



Rights and Entitlements of Migrants in Ireland



**Factsheet 2:
Rights to Long Term Residency
and Citizenship in Ireland**

Introduction

This factsheet is one of a series of leaflets produced by the Immigrant Council of Ireland (ICI) on the rights of migrants in Ireland. Other topics in the present series include:

- 'Rights to Family Reunification in Ireland'
- 'The Rights of International Students in Ireland'
- 'Rights to Leave to Remain in Ireland'.

This series of factsheets was kindly funded by the Department of Social and Family Affairs in Ireland.

What Is The Immigrant Council Of Ireland?

The ICI is an independent, non-governmental organisation that promotes and campaigns for the rights of migrants through its:

- Information and Support Service (free and confidential)
- Legal Service (free but limited service)
- Publications and training work
- Policy and campaigning work
- Work with migrant and ethnic minority led groups.

Disclaimer

This factsheet has been produced for information purposes only and is not a substitute for legal advice. Every effort has been made to ensure it is accurate and up to date at time of publication – November 2007. However, the Immigrant Council of Ireland disclaims any responsibility for errors or omissions in the text.

1 What Information Is In This Factsheet?

This factsheet provides information on the rights of people from outside the European Union to gain permission to stay in Ireland on a long term or permanent basis and how they can go about this process.

[Note: In this factsheet, any references to people from outside the European Union refer to people from countries outside the European Economic Area (EEA) and Switzerland. The European Economic Area includes the countries of the European Union as well as Norway, Iceland and Liechtenstein. Since January 2007, citizens of Romania and Bulgaria have also become citizens of the European Union.]

2 How Can I Get Permission To Stay In Ireland Long Term Or Permanently?

If you are from outside the European Union and you wish to get permission to stay in Ireland on a long term or permanent basis, you can apply for one of the following:

- 2.1 'Long Term Residency'**
- 2.2 'Permission To Remain Without Condition As To Time'**
- 2.3 Irish Citizenship**

These different forms of status in Ireland give you different rights. For example, if you are granted 'Long Term Residency' you have permission to remain in Ireland for five years initially, whereas if you are granted 'permission to remain without condition as to time', or Irish citizenship, you have the right to live and work in Ireland indefinitely or permanently.

In order to be eligible to apply for any of these forms of permission to stay in Ireland, you must satisfy a number of criteria. Details of the criteria and the process involved in making each application are outlined below.

Please note, it is not possible to apply for any of these forms of residency from outside the country, therefore you must already be living in Ireland and have another form of immigration status (such as work permit/ green card or Stamp 4 etc) at the time of making the application.

2.1 'Long Term Residency'

'Long Term Residency' is a type of residence permit that gives people a right to live and work in Ireland for five years without having to renew their permission to work during this time.

► Who Is Eligible To Apply For 'Long Term Residency'?

In order to be eligible to apply for 'Long Term Residency', you must have been living and working in Ireland for a minimum of 5 years (60 months) on either repeated work permits, working visas, work authorisations or temporary Stamp 4 periods.

Please note: Time spent in Ireland as a student or an asylum seeker does not count towards the time needed to apply for 'long term residency'. Also, only time registered with the GNIB will be deemed 'reckonable'. Any time spent not registered with the GNIB (for example as the result of a delay in a work permit renewal being issued) will not count towards 'long term residency'.

► How Do I Apply For 'Long Term Residency'?

You can make an application for 'Long Term Residency' by writing to 'Long Term

Residency', Irish Naturalisation and Immigration Service, Department of Justice, Equality and Law Reform, 13/14 Burgh Quay, Dublin 2. The application should be sent by registered post.

► **What Should I Include In The Application?**

Your application should include:

- Your name
- Your Department of Justice reference number (69/(...)/year)
- A copy of your current Certificate of Registration
- A full copy of your current passport (and old passport if it contains stamps/visas from the relevant five-year period).

If the Department requires additional documents after they have received your application, they will write to you to request them.

► **How Long Does It Take To Get A Decision?**

Processing times for applications can vary depending on the number of applications INIS is dealing with. However, at the time of going to print, it was taking about 12 months for an application to be processed. It is essential that you continue to renew your short-term residence permit while you are waiting for your application to be processed. For more information on estimated processing times at the time of your application, contact the ICI's Information and Support Service.

► **What Are My Rights If I Am Granted 'Long Term Residency'?**

If your application is accepted, you will be sent a letter stating that you qualify for 'long term residency'. You should then bring this

letter to your nearest police station (or the GNIB if you live in Dublin), where you will be issued with a 'Certificate of Registration' and a 'Stamp 4' valid for five years. Currently there is a €100 administrative charge for registering, which is payable by credit card or bank giro only.

