

Information leaflet No. 1

General Information on Irish Citizenship

(Updated February 2008)

Changes in the law

The Irish Nationality and Citizenship Act 2004 contains significant provisions relating to citizenship of persons born in the island of Ireland. These provisions came into operation on **1 January 2005**.

The changes which came into effect on that date mainly relate to the entitlement to Irish citizenship of persons born to certain non-nationals.

Disclaimer

The laws governing citizenship in Ireland are set out in the Irish Nationality and Citizenship Acts 1956 to 2004. 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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1.1 Who can be an Irish citizen?

In general a person acquires Irish citizenship through one of the following ways:

- by an entitlement to Irish citizenship for certain persons born in the island of Ireland;
- by descent if one of his or her parents was an Irish citizen at the time of the person's birth;
- by naturalisation.

These are explained in further detail below.

Citizenship through birth in Ireland

A person born in the island of Ireland to parents, at least one of whom is an Irish citizen, is entitled to Irish citizenship.

Generally, if both parents are non-nationals, a person born in the island of Ireland is entitled to Irish citizenship only if, during the four year period immediately preceding the person's birth, one of the parents has been resident in the island of Ireland for a period of not less than three years. This does not apply if either parent was a British citizen and also does not apply if either parent was a person entitled to reside in Northern Ireland or the State without any restriction on his or her residence AND was entitled to diplomatic immunity in the State.

For some categories of persons, the entitlement to Irish citizenship through birth in the island of Ireland can only be exercised by making a declaration in a specified form. Those categories are:

- a person born in the island of Ireland to a non-national who at the time of that person's birth was entitled to diplomatic immunity within the State.
- a person born in Irish sea or air space to a non-national on a foreign ship or in a foreign aircraft.
- a person born in the island of Ireland who has made a declaration of alienage under section 21 of the Irish Nationality and Citizenship Act 1956 (i.e. declared that he or she is no longer an Irish citizen) continues to be entitled to be an Irish citizen. Such a person can resume Irish citizenship by making a declaration in the prescribed form.

The prescribed declaration forms are available from the Department of Justice, Equality and Law Reform, or from your nearest Irish embassy or consular office.

Entitlement to Irish citizenship of person born to certain non-nationals:

Citizenship through descent

If either of your parents was an Irish citizen at the time of your birth, you are an Irish citizen, irrespective of your place of birth (unless one of the special conditions relating to birth outside Ireland applies; these are described below). If the parent through whom you derive Irish citizenship was not alive at the time of your birth, but would have been an Irish citizen if alive at that time, you are also an Irish citizen. You derive citizenship through an Irish parent whether or not your parents were married to each other at the time of your birth.

If you were born outside Ireland to an Irish citizen who was himself or herself born in Ireland, then you are an Irish citizen.

If you were born outside Ireland to an Irish citizen who was himself or herself born outside Ireland, and any of your grandparents was born in Ireland, then you are entitled to become an Irish citizen, and can do so by having your birth registered in the Foreign Births Register maintained by the Irish Department of Foreign Affairs. You can do this by applying to your nearest Irish embassy or consular office. A list of these is available on the website of the Department of Foreign Affairs at www.irlgov.ie/iveagh. If you are entitled to register, your Irish citizenship is effective from the date of registration.

If you are of the third or subsequent generation born abroad to an Irish citizen (in other words, one of your parents is an Irish citizen but none of your parents or grandparents was born in Ireland), you may be entitled to become an Irish citizen by having your birth registered in the Foreign Births Register; this depends on whether the parent through whom you derive Irish citizenship had himself or herself become an Irish citizen by being registered in the Foreign Births Register *before you were born*.

If you are entitled to register, your Irish citizenship is effective from the date of registration. The Irish citizenship of successive generations may be maintained in this way by each generation ensuring registration in the Foreign Births Register before the birth of the next generation.

The following table may help to explain the situation:

| If you are: | then you are: |
|--|--|
| A born in the island of Ireland | entitled to Irish citizenship or an Irish citizen. |
| B a child of A , born outside the island of Ireland | an Irish citizen. |
| C a child of B and a grandchild of A , born outside the island of Ireland | entitled to Irish citizenship, but you must first register in Foreign Births Register. |
| D a child of C and a great-grandchild of A , born outside the island of Ireland | entitled to Irish citizenship, by having your birth registered in the Foreign Births Register, <i>but only</i> if your parent C had registered by the time of your birth. |

When seeking to register in the Foreign Births Register, you will need to produce relevant documentation (birth and marriage certificates and other relevant records for yourself and those through whom you trace your Irish ancestry) to confirm your citizenship.

