Submission to the Joint Committee on Justice, Home Affairs and Migration

General Scheme of the Irish Nationality and Citizenship (Amendment) Bill 2026

12 October 2026

Working for equality

Immigrant Council of Ireland

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1. BACKGROUND

The Immigrant Council of Ireland (ICI) is a national non-governmental organisation and an Independent Law Centre that has been engaged in advancing the rights and protections of migrants since its establishment in 2001. Our work encompasses issues of immigration, citizenship, and migrant integration, with a particular focus on promoting legal and policy reform. Through the ICI Independent Law Centre, we provide legal services and operate a national information helpline for migrants and professionals working with them.

In 2025 we responded to 6076 queries to our Information Helpline. This represents only 8.2% of the total number of queries received as due to limited capacity we are unable to respond to all calls received on the Helpline. This is an indication that a much larger cohort of people are affected by the issues raised on our Helpline. In 2025 alone, our Helpline dealt with 938 citizenship queries, an increase of 22% on 2024.

The ICI is a recognised expert on citizenship, and related issues such as statelessness, and migrant integration. We are the Ireland partner in MIPEX and the European Network on Statelessness. This expertise, together with our experience of delivering information and legal services, undertaking research[1], as well as our direct work with migrant communities through our integration programmes informs this submission.

We welcome the opportunity to make submissions to the Joint Committee on Justice, Home Affairs and Migration on the proposed amendments to Irish citizenship by naturalisation as set out in the General Scheme of the Irish Nationality and Citizenship (Amendment) Bill 2026. These are preliminary observations pending the publication of the text of the Bill itself.

[1]Cosgrave, C., Living in Limbo (ICI, 2011) available at: Layout 1 (Page 1)

2. VALUE OF CITIZENSHIP: TO THE STATE AND TO THE INDIVIDUAL

Citizenship acquired by naturalisation may be viewed as the highest level of 'membership' potentially available to migrants in their host State, and the acquisition of citizenship is viewed as a key measure to facilitate the integration of migrants. Extensive international research[2] evidences that citizenship also has significant benefits for the host society, as it supports social trust[3] and public acceptance of migrants[4], and it has important economic benefits[5] for the host country.

Addressing citizenship through an economic lens must take account of the positive economic impact of facilitating the naturalisation of migrants residing in the State. In the public debate about migration management, the goal to achieve positive fiscal and demographic outcomes is cited as a key factor in designing immigration policies and laws. However, the explanatory notes to the Heads of Bill do not take account of the higher economic contribution that naturalised Irish citizens can make.[6]

International studies[7] find that naturalised migrants pay higher taxes than those who are not naturalised and they have better employment opportunities, including starting their own business. As a result of better employment outcomes, they have better housing conditions and have less difficulty paying household expenses, thus are less likely to rely on welfare support. International research shows that citizenship is more beneficial to immigrants' employment outcomes if it is obtained earlier rather than later.[8] Acquiring citizenship earlier gives immigrants and employers more time to invest in their skills and benefit from the opportunities and stability that citizenship brings to immigrants' careers. Additionally, the grant of citizenship facilitates full participation in civic life, through

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[2] Naturalisation: A Passport for the Better Integration of Immigrants? | OECD

Consensual Versus Heterogeneous Conceptions of Nationhood: The Role of Citizenship Regimes and Integration Policies Across 21 European Countries | Social Indicators Research | Springer Nature Link

[3] Project MUSE - Social Consequences of Securitizing Citizenship: Two-Tiered Citizenry and Anti-Immigrant Attitudes

Immigration, national identity and political trust in European democracies: Journal of Ethnic and Migration Studies: Vol 43 , No 3 - Get Access

[4] Ethnic Diversity and European's Generalised Trust: How Inclusive Immigration Policy Can Aid a Positive Association - Anna Zimdars, Gindo Tampubolon, 2012

Do Those who Identify with Their Nation Always Dislike Immigrants?: An Examination of Citizenship Policy Effects: Nationalism and Ethnic Politics: Vol 18 , No 2 - Get Access

[5] Frontiers | Immigrant Naturalisation, Employment and Occupational Status in Western Europe

[6] Full article: Anticipating the citizenship premium: before and after effects of immigrant naturalisation on employment

[7] Conditionality of legal status and immigrant occupational attainment in western Europe in: Policy & Politics Volume 43 Issue 2 (2015)

Ethnic identity and labour market outcomes of immigrants in Europe | Economic Policy | Oxford Academic

[8] Full article: Anticipating the citizenship premium: before and after effects of immigrant naturalisation on employment

attendance at jury duty if called, voting in referenda, and general elections (and in Seanad elections if applicable). At the time of naturalisation an applicant must make a declaration of loyalty to the nation and fidelity to the state.

