



Pre-clearance scheme and information for de facto partners of Irish citizens returning to Ireland

Crosscare Migrant Project

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There is a new a pre-clearance process for non-EEA De Facto Partners of Irish citizens returning home.

If your de facto partner is a citizen of a non-EEA country, they need to **apply for Pre-Clearance before coming to Ireland if they will be arriving on or after 1 November 2019**. This applies to both Visa and Non-Visa required partners.

This means:

- Before you return to Ireland, your non-EEA de facto partner must have applied for and been granted 'pre-clearance' by the Irish Naturalisation and Immigration Service (INIS).
- Your partner wait outside Ireland until they pre-clearance is granted.
- Once pre-clearance is granted they can apply for an entry visa (if visa required) or travel to Ireland directly (if non-visa required).
- Once in Ireland your partner will need to register with a local Immigration Officer for permission to live and work here based on your relationship.

This scheme is **only relevant to those who are living outside Ireland**.

The most important thing to note is that a De Facto Partnership is a relationship that is considered similar to marriage. There are some key requirements to showing you are in a De Facto Partnership:

- 1) You must have **lived together for at least 2 years** it (this is known as 'co-habitation')
- 2) You must be able to prove this using things like joint bank accounts, shared tenancies and other evidence that shows you are in a durable, lasting relationship

The official information and application form is available here:

<http://inis.gov.ie/en/INIS/Pages/de-facto-partner-of-an-irish-national>

NOTE: If you are returning to Ireland *before* 1st November 2019 then this does not apply, but your partner will need to make an application for permission after arrival which will take at least 6 months to process. See

<http://inis.gov.ie/en/INIS/Pages/De%20Facto%20Relationships>

and <https://www.migrantproject.ie/immigration-information/residency-information-for-non-eu-family-members-of-irish-citizens/>

A) I have been granted pre-clearance – what do I do next?

To begin with, you should check if you need a visa to enter Ireland. This will depend on whether you are a citizen of a non-visa required country or a citizen of a visa-required country. www.dfa.ie/travel/visas/visas-for-ireland/

I do not need a visa

If you do not need an entry visa for Ireland then you do not have to make any official visa application before arriving. You should inform the Immigration officer at the airport/point of entry into Ireland of your intention to apply for residency based on your de facto partnership with an Irish citizen and show them your pre-clearance permission letter.

If your Irish de facto partner 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.

You will then need to register with an Immigration Officer – **go to Section B, page 7**

I need a visa

If you are visa required you will need to apply for a visa to enter Ireland. This can only be done from abroad.

How do I apply for this visa?

All visa applications for Ireland are made online. The online form can be accessed via the following link: <http://inis.gov.ie/en/INIS/Pages/Apply%20for%20a%20visa>

The type of visa you should apply for is a **long stay, single- entry (D) visa**.

The third question on the online visa application asks the reason for your travel to Ireland. You should select the **Join Family (Irish nat.)(de facto partner)** option. It is important to make clear that the purpose of your visa application is to join your Irish de facto partner in 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.

If you are in Ireland on a C (tourist) visa an application based on being the de facto partner of an Irish citizen will not be accepted.

Where do I send my Visa Application?

Once you have completed your online application form, this should be printed out and there is a declaration that you should sign and date. This application form will give you information on where your application should be sent. At the end of the online application you will be given the address to send the signed form and documents to, usually the nearest Irish Embassy or Consulate.

The Irish Embassy/Consulate must receive this form and supporting documentation within 30 days of submitting the online application.

The online application form will generate your visa reference number which you can use to check the progress of your application. Visa decisions are published on the INIS website. You can check this here: <http://inis.gov.ie/en/INIS/Pages/Visa%20Decisions>

Ireland does not have Embassies/Consulates in all countries and so the visa application may need to be sent to an Irish Embassy in another country or to the visa office in Ireland. It is useful to also check the website of the Irish Embassy you are sending your visa application to as they may have some specific requirements/guidelines.

