

## **Information leaflet No. 3**

# **Irish Citizenship by Naturalisation**

### **Disclaimer**

The Laws governing citizenship in Ireland are set out in the Irish Nationality and Citizenship Acts 1956 to 2004 (Irish Nationality and Citizenship Act 1956 (No. 26 of 1956) as amended by the Irish Nationality and Citizenship Act 1986 (No. 23 of 1986), the Irish Nationality and Citizenship Act 1994 (No. 9 of 1994) and the Irish Nationality and Citizenship Act 2001 (No. 15 of 2001) and the Irish Nationality and Citizenship Act 2004 (No. 38 of 2004). The purpose of this leaflet is to provide general information on the provisions of those laws which are currently in force and on your entitlement, if any, to Irish citizenship.

**This leaflet is not a legal interpretation**

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## ***1. What is naturalisation and who can be naturalised?***

Naturalisation is a process whereby a non - national can apply to become an Irish citizen. Applications are decided by the Minister for Justice, Equality and Law Reform, who has absolute discretion, even where the applicant meets certain conditions set out in the legislation, whether or not to grant naturalisation.

### **Naturalisation (general)**

If you are applying for naturalisation based on your own residence in the State, the conditions for naturalisation are as follows:

- You must be of full age (i.e. eighteen years or older, or married if younger than eighteen).
- You must be of good character.
- You must have had a period of one (1) year's continuous reckonable residence in the State immediately before the date of the application and, during the eight (8) years preceding that, have had a total reckonable residence in the State amounting to four (4) years (to find out what "reckonable residence" is, see the section below on Calculation of periods of residence).
- You must intend in good faith to continue to reside in the State after naturalisation.
- You must make a declaration of fidelity to the nation and loyalty to the State (see below for the point in the process at which this is required). The Minister for Justice, Equality and Law Reform has power (in his or her absolute discretion) to waive one or more of the above conditions for naturalisation in certain circumstances as follows:
  - Where the person is of Irish descent or of Irish associations, or is a parent or guardian applying on behalf of a minor child of Irish descent or Irish associations.
  - Where the person has an entitlement to Irish citizenship if he or she was born on the island of Ireland (information leaflet no. 1)
  - Where the person is a naturalised parent applying on behalf of a minor child.
  - Where the person is the spouse of an Irish citizen or a naturalised person.
  - Where the person has been resident abroad in the public service.
  - Where the person is recognised 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).

### **Naturalisation of spouses of Irish citizens**

If you are married to an Irish citizen and living in the island of Ireland, you may meet special conditions for naturalisation based on that marriage if:

- You are of full age (i.e. eighteen years or older, or married if younger than eighteen).
- You are of good character.
- You are married to your Irish citizen spouse for a period of not less than 3 years.
- Your marriage is recognised under the laws of the State as subsisting.
- You and your Irish citizen spouse are living together as husband and wife and your Irish spouse submits to the Minister an affidavit in the prescribed form to that effect.
- You have had immediately before the date of the application a period of one year's continuous residence in the island of Ireland, and
- You have had, during the 4 years immediately preceding that period, a total residence in the island of Ireland amounting to 2 years.
- You intend in good faith to continue to reside in the island of Ireland after naturalisation and
- You make a declaration of fidelity to the nation and loyalty to the State (see below for the point in the process at which this is required).

The Minister for Justice, Equality and Law Reform has power (in his or her absolute discretion) to waive one or more of the conditions outlined above in the case of a non - national spouse of an Irish citizen applying for naturalisation if satisfied that the applicant would suffer serious consequences in respect of his or her bodily integrity or liberty if not granted Irish citizenship.

## **Calculation of period of residence in relation to application for naturalisation.**

When calculating periods of residence in the State for the purposes of an application for a certificate of naturalisation, certain periods may be excluded from the reckoning. These are periods where your presence in the State was not properly documented, or (in certain cases) periods covered by a permission to remain which was for study purposes or while having a claim for asylum examined. The details are as follows:

### **EEA nationals.**

If you are a person to whom the European Communities (Aliens) Regulations 1977 apply (i.e. a citizen of an EU state (other than the UK) or a citizen of Norway, Iceland or Liechtenstein), any period for which you did not hold a residence permit or document granted under those Regulations or the European Communities (Right of Residence for Non-Economically Active Persons) Regulation 1997. (UK citizens are not required to have residence permits or documents under those Regulations, and so all of the time that a UK citizen has spent in the State is reckonable for naturalisation purposes).