In Ireland migrants who hold residence permissions linked to international study, employment permits or seeking asylum are not allowed to run their own businesses. As a result, until such time as these migrants are granted a Stamp 4 residence permission, they do not have full access to the labour market.

Save for certain exclusions[9], from age 16 all non-EEA residents must register their permission to reside in the state. Migrants whose residence permission is based on employment must also hold a valid employment permit. The current costs of employment permits are between €500 and €1500 depending on the length of the permit. Employment permit holders can only change employers in specific circumstances and dependent on the type of permit they hold and the duration of their employment. Migrants are required to pay a registration fee of €300 to be issued and/or renew their residence permit. This means that non-EEA migrants face administrative burdens and fees that Irish, British and EU nationals do not. As such, it is recognised that one of the significant benefits of Irish citizenship for non-EEA nationals is no longer being subject to such registration requirements and costs.

That registration system has been subject to significant criticism, especially since the introduction of the online system that is now in place.[10]

Delays in renewing residence permits are causing job losses and housing insecurities. Currently, 1 in 3 queries raised on our Helpline relate to residence permit renewals and issues relating to attendant delays, a growth of over 100% as compared with 2025.

Contrary to other EU Member States, Ireland does not offer a permanent residency status, so citizenship is the only way for migrants to secure their residency and thus have better opportunities to contribute to Ireland, culturally, politically and economically.

Our 2011 research describes the main motivations for migrants to apply for citizenship. Despite the research being 15 years old, the findings are still very relevant as we receive the same feedback from our service users who are seeking our support in completing their citizenship applications.

The main reason migrants apply for citizenship is to formalise their sense of belonging in Ireland. Migrants put considerable effort in establishing a life for themselves and their families in Ireland and they wish to feel that they belong. Citizenship allows full participation in all aspects of civil life and facilitates making long-term plans. Equally important is the grant of citizenship can counter the lack of security they feel arising from

[9] Relevant legislation to be inserted around exemption to register permission

[10] See "Opening Statement of Mr Ger Deering, Ombudsman, to the Joint Committee on Public Petitions and the Ombudsmen", dated 22nd September 2026, available at https://ombudsman.ie/pdf/?file=https://assets.ombudsman.ie/media/285629/3ededd3b-a431-47ae-af4e-8e75ebd5edca.pdf#page=null

only having temporary residence status in Ireland and the administrative and financial burdens they face from year to year in residency and work permit renewals.

3. CITIZENSHIP AS ONLY SECURE RESIDENCE STATUS

Migrants put considerable effort into creating a sense of home in Ireland for themselves and their families. However, despite a sense of belonging and connection to the country, they face uncertainty and are increasingly concerned about the security of their immigration status in Ireland. Security of residency has been the main concern raised by people who have contacted our services following the announcement of the proposed changes to the Irish citizenship laws.

Ireland opted out of the EU Long-Term Residents Directive (2003/109/EC) and is the only EU country that does not offer the option of permanent residency for lawful residing migrants, other than EU citizens and their family members exercising free movement under the EU Citizenship Directive (2004/38/EC).

Most forms of permission to reside in Ireland are temporary and are initially granted for a period of 12 months to two years. Thereafter, they may be renewed for longer periods (to a maximum of five years), revoked or not renewed, depending on the circumstances.

Administrative schemes in Ireland relating to long-term residency or Without Condition As To Time are not available to all categories of legal resident in Ireland, and do not provide permanent residence status for those who are able to avail of these schemes.

The granting of a Stamp 4 (granted for up to 5 years) effectively grants the permit holder free access to the labour market, including permission to be self-employed. However, apart from this benefit and the length of residence permit, there is a lack of clarity regarding the rights and entitlements of a 'long-term' residence permit holder to retain the permit in particular circumstances (for example, if they need to leave Ireland for e period of time due to work training or medical treatment, etc.). Furthermore, there is a lack of clarity regarding the conditions for renewal and a total absence of information regarding the grounds upon which a long-term residence permit can be revoked, what the procedure for revocation is or what the procedural safeguards are for permit holders in such circumstances.

