

11. Citizenship

Citizenship through Marriage

If you are a returning Irish migrant and you are married to a non-EU (European Union) or EEA (European Economic Area) national, your spouse may be eligible to reside here legally. Up to 29 November 2005 it was possible to become an Irish citizen by making a post-nuptial declaration but this scheme has ended.

If your spouse wants to apply for Irish citizenship, then they must firstly acquire residency in Ireland. (For more information on residency, please look at residency section on page 3). After 3 years of marriage and residency in Ireland, you are entitled to apply to become an Irish citizen.

To be eligible for Irish citizenship your marriage must be recognised as valid under Irish law. Your marriage must be subsisting at the time you make the application (i.e. the marriage must not have ended by divorce or by the death of the Irish spouse). You and your spouse must be living together as husband and wife at the time you make the declaration. You, as the Irish spouse, must submit a sworn affidavit to this effect at the time your application is lodged.

If your marriage ends in divorce or you are no longer live with your spouse after the affidavit and application forms are submitted, your application for citizenship will still be processed. Application forms are available from the Citizenship Division, Department of Justice, Equality and Law Reform, 13 –14 Burgh Quay, Dublin 2. Or if you are currently living abroad, you should contact your nearest Irish Embassy or Consulate.

Citizenship through Descent

If at least one of your parents was born in Ireland, you are automatically an Irish citizen. If at least one of your grandparents was born in Ireland, you may be able to acquire Irish citizenship by having details of you birth and descent entered in the Foreign Births Registrar through an Irish Embassy or Consulate or through the Department of Foreign Affairs in Ireland.

Citizenship through Irish Parents

If you were born in Ireland to an Irish citizen parent, you are automatically an Irish citizen. If either of your parents was an Irish citizen at the time of your birth, then you are automatically an Irish citizen, irrespective of your place of birth. To receive your Irish passport, you just need to apply to the passport office in Dublin or Cork or ask at your nearest Irish Embassy or Consulate.

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If one or both of your parents derived Irish citizenship in another manner, e.g., through marriage, adoption or naturalisation, further information can be obtained from your nearest Irish Embassy or Consulate.

If the parent through whom you derive Irish citizenship was deceased at the time of your birth, you are an Irish citizen.

You are entitled to Irish citizenship through an Irish parent whether or not your parents were married to each other at the time of your birth. If you were born outside Ireland to an Irish citizen who was himself or herself born outside Ireland but one or both of your grandparents were born in Ireland, then you are entitled to become an Irish citizen. Before you can claim Irish citizenship you **must** have your birth registered in the Foreign Births Register. If you are resident in Ireland contact the Foreign Births Register in the Department of Foreign Affairs on + 353 1 408 2555. If you live abroad you must apply to have your birth registered through your nearest Irish Embassy or Consular office. If you are entitled to register, your Irish citizenship is effective from the date of registration not from the date when you were born.

Citizenship through Irish Grandparents

If one of your grandparents is an Irish citizen but neither of your parents were born in Ireland you may be entitled to become an Irish citizen. You will need to apply to have your birth registered in the Foreign Births Register. For more information contact the Foreign Births Register in the Department of Foreign Affairs + 353 1 408 2555 or your nearest Irish Embassy or Consulate.

Since 1 July 1986 a person registered in the Foreign Births Entry Book is an Irish citizen only from the date of his/her entry in the Register and not from the date of birth. This means that children born to that person before his/her date of entry in the Register are **not** Irish citizens.

People registered before July 1986 are deemed Irish citizens either from the date the original Citizenship Act came into force, i.e., 17 July 1956, or their date of birth, whichever is later. Only children born after 17 July 1956 can claim citizenship in such cases.

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Citizenship through Irish Great-Grandparents

Irish citizenship passes through three generations (from grandparents, through to parents, through to children). If your parents or grandparents were not Irish citizens at the time of your birth, you cannot claim Irish citizenship through your great-grandparents.

Citizenship through Birth

If you were born in Ireland and your parent(s) are Irish, you are also an Irish citizen.

If you were born in Ireland on or before 31 December 2004 to non-Irish-national parents then you are entitled to Irish citizenship.

If you were born in Ireland on or after 1 January 2005 to non-Irish-national parents, you are not automatically entitled to Irish citizenship. Non-national parents of children born in Ireland on or after 1 January 2005 must prove that they have a genuine link to Ireland. To prove this, you, as a parent, must be legally resident in Ireland for three out of the previous four years before the birth of the child. Time spent in Ireland as students or asylum-seekers will not be included in calculating non-Irish national parent's periods of residence in Ireland.

Citizenship through Adoption

If you, as an Irish citizen, adopt a child who is not an Irish citizen the adopted child is entitled to become an Irish citizen. If the child is adopted from outside the State, you must observe immigration procedures. In order for the adopted child to enter the State you must get immigration clearance from the Department of Justice, Equality and Law Reform. This clearance will only be granted once you have successfully completed the assessment procedure and have had a declaration made in your favour by the Adoption Board of Ireland.

De-Facto Relationships

If you are an Irish citizen wishing to return to Ireland with a non-EU (European Union) and EEA (European Economic Area) de-facto partner, your partner is not legally entitled to reside in Ireland. The Irish Government does not recognise de-facto relationships. If your partner wishes to reside in Ireland, he/she must find an employer that is willing to sponsor him/her. More information is available from the Department of Enterprise, Trade and Employment, 23 Kildare St, Dublin 2 or from www.entemp.ie.

If you were to marry your partner, your partner could apply for residency based on being the spouse of an Irish national.

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Residency in Ireland

To apply for residency in Ireland based on your marriage to an Irish citizen, you must apply to Department of Justice, Equality and Law Reform for “residency based on being the spouse of an Irish national”. Your Irish spouse must prove that he/she can provide for you financially while you are awaiting the outcome of your residency application. For more information contact Crosscare Migrant Project or the Department of Justice.

Where can I get further information?

You can get further information by contacting the Department of Foreign Affairs, Consular Services, Hainault House, 69/71 St. Stephen’s Green, Dublin 2. Tel: + 353 1 408 2555 or LoCall: 1890 42 67 00 (from Ireland only) Web: www.dfa.ie

Or you can contact the Department of Justice, Citizenship Division, 13 – 14 Burgh Quay, Dublin 2. Tel: + 353 1 616 7700. Fax: + 353 1 616 7740 Email: Citizenship.Mail@Justice.ie Web: www.justice.ie

Or alternatively, you can contact Crosscare Migrant Project, 1 Cathedral St., Dublin 1. Tel; + 353 1 873 2844 Fax: + 353 1 872 7003 Email: migrantproject@crosscare.ie Web: www.migrantproject.ie