Ireland uses Visa Processing Centres (VFS Global) to process visa applications from a number of locations- currently China, Ghana, Hong Kong, India, Nigeria, Pakistan, Peru and Turkey. These centres have additional requirements and will require you to make an appointment and present in person to the nearest VFS processing centre to submit your application and documents. Biometrics may also be required. Further information can be found via the following link: www.vfsglobalirelandvisa.com/

What documents do I need to submit along with my visa application?

Always check <http://inis.gov.ie/en/INIS/Pages/Join%20Family> for updated document requirements

You should provide documents to show your identity

- Fully completed and signed application form
- Your pre-clearance permission
- Two passport photographs not more than six months old signed and dated with the visa reference number printed on the back
- Your original passport in date for at least twelve months
- Full photocopies of any old/expired passports
- Full photocopy of your de facto partner's Irish passport
- If your Irish de facto partner is resident in a country other than Ireland at the time of application you should provide a clear copy of their passport showing evidence of their residency in the country in which they are living

What if we have Non-EEA children who we wish to join us in Ireland?

You will need to apply for an individual visa for each Non-EEA family member. If your visas are granted, your children will not be required to register their residency in Ireland until they turn sixteen. For each child under 18 you will need to include the following documents with the visa application:

- Birth certificate or adoption order
- In the case of a child from a previous marriage or relationship, evidence that you have been given full custody and access rights to your child, such as a court order

- In the case of a child from a previous marriage or relationship, where the other parent has some custody or access rights, a sworn affidavit by that parent consenting to your child being removed from their home country and a copy of the passport bio page of the other parent clearly showing their signature.

Is there anything else I need to know?

- If you submit a document that is not in English, it must be accompanied by a full translation. Each translated document must contain: confirmation from the translator that it is an accurate translation of the original document, the date of the translation, the translator's full name and signature and the translator's contact details.
- If you have ever been refused a visa in the past for any country you must provide details and the original letter issued to you by the authorities of that country should be provided with your application. Non-disclosure of previous visa refusals may result in your visa application being refused.

What if my visa application is refused?

If your visa application is refused you may appeal this decision within two months of the date of the refusal letter. If your visa application is refused you will receive a letter outlining the reasons for refusal. Your appeal should address these reasons and provide extra supporting documents if possible. Your visa refusal letter will state where your appeal should be sent.

Further information can be found here: www.inis.gov.ie/en/INIS/Pages/Visa%20Appeals

B) What do I need to do after I arrive in Ireland?

You will need to register your permission with an Immigration Officer.

If you are living in Dublin you need to make an online appointment to go to the Irish Naturalisation and Immigration Service Registration Office at 13/14 Burgh Quay, Dublin 2:

<https://burghquayregistrationoffice.inis.gov.ie/>

If you are living outside Dublin you should go together to your Garda District Headquarters. You can find this here: www.garda.ie/stations/default.aspx

C) How do I renew my residency in Ireland?

Your stamp 4 permission will usually be valid for one year. In order to stay in Ireland, you will need to renew this permission before it expires.

My residency is due for renewal. What do I need to do?

You should always ensure that your residency status is kept up to date.

If you are living in Dublin you should go with your Irish de facto partner to the INIS registration offices – use the online appointment system:

<https://burghquayregistrationoffice.inis.gov.ie/>

If you are living outside of Dublin you should go with your Irish de facto partner to the Immigration Officer in your local Garda District Headquarters:

www.garda.ie/stations/default.aspx

You should bring with you your original passports, proof of your joint address and the letter from INIS granting your permission. It is important to check this letter as it will state how and when you should renew your residency permission based on your partner.

My residency is due for renewal. My circumstances have changed:

What should I do if my relationship with my Irish de facto partner has broken down?

You will need to inform the INIS Registration Officer or your local Immigration Officer if you are separated from your Irish de facto partner. They may tell you to write to the De Facto Relationship Unit of the INIS to request renewal of your Stamp 4.

