



**Refugee Information Services (RIS)**

*Real Support, Real Compassion and  
Advice*

# **The Naturalisation Process In Ireland**

**May 2008**

*The*  
A T L A N T I C  
*Philanthropies*



# Second DRAFT

## Naturalisation

### **What is Naturalisation?**

*Naturalisation in Ireland is the process whereby a foreign national, living in Ireland, may apply to become an Irish citizen provided that s/he meets certain residence/physical presence requirements in Ireland.*

### **What is the advantage of becoming an Irish citizen?**

*Being an Irish citizen means that you are legally recognised as being a national of Ireland and a citizen of the European Union.*

### **What are my rights as an Irish citizen?**

*As an Irish citizen, you are entitled to carry an Irish passport. You can leave Ireland to travel abroad and are entitled to live, work and travel within the European Union and the European Economic Area. You may vote in an Irish election, be elected to government in Ireland and in the European Union. You are also entitled to equality before the law, freedom of expression, freedom to practice your religion and all the other civil, political, economic, social and cultural rights to which an Irish national is entitled. As an Irish citizen you also have duties and responsibilities- you are expected to follow/abide/the laws of the land and, if called upon, to sit on a jury.*

### **What are my rights as an Irish citizen living outside of Ireland?**

*If you are an Irish citizen living outside of Ireland, you are also entitled to an Irish passport as well as diplomatic supports from Irish embassies/consulates abroad. In this case, with the exception of diplomatic staff and their spouses, posted abroad, you are **not** entitled to vote in an Irish election by post or in your nearest Irish embassy.*

### **How do I become an Irish citizen?**

*There are a number of different ways of acquiring Irish citizenship:*

- *By birth in Ireland*
- *By descent- through your parents/grandparents*
- *By naturalisation- this is acquired citizenship*
- *By marriage to an Irish citizen- post-nuptial citizenship*
- *Dual Citizenship*

### **By Birth**

*Following the 2004 citizenship referendum, the Irish government introduced the Irish Nationality and Citizenship Act 2004. Children born of certain foreign national parents on or after 1 January 2005 are since then no longer automatically entitled to Irish citizenship. If the child is born after 01 January 2005 and either parent is British or has refugees status, he or she is still entitled to Irish citizenship. Other children, whose parents are foreign nationals, born in the island of Ireland on or after 1 January 2005 must prove that they have a **genuine** link to Ireland. This requirement is met, if the parents can provide evidence that they have legally resided in the State for 3 out of 4 years immediately before the birth of the child.*

### **By descent**

*A person born on the island of Ireland to an Irish national is an Irish citizen from birth if at least one parent has Irish citizenship.*

Comment [MSOffice1]: I would include draft description here before the following questions, e.g.:

*All persons born in or outside Ireland who have Irish grandparents are also entitled to Irish citizenship (This is citizenship by descent.)*

**Are there different procedures for achieving citizenship for a child to a non-national on the island of Ireland?**

*Yes. The entitlement to Irish citizenship through birth on the island of Ireland can only be exercised by making a declaration in a specified form. This declaration must be made in the case of*

- (a) a person born on the island of Ireland to a non-national who, at the time of that person's birth was entitled to diplomatic immunity within the State and*
- (b) a person born in Irish sea or air space to a non-national on a foreign ship or in a foreign aircraft.*

**Even though I was born in Ireland and am an Irish citizen, is there something that I must do to exercise this entitlement?**

*It is open to you to exercise this entitlement. If you, as a person born on the island of Ireland, do an act which only an Irish citizen is entitled to do (for instance, applying for an Irish passport), the law regards that as an exercise of your entitlement to be an Irish citizen, and you are, accordingly, an Irish citizen from birth. This also applies to persons not yet of full age (i.e. those still under 18 and not married) on whose behalf such an act is done.*

**What if I do nothing to exercise this entitlement to be an Irish citizen? Will I lose my right to be an Irish citizen?**

*No. If you were born in Ireland, the fact that you have not done anything to exercise your right to entitlement does **not** mean that you are not an Irish citizen. The same applies if you are under the age of 18 and if no one has done any act on your behalf to exercise this entitlement. This does not, of its own accord, mean that you are not an Irish citizen. Nor does it mean that you are presumed to be a citizen of another country.*

