

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
Website: www.immigrantcouncil.ie

Administration:
Tel: +353 1 674 0202 or
Email: admin@immigrantcouncil.ie
Fax: + 353 1 645 8031

Immigrant Council
of Ireland



Rights and Entitlements of Immigrants 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 on the rights of immigrants 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 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 migrants from both inside and outside the European Union (EU), as well as Irish nationals to have their family members join them in Ireland
- How to go about this process and make applications for 'family reunification'
- The rights of family members once they are in Ireland.

2 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.

3 Who Can Apply For Family Reunification?

Generally, if you are living in Ireland with permission (legally) you are allowed to apply to have your dependent family members join you in Ireland.

However, please note the following issues:

- At present there is no right to family reunification set down in Irish law
- No application is automatically approved
- There is no guarantee of a positive response
- The Minister for Justice, Equality and Law Reform has full discretion (authority) as to whether or not to grant family reunification
- Applications often take time and require proof of sufficient financial resources to support family members while they are here

- At present there are no publicly available guidelines as to what amount of money would make up ‘sufficient financial resources’.

If at any time you would like assistance with making an application for family reunification, you can contact the ICI’s Information Service (opening hours on back cover).

► **Restrictions for Visa-required Family Members**

If your family members *need a visa to travel to Ireland*, your rights to have them join you in Ireland are restricted. For a list of countries whose citizens do not require a visa to come to Ireland, see the website of the Department of Foreign Affairs: www.foreignaffairs.gov.ie

The restrictions that apply vary, and depend on where you (as the person who is already in Ireland) are originally from. For example, the following groups of people have different rights when it comes to having their family members join them in Ireland:

3.1 Irish Nationals

3.2 European Union (EU) nationals

3.3 Non-EU nationals

[Note: In this factsheet any references to people from the European Union actually refer to people from all countries in 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. Similarly any references to people from outside the EU refers to people from outside the European Economic Area.]

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).

3.1 I am an Irish National

If you are an Irish national, you may apply to have your spouse live with you in Ireland once the Department of Justice is satisfied that the marriage is valid and continuing. However it is not guaranteed that your application will be granted and the Minister may refuse to grant permission in certain circumstances.

At present, you do not have the right to be joined by your unmarried partner. However it is possible to apply for your partner to join you in Ireland.

If you are Irish and your child(ren) 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 to have them join you here and the Minister for Justice has discretion as to whether or not to grant your application for family reunification.

3.2 I Am From The European Union

If you are a European Union citizen who has *moved* to another member state to *work*, you come under the scope of EU law. As a result of this movement, your spouse and/or minor children can join you in Ireland and enjoy the same rights and entitlements, subject to visa requirements.

► European Workers/Business people

If you are from within the EU (including EEA & Switzerland) and you are working or are self-employed in Ireland you may be accompanied to Ireland by your:

- spouse
- children under 18 years of age

- other dependent children over 18 years of age and their spouses
- dependent grandchildren
- dependent parents and grandparents.

▶ **European Students**

If you are from within the EU and are studying in Ireland, you may be accompanied to Ireland by your spouse and minor children. You must be in a position to financially support yourself, your spouse and any accompanying dependants, and must be able to provide full medical insurance for them. At present, you do not have the right to be joined by your unmarried partner.

▶ **Non-Economically Active Europeans**

If you are European and are non-economically active (e.g. if you are retired) you may be accompanied to Ireland by your:

- spouse
- children under 18 years of age
- other dependent children over 18
- dependent grandchildren
- dependent parents & grandparents.

If you are not working in Ireland you must be in receipt of sufficient health insurance, adequate welfare benefits (from your home country), or have enough money to support your spouse and any dependants in Ireland.

3.3 I am from Outside the European Union

▶ **Migrants with Work Authorisations**

If you are a non-EU national and hold a 'work authorisation' (form of permission to work), your spouse and/or minor children *may accompany you to Ireland for 90 days*, provided you can show you have enough money to support them while in Ireland.

If your family members intend to stay longer than ninety days, they must register their presence in the State with the Garda National Immigration Bureau (if living in Dublin), or at their local police station (if living in another part of the country). Please note however, applications for family reunification are not guaranteed and are subject to the discretion of the Minister for Justice.

▶ **Migrants with Working Visas**

If you hold a 'working visa' in Ireland (a form of permission to work) you may only apply to have your spouse and/or minor dependent children join you in Ireland once you have been in Ireland for three months. Also, you should be in employment when making the application and be able to support your family financially. Again, applications are subject to the discretion of the Minister for Justice.

▶ **Migrants with Work Permits (official title, 'Employment Permit')**

If you are from outside the EU and hold a work permit, and if your family members (spouse and/or minor dependent children) require a visa to travel to Ireland, you may generally only apply for family reunification if you have been in the State for *at least a year and have been offered a further contract for twelve months*. Again, this depends on your ability to support your family financially without using public funds, and the application is subject to the discretion of the Minister for Justice.

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

If you are from outside the EU and are self-employed in Ireland with a 'business permit', you may apply to have your spouse and/or minor dependent children join you in Ireland. Again this application is subject to the discretion of the Minister for Justice.

▶ **People Living in the State Without Permission**

If you are living in Ireland without formal permission you do not have a right to family reunification.

▶ **People from Outside the EU 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 in Ireland. Applications are decided on a case-by-case basis and are subject to the discretion of the Minister for Justice.

