



Residence information for spouses and civil partners of Irish citizens returning to Ireland

Crosscare Migrant Project

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Introduction

Who is this leaflet for?

This leaflet is for Irish citizens living abroad who are thinking about returning to Ireland and want to bring their non-EEA spouse or civil partner with them.

We've tried to make it as straightforward as possible, but we understand that not everyone's situation is the same. Please get in touch with us if you have any questions after reading this.

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 or other family member to join them in Ireland.

However, applications for residency based on marriage/civil partnership with an Irish citizen can be granted provided certain conditions are fulfilled. These conditions are explained in this factsheet.

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

- 1) The first step is entering or applying for a visa to enter Ireland
- 2) The second step is applying for residency based on your marriage/civil partnership. You should apply **in person** to the Irish Naturalisation and Immigration Service (INIS) registration office in Dublin or to your local Garda immigration officer (usually based in Garda District Headquarters). See page 9 for information.

The INIS Registration Officer or the Garda Immigration Officer may ask you to make a written application to the **Spouse of an Irish National Unit** of the INIS

A) What do I need to do before coming to Ireland?

The steps involved in entering Ireland depend on whether you are a citizen of a non visa-required country or a citizen of a visa-required country.

You can find out if you need a visa to enter Ireland here:

www.dfa.ie/travel/visas/visas-for-ireland/

I do not need a visa:

You do not need an entry visa to request entry to Ireland. However, all citizens of non-EEA countries, whether you require a visa or not, are subject to immigration control on arrival in Ireland.

You should inform the Immigration officer at the airport/point of entry into Ireland of your intention to apply for residency based on your marriage/civil partnership with an Irish citizen.

You should bring documentation providing a full account of your relationship history and proof of your finances with you. If your Irish spouse or civil 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. **Continue to page 9 for the next steps.**

I need a visa:

You will need to apply for a visa to enter Ireland. This can only be done from abroad.

How do I apply for a 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 option: **Join Family (Irish nat.)(Spouse)**. It is important to make clear that the purpose of your visa application is to join your Irish Spouse/civil 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.

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 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/

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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 and marriage/civil partnership:

- Fully completed and signed application form
- 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 spouse/civil partner's Irish passport
- If your Irish spouse/civil 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
- Your marriage/civil partnership certificate

Financial requirements:

The INIS guideline policy for family reunification states that:

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 is approximately €13,500 income per year. Income from both spouses can be counted.

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You should provide documents to show your finances:

The documents you can provide to demonstrate you and your spouse or civil partner's finances include:

- Evidence of employment in your country of residence
- A letter from your spouse or civil partner's employer stating employment, duration of employment and salary level
- Recent pay slips
- A detailed statement of bank accounts covering a six month period for you and your spouse or civil partner
- Evidence that you and your spouse or civil partner can financially support yourselves in Ireland

You should provide documents to show your relationship:

- A full and detailed account of your relationship history
- This account should be supported with documents, for example, visas, entry/exit stamps on passports, photographs, correspondence by email/telephone.

You should provide documents to show your dependency as a couple:

- Receipts/bank transfers to show any finances sent to each other or financial dependence on each other
- Documents to show any other sources of income you have, your living costs and any other family members living in your country of current residence
- Any documents relating to any health issue, if it is relevant and means you are dependent on your spouse or civil partner (or they are on you)

You should include supporting letters of application and invitation:

- These documents should be supported by a signed letter of application from you including your full contact details, outlining your reasons for coming to Ireland and a signed letter of invitation from your spouse or civil partner outlining their circumstances and inviting you to join them in Ireland.

What if we have Non-EEA children who we wish to come with us to 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 and 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.

How long will it take to process my application?

The guideline processing time is **6-9 months**.

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.
- You do not need to provide evidence of medical insurance with your application. However, the Visa Officer may request it before making a decision on your application.
- 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?

After you have entered Ireland **you must register** with an Immigration Officer. You should do this within 90 days of your arrival or within the period specified on the stamp provided to you in your passport at the airport (which may be for less than 90 days). You and your Irish spouse or civil partner should go together to register.

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/>

You can make an appointment in advance up to 8 to 10 weeks before you attend. It's a good idea to do this so you can register as soon as possible after arrival.

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

What documents should I bring?