**I have signed a document saying that I am no longer an Irish citizen. Can I change my mind?**

*If you were born in Ireland and made a declaration of alienage under section 21 of the Irish Nationality and Citizenship Act 1956 (i.e. declared that you were no longer an Irish citizen), you will still continue to be entitled to be an Irish citizen. You can resume your Irish citizenship by making a declaration in the prescribed form.*

**The prescribed declaration forms are available from the Department of Justice, Equality and Law Reform, or from your nearest Irish embassy or consular office.**

**I am a non-national and my child was born in Ireland after 01 January 2005. Is he entitled to be an Irish citizen? I have lived here for two years.**

*In order for your child to become an Irish citizen, you need to have resided here for not less than three years or a period, the aggregate of which is not less than three years, in the four years immediately preceding the birth of your child. This legislation came into effect on 1 January 2005. If you do not meet these residence requirements, then your child, born in Ireland, is not an Irish citizen.*

**What does citizenship through descent mean?**

*If either of your parents was an Irish citizen at the time of your birth, you are an Irish citizen, irrespective of your place of birth (unless one of the special conditions relating to birth outside Ireland applies; these are described below).*

**My Irish citizen parent was already dead by the time of my birth. Does that mean that I cannot acquire citizenship through descent?**

*No. It does not. If the parent, through whom you derive Irish citizenship, was not alive at the time of your birth, but would have been an Irish citizen, you are also an Irish citizen (ius sanguinis).*

**Does the fact that my parents are not married to each other affect my ability to acquire Irish citizenship?**

*Not at all. You derive citizenship through an Irish parent whether or not your parents were married to each other at the time of your birth.*

**Does the fact that I was born outside Ireland to an Irish parent make any difference?**

*It does not matter. The important thing is that you were born to an Irish parent or grandparent.*

**Neither I nor my parents was born in Ireland, but their grandparents were, can I still become an Irish citizen?**

*Yes, you can. If you were born outside Ireland to an Irish citizen who was himself or herself born outside Ireland, and any of your grandparents was born in Ireland, then you are entitled to become an Irish citizen. You can start the process by having your birth registered in the Foreign Births Register maintained by the Irish Department of Foreign Affairs. You must do so by applying to your nearest Irish embassy or consular office. A list of these offices is available on the website of the Department of Foreign Affairs at [irlgov.ie/iveagh](http://irlgov.ie/iveagh). If you are entitled to register, your Irish citizenship is effective from the date of registration.*

**I was born outside Ireland to an Irish citizen. However, neither my parents nor my grandparents were born in Ireland. Can I become an Irish citizen?**

*If one of your parents is an Irish citizen but none of your parents or grandparents was born in Ireland, then you may be entitled to become an Irish citizen by having your birth registered in the Foreign Births Register; this depends on whether the parent,*

*through whom you derive Irish citizenship, had himself or herself become an Irish citizen by being registered in the Foreign Births Register, before you were born. If you are entitled to register, your Irish citizenship is effective from the date of registration.*

**Does this mean that if I acquire citizenship (by registering my birth to an Irish parent) that my children can also become Irish citizens, even if they are born outside Ireland?**

*Yes. You can maintain the Irish citizenship of successive generations by ensuring that each generation registers in the Foreign Births Register before the birth of the next generation. (See above for registration procedure)*

**The following table may help to explain the situation (obtained from citizen information website):**

<b>If you are:</b>	<b>then you are:</b>
<b>A</b> Born in the island of Ireland.	Entitled to Irish citizenship or an Irish citizen.
<b>B</b> A child of A, born outside the island of Ireland.	An Irish citizen.
<b>C</b> A child of B and a grandchild of A, born outside the island of Ireland.	Entitled to Irish citizenship, but you must first register in the Foreign Births Register.
<b>D</b> A child of C and a great-grandchild of A, born outside the island of Ireland.	Entitled to Irish citizenship, by having your birth registered in the Foreign Births Register, but only if your parent C had registered his/her own birth in the Foreign Births Register, by the time of your birth.

