

24th January 2007

FAMILY REUNIFICATION FOR WORKERS

- VISA REQUIREMENTS

NOTE: These requirements are intended to act as a guideline only and do not limit the discretion of the visa officer in determining individual applications.

They are subject to change as we continue in our efforts to provide a more efficient service to our customers. You should therefore regularly check for the most recent version which will have the date of implementation in the top right-hand corner.

Please also see the link to *'Documentation to Accompany a Visa Application'*

The following information outlines the minimum documentation you must submit with your application for a visa for the purposes of family reunification with a sponsor. Please read it carefully.

Original documents are required and must be in **ENGLISH** or accompanied by a notarised translation of same.

All documents must be clearly legible. The Visa Officer will need to easily identify what they are and to whom they refer.

Any unsigned declarations, false information, forged or fraudulent documentation will result in the refusal of your application and no appeal will be permitted.

The onus is on you, the applicant, to satisfy the Visa Officer that a visa should be granted.

In applying for a Visa for the purposes of family reunification you must be able to show that:

- You are the spouse of a qualifying sponsor whose marriage is subsisting on the date of your application.

OR

- You are the dependent unmarried child of the sponsor under the age of 18 years.

AND

- That the qualifying sponsor fulfils the minimum income requirement where relevant.

Definition of a qualifying sponsor

- A qualifying sponsor is a non-EEA national who has a valid work permit and has been in employment for at least twelve months prior to the date of application. He/she must be in full time employment on the date of application and have an income above the threshold which would qualify the family for payment under the *Family Income Supplement (FIS)* Scheme administered by the Department of Social and Family Affairs – www.welfare.ie

OR

- A qualifying sponsor is a non-EEA national who has a valid work permit and has been in employment for at least thirty six months prior to the date of application. He/she must be in full time employment on the date of application.

OR

- has a valid work permit and is either in full-time employment in Ireland within the specific skills sectors outlined in ***Schedule A*** of this scheme on the date of application **or** has an offer of full-time employment in Ireland in the specific skills sectors outlined in ***Schedule A*** of this scheme

OR

- has a valid Working Visa and is either in full-time employment in Ireland within the skill sector for which the visa was issued on the date of application **or** has an offer of full-time employment for the skill sector for which the visa was issued.

- A qualifying sponsor may only sponsor an application from **one** spouse

There now follows an explanation of what will be accepted as evidence for the above requirements. Please ensure you read this carefully and submit **ALL** documents with your application. Again, it is important that these are original, clearly legible documents, in **English**, or accompanied by a notarised translation. They should clearly indicate what they are and to whom they refer.

Evidence of Relationship to the Qualifying Sponsor

- Where you are the spouse of qualifying sponsor you must provide a marriage certificate.

NOTE: If you and your spouse have not resided together since your marriage, you must also supply the following:

- A full account of relationship history – e.g. when and where you met, evidence of your spouse having travelled to your country of residence on a number of occasions, and any other information you can provide to support your application
 - Please note that for Immigration purposes it is not sufficient for a relationship to have developed solely over the internet or by telephone/sms. A relationship must include a number face to face meetings (excluding webcam) between the parties. You must satisfy the visa officer that the relationship is bona-fide.
 - If, while your spouse was residing in Ireland, you married by proxy, it will be necessary for you to obtain a declaration from the Irish Courts under Section 29 of the Family Law Act 1995, to confirm that the marriage is recognised in this State.
- Where the applicant is the dependent child (under 18 years) of a qualifying sponsor you must provide evidence of the relationship such as a birth certificate, adoption papers or the like.

Parental Consent

- Where both you and your spouse are the parents of this child, but only one of you will be residing in Ireland, the written consent of your spouse, permitting your child to join you, will be required.
- If you wish a child (under 18 years) from a previous marriage or relationship to travel with you, or join you in Ireland, evidence that you have been given full custody and access rights to this child must be shown (Court Order)
- Where the other parent of this child has some custody or access rights, a sworn affidavit by this parent consenting to the child being removed from their home country is required

- Sponsors and Family Members may be required to present DNA evidence, obtained at their own expense and certified to the satisfaction of the Minister, in support of their claims to be related. Such evidence will not be sought unreasonably.

Evidence of Finances

If the qualifying sponsor has been resident in Ireland for less than thirty six months, you must show you have sufficient funds to support yourself in Ireland without recourse to the Family Income Supplement. However, **in all cases** your application must be accompanied by:

- A copy of the contract of employment of the qualifying sponsor running for at least one year after the date of application and indicating the annual salary
- Where the qualifying sponsor is required to have been resident in the State before being eligible to be joined by his/her family members, a P60 showing his/her taxable earnings in the most recent tax year and 3 recent consecutive payslips.
- Where no evidence is provided your application will be refused

Further Information You Must Consider

Passport

- Your passport must be valid for at least one year from the date the application is received.
- If you hold any previous passport, you should also submit this with your application
- Your application should also be accompanied by a clear copy of the passport of the qualifying sponsor showing his or her permission to be in the State
- Where the qualifying sponsor is required to have been resident in the State before being eligible to be joined by his/her family members, a copy of their current GNIB registration card should be included with the application.