### **Non-EEA nationals**

If you are not a citizen of an EU state or of Norway, Iceland or Liechtenstein, any period where you were required by law to have permission to remain in the State, but did not, will not be reckoned (remember that certain non-nationals are exempted by law from the requirement to have permission to remain). In addition, periods of residence in the State will not be reckoned which were covered by a permission to remain if that permission was –

- For the purposes of study (whether or not that study involved you being in employment during any of the period of study), or
- While your claim for asylum was being examined.

The law covering naturalisation is at sections 15, 15A, 16 and 16A of the Irish Nationality and Citizenship Act 1956 (as amended by the Irish Nationality and Citizenship Acts 1986, 1994, 2001 and 2004). A version of the Irish Nationality and Citizenship Act 1956, incorporating all of the amendments made to it by the 1986, 1994, 2001 and 2004 Acts, can be viewed on the website of the Irish Naturalisation and Immigration Services at [www.inis.gov.ie](http://www.inis.gov.ie).

## **Entitlement to Irish citizenship of persons born to certain non - nationals.**

A person born in the island of Ireland, since 1 January 2005, shall not be entitled to be an Irish citizen unless a parent of that person has, during the four years immediately preceding the person's birth, been resident in the island of Ireland for a period of not less than three years or period the aggregate of which is not less than three years.

## **2. How do I go about making an application?**

You can request the relevant forms from the Department of Justice, Equality and Law Reform, or download them from the Department of Justice, Equality and Law Reform website ([www.justice.ie](http://www.justice.ie)). The forms are:

- Form 8 for a person of full age
- Form 9 for a minor child of a naturalised Irish citizen
- Form 10 for a minor child of Irish descent or Irish associations

The notes accompanying each form give full details of how the form is to be completed and the supporting documentation that is required.

The supporting documents required include evidence of your identity and nationality (long-form birth certificate and passport, national identity card or travel document) and, if you are married, your marriage certificate. You also need to produce documents relating to your status and the duration of your stay in the State (Garda registration book or certificate, declaration of refugee status, work permit or the like). If your application for naturalisation is based on your relationship to an Irish citizen, you need to produce the documents necessary to show that person's status and your relationship to that person (e.g. birth or naturalisation certificate of Irish spouse, marriage certificate). As well as these, you must produce documents relevant to your financial and employment status (payslips for the previous 3 months, bank statements for the previous 3 months) and confirmation of your income tax situation. Copies only of the above documents should be submitted with the application form. You will be expected on request to produce the original documents for inspection at a later stage during the examination of your application.

The information in the form will be checked against the supporting documentation, and any inaccuracy will lead to delays in finalising the matter. So take your time completing the form and ensure that the information you enter on it is correct and complete.

Do not sign the form until you are in the presence of the person who must witness you signing it. The instructions as to who can be a witness are on the form itself. When the form has been completed, signed and properly witnessed, you should send it, along with the supporting documentation to the:

Citizenship Division,  
Department of Justice, Equality and Law Reform,  
Dundrum Road,  
Tipperary Town,  
County Tipperary,  
Ireland.

### **3. *What happens to my application when I lodge it?***

The following paragraphs describe the processing of naturalisation applications.

Receipt of your application and accompanying documentation is normally acknowledged within 15 working days. Forms completed incorrectly are returned to the applicant for resubmission. When your application is accepted, you are given a reference number and you should quote this number when making queries either by phone or in writing. You do not have to pay any fee at this stage: you will be asked to pay if and when your application has been approved by the Minister.