In lieu of permanent residency status, naturalisation through citizenship is the only option for migrants to gain secure residence status.

4. CURRENT IRISH LAW AND ADMINISTRATION

The provisions of the Irish Nationality and Citizenship Acts, 1956-2026, govern the acquisition of Irish citizenship. In general, there are three main ways that Irish citizenship may be acquired – automatically at birth, by descent or by naturalisation, if particular conditions are fulfilled.

Obtaining Irish citizenship through naturalisation is already not an easy task due to its discretionary, bureaucratic and costly nature. Granting citizenship is at the absolute

discretion of the Minister for Justice, it is not a mandatory consequence even when the eligibility criteria are satisfied.

To be eligible to apply, applicants need to provide evidence of reckonable residence of 5 years in the last 9 years. Time spent in Ireland without legal residence permission is not reckonable. Additionally, certain periods of legal residence in Ireland are not counted towards the reckonable residence, including time residing in Ireland as in international student and time spent in Ireland as an applicant for international protection.

An applicant must pay €175 to apply for natualisation, and is required to pay further naturalisation fees if approved for Irish citizenship, which for most applicants is €950. These administrative fees for Irish citizenship are currently the second most expensive in the EU. There are no statutory provisions for waiving/reducing the fee based on specific vulnerabilities, for example, for single parents, victims of gender-based violence, or persons with disabilities.

Processing times for Irish citizenship applications vary hugely between individual applications. While some applications may be processed within periods of 12-24 months, many applicants experience significant delays, and it is not uncommon for some applicants to wait +3 or 4 years for a decision. During that time, they must continue to comply with maintaining a registered residence permission and therefore continue to face the resultant stress and anxiety dealing with renewal of residence permission and the delays and risks of periods of being without formal permission, causing complications for existing employment, international travel and access to social benefits, if required. Migrants who have been refused citizenship do not have access to a formal appeal system to challenge any negative decision.

Citizenship granted by naturalisation can be revoked.

5. PERMANENT RESIDENCE IN EU LAW

In 2005, the EU introduced permanent resident status (Directive 2003/109/EC) for non-EEA nationals residing in a host EU Member State. Here are the basic rules set out by the EU Directive on permanent residency:

- Time Requirement: Non-EU citizens must complete five years of continuous, legal residence in a member state before applying.
- Allowed Absences: Absences from the country cannot exceed six consecutive months or 10 months total across the five-year period.
- Financial Stability: Applicants must prove they have stable and regular economic resources to support themselves and their families, plus sickness insurance.
- Integration Conditions: Member states can require applicants to meet local integration criteria, such as language or culture tests, however, that is not a requirement.

If eligible, the applicant must be granted permanent residence status, and the Member State must issue a residence permit that is valid for at least five years, and it must be automatically renewable on expiry, if renewal is required. Status revocation: Permanent

residence status may only be withdrawn on certain grounds, which are set out in the Directive, and include absence from the territory for more than 12 consecutive months or fraudulent acquisition of the status.

The objectives of the Directive are to ensure that non-EU nationals who have lived in an EU country for at least five years have a permanent and secure residence status and that non-EU nationals enjoy a set of rights that are similar to those enjoyed by EU citizens, in terms of work, education, social security, and access to goods and services.

Ireland, like the UK and Denmark, did not opt-in to this Directive. However, unlike Ireland, both the UK and Denmark provide for the granting of permanent residence under relevant domestic immigration rules.

The discretionary nature of the process for granting of citizenship and the lack of a permanent residence status means that Ireland provides migrants with almost the least favorable rights to security of residence status across all EU Member States.

6. IMPACT ASSESSMENT OF GENERAL SCHEME OF THE IRISH NATIONALITY AND CITIZENSHIP BILL

The General Scheme of the Bill does not provide a solid evidential basis for the proposed amendments to the legislation governing citizenship, nor has it been developed with regard to any in-depth policy analysis or research. Amendments to the Irish Nationality and Citizenship legislation were not detailed in the Programme for Government.[11] It is unclear why legislation that governs who can participate fully in civic life is being introduced in a manner that does not have full regard to the importance of a considered approach. The legislation governing access to citizenship was amended as recently as 2024, and the legislation governing the revocation of citizenship was only commenced last year. While some of the proposed requirements are 'common' across Europe, the Scheme introduces not only the widest range of requirements, but also potentially the most restrictive form.

