



Rights and Entitlements of Migrants in Ireland



**Factsheet 1:
Rights to Family Reunification
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 Long Term Residency and Citizenship in Ireland'
- '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.

What Information Is In This Factsheet?

This factsheet provides information on:

- The rights of Irish citizens, EU citizens and non-EU citizens living in Ireland to have their family members join them in Ireland.
- How to make applications for ‘family reunification’
- An overview of the rights of family members once they are in Ireland.

Please note that there is also information available regarding family reunification on the Irish Naturalisation and Immigration Service (INIS) website: www.inis.gov.ie.

Family reunification applications can be complicated. If you would like assistance with making an application for family reunification, you can contact the ICI’s Information and Support Service (opening hours on back cover).

1 What Does ‘Family Reunification’ Mean?

In this factsheet, and in general, the term ‘Family Reunification’ refers to the process whereby family members who are separated due to forced or voluntary migration regroup in a country other than their country of origin. It can also include situations where individuals form family relationships within Ireland.

2 Who Can Apply For Family Reunification?

Generally, if you are legally resident in Ireland you can apply to have your dependent family members join you.

However, please note the following:

- At present Irish law does not provide a right to family reunification for everyone and there is no clear definition of family members who qualify for admission
- Although everyone can apply for family reunification, in most cases, the Minister for Justice, Equality and Law Reform has full discretion whether or not to grant family reunification
- Applications often take a long time to be processed and require proof of sufficient financial resources to support family members while they are in Ireland.

Family reunification entitlements and application procedures vary from case-to-case and can depend on:

- Your immigration status in Ireland
- The nationality of the person making the application to join you in Ireland, as your family members may first need a visa to enter Ireland. For a list of countries whose citizens do not require a visa to enter Ireland, see the INIS website: www.inis.gov.ie.

For example, the following groups of people have different rights when it comes to having their family members join them in Ireland:

2.1 Irish Nationals

2.2 European Union (EU) Nationals

2.3 Non-EU Nationals

[Note: In this factsheet, references to people from the European Union (EU) actually refer to people from all countries in the 'European Economic Area' (EEA) and Switzerland. The EEA includes the countries of the EU as well as Norway, Iceland and Liechtenstein. Similarly, references to people from outside the EU refer to people from outside the EEA.]

The following sections give an overview of the rights of different categories of people to have their family members join them in

Ireland (where family members require a visa to travel to Ireland).

2.1 I Am An Irish National

If you are an Irish national adult, you may apply to have your spouse live with you in Ireland provided that the marriage is valid. It is also possible to apply for your unmarried *de facto* partner to join you. Family members of minor Irish citizens may apply for entry/residency in Ireland. However, in each of these situations, it is not guaranteed that the application will be granted and the Minister may refuse to grant permission in certain circumstances.

If you are Irish and your child or children are also Irish, they are automatically allowed to join you in Ireland. However, if your child is not Irish/European you will have to apply for them join you. The Minister has discretion as to whether or not to grant your application.

2.2 I Am From The European Union

European Community law provides for the rights of EU citizens to be accompanied by their non-EEA family members when they *move* to another EU Member State or *return* to their own country having resided in another EU Member State. However, depending on the circumstances, the relevant criteria for being issued a residence permit may vary.

2.2.1 Definition Of Family Members

The categories of family members allowed to accompany or join an EU national are the same for workers, self-employed people and non-economically active persons, including students:

- spouse
- children of the EU citizen or the spouse who are under the age of 21 or are dependent on the EU citizen or his/her spouse, and
- parents of the EU citizen or his or her spouse.

Permission may also be given for the following family members of the EU citizen:

- other dependants,
- members of the household of the EU citizen,
- other family members who require the personal care of the EU citizen on the basis of serious health grounds, and
- partners with whom the EU citizen has a durable relationship, duly attested.

This wider definition does not apply to family members of nationals of the non-EU states of the EEA (Iceland, Liechtenstein, Norway) or of Switzerland.