1.2 Declaration of Post-Nuptial Citizenship

A non-national who was married to an Irish citizen **prior to 30 November 2002** was entitled to make a declaration of post-nuptial citizenship in certain circumstances after three years of marriage. **This system ceased to apply to marriages contracted on or after 30 November 2002, when changes in the law made by the Irish Nationality and Citizenship Act 2001 came into effect, nor to declarations unless made before 30 November 2005.**

A non-national who married an Irish citizen **on or after 30 November 2002**, or who did not make a declaration of post-nuptial citizenship prior to 20 November 2005 can only apply for citizenship through the naturalisation process. Full details are set out in *Citizenship information leaflet No 3*.

1.3 Naturalisation

A person who fulfils certain conditions, including residing in the State for at least five years (where this residence is reckonable as defined by section 16A of the Irish Nationality and Citizenship 1956) (as amended) and who is of good character, may apply to the Minister for Justice, Equality and Law Reform for a certificate of naturalisation.

See *Citizenship information leaflet No. 3* for further information.

1.4 Legislation governing Irish Citizenship

The Irish Nationality and Citizenship Act 1956.

The Irish Nationality and Citizenship Act 1986.

The Irish Nationality and Citizenship Act 1994.

The Irish Nationality and Citizenship Act 2001.

The Irish Nationality and Citizenship Act 2004

The Irish Nationality and Citizenship Fees Regulations 1993, 1996 and 2008.

The Irish Nationality and Citizenship Regulations 2002 and 2005.

Copies of these Acts and regulations can be purchased from the Government Publications Sale Office, Molesworth Street, Dublin 2.

Acts and regulations up to 1998 can be viewed on the website of the Attorney General's Office at www.irlgov.ie/ag. Acts passed from 1999 on can be viewed on the website of the Oireachtas (Irish Parliament) at www.irlgov.ie/oireachtas.

A version of the Irish Nationality and Citizenship Act 1956, incorporating all of the amendments made to it by the 1986, 1994, 2001 and 2004 Acts, can be viewed on the website of the Irish Naturalisation and Immigration Services at www.inis.gov.ie.

1.5 Frequently asked questions about Irish citizenship

If I apply for Irish citizenship will I have to surrender my existing citizenship?

As far as Irish law is concerned, there is no difficulty about holding Irish citizenship and at the same time citizenship of another State. Some other countries, however, have citizenship laws which do not permit the holding of another citizenship alongside their own, or place restrictions on the holding of more than one citizenship. If you are already a citizen of another country and are considering becoming an Irish citizen (whether by exercising an entitlement, making a declaration or applying for naturalisation), you would be well advised to check first what the position is under the law of your present country of citizenship, in case any step you might take might be regarded under that law as depriving you of that citizenship.

I was born and am living in Northern Ireland. I don't hold any passport. Am I an Irish citizen?

If one of your parents was an Irish or British citizen then you have an entitlement of Irish citizenship. This is also the case if either of your parents, immediately preceding your birth, had reckonable residence in the island of Ireland of three years in the previous four years or if either of your parents was entitled to reside in the State or Northern Ireland without any restrictions on his or her residence AND was entitled to diplomatic immunity. You don't have to obtain an Irish passport in order to be an Irish citizen (though having an Irish passport is of course a convenient way of showing that you are an Irish citizen).

I was born and am living in Northern Ireland. I hold a UK passport. Am I an Irish citizen?

If one of your parents was an Irish or British citizen then you have an entitlement of Irish citizenship. This is also the case if either of your parents, immediately preceding your birth, had reckonable residence in the island of Ireland of three years in the previous four years or if either of your parents was entitled to reside in the State or Northern Ireland without any restrictions on his or her residence AND was entitled to diplomatic immunity. You don't have to obtain an Irish passport in order to be an Irish citizen (though having an Irish passport is of course a convenient way of showing that you are an Irish citizen). As far as Irish law is concerned, there is no difficulty about holding Irish citizenship and at the same time citizenship of another State such as the United Kingdom.

How do I get an Irish passport?

Every Irish citizen can apply for a passport. Responsibility for granting passports lies with the Minister for Foreign Affairs. The Department of Foreign Affairs processes all applications for passports, either through the Passport Office, Molesworth Street, Dublin 2 (if you are resident in Ireland) or from your nearest Irish embassy or consular office (if resident abroad). Your passport application may need to be supported by documentation showing that you are, or are entitled to be, an Irish citizen. Full information about obtaining a passport is available from the Department of Foreign Affairs website at www.irlgov.ie/iveagh.

1.6 Useful contacts

Irish Citizenship

Citizenship Division,
Department of Justice, Equality and Law Reform,
Dundrum Road,
Tipperary Town.
Co. Tipperary.
Ireland.

Telephone (within Ireland): 062-32500 or Lo-Call 1890 252 854
(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)

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 (list of contact addresses available on the website of the Department of Foreign Affairs at www.irlgov.ie/iveagh).

Foreign Births Register

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