The ICI is concerned that the purpose of the proposed amendments is to reduce the number of migrants arriving or remaining in Ireland. Similar approaches have been observed in other EU Member States that have introduced additional restrictions through civic and/or language tests. However, international research[12] suggests that if the desired consequence of additional restrictions on citizenship is to reduce the number of migrants arriving or remaining in the countries, these are regressive steps.

Below, we outline our conclusion after addressing the proposed changes. In our impact analysis, we compare the General Scheme to the average and most common policies identified in the Globalcit 2025 Global State of Citizenship report.[13]

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[11] See pages 122-128 for migration related policy plans https://assets.gov.ie/static/documents/programme-for-government-securing-irelands-future.pdf

[12] Strik, T. (2013). Integration tests: helping or hindering integration? Strasbourg: Parliamentary Assembly of the Council of Europe, Committee on Migration Refugees and Displaced Persons PACE website

[13] Global State of Citizenship Report - Global Governance Programme

7. PROPOSED AMENDMENTS

The General Scheme of the Citizenship (Amendment) Bill proposes significant changes to the existing procedures for determining eligibility for Irish citizenship by naturalisation, and having regard to the matters set out above, the ICI proposes that the General Scheme of the Irish Nationality and Citizenship (Amendment) Bill 2026 be withdrawn.

However, we nonetheless make the following specific observations regarding the specific Heads of Bill.

Head 4: Proposed Changes Affecting Citizenship by Birth in Ireland

This Head proposes amendments to section 6B of the Irish Nationality and Citizenship Act 1956 (as amended), which relates to the entitlements to Irish citizenship for certain persons born in the State to non-Irish national parents. The stated purpose of the amendment is to ensure consistency between the residence calculation applied under the citizenship-by-birth provisions and the calculation of reckonable residence for naturalisation. Importantly, the proposal includes a transitional measure under which the amended rule would not apply to a person born before the commencement of the proposed legislation.

The existing statutory provisions were enacted to provide for the entitlements of children born in Ireland after the 2004 Citizenship Referendum which removed the automatic entitlement to Irish citizenship for all children born in Ireland. Currently, a child born in Ireland is only entitled to Irish citizenship at birth if one parent is an Irish citizen or if one parent fulfils three years' reckonable residence in Ireland in the four-year period prior to the child's birth. If a child is not entitled to Irish citizenship at birth, a parent may apply for Irish citizenship by naturalisation on behalf of that child after the child has accrued three years' reckonable residence in Ireland since birth, which reckonable residence is derived through the parents' reckonable residence in Ireland.

Access to citizenship is particularly important for children born in the State, especially where their parents do not enjoy access to consular services in Ireland and who do not always enjoy an entitlement to apply for Irish Travel Documents on behalf of their children to travel to other jurisdictions to apply for national identity documents on their behalf. Notably, where a child does not enjoy access to Irish citizenship at birth, even where the parent is eligible to submit an application for naturalisation on behalf of the child, under current administration, processing times are extremely lengthy (it is not uncommon for applications to take up to two years to be processed) and applications are only granted at the absolute discretion of the Minister, if satisfied that eligibility conditions are met. Given the context in which the existing statutory provisions relating to birthright citizenship were already introduced, the ICI is of the view that there is no merit to amending the existing provisions and further restricting access to Irish citizenship for children born in the State many of whom will continue to reside in Ireland indefinitely.

Head 5, Head 6 and Head 7: Amendments to sections 15 / 15A – Eligibility Criteria for Irish Citizenship by Naturalisation, including residence requirements for spouses/civil partners of Irish nationals

These Heads propose some of the most significant proposals relating to the current eligibility conditions for Irish citizenship applications and includes proposals relating to the required period of residence for all applicants, including spouses of Irish nationals, the introduction of language and civic tests, the introduction of financial self-sufficiency conditions, as well as the introduction of a prohibition on the Minister granting citizenship by naturalisation if an applicant has ever committed certain immigration offences.

Residence requirements

Under the proposed amendments relating to required periods of residence, an applicant would be required to establish:

1. Two years' continuous residence in the State immediately before the date of application; and
2. A total of six years' residence in the State during the ten years immediately preceding that two-year period.

