



Residence information for de facto partners of Irish citizens – applying from within Ireland

Crosscare Migrant Project

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Introduction

Who is this leaflet for?

This leaflet provides information for non-EEA de facto partners of Irish citizens **both of whom are currently living in Ireland** who are looking for residency permission on the basis of their relationship.

IMPORTANT NOTE: There is a new 'pre-clearance scheme' for the non-EEA de facto partners of Irish citizens who are currently living **OUTSIDE** Ireland. Under this new process, from **1 November 2019** any non-EEA de facto partners of Irish citizens living outside Ireland have to apply for pre-clearance permission before entering the country. See our factsheet on the pre-clearance scheme at www.migrantproject.ie/returning-to-ireland/bringing-non-irish-family-members/

Who is considered a de facto partner?

For immigration purposes you may be considered as the de facto partner of an Irish citizen, opposite or same sex, if:

- you have a mutual commitment to a shared life to the exclusion of all others, akin to a marriage or civil partnership in *practice* though not in law
- your relationship is genuine and continuing
- you and your Irish de facto partner live together, or do not live separately and apart on a permanent basis

You should be able to show that you have been living together with your Irish de facto partner for at least 2 full years before making your application.

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

No, there is no automatic entitlement under Irish law for an Irish citizen to have their non-EEA de facto partner to join them in Ireland. If your non-EEA partner is already resident in Ireland on a different immigration status, there is also no legal entitlement to residency based on de facto partnership with your Irish citizen partner.

However, applications for residency based on a de facto relationship with an Irish citizen can be granted provided certain conditions are fulfilled. These conditions are explained in this factsheet.

Detailed information on applying for residency in Ireland as the de facto partner of an Irish citizen can also be found at <http://inis.gov.ie/en/INIS/Pages/de-facto-partner-of-an-irish-national>

A) How do I apply?

You need to submit an application for residency on the basis of your relationship with an Irish national to the INIS, using the official application form. Links to the application form, guidance leaflet, FAQs and useful information are available on this official webpage:

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

How do I make an application?

The application form details everything you need to include. Crosscare Migrant Project also recommends writing a cover letter requesting Stamp 4 residency. This type of residency will entitle you to live and work in Ireland without an employment permit.

What information should a cover letter include?

This cover letter should include a history of your relationship **showing that you have been living together for at least 2 years or longer, and include details of how you met**, if you have insufficient space to do so on the application form. Some useful points to consider when writing this application include:

- **You are required to provide dated documentary evidence that you have been living together for at least 2 years immediately prior to the date of the application**
- If you are not living together at the time of the application you must show that there are 'compelling humanitarian reasons' why you are not living together
- For the purposes of demonstrating your relationship for this application it is not sufficient to only have visited your partner during the period

- You and your Irish partner must be living in Ireland and you must intend to live together permanently
- You and your Irish partner must be able to support yourselves and your dependants without any help from public funds/social welfare: The INIS guideline policy for family reunification states the following:

An Irish citizen, in order to sponsor an immediate family member, must not have been totally or predominantly reliant on benefits from the Irish State for a continuous period in excess of 2 years immediately prior to the application and must over the three year period prior to application have earned a cumulative gross income over and above any State benefits of not less than €40k.

This amounts to approximately €13,500 income per year for 3 years

- If your Irish partner cannot work and receives 'Disability Benefit' then this can be considered as appropriate income
- If you and your Irish partner were in a relationship before you turned 18 years old, this period of time will not be counted as part of your two year relationship history.

What documents should I include with my application?

A detailed list of all documents is contained in the official application form. You should make all efforts to provide these documents. If you cannot provide them all, explain the reason in your cover letter. Make sure to check the official [webpage](#) to ensure you have the most up-to-date information and the latest version of the application form.

Will I be given temporary permission while my application is being processed?

You may be issued with a temporary Stamp 3 during this time. However, this will not entitle you to work'. You should request Stamp 3 permission to remain while your application is being processed.

How long will it take for my application to be processed?

The **guideline processing time for these applications is 6 months**.

What immigration permission will I receive?

If your application is successful the INIS will issue you with a letter granting you your permission and outlining the conditions of your residency. If you are living in Dublin you need to make an online appointment to go to the Irish Naturalisation and Immigration Service Registration Office (13/14 Burgh Quay, Dublin 2) at:

<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

B) 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 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 but 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* on page 8 below.

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.

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

De Facto Relationship Unit

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

EU Treaty Rights Unit

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

AnyMan

(domestic abuse support for men)

St. Anne's Resource Centre
Railway Street
Navan
Co. Meath
Confidential National Support Line: 01-5543811
Confidential Support E-mail: crisis@anyman.ie
Web: www.anyman.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