

Post-nuptial declarations of Irish Citizenship

(effective as of 30 November 2005)

The scheme of post-nuptial citizenship has now ended and it is no longer possible to make a declaration of post-nuptial citizenship as Irish citizenship based on marriage to an Irish citizen. Please read this leaflet and leaflets Nos. 1 and 3 to see if you qualify to apply for Irish citizenship by another method.

Disclaimer

The laws governing citizenship in Ireland are set out in the Irish Nationality and Citizenship Acts 1956 to 2001¹. The purpose of this leaflet is to provide general information on the provisions of those laws which are currently in force and on your entitlement, if any, to Irish citizenship.

This leaflet is not a legal interpretation.

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2.1 End of process of post-nuptial citizenship

Since 29 November 2005, it is no longer possible to make a declaration of post-nuptial citizenship. Declarations which have been completed after this date cannot be accepted and will be returned.

If you have correctly completed a declaration on or before 29 November 2005, you should forward it as soon as possible to the Citizenship Section, Department of Justice, Equality and Law Reform, 13/14 Burgh Quay, Dublin 2, if resident in Ireland, or to the Irish embassy or consular office nearest to your place of residence, if normally resident outside of Ireland.

The law covering post-nuptial declarations is at section 8 of the Irish Nationality and Citizenship Act 1956 (as amended by the Irish Nationality and Citizenship Act 1986). A version of the Irish Nationality and Citizenship Act 1956, incorporating all of the amendments made to it by the 1986, 1994 and 2001 Acts, can be viewed on the website of the Department of Justice, Equality and Law Reform at www.justice.ie.

2.2 I lodged a declaration on or before 29 November 2005. When will it be dealt with?

The following paragraphs describe the processing of post-nuptial declarations of citizenship that are lodged with the Department of Justice, Equality and Law Reform. For declarations lodged in an Irish embassy or consular post abroad, the process is broadly the same but there may be some local variation in the details.

- Receipt of your declaration and accompanying documentation will be acknowledged within seven days and your declaration will be given a reference number. You should quote this in any correspondence with the Department. You do not have to pay the fee at this stage: that will be asked for if and when your declaration has been found to be in order.
- Your declaration will be processed in chronological order with other declarations on hand. For persons resident in Ireland, the process of checking the validity of declarations that have been properly completed and are accompanied by all of the necessary documentation is likely to take approximately 10 months to complete from the time of receiving the declaration. For incorrect or incomplete applications, the process is longer, but you can keep it as short as possible by replying promptly to any queries.
- If your declaration is found to be in order, you will be issued with a letter informing you of this and requesting the statutory fee, currently €126.97 (this amount is set by the Irish Nationality and Citizenship (Fees) Regulations 1993). You will also at this point be asked to lodge your Garda Certificate of Registration and/or travel document if applicable.
- On receipt of the fee, a certificate confirming your Irish citizenship will issue as quickly as possible, normally within 30 days, of receipt of payment. This will issue to you by registered post along with any original documents still on your file.
- Following confirmation of your Irish citizenship and receipt of your citizenship certificate you can apply for an Irish passport. Passports are issued by the Department of Foreign Affairs.

2.3 Is there any way I can obtain Irish citizenship based on my marriage to an Irish citizen?

The Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. In the case of a non national applicant who is the spouse of an Irish citizen those conditions are that the applicant must -

- (a) be of full age
- (b) be of good character
- (c) be married to the Irish citizen for at least 3 years
- (d) be in a marriage recognised under the laws of the State as subsisting
- (e) be living together as husband and wife with the Irish spouse
- (f) have had a period of one year's continuous residency in the island of Ireland immediately before the date of the application and,
- (g) during the four years immediately preceding that period, have had a total residence in the island of Ireland amounting to two years.
- (h) intend in good faith to continue to reside in the island of Ireland after naturalisation.
- (i) have made, either before a Judge of the District Court in open court or in such a manner as the Minister, for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

The Minister may, in his or her absolute discretion, waive the conditions at paragraph (c), (f), (g) or (h) above, or any of them if satisfied that the applicant would suffer serious consequences in respect of his or her bodily integrity or liberty if not granted Irish citizenship.

It should be noted that in the context of naturalisation, certain periods of residence in the State are excluded. These include periods of residence in respect of which an applicant does not have permission to remain in the State, periods granted for the purposes of study and periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996.

Further information and the necessary application forms may be obtained from my Department's website (www.justice.ie) or by telephoning the Citizenship Section helpline, details below.

2.4 Useful contacts

Irish Citizenship: Citizenship Section
Department of Justice, Equality and Law Reform
13/14 Burgh Quay
Dublin 2
Ireland.

Telephone (within Ireland): Lo-Call 1890 551 500
(*helpline available 10:00am – 12:30pm Tuesdays and Thursdays only*)

Telephone (from outside Ireland): +353-1-616 7700
(*helpline available 10:00am – 12:30pm Tuesdays and Thursdays only*)

Fax: +353-1-616 7701

email: info@justice.ie

Irish Passports: *If resident in Ireland:*
Passport Office
Setanta House
Molesworth St.
Dublin 2
Ireland
Telephone: +353-1-671 1633

If resident abroad:
Contact your nearest Irish Embassy or Consular Office (a list of contact addresses is available on the website of the Department of Foreign Affairs at www.irlgov.ie/iveagh).