In the case of spouses/civil partners of Irish nationals, it is proposed to increase the current required period of residence from three to five years. These proposals are stated to assist in further deterring "marriages of convenience" as defined under the Civil Registration (Amendment) Act 2014 as marriages entered into solely to exploit or abuse the immigration system. It is unclear to what extent the Minister is concerned with marriages of convenience between Irish and non-Irish nationals or why the safeguards in the marriage and residence permission registration systems are insufficient to address whatever concerns may exist or why a longer duration of marriage would address this phenomenon, if it is in fact a concern at all.

The explanatory note sets out that the purpose of the proposed changes is to establish a proportionate period that encourages sustained economic and social integration, and demonstrates a meaningful, long-term connection with Ireland. It is unclear how the timeframe has been arrived at, why it is thought necessary to extend the current duration of reckonable residence and more particularly why it is suggested as an integration tool when research suggests that it is the opposite.

Effectively, what is proposed is the introduction of eight years' reckonable residence in Ireland to be eligible to apply for (not to be granted) Irish citizenship. Ireland's existing 5-year requirement reflects the most common worldwide.[14] Nine EU countries have a 5-year requirement and Germany reduced its waiting time to five years in 2024. Globally, countries

[14] Global State of Citizenship Report - Global Governance Programme
For OCED countries:
3 years: Canada, Israel
4 years: Australia
5 years: Belgium, Bulgaria, Czechia, France, Germany, Ireland, Japan, Korea, Luxembourg, Malta, Netherlands, New Zealand, Turkey, United Kingdom, United States **7 years:** Greece, Iceland, Portugal
8 years: Croatia, Cyprus, Estonia, Finland, Hungary, Norway, Poland, Romania, Slovakia, Sweden
9 years: Denmark
10 years: Austria, Italy, Latvia, Lithuania, Slovenia, Spain, Switzerland

that are traditionally considered migrant destination countries such as US, Canada, New Zealand, Australia and the UK have a residence requirement of 5 years or less.

No evidence demonstrates that a longer qualifying period would benefit Ireland and improve integration or meet any other policy objective. As per the argument above, the extension of reckonable residence to 8 years may in fact harm Irish economic performance and limit the ability of migrants to contribute to Ireland. Security of residence is important for migrant workers who are vulnerable to unjust administrative delays that have a detrimental impact on job retention, mortgage approval, and other day-to-day activities.

If enacted as proposed, the amendment would significantly affect the date on which many applicants become eligible to apply and would increase the importance of maintaining comprehensive records regarding immigration permissions, registration, presence and residence in the State. This is already exceptionally difficult for individuals in the current system due to the lack of clarity for many legal residents regarding when reckonable residence commences in Ireland, the delays in being provided registration appointments, delays in the issuing of residence permissions, delays in renewing residence permissions and 'change of status' decisions, State failure to back-date residence permissions to date of application (even where that is required under EU law) and failure to communicate residence requirements to residents, such as permitted periods of absence from the State during a period of residence, etc.

Overall, this longer wait is especially harmful, as Ireland alone in the EU offers no right to permanent residence, leaving migrants in situations of greater socio-economic precarity and this in turn limits economic benefits for Ireland.

Our key recommendation would be to maintain the 5-year waiting rule as the economic and social evidence from other countries strongly points that the current requirement brings the best benefits for Ireland.

If the 8-year residence requirement is to be implemented, we recommend:

- The introduction of transition measures and fair treatment for people legally residing in Ireland and already on the path to citizenship under the existing rules.
- An introduction of a permanent residence status in accordance with the EU Directive to bring Ireland in long with the rest of EU Member States.
- To allow refugees and stateless persons to be eligible to apply for Irish citizenship by naturalisation after three years reckonable residence, which accrues from the date of protection application, which is in line with international and EU law, and reflective of recognised vulnerable position of refugees and stateless persons.

Language proficiency and civics/integration:

The General Scheme proposes the introduction of a formal language requirement for naturalisation applicants. Applicants would be required to demonstrate proficiency in either Irish, English or Irish sign language. The required standard and the way proficiency would be verified would be prescribed by the Minister. Similarly, applicants would also be required to demonstrate a prescribed standard of knowledge and understanding of Irish civics, with the proposals referring to knowledge of Irish society, government and the Irish

Constitution. The stated purpose of the proposal is to bring Ireland into closer alignment with the citizenship requirements operating in other EU Member States. The form of proposed civic assessment is not specified.