*When seeking to register in the Foreign Births Register, you will need to produce relevant documentation (birth and marriage certificates and other relevant records for yourself and those through whom you trace your Irish ancestry) to confirm your citizenship.*

## **Citizenship by marriage- post nuptial citizenship**

### **Do I automatically become an Irish citizen, after marrying an Irish citizen?**

*No, the process is not automatic and there are different rules depending on whether you got married to the Irish person on, before or after 29 November 2002.*

*If you got married on or before 29<sup>th</sup> November 2002, you were, until 29<sup>th</sup> November 2005, able to lodge a post-nuptial citizenship declaration. However, since 29<sup>th</sup> November 2005, this process of making a declaration of citizenship after your marriage, no longer exists.*

### **What is the process if I got married to an Irish citizen after 30<sup>th</sup> November, 2002?**

*If you got married to an Irish citizen on or after 30<sup>th</sup> November 2002, you may apply to become an Irish citizen through the process of naturalisation. Application forms are available from the Department of Justice, Equality & Law Reform and also from their website [.justice.ie](http://justice.ie).*

### **Must I be living with my spouse in order to apply for naturalisation through my spouse? We are currently separated.**

*You must be living with your spouse as husband and wife at the time of your application and also must still be married to that person at the time of your interview and swearing- in ceremony.*

*If you are separated from your spouse, even if the separation is not a legal separation, you are not eligible to apply for naturalisation, based on marriage to an Irish spouse.*

### **Can I apply in my own right then and not rely on my spouse's nationality?**

*Yes you may. However, if you apply for naturalisation in your own right the residence requirement is longer. You must have five years reckonable residence in Ireland out of the last nine years preceding the application.*

**What is the situation if I have previously been married and divorced?**

*You can only claim citizenship by marriage, if your current marriage to an Irish citizen is a valid marriage under Irish law. You are not free to enter a second marriage unless, at the time of your second marriage, your previous marriage has been terminated by:*

- a) the death of your first husband or wife*
- b) a divorce that would be recognized by Irish law*

**What is the situation if I got my divorce outside of Ireland?**

*If your freedom to enter your current marriage was based on an earlier marriage terminated by a divorce, and that divorce was not obtained in Ireland, you will need to find out whether that divorce is one that would be recognized under Irish law. You would be required to present documentation showing the validity of your current marriage, which would include documentation showing the validity of any previous divorce.*

**Can any person apply for naturalisation or are there restrictions on eligibility?**

*You must:*

- Be 18 years of age or older (you must be married if you are under the age of 18 ) or*
- Be a minor born in the State (the island of Ireland) from 1st January 2005 and*
- Be of **good moral character**. A criminal history record check will be done and any convictions or ongoing proceedings will be taken into account (You must disclose all civil and*

*criminal cases pending or in which you were involved in Ireland or elsewhere in your application for naturalisation).*

- *Have had a period of one year's reckonable residence in the State immediately before the date of your application for naturalisation and during the 8 years preceding that have had a total reckonable residence in the state amounting to 4 years. (Altogether you must have 5 years reckonable residence out of the last 9 years.)*
- *Intend, in good faith, to continue to reside in the State after naturalisation and,*
- *Make a declaration of fidelity to the nation and loyalty to the State*

***The Minister of Justice has discretion on deciding whether to grant you naturalisation or not.***

***YOU ARE ADVISED NOT TO APPLY FOR NATURALISATION IF YOU HAVE A CRIMINAL CONVICTION, WITHIN THE LAST TEN YEARS (See below)***

**Can the e Minister waive some of the conditions for naturalisation process?**

***Yes. The Minister for Justice, Equality & Law Reform has power to waive one or more of the conditions for naturalisation in the following circumstances:***

**If you are:**

- *of Irish descent or of Irish associations or, are a parent or guardian applying on behalf of a minor child of Irish descent or Irish associations*
- *a naturalised parent applying on behalf of a minor child*
- *the spouse of an Irish citizen or a naturalised person*

- *have been resident abroad in the public service*
- *recognized as a refugee under the 1951 Geneva Convention relating to the status of Refugees) or*
- *a stateless person (under the 1954 UN Convention regarding Stateless Persons)*

**Can you explain what reckonable residence is and how it is calculated?**

*Reckonable residence means periods of residence taken into account when examining an application for naturalisation. Certain periods of residence may be excluded from the reckoning when calculating periods of residence in the State. These are periods when your presence in the State was not properly documented or (in certain cases) periods covered by a permission to remain that was for study purposes (that is, you were on a student visa) or while having a claim for asylum examined.*

