

# **Important Notice: Update to the INIS Non-EEA Family Reunification Policy Document**

6 March 2019

## **Frequently Asked Questions concerning revised immigration arrangements for the Spouses and De Facto Partners of Critical Skills Employment Permit Holders**

### **Who can apply for permission under this updated policy?**

The change in policy applies to both visa and non-visa required non-EEA nationals, who are

Spouses and de facto partners of persons who are currently resident in this State on Stamp 3 conditions as the family member of a person resident in the State on the basis of a CSEP .

From 6 March, spouses and de facto partners who want to travel with or join their family member who holds a CSEP.

From 1 April, 2019, de facto partners of a person who holds a CSEP will be required to apply under the new pre-clearance procedure.

### **Non-EEA Researchers on a Hosting Agreement**

The policy change outlined in this document also applies to the partners and spouses of Researchers in the State on Hosting Agreements.

### **Who is a Critical Skills Employment Permit Holder?**

A Critical Skills Employment Permit Holder means a person issued with a Critical Skills Employment Permit (CSEP) by the Department of Business Enterprise and Innovation (DBEI) or the holder of a Stamp 4 Support Letter issued on foot of a having a CSEP issued by DBEI.

### **I am the spouse/de facto partner of a CSEP holder currently living in Ireland on Stamp 3 conditions. How does this change in policy affect me?**

If you currently have permission to reside in this State on Stamp 3 conditions and do not want to access the labour market you do not need to take any action.

If you currently have permission to reside in this State on Stamp 3 conditions and want to access the labour market you no longer need to apply for a DPSEP from DBEI.

You can attend your local immigration office with your spouse/de facto partner who is resident in Ireland on the basis of a CSEP. You must provide a copy of the CSEP.

Your local immigration officer will issue eligible persons a new Irish Residence Permit (IRP) on Stamp 1G conditions without the need for a DPSEP. This will allow you to access the labour market without an Employment Permit.

There will be no charge for the new IRP where you present a valid IRP.

Where your IRP is due for renewal the normal registration charge of €300 will apply.

If you 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>

### **I am the spouse/de facto partner of a stamp 4 holder who transitioned from a CSEP, currently living in Ireland on Stamp 3 conditions. How does this change in policy affect me?**

If you currently have permission to reside in this State on Stamp 3 conditions and do not want to access the labour market you do not need to take any action.

If you currently have permission to reside in this State on Stamp 3 conditions and want to access the labour market you no longer need to apply for a DPSEP from DBEI.

You can attend your local immigration office with your spouse/de facto partner who is resident in Ireland **on a Stamp 4 immigration permission on the basis of being a former CSEP holder**. Your spouse/de facto partner must provide evidence of having previously held a CSEP and a Stamp 1 residence permission. Your spouse/de facto should produce their original permit from the Department of Business, Enterprise and Innovation as proof of having held a CSEP. Their immigration record will be checked to confirm that they previously held a Stamp 1 permission.

Your local immigration officer will issue eligible persons a new Irish Residence Permit (IRP) on Stamp 1G conditions without the need for a DPSEP. This will allow you to access the labour market without an Employment Permit.

There will be no charge for the new IRP where you present a valid IRP.

Where your IRP is due for renewal the normal registration charge of €300 will apply.

If you 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>

### **I am the Spouse of a Critical Skills Employment Permit holder. I have not arrived in Ireland. How do I obtain permission to reside and work?**

On 6 March, 2019, the requirement to obtain a DPSEP was removed by DBEI. INIS will grant eligible spouses of CSEP holders permission to reside in this State on **Stamp 1G Conditions without the need to obtain a DPSEP from DBEI.**

To obtain your permission, you can attend your local immigration office with your spouse who is resident in Ireland on the basis of a CSEP. You must provide a copy of the CSEP. Your local immigration officer will issue eligible persons an Irish Residence Permit (IRP) on Stamp 1G conditions without the need for a DPSEP. A registration charge of €300 applies to you.