Accordingly further regulations would be required before the practical operation of these proposals is clear, and such regulations would need to provide for reasonable accommodations for those applicants who may be unable to undertake certain assessment procedures due to age, disability or other circumstances. In this regard it is acknowledged that **Head 8** provides that the Minister for Justice may, at their absolute discretion, waive certain conditions including the language and civics test requirements for applicants, including spouses of Irish nationals. However, Head 8 does not set out any criteria by which the Minister's exercise of discretion should be informed, and there is currently no provision for mandated exemptions in specific circumstances.

It is acknowledged that a growing number of countries have introduced integration (civic and/or language) tests for migrants, as a requirement for citizenship. While basic proof of language proficiency is required in most countries worldwide (74%) and in Europe (93%), fewer require both a language test and civics test (13% Global vs. 34% Europe).[15]

However, it is important to note that research commissioned by the Department of Justice in 2020[16] and conducted by the ESRI found that there is no evidence that language and civic tests support migrant integration and bring benefits to the naturalisation process. The same report found that the introduction of language or civic requirements for naturalisation would potentially bring considerable costs to the State. While English language skills support integration outcomes, particularly in the labour market, attaching language requirements to citizenship is not the most appropriate way to encourage language acquisition.

As much as speaking English or Irish may be considered as an important tool for integration, the ICI strongly supports access to the provision of good quality and free or cost-efficient preparatory courses for migrants. Currently language courses offered by ETBs and community initiatives are oversubscribed, and waiting lists are in operation, leaving migrants with no other options than to sign up to very costly language classes offered by private providers. According to the ESRI research[17], migrants earn between 20% to 40% less than Irish workers doing the same work. With pay inequality, rising costs of living, and high annual immigration fees, private language courses may be inaccessible for average earners and especially those who are economically marginalised or without access to childcare.

Civic tests have also been found[18] to be designed at a level that ordinary citizens by birth cannot pass. Irish culture and history are very rich, but it is varied- some people attach to the arts, some to sports, some to politics, some to a nomadic way of life or some to the wilderness. Asserting that an understanding of the structure of the state is the appropriate

[15] Global State of Citizenship Report - Global Governance Programme
[16] Supporting integration? International practices on civics and language requirements linked to naturalisation: policy implications for Ireland
[17] New ESRI research finds a significant 'migrant wage gap', with East Europeans particularly affected, earning 40% less per hour than Irish counterparts | ESRI
[18] UK citizenship test needs to change | University of Essex

method by which integration can be measured is short-sighted and it is unfair to measure the knowledge of Ireland by selecting a set of random questions that are narrowly focused on State institutions. Migrants may have a deep and wide knowledge of Ireland but may have gaps of knowledge when answering arbitrary selected questions.

There have been several cases in which the CJEU has struck down integration tests under the Family Reunification Directive (in Germany and the Netherlands) because there was no exemption for individuals with specific circumstances, such as age, illiteracy, level of education or health, which might have prevent them from passing.[19]

The ICI recommends that the proposals relating to language and civic tests be withdrawn, as most likely it will not serve Ireland in a long run and is likely to result in additional cost for taxpayers. In the alternative we recommend that:

- The State invests resources to offer good quality and free/cost effective language preparation courses;
- Tests are provided free of charge and administrated by the State to limit the additional cost that migrants would have to include in the already costly naturalisation process;
- An alternative option to prove language skills be provided such as Irish educational institution qualification (diploma/degree), previous professional exams passed in English, etc. Equivalent with those required for entry to Ireland for study or professional purposes; and
- Exemptions afforded for persons with learning difficulties, disabilities, the elderly and other vulnerable categories.

Financial Self-Sufficiency Requirements

The General Scheme proposes that an applicant for naturalisation must possess sufficient resources to avoid becoming an unreasonable burden on the State. This requirement would be provided by the insertion of a new section 15F into the existing 1956 Act. Under the proposed framework, an applicant would be required to:

- Receive at least the prescribed minimum level of income
- Refrain from receiving specified social welfare payments or housing supports during the application process
- Demonstrate that specified payments or supports were not received during the two years preceding the application, subject to limited exceptions
- Have no outstanding debt to the Revenue Commissioners or to the Department of Social Protection; and
- Have no outstanding court fines.