**How is reckonable residence calculated for nationals of the European Economic Area (EEA)?**

*The EEA comprises EU member states plus Norway, Iceland and Liechtenstein. The time that an EEA or Swiss citizen has spent in the state is reckonable for naturalisation purposes as they are not required to have residence permits or documents under the European Communities (Free Movement of Persons)(No 2) Regulations 2006.*

**I am not a national of the EEA and I am not a Swiss citizen either? How is the time that I spend in the State reckoned?**

*If you are neither a citizen of the EEA member states nor of Switzerland, any period where you were required, by law, to have permission to remain in the State, but did not have it, will not be reckoned.*

*Certain foreign nationals are exempted by law from the requirement to have permission to remain, if that permission:*

- *was for the purposes of study (that is, you were on a student visa) whether or not that study involved you being employed during any of the period of the study, or*
- *was granted as you were on a working holiday visa, or*
- *was granted while your claim for asylum was being examined.*

### **Can you explain the application process to me?**

*First, get the relevant application form from the Irish Naturalisation and Immigration Service. The application forms are:*

- *Form 8 for a person of full age (previously Form 5)*
- *Form 9 for the minor child of a naturalised Irish citizen (previously Form 6)*
- *Form 10 for a minor child of Irish descent or Irish associations (previously Form 7)*

*Notes explaining how to complete the application form accompany each form and details are given on the supporting documents that are required.*

### **What supporting documents must I submit with my application?**

*You should send **certified copies** of the following documents with your application form:*

- *Long form birth certificate, (including certified translation if not in English or Irish)*
- *National passport, national identity card or travel document (all pages must be copied)*
- *Long form civil marriage certificate, if you are married, showing civil status, i.e. married, single, divorced at the date of marriage*

- *Divorce papers(if applicable)- original petition & final decree in respect of all divorces*
- *Documentary proof of legal residence in state(copies of immigration stamps in passport, official letters, confirming immigration status)*
- *Declaration of Refugee status if you are a refugee*
- *Birth certificate or naturalisation certificate of spouse if your application is based on marriage to an Irish spouse*
- *Payslips from your place of employment for the previous three months if employed*
- *Bank statements for the previous three months*
- *Documentation from Revenue Commissioners regarding tax affairs, if employed*
- *Work permit,(if appropriate)*
- *EU residence permit(if appropriate)*
- *Irish Medical Registration letter (for doctors only) )*

*You should sign the application form in the presence of a witness who must be a practicing Solicitor, Commissioner for Oaths or Notary Public, who knows you or to whom you are identified by a person who knows him/her.*

*The information in your application form will be checked against the accompanying documents. You must produce the original documents at the interview stage.*

**What documents do I need to submit with my application for naturalisation if it is based on marriage to an Irish citizen?**

*For spouses of Irish citizens who are applying after 30<sup>th</sup> November, 2002 under Section 15A of Irish Nationality & Citizenship Act (INCA) 1956(inserted by section 5 of INCA 2001) the following documents are required:*

- *Copy of documentary proof of Irish spouse's entitlement to Irish citizenship(Copy of naturalization certificate/birth certificate, if born in Ireland/Foreign Birth Register Entry/spouse's parents birth certificate, if latter born in Ireland)*
- *Sworn affidavit made by the Irish spouse in the presence of a legal witness (Commissioner for Oaths, Notary, Public or practicing Solicitor), to the effect that the couple are living together as husband and wife and that their marriage is subsisting at the time of application. This Affidavit is filed with your application form.*
- *Copy of three proofs of residence (e.g. Bank statements, mortgage agreement, household bill, rent book, social welfare books, income tax statements etc.)For both applicant and spouse showing current address and dated within three months prior to date of application.*

**What are the requirements for the references that I need to submit with my application?**

*You must submit references from three Irish citizens who know you personally and will vouch for your good character. These people must also be prepared to support your application to become an Irish citizen. The referees can be Irish friends, people who know you through your place of employment or through your involvement in the community.*

**How much does it cost to apply for citizenship?**

*The fee varies depending on who is applying for naturalisation. However, you do not have to pay any money until such time as your application is approved.*

*In the event of your application being denied, then you do not have to pay a fee.*