If you 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>

### **I am the Spouse of a CSEP holder and a visa required national. Do I still need to obtain a visa before travelling to Ireland?**

Visa required nationals will be required to obtain a visa before travelling to Ireland. When applying for a visa a copy of the Critical Skills Employment Permit held by your Spouse should be submitted, along with all the other supporting documentation required as set out on the INIS website.

### **I am a de facto partner of a Critical Skills Employment Permit holder and do not live in Ireland. How do I obtain permission to reside and work in Ireland?**

From 6 March, 2019, the requirement to obtain a DPSEP has now been removed by DBEI. INIS will grant eligible de facto partners of CSEP holders permission to reside in this State on **Stamp 1G Conditions without the need to obtain a DPSEP from DBEI.** This will allow you to access the labour market without an Employment Permit.

From 1 April, 2019 a new pre-clearance procedure applies to de facto partners. You will be required to apply to INIS for permission to reside in this State before you travel. This applies to both visa and non-visa required nationals. Further details on how to apply and what documentation will be required will be published on 1 April.

When you receive your pre-clearance permission you may attend your local immigration officer when you arrive in Ireland with your partner who holds a CSEP. Your local

immigration officer will issue eligible persons an Irish Residence Permit (IRP) on Stamp 1G conditions without the need for a DPSEP.

A registration charge of €300 applies to you. If you 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>

### **I am the Spouse or De Facto partner of a CSEP holder with permission to reside on Stamp 3 conditions. I want to work. How do I obtain a permission?**

If you are the Spouse or De Facto partner of CSEP holder with a current permission to reside in this State, on that basis, on Stamp 3 conditions and now want to access the labour market you no longer need to apply for a DPSEP from DBEI.

You can attend your local immigration office with your spouse/de facto partner who is resident in Ireland on the basis of a CSEP. You must provide a copy of the CSEP. Your local immigration officer will issue eligible persons a new Irish Residence Permit (IRP) on Stamp 1G conditions without the need for a DPSEP. There will be no charge for the new IRP where you present a valid IRP. Your Registration date will not change. You must attend for your annual renewal.

Where your IRP is due for renewal the normal registration charge of €300 will apply.

If you 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>

### **I am a Spouse/de-facto partner of a CSEP holder and have an application for a Dependent/Partner/Spouse (DPS) Employment Permit with DBEI. What should I do?**

As you no longer require an Employment Permit to work in the State the applicant for the employment permit can request a cancellation of the application by e-mailing [EPMS@dbei.gov.ie](mailto:EPMS@dbei.gov.ie) clearly marking it "DPS cancellation request" including the name and employment permit application number. The applicant will then be informed when their cancellation request has been processed.

### **What does a Stamp 1G permission without the need for a DPSEP from DBEI mean?**

If you are granted a Stamp 1G permission without the need for a DPSEP you will:

- have an immigration permission to live in the State for a specified period (your permission to be in the State is still tied to the permission of the CSEP holder);
- have the right to work on a full or part time basis without the need for an Employment Permit from the Department of Business Enterprise and Employment (DBEI).
- have the periods of residence considered as reckonable residence in the State if you choose to make an application for naturalisation.
- have the periods of residence considered as reckonable residence in the State if you choose to make an application for Long Term Residence.

A Stamp 1G does not entitle you to:

- Access any public services or public funding. You must hold private medical insurance.
- Operate a business on the basis of being self-employed.

### **Are periods on Stamp 1G conditions considered reckonable for the purposes of Irish citizenship by naturalisation or long term residence?**

Yes. The period of residence on Stamp 1G conditions is considered as a period of reckonable residence in the State for the purpose of making an application for naturalisation, or for permission for long term residence.

### **I am the Spouse or De Facto partner of a CSEP holder with permission to reside on Stamp 3 conditions and will apply to transfer to a Stamp 1G permission, when can I apply to transfer to Stamp 4 conditions?**

Once a period of 5 years has elapsed since the granting of a Stamp 1G, an application for Stamp 4 can be made.

