

Critical Skills De Facto Partners Immigration Permission

A programme leading to the grant of Immigration Permission to Non EEA De Facto Partners of Critical Skills Employment Permit Holders or Non EEA De Facto Partners of Non EEA Researchers on a Hosting Agreement

A new preclearance procedure to facilitate and streamline entry to the State for de facto partners of non-EEA nationals Critical Skills Employment Permit (CSEP) holders and de facto partners of non-EEA Researchers on a Hosting Agreement applies from 1st April, 2019. The procedure applies to both visa and non-visa required non-EEA nationals.

Note: Where Critical Skills Employment Permit Holder or CSEP holder is mentioned or referenced in this document, this will also refer to Non-EEA Researchers on a Hosting Agreement

Under this Immigration Permission, qualifying applicants will be permitted to enter and remain in the State under Stamp 1G conditions, without the need for an employment permit. This is in line with the duration of the Immigration Permission granted to their sponsor, subject to compliance with all other immigration requirements that apply in individual cases. The permission granted to the partner under this Programme will be dependent on the continued residence status of the Sponsor. In cases where the Sponsor leaves the country, the accompanying partner and dependents if applicable must also depart.

All non-EEA nationals (both visa required and non-visa required) who are seeking to join their CSEP holder partner must seek prior approval (preclearance) to reside in the State from the Irish Naturalisation and Immigration Service (INIS) of the Department of Justice and Equality.

You must apply for immigration preclearance to enter the State as a de facto partner **before you travel to Ireland**. The applicant must be ordinarily resident outside the State when making an application for permission to join your Partner on a Critical Skills Employment Permit (CSEP), for a period longer than 90 days. Proof of residence outside the State may be requested, and the applicant must remain outside the State while their application is being processed. You will not be permitted entry to the State by an Immigration Officer at the Border, for the purpose of joining your partner, unless you can produce a Preclearance Approval Letter.

Background

The intention of the Immigration Services when considering Critical Skills De Facto Partnership Immigration Permission (CSDFP) applications is to allow genuine long-term relationships to continue. It is intended to provide a means by which couples who are already living together in a committed relationship, one of whom is a Critical

Skills permit holder or Hosting Agreement holder, to reside in Ireland together on this basis.

How we define a De Facto Partner

For immigration purposes, a person may be considered the De Facto Partner, opposite or same sex, of another person if:

they have a mutual commitment to a shared life to the exclusion of all others akin to a marriage or civil partnership in practice though not in law and

the relationship between them is genuine and continuing and

they live together or do not live separately and apart on a permanent basis

And

they are not related by family.

This type of immigration permission is for applicants who are in a de facto relationship with an individual who holds an Irish CSEP (the Sponsor) and would like to live with that person in Ireland. The permission is conditional on the relationship. If the relationship ends, the permission ends.

Such permission may be granted to both opposite and same sex partners, one of whom holds a CSEP, and who have been together in a relationship similar to marriage or civil partnership, have been living together for at least two years and have a mutual commitment to a shared life together to the exclusion of all others.

Who can apply?

A non EEA national (the Applicant) who is in a De Facto relationship with the holder of a valid Irish CSEP issued by the Department of Business, Enterprise and Innovation and wishes to reside with them in Ireland must be in a position to provide evidence that the couple is in a genuine long-term relationship. It will be necessary for the couple to provide dated documentary evidence of **cohabitation for at least two years. i.e. the couple must be able to show that they have been living together for at least two years immediately prior to the date of application**

Partners who are not living together at the time of the Application will be required to give compelling reasons for this. It may be the case that there are compelling humanitarian reasons for this for example if the Applicant is, for a short time, caring for a sick relative in another country and the Sponsor is not in a position to travel due to work commitments these facts may be taken into consideration. Please note it will

still be necessary to show cohabitation for a **full two year period** but humanitarian situations will be considered.

If a couple claim they have maintained their relationship during the two year period by merely visiting each other as often as they can, this will not be sufficient to demonstrate a committed De Facto relationship.

The Applicant and the Sponsor must be able to support themselves and any dependants without any help from public funds.

The Applicant and the Sponsor must intend to live together permanently.

