Department of Jobs, Enterprise and Innovation and they will issue you with a letter stating that you do not require a work permit to work in Ireland.

*7) I am a Romanian parent of an Irish child. Does this mean I have free access to the labour market?*

No. The Zambrano judgment only applies to non-EEA national parents of Irish citizen children. Check with Crosscare Migrant Project for further information.

*8) I am a Bulgarian parent of an Irish child. Does this mean I have free access to the labour market?*

No. The Zambrano judgment only applies to non-EEA national parents of Irish citizen children. Check with Crosscare Migrant Project for further information.

## APPENDIX 1 – CONTACT ORGANISATIONS

### **Crosscare Migrant Project**

1 Cathedral Street  
Dublin 1  
Tel: +353 1 873 2844  
Fax: +353 1 872 7002  
Email: [migrantproject@crosscare.ie](mailto:migrantproject@crosscare.ie)  
Web: [www.migrantproject.ie](http://www.migrantproject.ie)

### **Garda National Immigration Bureau (GNIB)**

13/14 Burgh Quay  
Dublin 2  
Tel: +353 1 6669100  
Email: [gnib\\_dv@garda.ie](mailto:gnib_dv@garda.ie)  
Web: <http://www.garda.ie/Controller.aspx?Page=31>

### **General Immigration Division**

Irish Naturalisation and Immigration Service (INIS)  
13/14 Burgh Quay  
Dublin 2  
Tel: +353 1 6167700  
Lo-call: 1890 551 500  
Email: [immigration\\_mail@justice.ie](mailto:immigration_mail@justice.ie)  
Web: [www.inis.gov.ie](http://www.inis.gov.ie)

### **Spouse of an Irish National Unit**

Immigration Services Section  
1<sup>st</sup> Floor  
Irish Naturalisation and Immigration Service (INIS)  
13/14 Burgh Quay  
Dublin 2  
Tel: +353 1 6167700  
Lo-call: 1890 551 500  
Email: [INISsinu@justice.ie](mailto:INISsinu@justice.ie)

### **EU Treaty Rights Section**

Irish Naturalisation and Immigration Service (INIS)  
Department of Justice and Equality  
13/14 Burgh Quay  
Dublin 2  
Email: [eutreatyrights@justice.ie](mailto:eutreatyrights@justice.ie)  
Web: [www.inis.gov.ie](http://www.inis.gov.ie)

### **Acknowledgement Unit**

Repatriation Division  
Irish Naturalisation and Immigration Service  
13-14 Burgh Quay  
Dublin 2

### **Department of Foreign Affairs**

80 St Stephen's Green  
Dublin 2  
Tel: +353 1 4780822  
LoCall: 1890 426 700  
Web: [www.dfa.ie](http://www.dfa.ie)

### **Department of Jobs, Enterprise and Innovation**

Davitt House  
65A Adelaide Road  
Dublin 2  
Tel: +353 1 4175333  
LoCall: 1890 201 616  
Email: [employmentpermits@djei.ie](mailto:employmentpermits@djei.ie)  
Web: [www.entemp.ie](http://www.entemp.ie)

### **Safe Ireland**

27 Church Street  
Athlone  
Co. Westmeath  
Tel: +353 90 6479078  
E-mail: [info@safaireland.ie](mailto:info@safaireland.ie)  
Web: [www.safaireland.ie](http://www.safaireland.ie)

### **Amen**

St. Anne's Resource Centre  
Railway Street  
Navan, Co. Meath  
Tel: +353 46 9023718  
E-mail: [info@amen.ie](mailto:info@amen.ie)  
Web: [www.amen.ie](http://www.amen.ie)

# Crosscare Migrant Project

1 Cathedral Street, Dublin 1

Telephone: + 353 (0)1 873 2944

Fax: + 353 (0) 1 872 7003

Email: [migrantproject@crosscare.ie](mailto:migrantproject@crosscare.ie)

Websites: [www.migrantproject.ie](http://www.migrantproject.ie) and  
[www.livinginireland.ie](http://www.livinginireland.ie)



Crosscare believes that every person is created in the image and likeness of God.

This places responsibility on us to work to the highest possible standards while treating every person who uses our services and who works for or with us with care, courtesy and love. Our work is guided by four core values:

Respect, Human Rights, Integrity and Excellence.

Our programmes include: Homeless Services, Food Initiatives, Young People's Care Services, Teen Counselling, Carer Support Programme, Education, Training & Development, Drug & Alcohol Programme, Housing & Welfare Information, Travellers' Inclusion Programme, Migrant Project and Disability Awareness.