This stamp will prove that you have the right to live and work in Ireland for five years without a work permit being required. This permission to work will allow you to move freely between employers and different sectors of the job market. A 'Stamp 4' also entitles you to start your own business or study in the State.

Towards the end of the five years, you may apply to have this status renewed. However, you may also consider applying for either citizenship or 'permission to remain without condition as to time' instead. (See Section 2.2 and 2.3 below.)

2.2 'Permission To Remain Without Condition As To Time'

► Who Can Apply For 'Permission To Remain Without Condition As To Time'?

If you have been legally resident in Ireland for eight years, you may apply for 'permission to remain without condition as to time'. This would give you permission to live and work in Ireland indefinitely.

Please note: Time spent in Ireland as a student or as an asylum seeker does not count towards the eight years needed to apply for 'permission to remain without condition as to time'.

► How Do I Apply For ‘Permission To Remain Without Condition As To Time’?

You can make an application for ‘permission to remain without condition as to time’ by writing a letter to the Minister for Justice, Equality and Law Reform explaining your situation (including your legal status during the eight years) and requesting that the Minister grant you ‘permission to remain without condition as to time’ in Ireland. The letter should be sent by registered post.

The Minister has discretion (authority) as to whether or not to grant you ‘permission to remain without condition as to time’. If you would like assistance with making an application you can contact the ICI’s Information and Support Service.

► How Long Does It Take To Get A Decision?

Processing times vary for all applications. Therefore, it is not always possible to estimate how long it will take for a decision to be made on an application. For more information on estimated processing times of applications, contact the ICI’s Information and Support Service.

► What Are My Rights If I Am Granted ‘Permission To Remain Without Condition As To Time’?

If you are granted ‘permission to remain without condition as to time’, you must still register with the GNIB (if in Dublin) or your local police station (if outside Dublin). When you register, you will be issued with a Certificate of Registration, which will state your immigration status (Stamp 6). Currently there is a €100 administrative charge for registering, which is payable by credit card or bank giro only.

2.3 Irish Citizenship

If you have been residing legally in Ireland for a number of years, you may wish to apply for Irish citizenship. There are different ways of applying for citizenship depending on your situation. These are:

- a. Naturalisation**
- b. Citizenship By Descent**
- c. Citizenship By Birth In Ireland**
- d. Citizenship Based On Marriage To An Irish Citizen**

A. Naturalisation

If you would like to become an Irish citizen and you fulfil certain conditions, you can apply for a 'Certificate of Naturalisation', which gives you Irish citizenship.

► Who Is Eligible To Apply For Naturalisation?

The Minister for Justice, Equality and Law Reform may grant you Irish citizenship through naturalisation if he/she is satisfied that you:

- Are over 18 years of age
- Are of 'good character'
- Have been living in Ireland for one year continuously immediately before making the application, and in the eight years before that, had been living in Ireland for a period of four years
- Intend to continue to live in Ireland after naturalisation
- Have made a 'declaration of fidelity to the nation and loyalty to the State'.

Please note: Applications for naturalisation are not granted automatically and the Minister considers each one individually. The Minister has absolute discretion (authority)

as to whether or not to grant you naturalisation, even when you meet the conditions outlined above.

► **How Do I Apply For Naturalisation?**

You can make an application for naturalisation by filling out the relevant forms (available from Department of Justice, Equality and Law Reform or the ICI) and returning them to the Immigration and Citizenship Division of INIS, Department of Justice, Equality and Law Reform (see useful contacts).

► **What Documents Are Needed To Apply?**

The documents you should include in your application are listed on the naturalisation application form.

If you would like assistance making such an application, you can contact the ICI's Information and Support Service and staff can advise you on what information and documents need to be included in an application for 'naturalisation'.

► **How Long Does It Take To Get A Decision?**

Processing times vary for all applications, therefore it is not always possible to estimate how long it will take for a decision to be made. However, at the time of going to print, it was taking about 30-36 months to get a decision on an application for naturalisation.

► **What Should I Do If I Am Granted Naturalisation?**

If you receive a reply from the Department of Justice, Equality and Law Reform stating that you will be granted naturalisation, you should then follow the directions in the letter. This will include making a declaration of

loyalty to the State at your nearest district court, and then sending this declaration, along with the administration fee, back to the Department.