The reckonable time of the relationship duration will only commence from the time both parties reach the age of 18 regardless of what age they were at the beginning of the relationship.

The Sponsor must intend to be resident in the State and be self-sufficient i.e. not on social welfare benefits and must, if necessary, be able to support the Applicant and any dependants financially without recourse to public funds.

The Sponsor may only sponsor one Applicant in any seven (7) year period.

The Applicant will only be considered for De Facto Permission with one Sponsor in any seven (7) year period.

In some cases it may be necessary to interview both the Applicant and the Sponsor.

Applicants and Sponsors must be of good character and be in compliance with Irish Law.

There are **no rights** of retention of permission in the event of separation.

Successful Applicants **do not** have an automatic right to family reunification

If the applicant is a visa required national who is outside the State they must also [apply for a join partner D reside Visa](#). Full details of the procedure to follow in this regard can be found in the Application Process section.

What can a De Facto partner do and not do while in the State?

As a de facto partner, you may:

work on a full or part time basis without the need for an Employment Permit from the Department of Business Enterprise and Employment (DBEI);

do additional voluntary work;

study;

travel abroad for short periods (e.g. holidays and attending conferences) and return to Ireland, subject to any re-entry visa requirements;

bring immediate family members (dependants) with you, meaning in this case minor children under 18 years of age¹. The permission granted to the partner under this Programme will be dependent on the continued residence status of the Sponsor. In cases where the Sponsor leaves the country, the accompanying partner and dependants, if applicable must also depart.

As a de facto partner you may not:

bring any other family members, apart from those referred to above, with you;
Operate a business on the basis of being self-employed;

What documents are required?

An application for De Facto Partner Permission should include a completed online application form together with:

A copy of the valid Critical Skills Employment Permit issued by the Department of Business, Enterprise and Innovation, or a copy of the Hosting Agreement issued to the Sponsor.

A copy of the employment contract of the Sponsor and copies of qualifications/work experience of the Sponsor.

Legible copies of all pages of both partners' current and previous passports.

Dated documentary evidence of living together continuously over a period of two years in a common place of residence such as official letters or bills sent to the same address and/or joint tenancy agreement and dated documentary evidence of the relationship.

Dated evidence of financial inter-dependence such as transfer receipts, joint

¹ This can be extended to a maximum age of 23 where the child is in full time education and remains dependent on the parent

accounts, joint purchases, joint assets or loans and financial statements covering the previous 6 months for both partners showing living expenses i.e. where the finances are coming from and where they are going to.

Police clearance certificates for the Sponsor and the Applicant from any country they have resided in over the last 5 years. The Police clearance should be no more than six months old at the date of application.

If the Applicant and/or the Sponsor have dependant children who intend to live with the Applicant and the Sponsor in Ireland

copies of birth certificates and copies of passport(s) of the child(ren)
evidence that the Applicant is the child's legal guardian

Or

evidence that the Applicant has the permission of any other guardian or custodian to have the child live with them in Ireland

Evidence that the Applicant, Sponsor and any dependant child(ren) are covered by private medical insurance, from a company authorised by the Health Insurance Authority for the duration of your time in the State. This could be as part of the group medical scheme for your sponsor. In addition, it is advisable that applicants have insurance to cover repatriation in the event of serious illness or unforeseen events.

Travel insurance may suffice but only during the first year of the applicants stay, provided that the insurance provides coverage:

- a) for the full period before you arrange medical insurance,
- b) at a minimum of €25,000 for accident and €25,000 for illness or disease, and
- c) for any period of hospitalisation.

Partners who are not living together at the time of the Application will be required to give compelling reasons for this.

The Application Process:

An application under this scheme must be made from *outside* the State and applicants must be ordinarily resident outside of the State at the time of application. Proof of residence outside the State may be requested, and the applicant must remain outside the State while their application is being processed.

Applications must be made by downloading the application form on the website. Applicants should download the application form from the INIS website by clicking on the relevant link and fill in the required information. All required documentation as

set out above must also be submitted. Further details on documentation requirements may be found on the webpage.

A fee of €100 applies to applications under this scheme. Applicants who are visa required may also be required to pay a separate visa application fee of €60.