- Your original marriage/civil partnership certificate
- Your original passport
- Your spouse/civil partner's original passport
- Evidence of your joint address in Ireland

What immigration permission will I receive?

The Registration Officer may give you a Stamp 4 immigration permission which allows you to live and work in Ireland without the need for an employment permit.

What if I am not registered immediately?

If there are any issues that need to be clarified (usually around identity, criminal history or relationship history) the Immigration Officer may refer you to make a written application for residency to the Spouse of an Irish National Unit of the INIS.

I cannot register immediately and have been directed to write to the INIS. How do I make this application?

Go to the official website for information and a link to the application form: <http://inis.gov.ie/en/INIS/Pages/immigration-family-irish>

You and your spouse/civil partner should also write a clear letter outlining your circumstances to the Spouse of an Irish National Unit requesting Stamp 4 residency.

This should include detailed information about your relationship history and how and when your marriage/civil partnership took place. You should include details of any past immigration history in Ireland.

You should also clearly outline your finances and future plans in Ireland.

The INIS have published guidelines about finances for these applications:

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.

What documents should I include?

You should send original documents so be sure to send your application by registered post:

- Your original passport and birth certificate
- Your spouse's/civil partner's original passport and birth certificate

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- Your original marriage/civil partnership certificate
- Proof of your current address in Ireland
- Evidence of private medical insurance
- Documents to show your relationship. These can include:
 - photographs
 - emails
 - telephone records
 - proof of joint finances
 - proof of joint address
 - evidence of joint trips together
- Documents to show your finances. These can include:
 - P60s/P21s
 - recent pay slips
 - letter from your employer/employment contract
 - bank statement for six months

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

No, you will not be provided with a temporary stamp during this time. While you are waiting for your application to be processed you will not be entitled to work.

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

The **guideline processing time for these applications is up to 12 months.**

What immigration permission will I receive?

If your application is successful INIS will issue you with a letter granting you your permission and outlining the conditions of your residency. One of the conditions is that you register with the INIS or your local Immigration Officer. You and your Irish spouse/civil partner should attend with this letter, your passports, marriage/civil partnership certificate and proof of address as soon as possible to register your permission. The immigration permission granted to you should be a Stamp 4 which allows you to live and work in Ireland without the need for an employment permit.

C) How do I renew my residency in Ireland?

Your stamp 4 permission will usually be valid for between 1 to 5 years. In order to stay in Ireland, you will need to periodically 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 spouse/civil 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 spouse/civil partner to the Immigration Officer in your local Garda District Headquarters:

www.garda.ie/stations/default.aspx

You should bring your original passports, marriage certificate, proof of your joint address and the letter from INIS granting your permission (if applicable).

My residency is due for renewal but my circumstances have changed. What do I need to do?

What should I do if I have separated or divorced from my Irish spouse/civil partner?

You will need to inform the INIS Registration Officer or your local Immigration Officer if you are separated or divorced from your Irish spouse/civil partner. They may tell you to write to the Spouse of an Irish National Unit at INIS to request renewal of your Stamp 4.

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

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 spouse/civil partner has died?

You will need to inform the INIS registration office or your local Immigration Officer of your spouse/civil partner's death. You may be directed to apply in writing for renewal of your Stamp 4 to the Spouse of an Irish National Unit in 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 Spouse of an Irish National Unit 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 spouse from Spain. Do I need a visa to come to Ireland?

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 a visa to enter Ireland. You should inform the immigration officer that you are accompanying your Irish spouse to Ireland and will be registering for residency permission.

You can then decide if you wish to register as the spouse of an Irish citizen (see page 9) or apply through the EU Treaty Rights section.

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How do I make an EU Treaty Rights 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.

There are two types of a family members: qualifying family members and permitted family members. Spouses and civil partners are qualifying family members. You should complete and submit **Form EU1** within three months of arriving in Ireland.

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

The official application form is available here:

<http://inis.gov.ie/en/INIS/Pages/EU%20Treaty%20Rights>

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 <http://inis.gov.ie/en/INIS/Pages/EU%20Treaty%20Rights>

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

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/

Spouse of an Irish National Unit

Residence Division – Unit 5 and 6
Irish Naturalisation and Immigration
Service
PO Box 12695
Dublin 2
Email: INISsinu@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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