The Government charges a fee for completing your application for naturalisation and granting you Irish citizenship. Once this has been paid and you have received your 'Certificate of Naturalisation', you can then apply to the Passport Office (see useful contacts).

B. Citizenship By Descent (Irish Parents)

► Who Is Eligible For Citizenship By Descent?

Anyone born outside Ireland, whose parents or grandparents are Irish citizens is entitled to be an Irish citizen (however, only if the grandparent was born in Ireland).

► How Do I Apply For Citizenship By Descent?

This can be done by having the birth entered in the Irish Register of Foreign Births at the Department of Foreign Affairs in Dublin or at the nearest Irish diplomatic or consular mission. Information on the documents required for this application is available from the ICI or the Department of Foreign Affairs.

C. Citizenship By Birth In Ireland

It is no longer the case that everyone born on the island of Ireland is automatically entitled to Irish citizenship at birth.

Eligibility for citizenship depends on a number of factors, including when the person was born and the nationality of their parents. If a person is eligible for citizenship, it is not

granted automatically – an application must be made.

► **Who Is Eligible For Citizenship By Birth In Ireland?**

Born on or before 31 December 2004

Every person born on the island of Ireland before 1 January 2005 is entitled to be an Irish citizen.

Born on or after 1 January 2005

A person born on the island of Ireland on or after 1 January 2005 is only entitled to be an Irish citizen if at the time of their birth that person had a parent who was one of the following:

- An Irish citizen or entitled to be an Irish citizen
- A British citizen
- A person who has been granted Refugee status in the State prior to the child's birth
- A person who is not Irish but who had been legally resident in Ireland for three out of the four years immediately preceding the birth of their child (known as 'reckonable residence').

Please note: Time spent in Ireland as a student or an asylum seeker is not considered 'reckonable residence' and does not count towards the citizenship rights of the person born on or after 1 January 2005.

► **How Do I Apply For Citizenship By Birth?**

If your child was born on or after 1 January 2005, and is eligible to apply for citizenship (see above), you should go to the Passport Office to apply for an Irish passport for your child. (See Useful Contact section.)

▪ **What Documents Do I Need?**

When going to the Passport Office, you should bring proof that you meet the criteria above. You will also require your child's birth certificate.

D. Citizenship Based On Marriage To An Irish Citizen

If you are married to an Irish national, you may apply for citizenship and it may be granted at the 'absolute discretion' of the Minister for Justice, Equality and Law Reform. To apply for citizenship on this basis, you must satisfy the following criteria:

- Be aged over 18
- Be of good character
- Be married to an Irish citizen for at least three years
- Your marriage is subsisting and recognised by Irish legislation
- Be living with the Irish citizen as husband and wife
- Have lived in Ireland for at least one year continuously prior to the application
- Have been resident in Ireland for at least two years of the four years immediately preceding that period
- Intend in good faith to continue to reside in Ireland after naturalisation
- Have made a declaration of 'fidelity to the nation and loyalty to the State'.

The Minister may waive the above criteria in certain cases. Please contact the ICI for more information.

▶ **How Do I Apply For Citizenship Based On Marriage?**

You can make an application for naturalisation by filling out the relevant forms (available from Department of Justice, Equality and Law Reform or the ICI) and

returning them to the Immigration and Citizenship Division of INIS, Department of Justice, Equality and Law Reform (see useful contacts).

▶ **What Documents Are Needed To Apply?**

The documents you should include in your application are listed on the naturalisation application form.

▶ **How Long Does It Take?**

Processing times can vary for all applications. However, at the time of going to print, it was taking 12-18 months for an application for naturalisation based on marriage to be processed.

3 What Are The Rights Of People With Long Term Residency?

3.1 What Are My Rights To Work In Ireland?

If you have permission to live in Ireland it does not automatically mean that you are allowed to work in Ireland.

▶ **People Granted 'Long Term Residency' And 'Permission To Remain Without Condition As To Time'**

People who have been granted 'long term residency' and 'permission to remain without condition as to time' are entitled to enter any employment in Ireland.

▶ **People Granted Irish Citizenship**

People granted Irish citizenship do not need a permit to enter employment, however, they

should apply for a PPS number at their nearest social welfare office if they don't already have one.

► **What Are My Rights In The Workplace?**

Everyone who has permission to work in Ireland has the same rights in the workplace, regardless of nationality. This means that they have a right to a legal contract, to lawful hours of work, a salary that is not below the minimum wage and holiday, illness and parental leave, as set down in Irish employment law. For more information on your rights in the workplace contact the ICI's Information and Support Service.