▶ **Recognised Refugees**

If you have been recognised as a refugee in Ireland you have a right to have your family members join you in Ireland. A refugee who is:

- married will get permission to bring their spouse here (if the marriage was continuing at the time of the application for asylum)
- under 18 and unmarried will get permission to bring their parents here
- a parent will be allowed to bring in any of their children who are under 18 at the time of the application.

You may also be granted permission to bring other dependent family members to Ireland.

For more information on rights and entitlements of refugees, contact the Refugee Information Service or the Irish Refugee Council (see useful contacts).

4 How Do I Apply for Family Reunification?

4.1 Non-Visa Required Family Members

If your family members do not need a visa to travel to Ireland, they can enter Ireland without making an application in advance. Upon arrival in the country they should register their presence in the State with the Garda National Immigration Bureau (if living in Dublin), or at their local police station (if living in another part of the country). Please note, if you have permission to live in Ireland it does not automatically permit you to work.

4.2 Visa Required Family Members

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

► Where Should I Send My Application?

If there is an Irish Embassy in the country where the family members are living, the visa application should be sent to that Embassy. 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 Office of the Irish Department of Foreign Affairs 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 the Department of Foreign Affairs recommends that you allow at least 6 – 8 weeks for a visa application to be processed if applying from abroad.

▶ What Happens Next?

The Department of Foreign Affairs will issue a visa reference number and the application will be forwarded to the Family Reunification section of the Department of Justice, which will make the final decision.

▶ What Documents Do I Need to Apply?

If you are making an application for family reunification you need to supply the following documents:

- 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 establishing your relationship with family members abroad such as marriage certificates or birth certificates
- Proof that you are in a position to support your family members when they arrive, such as bank statements & pay slips
- Passport photographs for each family member
- Proof that your family members are dependent on you (e.g. receipts to show that you have been sending money to your family in your country of origin)
- Passport(s).

▶ What Happens If I Get A Positive Response?

If the visa application is *granted*, a visa will be issued stating the dates of validity and the class of visa. Please note, a visa entitles you to present at the border and seek entry to the State but does not guarantee entry to the State.

If you are allowed to enter and intend to stay for a period longer than that granted on entry, you are required to register your presence with the Garda National Immigration Bureau (if living in Dublin) or at

your local police station (if living in another part of the country) before your permission to stay in the country expires.

▶ **What Happens If I Get A Negative Response?**

If your application is *refused*, you can seek the reasons within one month in writing. When these are sent to you, you can then appeal the decision in writing by addressing the reasons for refusal in your letter of appeal. For more information on how to make an appeal, contact the Immigrant Council of Ireland's Information Service.

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

5.1 What Are My Rights to Live and Work in Ireland?

If you have permission to live in Ireland it does not automatically mean that you are allowed to work. Your right to work in Ireland depends on a number of factors such as your country of origin and your status in Ireland (see below).

▶ **Spouses of Irish Nationals**

If you have come to Ireland as the spouse of an Irish national and have been granted residence in Ireland by the Department of Justice, you are entitled to the same working rights as your spouse.

▶ **Spouses of Migrants from the EU**

If you are from outside the EU and married to an EU national, you are allowed to live and work in the EU as long as the marriage is continuing and the EU national is in employment in Ireland.

▶ **Family Members of EU Students & Non-Economically Active People**

If you are the family member of a student or a non-economically active person who is from the European Union, you have the following rights and obligations:

- you can live in Ireland while your non-economically active family member is here
- you can work in Ireland if you are also an EU national. If you are not an EU national, contact the ICI for more information
- you must apply for a residence permit.

▶ **Spouses of Non-EU Students**

If you are the spouse of a student from outside the EU, 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.

▶ **Family Members of Non-EU Migrants Who Hold Work Permits**

If you are the family member of a person from outside the EU who holds a work permit in Ireland, you are allowed to live here as long as the worker stays in Ireland and continues to be able to support you financially.

Please note, if you are the spouse of a person on a work permit, you are

- *not entitled to work or set up a business in Ireland* (unless you have permission to work or set up a business in your own right).

▶ **Spouses Of Non-EU Migrants Who Hold Working Visas/Authorisations**

If you are the spouse of a migrant worker who holds a working visa/work authorisation for certain sectors (e.g. health care) in

Ireland, *you may be able to access the labour market through a special fast-tracked process.*

For more information on this contact the ICI's Information Service or the Department of Enterprise, Trade and Employment.

▶ **Family Members of Non-EU Nationals 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 the self-employed person is still 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 have 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 was granted 'leave to remain' in Ireland, you are generally entitled to the same rights as the person who was granted 'leave to remain'.

▶ **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 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.

5.2 What Are My Social Welfare Rights?

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.

5.3 What Are My Voting Rights?

► **People granted Irish citizenship**

Irish nationals, or people who have been granted Irish citizenship, have the right to vote in all local, national, European elections and referenda in Ireland, if their name is on the Register of Electors.

► **People from within the EU**

People from other countries in the European Union have the right to 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**

People who are from outside the EU and are resident in Ireland are allowed to vote in local elections if 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 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 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

Family Reunification Unit

Immigration & Citizenship Division
Department of Justice, Equality & Law
Reform

13/14 Burgh Quay, Dublin 2

+ 353 1 616 7700

www.justice.ie

Visa Office

Department of Foreign Affairs

13/14 Burgh Quay, Dublin 2

+ 353 1 663 1000

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

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

27 Annamoe Terrace, Dublin 7

+ 353 1 838 2740

www.ris.ie

Irish Refugee Council

88 Capel Street

Dublin 1

+ 353 1 873 0042

www.irishrefugeecouncil.ie

1 Bank Place

Ennis, Co. Clare

+ 353 65 682 2026