The proposed income threshold is not specified in the General Scheme. It would instead be prescribed by the Minister having regard to matters including CSO data on annual earnings and labour costs, the cost of living, and other relevant considerations. The proposal also provides for limited Ministerial discretion where an applicant has received a prescribed

[19] Court of Justice: civic integration exams in the Netherlands make the right to family reunification 'impossible or excessively difficult' | European Council on Refugees and Exiles (ECRE)

social welfare payment or housing support for no more than six months in total during the two years immediately preceding the application.

The full scope of the proposed requirements cannot be fully assessed until the relevant regulations are published. However, as outlined already, the proposed financial conditions are extremely onerous and could have significant effects on applicants that experience unemployment, including involuntary or temporary interruption in employment (including due to impacts of delays in the State itself dealing with renewals of residence permissions as we have seen in the past 12 months), reduced working hours due to financial downturn in business for their employer or their own variable earnings from self-employment, illness or incapacity, redundancy, providing unplanned urgent care for family dependents, etc.

It is not clear how the financial self-sufficiency requirements will apply to young adult applicants and exemptions must be introduced to allow for periods in education including further and higher education where residence permission is not for the purpose of study, to ensure that young people are not making the choice between seeking citizenship or pursuing higher education.

It is not clear how the self-sufficiency requirements will apply to parents, especially those who do not work outside the home, or who work part-time to facilitate or possibly because of not having access to suitable childcare.

While immigration often requires economic self-sufficiency, the ICI has serious concerns that tying citizenship to a person's socio-economic status without introducing exemptions may be discriminatory and undermines potential social and economic benefits that would otherwise be achieved.,

Migrants are not just economic units but are members of Irish society, and they contribute not only as taxpayers but as carers for our parents and children, as volunteers, artists, academics and activists. Migrants also support labour participation of Irish citizens by providing services that are low paid nevertheless essential such as childcare, domestic work and care for the elderly. Like Irish citizens, migrants can at times find themselves in need of State support. Lone parents, victims of domestic abuse or human trafficking, people with disabilities, and people who avail of illness benefits should not be penalised for any periods of hardship that may unexpectedly arise for them.

At a minimum, the ICI recommends that:

- Certain vulnerable groups such as protection beneficiaries and stateless persons, victims of domestic abuse and human trafficking, and persons with disabilities are exempt from meeting any economic self-sufficiency requirements; and
- Certain welfare entitlements should not be taken into consideration when assessing people's economic self-sufficiency. Payments such as Illness Benefit, One Parent Family Payment, Disability Allowance and Carer's Benefit should be exempt.
- PRSI related benefits should not be taken into account
- Housing support is excluded from consideration.

Good Character conditions and Immigration Offences

The General Scheme proposes that the commission of an offence listed in a new schedule would preclude an applicant from being granted naturalisation. The restrictions would apply where the relevant offence was committed either before the application or while the application remains under consideration. The stated purpose of the provision is to discourage misuse of the immigration and naturalisation process. The introduction of the schedule may provide clarity to prospective applicants regarding the existing 'good character' requirements, which are not defined, and the Minister has 'absolute discretion' whether to grant or refuse an application. However, the exact consequences of the proposal will depend on which offences are included in the legislation when enacted. It will be necessary whether the legislation gives any consideration to proportionality having regard to the seriousness of the offence, the circumstances in which any offences may have occurred, the passage of time since the offences, the age and personal circumstances of the applicant, etc. An absolute prohibition on being granted citizenship if one of these offences has been committed appears to fetter the Minister's own discretion unnecessarily.

Head 9 – Amendments to section 16A – Definition of Reckonable Residence

The General Scheme proposes to amend the existing definition of reckonable residence for the purposes of being eligible to apply for Irish citizenship. Currently, reckonable residence does not include periods of time that a person lives in Ireland without residence permission, as well as periods of time spent legally residing in Ireland while an asylum seeker or while holding residence permission as an international student. The proposals now seek to exclude periods of time living in Ireland as a beneficiary of temporary protection, as well as certain periods of temporary residence permission that may be issued to family members of EU citizens exercising free movement while their applications for residence permission are under consideration, or other permission of a temporary or limited duration as the Minister may prescribe.