## **What are the different fees?**

*The standard fee for naturalisation is €634.87*

*There is NO FEE payable by convention Refugees, stateless persons or Programme Refugees.*

### **Reduced fees apply to the following:**

*(a) A person applying on behalf of a minor, €200.00;*

*(b) Applying by a widow or widower whose spouse was, immediately before death, an Irish citizen, and who has not, subsequent to the spouse's death, become a naturalised citizen of a state other than the State, €200.00;*

*(c) in the case of all other applications, €950.00;*

*(d) the fee payable under (a), (b) or (c) shall be nil, if the application for the certificate concerned is made by or on behalf of a refugee or stateless person or by or on behalf of a programme refugee.*

### **Where do I send the application?**

*You send your application to:*

*Citizenship Section (Irish Naturalisation Service)  
Department of Justice, Equality and Law Reform,  
Dundrum Road,  
Tipperary Town.  
Co. Tipperary.*

***NOTE: Please retain a complete copy of your application for your own records. Send the application by registered post and keep the certificate of posting, so that you can track it.***

### **How long will the process take?**

*The application process currently takes 30 months*

- *Receive acknowledgement of receipt of application within 15 days*
- *You will be given a case reference number, which you should quote in all phone calls/letters*
- *Application processed in chronological order.*
- *Incomplete applications will take longer than 30 months*
- *You will be informed, by registered post, of the decision on your application*
- *Letter notifying you of decision will contain instructions regarding final procedures that must be completed before certificate of naturalisation can be issued.*
- *These procedures include swearing an oath of fidelity to the nation and loyalty to the State (usually done before a District Court Judge)*
- *Certificate of Naturalisation will issue within 30 days of taking the oath of fidelity*
- ***YOU ARE AN IRISH CITIZEN FROM THE DATE OF ISSUE OF THE CERTIFICATE***
- *You can apply to the department of Foreign Affairs for an Irish passport after that date.*

**Are they contacted by the DJELR during the process? If yes, what do they want to find out from them?**

**How is investigation conducted? Are the Gardai involved?**

*Yes, the Gardai are involved. They are requested to provide a Garda Clearance certificate for each applicant for naturalization. This will entail providing information on any and all criminal charges brought against you and an indication of the status of each case in which you were involved. If you have been convicted during the last ten years or even if you have not been convicted,*

*but have come to the adverse attention of the Gardai, this fact will be documented and the Citizenship office will be informed of this.*

**Some people who applied for naturalisation months after me, have already received positive decisions while I am still waiting. How do you explain this?**

*The delay in processing your application may be due to the fact that the original application was incomplete, e.g you did not provide proper documentation to support your application, i.e. bank information, records of your physical presence in Ireland, lack of referees etc.*

**I was a refugee and have become an Irish citizen. I have applied for naturalization for my minor children whose names were already included in my own application. Will the application process be the same as in my case?**

**Include answer**

Comment [MSOffice2]: Answer to be included

**What happens if my application for naturalisation has been denied?**

*Your application may be denied for a number of reasons:*

- a) because you do not have the required reckonable residence(physical presence) in the state*
- b) you may not be of good moral character, because of your criminal history record or “ you may have come to the adverse attention of the Gardai”*
- c) or there may be queries regarding the legitimacy of the relationship on which you ground your application for naturalisation*

**Can I apply for naturalisation again?**

*Yes, with one exception, you can apply for naturalisation again if you can show that you have reformed and are now of good moral character.*

***A person who has been imprisoned or in youth custody for a period in excess of 2.5 years may never apply for naturalisation***

*In the case of criminal convictions the INIS office has adopted the UK template for convictions.*

<b>Sentence, Conviction</b>	<b>Application may be accepted after</b>
<i>Imprisonment or youth custody over 2.5 years</i>	<b>NEVER</b>
<i>Imprisonment or youth custody over 6months-2.5 years</i>	<i>10 years*</i>
<i>Imprisonment or youth custody up to 6 months</i>	<i>7 years*</i>
<i>Fine</i>	<i>5 years*</i>
<i>Community Service Order</i>	<i>5 years*</i>
<i>Absolute Discharge</i>	<i>6 months*</i>
<i>Detention Centre</i>	<i>3 years*</i>
<i>Probation Order</i>	<i>5 years*</i>
<i>Conditional Discharge, Bound Over, Care Order, Supervision Order</i>	<i>1 year or when order expires, whichever is the longer</i>
<i>Order for custody in remand home, approved school order, attendance centre order</i>	<i>1 year after order expires</i>
<i>Hospital order with or without a restriction order</i>	<i>5 years or 2 years after order expires, whichever is longer</i>