Applicants must provide a valid email address with their application as all communications with regard to the application will be by email. Applicants should monitor their email account as this is the email address to which all updates are sent. You will receive a decision on your application via your account.

Non-EEA nationals requiring an Entry Visa

If you are a non-EEA national requiring an entry visa you must have prior approval from the Department of Justice and Equality, Irish Naturalisation and Immigration Service (INIS) under this Programme before making an online visa application seeking entry to the State as a de facto partner.

You must include in your supporting documentation for this visa the letter of approval under the Programme, quoting the application approval number.

If you are a national of India, China, Pakistan and Nigeria and living in those locations, biometrics are required to be taken at the time of making your visa application. You should therefore apply for your visa at the same time as your Preclearance Application. Preclearance applications cannot be processed until such a time as biometrics are taken.

Travel to the State as a de facto partner of CSEP holder may only be undertaken when an entry visa stating this reason for seeking entry has been entered into your passport. You will not be allowed entry to the State if you do not have such prior approval. Visa required persons approved for the Programme must apply for and have been granted a “D” Join Family (long stay) entry visa before entering the State.

Non-EEA nationals not requiring an Entry Visa

Non-EEA nationals not requiring an entry visa must have prior approval from the Department of Justice and Equality, Irish Naturalisation and Immigration Service (INIS) under this procedure to enter the State as a de facto partner.

If your application is successful, you will be granted a letter of approval. This letter of approval must be presented to the Immigration Officer at the port of entry on arrival in the State. You will not be permitted entry to the State as a de facto partner and/or will not be registered by INIS/GNIB as a de facto partner, without prior approval obtained under this procedure before travel to the State.

Registration in Ireland

Registration with the INIS Registration Office /Garda National Immigration Bureau (GNIB) (applies to both visa required and non-visa required nationals)

All non EEA nationals remaining in the State for more than *90 consecutive days* must register with **INIS Registration Office or /GNIB** and be issued with a Certificate of Registration (Irish Residence Permit). Please note a registration fee of €300 applies.

A Certificate of Registration (Irish Residence Permit) will initially be granted in line with your De Facto Partners permission. Further yearly permission(s) can be sought without further reference to the preclearance unit, by applying for further permission from the Registration authorities (GNIB/INIS Registration Office as applicable) subject to the person meeting all the necessary qualifying criteria under this procedure.

If you intend to live in Dublin City or County Dublin you will need to attend Burgh Quay Registration Office to register your permission and receive your Irish Residence Permit. You **must** make an appointment to register in Burgh Quay using the online appointment system.

If you live anywhere in Ireland except for Dublin City or County Dublin you **must** register at the Garda Registration Office in your local area. You can find a list of Garda Registration Offices <http://www.inis.gov.ie/en/INIS/Pages/registration>

The Unsuccessful Applicant

If an applicant is unhappy with the outcome of his or her application, an appeal may be submitted at no additional cost within 6 weeks from the date of refusal letter addressing the specific grounds on which the initial application was refused. No further correspondence will be entered into in respect of an application.

How we use information and the Legal Basis

The Department of Justice & Equality, INIS, treats personal information provided by applicants carefully and will not disclose personal data to third parties except in accordance with the law.

Therefore, the processing of personal information provided by you in this application will be carried out in compliance with the law on data protection and under the executive power of the Government.

In furtherance of an application under this immigration procedure we will take into account all known information and relevant factors including your previous immigration history, and may;

request further information or documentation, from you or from third parties as evidence of the bona fides of your particular case;

disclose personal information provided by you in your application to third parties for the purpose of establishing your bona fides in connection with your application; and use information provided by third parties in arriving at a decision on your application.

Such third parties would include; other Government Departments, An Garda Síochána (the Irish national police force), UK immigration authorities, your sponsor (or previous sponsors if applicable) and other organisations or persons referenced by you in your application.

Further information on the Department of Justice and Equality data protection policy is available here:

http://www.justice.ie/en/JELR/Department_of_Justice_and_Equality_Data_Protection_Policy.pdf/Files/Department_of_Justice_and_Equality_Data_Protection_Policy.pdf