Decisions

- The processing times for Visa Applications vary depending on the volume of applications lodged, and the time it takes for an application to reach the Visa section in Dublin from the Embassy in which it was lodged
- You should allow as much time as possible when applying for a visa but a minimum time of 8 weeks is recommended
- The Visa Section will endeavour to have your application assessed as soon as possible
- Visa decisions are published weekly on our website – www.justice.ie. You can check a decision by entering the Visa Reference Number that issues to you

Right of Appeal

- If you are refused a visa you may appeal this decision within 2 months
- Appeals must be submitted in writing and posted to: The Visa Appeals Officer, Department of Justice, Equality and Law Reform, 13-14 Burgh Quay, Dublin 2. If you made your application to the Visa Office in Beijing, Moscow or New Delhi, you should submit your appeal to the relevant office
- Your appeal should fully address all the reasons for which your application was refused. Any additional supporting documentation should be submitted with your appeal for consideration
- You must quote your Visa Reference Number on your appeal, along with your name and nationality
- There is no fee payable for appealing a visa refusal decision
- There will be no appeal allowed if you are found to have given false or misleading information in any part of your application, or submitted false, forged or fraudulent documentation

If You Are Granted A Visa for the purposes of Family Reunification

Arrival in the State

- If your application for a visa has been approved, the Embassy to which you applied will affix a visa to your passport
- The dates entered on your visa indicate the dates between which you may seek to enter the State
- It is important to note that a visa is a form of pre-entry clearance to the State only, and does not guarantee that you will be permitted to enter or remain in the State
- Immigration Officers at the point of entry are entitled to question any person on arrival. If they are not satisfied with the bona-fides of any person, or their reasons for wishing to enter the State, they have the right to deny entry to any such person, despite the fact they hold a valid visa
- It is recommended that you have supporting documentation related to your application to present to the Immigration Officer on disembarkation from your flight

Registration and Permission to Remain

- If you intend staying in Ireland for more than 90 days, it is a requirement that you register with the Garda National Immigration Bureau (GNIB) either at 13-14 Burgh Quay, Dublin 2, or the Immigration Officer in area in which you are residing.
- There is a charge of €100 payable each time you register, therefore it is advisable that your passport is valid for at least 12 months on arrival in the State.

Re-entry Visas

- The initial visa issued to you will be valid for a single entry to the State
- If you have a valid reason for leaving the State for a short period of time you must apply, in advance of making any arrangements, to the Irish Naturalisation & Immigration Service, Department of Justice, Equality & Law Reform, Re-entry Visa Office, 13/14 Burgh Quay, Dublin 2 for a re-entry visa. Check the Department of Justice, Equality & Law Reform website for details – www.justice.ie
- Before a re-entry visa can be issued, you must be registered with the Garda National Immigration Bureau
- It is your responsibility to ensure you have the correct visa (where relevant) for the country you intend travelling to
- **NOTE:** A visa must be obtained from the UK authorities prior to travelling to Northern Ireland (Northern Ireland consists of Counties Antrim, Armagh, Derry, Down, Fermanagh and Tyrone)

Eligibility for Employment

- A family member of a worker issued a visa for the purposes of family reunification may be entitled to work subject to the issuance of a work permit by the Department of Enterprise, Trade and Employment. Check their website for details – www.entemp.ie

Schedule A

Information and Computing Professionals

- Information and computing technologies professionals
- Information and computing technologies technicians

Construction Professionals

- Architects, including architectural technicians/technologists
- Construction engineers, including engineering technicians
- Quantity surveyors and Building surveyors
- Town planners;

Medical Professionals

- Medical Practitioners
- Registered Nurses
- Registered Midwives
- Dentists

The following specified professionals in the Public Health and Social Care sectors, including voluntary bodies:

- Diagnostic or Therapeutic Radiographer
- Audiologist
- Dietician
- Social Worker
- Occupational Therapist
- Medical Scientist
- Orthoptist
- Physiotherapist
- Medical Physicist
- Hospital Pharmacist
- Psychologist
- ECG Technician
- Speech and Language Therapist
- Neuropsychological Measurement Technician
- Biochemist
- Vascular Technician
- Respiratory Technician
- Cardiac Catheterisation Technician
- GI Function Technicians