Importantly, the proposals clarify that that the provisions will not apply to the calculation of a period of residence in the State for the purposes of an application for a certificate of naturalisation made before the commencement of the proposed legislation. Consequently, this appears to confirm that periods of residence holding temporary protection in Ireland are reckonable until this legislation is commenced, especially given the current definition of 'reckonable residence' in the 1956 Act (as amended). Beneficiaries of temporary protection are granted stamp 4 residence permission and stamp 4 is reckonable for all other applicants currently.

If the proposed amendments relating to temporary protection status are enacted, it will lead to incongruous outcomes and inequality of treatment between various categories of prospective citizenship applicant who otherwise enjoy the same social rights to reside in the state and to fully access the labour market on the same basis as each other. The ICI strongly recommends that, at a minimum, there should be transitionary measures provided so that prospective applicants who have accrued reckonable residence in Ireland since 2022 but may be unable to submit an application for naturalisation prior to the commencement of new legislation are not discriminated against vis a vis other categories of residents.

Head 10 – Amendment to section 19 – Power to Revoke Certificate of Naturalisation

The General Scheme proposes to amend the existing legislation includes an additional distinct ground to provide the Minister with the explicit power to revoke citizenship specifically if it is in the interests of public policy, public order or national security. While acknowledging that the circumstances in which such a power may be exercised may be rare, the ICI notes that very particular procedural guarantees must be afforded to any person that is at risk of having their citizenship revoked, especially if it is the case that the prior grant of Irish citizenship by naturalisation resulted in the person having to give up any other citizenship held by them due to restrictions relating to dual nationality in their previous country of citizenship. Section 19 should be amended to provide a clear prohibition against rendering a person stateless.

The proposed amendment to remove the Minister's obligation to consult with the Chair of the Committee of Inquiry in relation to prescribing procedures in relation to an inquiry should not be permitted as it is not in accordance with due process and fair procedures. Given the seriousness of revocation of citizenship and the specific nature of the Single Person Inquiry, all protections for fair procedures must be maintained.

8. SUMMARY OF RECOMMENDATIONS

The General Scheme of the Citizenship (Amendment) Bill proposes significant changes to the existing procedures for determining eligibility for Irish citizenship by naturalisation, and having regard to the matters set out above, **the ICI proposes that the General Scheme of the Irish Nationality and Citizenship (Amendment) Bill 2026 be withdrawn.**

Specifically, we recommend:

- to maintain the 5-year waiting rule as the economic and social evidence from other countries strongly points that the current requirement brings the best benefits for Ireland.
- the proposals relating to language and civic tests to be withdrawn, as most likely it will not serve Ireland in a long run and is likely to result in additional cost for taxpayers.
- That people who avail of certain benefits should not be penalised for any periods of hardship that may unexpectedly arise for them.

In the alternative we recommend that:

- Permanent residence should be available as a right on fulfilment of reasonable eligibility criteria. This status should not be limited as it currently is to employment permit holders.
- Transition measures and fair treatment for people already on the path to citizenship under the existing rules should be introduced for all prospective applicants.
- Preparatory language courses should be funded by the State so candidates for citizenship can access good quality and free/cost effective support. An alternative option to prove language skills should be included such as Irish educational institution diploma, previous professional exams passed in English, etc and clear

exemptions should be provided for in certain cases rather than solely based on absolute Ministerial discretion.
- Any test should be provided free of charge and administrated by the State to limit the additional cost that migrants would have to include in the already costly naturalisation process.
- Exemptions from tests should be offered to people with learning difficulties, disabilities, the elderly and other vulnerable categories

Taking this opportunity, we also would like to recommend additional amendments to the current legislation and administrative practice and procedure:

- Migrant parents should be able to include their minor children who satisfy the residence criteria in their own application for citizenship.
- The 'good character' requirements for both permanent residence and citizenship should be defined in legislation and decisions should be proportionate.
- An independent review mechanism should be established to allow applicants to appeal negative decisions.
- The fees for permanent residence and naturalisation applications should be reduced to a reasonable level so as not to constitute an obstacle for applicants, and there should be fee waivers provided for in hardship cases.

The final recommendations above are based on the findings of our previously published research and are also reflective of the many concerns raised by our service users seeking to navigate residence and naturalisation procedures in Ireland due to barriers they encounter relating to rules and restrictions relating to dual nationality, as well as practical difficulties travelling as families when parents and children have different nationalities, and in circumstances where minors aged under 16 years old are not issued residence permits or re-entry visas by the Irish authorities even when legally resident in the State.

Ends