

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

The ICI's Information 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](mailto:info@immigrantcouncil.ie)  
Website: [www.immigrantcouncil.ie](http://www.immigrantcouncil.ie)

**Administration:**  
Tel: +353 1 674 0202 or  
Email: [admin@immigrantcouncil.ie](mailto:admin@immigrantcouncil.ie)  
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Immigrant Council  
of Ireland



## Rights and Entitlements of Immigrants 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 on the rights of immigrants in Ireland. Other topics in the present series include:

- 'Rights to Family Reunification in Ireland'
- 'The Rights of International Students'
- '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 Immigrant Council of Ireland (ICI) is an independent non-governmental organisation that promotes and campaigns for the rights of immigrants through its:

- Information Service (free & 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 – October 2005. 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.]

## 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/working visa/authorisation etc) *at the time of making the application.*

## 2.1 ‘Long Term Residency’

The Irish government recently introduced a new form of residency in Ireland called ‘Long Term Residency’. This permit 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 five years* on either repeated work permits, working visas or work authorisations.

**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’.*

### ▶ How do I apply for ‘Long Term Residency’?

You can make an application for ‘Long Term Residency’ by writing to the general Immigration Division, in the Department of Justice, Equality and Law Reform (see useful contacts). 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 (ex: 69 /year)
- a copy of your current Certificate of Registration (known as a 'Green card')
- a copy of your current work permit, authorisation or working visa
- 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 further 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 vary for all applications therefore it is not always possible to give an estimate as to how long it will take to get a decision on an application for 'Long Term Residency.' For more information on estimated processing times at the time of your application, contact the ICI's Information 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 Garda National Immigration Bureau if you live in Dublin), where you will be issued with a 'Certificate of Registration' and a 'Stamp Four'.

This stamp will prove that you have the right to work or start a business 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.

Towards the end of the five years you may apply to have this status renewed. Please note, after five years residence, you may be eligible to apply for citizenship or 'permission to remain without condition as to time' (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 living in Ireland with permission (legally) for *eight years* and you have not applied for citizenship (naturalisation), 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 grants you 'permission to remain

without condition as to time' in Ireland. The letter should be sent by registered post.

The Minister for Justice has absolute 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 Service.

### ▶ How Long Does It Take To Get a Decision?

Processing times vary for all applications therefore it is not always possible to give an estimate as to how long it will take to get a decision on an application. For more information on estimated processing times at the time of your application, contact the ICI's Information 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 Garda National Immigration Bureau (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).

## 2.3 Irish Citizenship

If you have been living in Ireland with permission for a number of years, you may apply for Irish citizenship if you wish. 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. Post Nuptial Declaration

## 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, have 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 for Justice considers each application 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 the 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 Service.

### ▶ **How Long Does It Take To Get A Decision?**

Processing times vary for all applications therefore it is not always possible to give an accurate estimate as to how long it will take to get a decision on applications. However at time of print, it is taking approximately 24 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 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 of Justice.

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 for an Irish passport via the Passport Office (see useful contacts).

## **b) Citizenship by Descent (Irish parents)**

### **▶ Who Is Eligible For Citizenship by Descent?**

Anyone born outside of 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. The application must be submitted in the office that has responsibility for the area where the applicant is currently living. Information on the documents required to make this application are available from the ICI or the Irish 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 the time of their birth.

A person's eligibility for citizenship depends on a number of factors, including when the person was born and the nationality of their parents. Also, if a person is eligible, citizenship is not granted automatically and must be acquired by making an application.

### **▶ 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.

The Irish Government introduced a scheme in January 2005 allowing non-Irish parents of Irish children to apply for permission to remain in Ireland, however the closing date for these applications was 31<sup>st</sup> March 2005.

### ***Born after 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 person who is not Irish but who has 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 You 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 (see useful contacts) in order to apply for an Irish passport for your child.

### **► What Documents Do I Need?**

When going to the Passport Office you should bring proof that you have been resident in the country for three out of the previous four years in order to apply for an Irish passport for your child.

## d) Postnuptial Declarations of Citizenship

If you are from outside the European Union and you marry an Irish national, you may be eligible to become an Irish citizen by making a 'postnuptial declaration'. There are different rules and criteria for eligibility depending on when you got married.

### HOWEVER, PLEASE NOTE:

*Any declarations of post-nuptial citizenship will have to be made on or before 29 November 2005 as it is not possible to make a post-nuptial declaration after this date.*

If you are interested in making such a declaration, please contact the ICI's Information service as soon as possible for more information on who is eligible and how to apply.

## 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' & '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 employment in Ireland once they are issued with a 'Stamp Four'.

### ▶ **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.

### ▶ **What Are My Rights In The Workplace?**

Everyone who has permission to work in Ireland has the same rights in the workplace, regardless of their 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, as well as full 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 Service.

## **3.2 What Are My Rights To Family Reunification?**

### ▶ **People Granted 'Long Term Residency' & '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 for Justice has full discretion as to whether or not 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 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. There are various conditions involved, but 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.

## **3.4 What Are My Voting Rights?**

### ▶ **People granted Irish citizenship**

People granted Irish citizenship have the same rights as any other Irish citizen. This includes the right to vote in all local, national, European elections and referenda in Ireland, if their name is 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.

## Do You Want More Information On The Rights Of Immigrants?

If you would like more information on the rights of immigrants 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](http://www.immigrantcouncil.ie)

### Contacting our free and confidential Information Service:

The ICI provides a free and confidential Information Service on the rights of immigrants 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 Service  
see back of factsheet.**

## Other Useful Contacts

### Immigration and Citizenship Division

Department of Justice, Equality & Law Reform  
13/14 Burgh Quay, Dublin 2  
+353 1 616 7700  
[www.justice.ie](http://www.justice.ie)

### Visa Office

Department of Foreign Affairs  
13/14 Burgh Quay, Dublin 2  
+ 353 1 633 1000  
[www.foreignaffairs.gov.ie](http://www.foreignaffairs.gov.ie)

### Passport Office

Setana House  
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](mailto: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](http://www.entemp.ie)

### Information Service of the Department of Social and Family Affairs

Áras Mhic Dhiarmada  
Store Street, Dublin 1  
Tel: + 353 1 704 3000  
[www.welfare.ie](http://www.welfare.ie)