3.2 What Are My Rights To Family Reunification?

► **People Granted 'Long Term Residency' And 'Permission To Remain Without Condition As To Time'**

Although there is no right to family reunification set down in law, generally people granted 'long term residency' or 'permission to remain without condition as to time' are permitted to have their immediate family members (such as spouse and minor children) join them in Ireland.

The Minister has full discretion whether to grant family reunification and there is no guarantee that the application will be granted. Applications often take time and require proof of sufficient resources to support family members when they are here as they do not always have the right to work in Ireland.

For more information on family reunification rights, see the ICI's factsheet 'Rights to

Family Reunification in Ireland' or contact the ICI's Information and Support Service.

► **People Granted Irish Citizenship**

People who have been granted Irish citizenship can apply to have their family members join them in Ireland as dependents of Irish nationals. However there is no guarantee their application will be granted.

3.3 What Are My Rights To Social Welfare?

Since May 2004, anyone who wishes to apply for social welfare support in Ireland must pass a residency test known as the 'habitual residence condition', irrespective of his or her nationality. Generally, it means that anyone who has not been resident in Ireland for two years before making the application may not be entitled to social welfare benefits. To apply for social welfare, please contact your local social welfare office.

3.4 What Are My Voting Rights?

► **People Granted Irish citizenship**

People granted Irish citizenship have the same rights as any other Irish citizen, including the right to vote in all local, national, European elections and referenda in Ireland. However, it is necessary to be entered on the Register of Electors.

► **People Granted 'Long Term Residency' Or 'Permission To Remain Without Condition As To Time'**

People granted 'long term residency' or 'permission to remain without condition as to time' are allowed to vote in local elections in Ireland if they are resident in Ireland and their name is on the Register of Electors.

Useful Contacts

Irish Naturalisation and Immigration Service (INIS)

Department of Justice, Equality and Law Reform

13/14 Burgh Quay, Dublin 2

1890 221 227

www.inis.gov.ie

Passport Office

Setana Centre

Molesworth Street, Dublin 2

+353 1 671 1633 /Lo-Call (from outside Dublin in Ireland): 1890 426888

Garda National Immigration Bureau (GNIB)

13/14 Burgh Quay, Dublin 2

+353 1 666 9100

email: gnib@iol.ie

Department of Enterprise Trade and Employment

Davitt House

65A Adelaide Road, Dublin 2

Employment Rights, + 353 1 631 3131

Work Permits, + 353 1 631 3308

www.entemp.ie

Department of Social and Family Affairs

Áras Mhic Dhiarmada

Store Street, Dublin 1

Tel: + 353 1 704 3000

www.welfare.ie

Citizens Information Board

In person: Any of the Citizens Information Centres throughout Ireland

Phone Service: Lo Call 1890 777 121

Website: www.citizensinformation.ie

Do You Want More Information On The Rights Of Migrants?

If you would like more information on the rights of migrants in Ireland you can get this from the Immigrant Council of Ireland by:

Reading Other Factsheets In This Series:

- 'Rights of International Students in Ireland'
- 'Rights to 'Family Reunification' in Ireland'
- 'Rights to 'Leave to Remain' in Ireland'.

Reading The 'Information For Migrants' Section Of Our Website:

www.immigrantcouncil.ie

Contacting Our Free And Confidential Information And Support Service:

The ICI provides a free and confidential Information and Support Service on the rights of migrants and their families such as migrant workers, international students, business people and visitors. Information is available on topics such as:

- work permits
- working visas and authorisations
- business permits
- student visas
- family reunification
- citizenship and residency
- permission to remain
- regularisation
- tourist visas/visitor visas
- referrals to other services.

For the opening hours and contact details of the ICI's Information and Support Service see the back of this factsheet.

Opening Hours of the Immigrant Council of Ireland's Information Service:

The ICI's Information and Support Service is free of charge and is open to individuals and organisations with immigration queries on:

**Monday
Tuesday
Thursday
Friday
NOT WEDNESDAY**

**Open for drop-in queries
MORNINGS ONLY: 10am-12.30pm**

**Open for phone queries
AFTERNOONS ONLY: 2pm-4.30pm**

**Contact Details
Immigrant Council of Ireland
2 St. Andrew Street, Dublin 2, Ireland.**

**Information Service:
Tel: +353 1 674 0200 or
Email: info@immigrantcouncil.ie
Website: www.immigrantcouncil.ie**

**Administration:
Tel: +353 1 674 0202 or
Email: admin@immigrantcouncil.ie
Fax: + 353 1 645 8059**