There is no entitlement to retain your residency in cases of separation from your Irish de facto partner. In this situation each application for residency renewal is dealt with on a case by case basis. You should provide details outlining your circumstances.

You should outline the circumstances surrounding your separation in order for the renewal of your registration/permission to remain in the State to be considered. You should include copies of your national passport containing your registration stamp and GNIB card as well as any other relevant documentation.

What should I do if my Irish de facto partner has died?

You will need to inform the INIS Registration Officer or your local Immigration Officer of your de facto partner's death. You may be directed to apply in writing for renewal of your Stamp 4 to the De Facto Relationship Unit of the INIS.

I am in an abusive relationship. I am worried about my residency which is due for renewal. 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. If you are a man you can contact Amen. *See Useful 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 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. You may be required to make a written application to De Facto Partner Relationship Unit of the INIS outlining your circumstances and requesting independent residency status.

If you have experienced domestic abuse, bereavement or a separation and need help to renew your immigration permission, please feel free to call us on 01 873 2844 or email migrantproject@crosscare.ie.

Our service is confidential and free and we will be able to meet or speak with you and help you apply to the Department of Justice for renewal of your permission to remain in the State.

D) Returning from another EU/EEA country or Switzerland

Generally applications from family members of Irish citizens are not accepted by the EU Treaty Rights Unit in the Irish Naturalisation and Immigration Service. However, exceptions are made in cases where the non-EEA national family member has previously held a residence card of a family member of a Union citizen which has been issued by another Member State under Article 10 of Directive 2004/38/EC.

I have a residence card based on my Irish de facto partner from Spain. Do I need to apply for pre-clearance permission or a visa?

No. If you were issued a residence card as the family member of a Union citizen under Directive 2004/38/EC, you will not need pre-clearance permission or a visa to enter Ireland. You should inform the Immigration Officer that you are accompanying your Irish de facto partner to Ireland and will submit an application as a permitted family member of a Union citizen.

How do I make this application?

Directive 2004/38/EC details the right of citizens of the EU and their family members to move and reside freely within the territory of the Member States.

According to the Directive there are two types of family members: qualifying family members and permitted family members. De facto partners are permitted family members. You should complete and submit **Form EU1A** within three months of arriving in Ireland.

You should send your application by registered post to the EU Treaty Rights Unit in the INIS.

How do I renew this permission?

When you have 6 months left on your residence card you should complete and submit **Form EU3** to apply for a permanent residence card.

Detailed information about these applications can be found at www.inis.gov.ie.

Useful Contact Organisations

Crosscare Migrant Project

1 Cathedral Street
Dublin 1
Tel: +353 1 873 2844
Fax: +353 1 872 7002
Email: migrantproject@crosscare.ie
Web: www.migrantproject.ie

Garda National Immigration Bureau

13/14 Burgh Quay
Dublin 2
Tel: +353 1 666 9100
Email: gnib_dv@garda.ie
Web: www.garda.ie

Visa Office

Irish Naturalisation and Immigration Service
13-14 Burgh Quay
Dublin 2
Email: visamail@justice.ie

Amen

(domestic abuse support for men)
St. Anne's Resource Centre
Railway Street
Navan
Co. Meath
Tel: +353 4 690 23718
Email: info@amen.ie
Web: www.amen.ie

De Facto Relationship Unit

Residence Division – Unit 5
Irish Naturalisation and Immigration
Service
PO Box 12695
Dublin 2
Email: INISdefacto@justice.ie

EU Treaty Rights Unit

Residence Division
Irish Naturalisation and Immigration
Service, 13/14 Burgh Quay
Dublin 2
Email: eutreatyrights@justice.ie

Department of Foreign Affairs

80 St Stephens Green, Dublin 2
Tel: +353 1 478 0822
LoCall: 1890 426 700
Web: www.dfa.ie

Safe Ireland

(domestic abuse support for women)
Blyry Business Park
Co. Westmeath
Tel: +353 9 064 79078
Email: office@safeireland.ie
Web: www.safeireland.ie

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www.migrantproject.ie

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