Please note: currently, the Government is generally refusing to issue residence permits to non-EU national family members of EU citizens who have not lived with their family member in another EU Member State prior to applying for a residence permit. Please contact the ICI for more information.

2.2.2 Criteria For Issuing Residence Permits To Family Members

► Family Members Of EU Citizen Workers Or Business People

- A valid passport
- Document attesting the existence of a family relationship
- Evidence of EU citizen's residence and employment in Ireland.

If you are in a relationship but not married, INIS will require you to provide evidence of the duration of your relationship in order to process a residency application for your partner. There are currently no clear criteria regarding how long a couple must have co-habited prior to making an application.

If you are a dependent family member, INIS may require that you submit evidence of dependency, being a member of the household and/or proof of serious health grounds which strictly require the personal care of the family member by the EU citizen.

▶ **EU Citizen Students**

In addition to the requirements listed above, (for family members of European workers or business people) you must show that you are enrolled in a course of study or vocational training, and that you are in a position to financially support yourself, your spouse and your dependants. You must also have comprehensive health insurance for yourself and your family members.

▶ **Non-Economically Active EU Citizens**

In addition to the requirements listed above, (for family members of European workers or business people) you must be in a position to financially support yourself, your spouse and your dependants. You must also have comprehensive health insurance for yourself and your family members.

2.3 I Am From Outside The European Union

▶ **Non-EEA Migrant Workers**

If you are legally resident in Ireland for work purposes, your spouse and dependent unmarried children aged less than 18 years may be allowed to join you in Ireland. However, the criteria that apply vary

depending on whether you hold a work authorisation, working visa, Green Card or employment permit. If you hold an employment permit, the criteria also vary depending on whether you have been resident in Ireland for a period of more than three years.

Please refer to the INIS leaflet 'Family Reunification for Workers' available on www.inis.gov.ie or contact ICI directly for further information on the criteria that apply to your situation.

▶ **Business People From Outside The European Union**

If you are from outside the EU and are self-employed in Ireland with a 'business permit', family members may be allowed to join you in Ireland provided you have sufficient income to maintain and accommodate yourself and any dependent family members without resorting to social assistance or paid employment.

▶ **International Students**

International students are not automatically entitled to have a person join them or visit them in Ireland. Your spouse and/or minor dependent children may be permitted to join you in Ireland if you can demonstrate that you have sufficient resources to maintain them without seeking social assistance for the duration of your studies.

▶ **Recognised Refugees**

If you have been recognised as a refugee in Ireland you have a right to have certain family members join you here. A refugee is entitled to be joined by the following family members:

- Spouse, if married at the time the refugee applied for asylum in Ireland
- Minor dependent children aged under 18

- Parents, if the refugee is aged under 18 and unmarried.

You are also entitled to apply to bring other family members who are dependent on you to Ireland. However, such applications are considered on a case-by-case basis and are granted at the discretion of the Minister.

For more information, please refer to the Family Reunification Information Leaflet specific to refugees available on the INIS website www.inis.gov.ie or contact the Refugee Information Service www.ris.ie.

► **People From Outside The EEA With 'Leave To Remain'**

If you have been granted 'leave to remain' in Ireland you may apply to have your immediate family members (spouse and minor children) join you. Applications are decided on a case-by-case basis and are subject to the discretion of the Minister for Justice, Equality and Law Reform.

3 How Do I Apply For Family Reunification?

The application procedure for family reunification depends on whether your family members need a visa to enter Ireland. Please see the websites of the Department of Foreign Affairs (www.foreignaffairs.gov.ie) or INIS (www.inis.gov.ie) for a list of countries whose citizens do not require visas to enter Ireland.

3.1 Non-Visa Required Family Members

If your family members do not need a visa to travel to Ireland they cannot make an application for family reunification in advance of their arrival in Ireland. They must first legally enter Ireland. After their arrival, they are required to register their presence

in Ireland with the Garda National Immigration Bureau (GNIB) (if living in Dublin) or at their local police station (if living in another part of the country) if they intend to stay longer than 90 days.