*\* All halved if person under 18 years when convicted (or at time of probation order)*

**I have immigrated to another country and have become a citizen of that country. Am I no longer an Irish Citizenship?**

*If you are an Irish citizen living abroad and you wish to apply for citizenship of another country, you may be required to **renounce** your Irish citizenship. If you have done this by making a declaration that you are no longer an Irish citizen, this does not affect your entitlement to be an Irish citizen if you were born in Ireland. You can resume your Irish citizenship by making a declaration.*

**I have heard that my certificate of naturalisation can be revoked. What does this mean?**

*Revocation means that your citizenship can be cancelled with immediate effect, because of some act you committed or did not commit. On revocation, you will no longer be a citizen of Ireland. The Minister for Justice, Equality & Law Reform can revoke your certificate of naturalisation if you:*

- *obtained it through fraud, misrepresentation or by concealing material facts or circumstances*
- *have through an overt act, failed in your duty of fidelity to the nation and loyalty to the State*
- *were ordinarily resident outside Ireland (other than in public service) for a continuous period of 7 years, without a reasonable excuse, did not register your name and a declaration of your intention to retain **Irish** citizenship with an **Irish** diplomatic mission or consular office or with the Minister for Justice, Equality and Law reform on an annual basis*
- *are also, under the law of a country at war with the State, a citizen of that country*
- *have, by any other voluntary act other than marriage, acquired citizenship of another country*

**Will I know in advance that the Minister plans to revoke my citizenship?**

*Before revoking your certificate of naturalisation, the Minister will inform you, in advance, stating the reasons why the certificate is being revoked and your right to apply to the Minister for an inquiry into the reasons for the revocation.*

**How is the inquiry conducted?**

*If you apply for an inquiry into a decision to revoke your certificate of naturalisation, the Minister will refer your case to a Committee of Inquiry, which will report its findings to the Minister. A notice of the revocation of your certificate of naturalisation will be published in Iris Oifigiuil (Ireland's official State Gazette)*

**I no longer wish to be an Irish citizen. Can I renounce my citizenship?**

*If you are an Irish citizen living abroad and wish to apply for citizenship of another country you may be required to renounce your Irish citizenship. If you have done this by making a declaration that you are no longer an Irish citizen, this does not affect your entitlement to be an Irish citizen, if you are born in Ireland. You can resume your Irish citizenship by making a declaration.*

**Can you explain what dual citizenship is?**

*If you are an Irish citizen you may also hold dual citizenship of another country. Certain countries do not recognize dual citizenship. For example, the law in some countries provides for the automatic termination of its citizenship or nationality if you acquire another citizenship or nationality. If you wish to apply for dual citizenship, you should check with the authorities of your home country to ensure that your rights are protected, before deciding to become an Irish citizen.*

**I am a national of a country which requires me to do military service. If I become an Irish citizen, am I then exempt from that service?**

*Acquiring Irish citizenship does not automatically void the obligations of another citizenship or nationality. You will still be obliged to complete your military service in your country of origin.*

**Useful addresses**

Citizenship Section (Naturalisation)  
Department of Justice, Equality and Law Reform,  
Dundrum Road,  
Tipperary Town.  
Co. Tipperary.

Telephone (within Ireland): Lo-Call 1890 551 500  
(helpline available 10:00am - 12:30pm Tuesdays and Thursdays only)

Telephone (from outside Ireland): + 353 1 616 7700  
(helpline available 10:00am - 12:30pm Tuesdays and Thursdays only)

[inis.gov.ie](http://inis.gov.ie)

Email: [Mail@Justice.ie](mailto:Mail@Justice.ie)

*Sources of information in this document are from the websites of Citizens Information Service, the Irish Naturalisation and Immigration Service and the Migrant Rights Centre of Ireland*

**Please note: The information provided in this leaflet is correct as at 4<sup>th</sup> August 2008 time. Some changes may be made to the family reunification process when the Immigration, Residence and Protection Bill 2008 becomes law. Please contact the RIS for Further information.**