Your application is processed in chronological order along with all other applications on hand. The process of dealing with applications that have been properly completed and are accompanied by all of the necessary documentation is currently taking on average approximately 22 months from the time of receiving the application. For incorrect or incomplete applications, the process is longer, but you can keep it as short as possible by replying promptly to any queries.

If further documentation or clarification is required, you will be asked for it once processing has commenced.

As soon as the Minister has made a decision on your application, you will be informed by registered post.

If the Minister approves your application, the letter notifying you of this decision will contain instructions regarding final procedures that must be completed prior to the issue of a certificate of naturalisation. These include swearing an oath of fidelity to the nation and loyalty to the State (usually done before a Judge of the District Court – the letter gives details of this procedure) and payment of the fee (see paragraph 3.4 below).

On finalisation of the appropriate procedures, a certificate of naturalisation will normally issue within 30 days. You are an Irish citizen with effect from the date of issue of the certificate and you can apply to the Department of Foreign Affairs for an Irish passport any time after that date.

### **4. *Fees***

A fee at the appropriate rate (set currently by the Irish Nationality and Citizenship (Fees) Regulations 1993 as amended by the Irish Nationality and Citizenship (Fees) Regulations 1996) and as amended by the Irish Nationality and Citizenship Fees Regulation (2008) is payable at the point in the process where the Minister has decided to naturalise the applicant. The scale of fees is as follows:

Application on behalf of a minor	€200.00
Spouse of naturalised Irish citizen	€50.00
Widow or widower of Irish citizen	€200.00
Refugee, stateless person or programme refugee	Nil
Others	€50.00

## **5. Frequently asked questions about naturalisation**

### **Can I apply under any circumstances if I have not been resident in the State for 5 years?**

There are some circumstances (see paragraph 3.1 above) where the Minister, in his absolute discretion, may waive some or all of the conditions for naturalisation, including the residency requirement. If you are married to an Irish citizen for at least three years, you may qualify after only three years' residence: see Naturalisation of spouses of Irish citizens above.

### **Can I have the fee waived?**

Paragraph 3.4 details the categories of applicants for whom the appropriate fee is nil. There are no other circumstances where the fee can be reduced or waived.

### **What happens if I leave the State while my application is being processed?**

If you are leaving the State on a temporary basis, it would be preferable that you advise the Department of the circumstances, so that officials will be aware of the situation if they need to contact you in relation to your application. The legal provisions governing naturalisation require that a naturalised person continue to reside in the State after naturalisation, and any long-term absences will be assessed in that light.

### **Can my spouse and children apply at the same time?**

Any person over 18 years of age who fulfils the statutory criteria can apply for a certificate of naturalisation. Normally, an application on behalf of a minor child cannot be made until one of the parents or guardians is naturalised.

### **What does "good character" mean?**

The Garda Síochána (Ireland's national police) will be asked to furnish a report about your background. Any criminal record or ongoing proceedings will be taken into consideration by the Minister in deciding whether to grant naturalisation or not. Details of any proceedings, criminal or civil, in the State or elsewhere, should be disclosed at Section 12 on the application form.

**N.B. The Post-Nuptial citizenship provision has now ceased. No declaration lodged after 29th November 2005 will be accepted under any circumstances.**

## 6. Useful contacts

### **Irish Citizenship:**

Citizenship Division,  
Department of Justice, Equality and Law Reform,  
Dundrum Road,  
Carrownreddy,  
Tipperary Town,  
County Tipperary,  
Ireland.

Telephone (within Ireland): 062-32500 or Lo-Call 1890 252 854  
(helpline available 10:00 am – 12:30 pm Tuesdays and Thursdays only)

Telephone (from outside Ireland): +353-62-32500  
(helpline available 10:00 am – 12:30 pm Tuesdays and Thursdays only)

### **Irish Passports:**

If resident in Ireland:

Passport Office,  
Setanta House,  
Molesworth Street,  
Dublin 2.  
Ireland.  
Tel: +353-1-671 1633

### **If resident abroad:**

Contact your nearest Irish Embassy or Consular Office (list of contact addresses available on the website of the Department of Foreign Affairs at [www.irlgov.ie/iveagh](http://www.irlgov.ie/iveagh)).