Please note, in some cases your family member may be requested to make an application in writing to INIS for permission to reside in Ireland. Please contact ICI directly for further information.

If your family member is granted permission to live in Ireland, it does not automatically mean that they are also allowed to work. See Section 5 below for further information.

3.2 Visa Required Family Members

If your family members need a visa to travel to Ireland, they will first need to apply for a visa as part of the application for family reunification.

► Where Should I Send The Visa Application?

If there is an Irish Embassy in the country where your family members are living, the visa application should be sent to that Embassy or made there in person. If there is no Irish Embassy or consulate in that country, the visa application can be made to the nearest Irish Embassy or directly to the Visa Section of the Department of Justice, Equality and Law Reform in Dublin (see useful contacts).

Each single entry visa application currently costs €60 and a visa application form must be completed for every family member travelling on their own passport. It is important to apply for a visa well in advance of travelling and it is recommended that you allow at least six to eight weeks for a visa application to be processed if applying from abroad. A visa reference number will be

given to the application and visa decisions are published on the Visa Decision Weekly Listing on the INIS website www.inis.gov.ie.

► **What Documents Do I Need To Support The Visa Application?**

The documents required can vary from case to case depending on your immigration status, but generally, you should include:

- Proof that you have the right to reside in Ireland, such as a letter granting residence, green card, work permit, working visa or business permission
- Proof of the family relationship, such as marriage certificates, birth certificates, etc. If the application concerns a minor child but both parents will not be living in Ireland, you must provide the written consent of the other parent
- Proof of employment in Ireland, including contract of employment for at least one-year's further duration and indicating the annual salary, P60 for most recent tax year and three consecutive payslips
- Where relevant, proof that you are in a position to financially support your family members. Work permit holders must have been in employment for at least 12 months before the application for family reunification is made and have an income above the threshold that would qualify for a payment under the Family Income Supplement (FIS) Scheme. This is not required if you have been resident with a work permit for at least 36 months prior to the application
- Passport photographs for each family member
- Valid passports for you and your family members. Your passport must clearly show your permission to be in Ireland and your family members' passports must be valid for at least one year from the date of application.

All documents must be in English or accompanied by a notarised translation.

► **What If The Visa Is Refused?**

Visa decisions are published on the Visa Decision Weekly Listing on the INIS website www.inis.gov.ie. If your application is refused, the reasons for the refusal will be listed on the Visa Decision Weekly Listing and you are entitled to appeal the decision within two months.

Appeals should be submitted in writing to the Visa Appeals Officer, Department of Justice, Equality and Law Reform, 13-14 Burgh Quay, Dublin 2. If you made the visa application to the Visa Office in Beijing, Moscow or New Dehli, the appeal should be submitted to the relevant Visa Office. For more information on how to make an appeal, contact the ICI's Information and Support Service.

► **What If The Visa Is Granted?**

If your application is granted, a visa will be issued stating its dates of validity and type. A visa does not guarantee entry to Ireland.

If you are allowed to enter Ireland and intend staying more than 90 days, you must register with the Garda National Immigration Bureau (if living in Dublin) or at your local police station (if living elsewhere) before the permission granted to you on your arrival expires. Adults and children aged over 16 must register and there is a €100 fee.

4 What Are The Rights Of Family Members Who Come To Ireland?

4.1 What Are My Rights To Live And Work In Ireland?

If family members are granted permission to live in Ireland, it does not automatically mean that they are allowed to work.

▶ **Spouses Of Irish Nationals**

If you are granted residence as the spouse of an Irish national, you will be issued a Stamp 4. This gives you permission to work, or to be self-employed, without further restriction.

▶ **De Facto Partners Of Irish Nationals**

Partners of Irish nationals do not have an automatic entitlement to work and usually are required to obtain an employment permit. In some cases, partners of Irish nationals in very long-term relationships have been granted residence on Stamp 4 conditions.

▶ **Family Members Of EU Citizens**

If you are granted a residence permit on the basis of your family relationship with an EU national who is resident in Ireland, you are entitled to reside and take up employment or self-employment in Ireland.

Your permission to live and work in Ireland may be affected by a change in personal circumstances, so you should contact ICI for further information if this is the case.

▶ **Spouses Of Non-EU Students**

If you are the spouse of a student from outside the EU and have been granted residence, you are allowed to remain in Ireland while the student is here and can support you financially. However, you are *not allowed to work* when you come to Ireland (unless you are issued with permission to work or set up a business in your own right).

▶ **Spouses Of Non-EEA Migrant Workers**

If you are granted a residence permit as the spouse of a non-EEA migrant worker who is the holder of a work authorisation, working visa, Green Card or work permit, you are

allowed to live here for as long as your spouse remains in Ireland for employment purposes and continues to be able to support you financially. You are not automatically entitled to work or to set up a business.

However, you may be able to enter employment under the Spousal Work Permit Scheme administered by the Department of Enterprise, Trade and Employment. Information on this scheme is available on the website www.entemp.ie or through the ICI's Information and Support Service.

▶ **Family Members Of Non-EU Citizens With Business Permission**

If you are the family member of a person from outside the EU who holds a business permit in Ireland, you are allowed to stay in Ireland as long as that person is in the country and is able to support you financially. If you are the spouse of a person with business permission, you are not allowed to work or set up a business in Ireland (unless you are issued with permission to work or set up a business in your own right).

▶ **Family Members Of People Granted 'Leave To Remain'**

If you are a family member of a person who has been granted 'leave to remain' in Ireland, you are generally entitled to the same rights as that person. Generally, a person granted 'leave to remain' is issued with a Stamp 4, which allows them to work or be self-employed without any further restrictions.

▶ **Family Members Of Refugees**

If you have come to Ireland as the family member of a recognised refugee, you have the same rights as an Irish national to:

- Seek and enter employment
- Carry out any business
- Travel to and from Ireland.

► **What Are My Workplace Rights?**

Everyone who has permission to work in Ireland has the same rights in the workplace, regardless of nationality. They have a right to a legal contract, to lawful hours of work, a salary not below the minimum wage and holiday, illness and parental leave. For more information on workplace rights, contact the ICI's Information and Support Service.

4.2 What Are My Social Welfare Rights?

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 you may not be entitled to social welfare benefits if you have not been resident in Ireland for two years before making the application. To apply for social welfare, please contact your local social welfare office.

4.3 What Are My Voting Rights?

► **Irish Citizens**

Irish citizens can vote in all local, national, European elections and referenda in Ireland, if their name is on the Register of Electors.

► **EU Citizens**

People from other countries in the EU can vote in European and local elections in Ireland, if they are resident and their name is on the Register of Electors. British citizens can also vote in national elections in Ireland if their name is on the Register of Electors.

► **People From Outside The EU**

Non-EU nationals who are resident in Ireland are allowed to vote in local elections if their name is on the Register of Electors.

Useful Contacts

Family Reunification Unit

INIS

Department of Justice, Equality and Law Reform, 13/14 Burgh Quay, Dublin 2

1890 221 227

www.inis.gov.ie

Visa Office

INIS

Department of Justice, Equality and Law Reform, 13/14 Burgh Quay, Dublin 2

+353 1 616 7700/ Lo-Call (from within Ireland)

1890 551 500

www.inis.gov.ie

Irish 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

13/14 Burgh Quay, Dublin 2

+ 353 1 666 9100

email: gnib@iol.ie

Information Service Of The Department Of Social And Family Affairs

Áras Mhic Dhiarmada

Store Street, Dublin 1

+ 353 1 704 3000

www.welfare.ie

Refugee Information Service

18 Dame Street, Dublin 2

+ 353 1 645 3070

www.ris.ie

Citizens Information Service

In person: 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 to Long Term Residency and Citizenship in Ireland'
- 'Rights of International Students 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**