### **I am a Spouse/de-facto partner of a CSEP holder and have already secured a Dependent/Partner/Spouse (DPS) Employment Permit from DBEI when can I apply to transfer to Stamp 4 conditions?**

Once a cumulative period of 5 years has elapsed on a Dependent/Partner/Spouse Employment Permit (DPSEP) and a Stamp 1G an application for Stamp 4 can be made.

### **I am currently in Ireland on a different permission. I would like to apply to change my status as I am the spouse or de facto partner of a CSEP holder. What should I do?**

**If you are the spouse of a CSEP holder** and currently have permission to reside in this State on Stamp 2 conditions and want to access the labour market you no longer need to apply for a DPSEP from DBEI.

You can attend your local immigration office with your spouse who is resident in Ireland on the basis of a CSEP. You must provide a copy of the CSEP.

Your local immigration officer will issue eligible persons a new Irish Residence Permit (IRP) on Stamp 1G conditions without the need for a DPSEP. This will allow you to access the labour market without an Employment Permit.

There will be no charge for the new IRP where you present a valid IRP.

Where your IRP is due for renewal the normal registration charge of €300 will apply.

If you 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>

**If you are the de facto partner of a CSEP holder** and currently have permission to reside in this State on Stamp 2 conditions and want to access the labour market you no longer need to apply for a DPSEP from DBEI. However, you firstly need to write to Unit 5, Domestic Residence and Permissions Division, 13 Burgh Quay, Dublin 2 and provide full details of your relationship with the CSEP holder.

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.

The applicant must be in a position to provide evidence of:

- a genuine, long-term, durable relationship,
- living with their de facto partner as a family unit for at least two years prior to the commencement of this scheme.

In circumstances where you receive approval for a change to Stamp 1G without the need for an employment permit from Unit 5, you may attend your local immigration officer to register the permission.

### **I am the prospective employer of a holder of a Stamp 1G permission without the need for a DPSEP from DBEI. What does this mean for me?**

From 6 March, 2019, the requirement to obtain a DPSEP has now been removed by DBEI for spouses and de facto partners of persons who are resident in Ireland as the family member of a Critical Skills Employment Permit Holder (CSEP).

INIS will grant eligible spouse and de facto partners of CSEP holders permission to reside in this State on **Stamp 1G Conditions without the need to obtain a DPSEP from DBEI.**

Eligible persons will hold an Irish Residence Card (IRP) issued by their local Immigration Office. The date of validity will be specified on the IRP.

The holders of this IRP and Stamp 1G permission obtained under this scheme have full access to the labour market in Ireland on a full or part-time basis as an employee for the duration of the IRP.

## **Preclearance Scheme**

### **When will the new Pre-clearance arrangements for De Facto Partners of CSEP holders be launched?**

Full details in relation to the new Preclearance arrangements for De Facto Partners of CSEP holders will be published on 1<sup>st</sup> April, 2019. Instructions on how to apply for permission and the documentation required to accompany the application will also be published on this date.

### **Will there be a fee for making an application?**

An administration fee of €100 will apply for applications made under this policy. If you are a visa required national a separate visa fee of €60 will also apply.

### **What are the criteria for applying under the De Facto Partner Pre-clearance arrangements'?**

A full list of the criteria for the scheme and the documents required in making an application will be provided when the new arrangements are launched on 1 April, 2019.

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.

The applicant must be in a position to provide evidence of

- a genuine, long-term, durable relationship,
- living with their de facto partner as a family unit for at least two years prior to the commencement of this scheme.

**My De Facto Partner holds a CSEP and is a visa required national. After the scheme launches will they need to apply for and be granted a visa before I can apply for Preclearance?**

The Critical Skills Permit holder must be granted a visa to travel to Ireland before a Preclearance Approval Letter can issue to their De Facto Partner. The application for an Employment visa for the Critical Skills Permit Holder may be made at the same time as the Preclearance application for their De Facto Partner/ dependent children.

**I am a visa required national. Will I have to obtain a visa before or after applying for preclearance?**

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.

If you are a visa required national but not from a biometric required location you should submit your application for preclearance first. If your Preclearance application is successful, you must then apply for a visa online. Further guidance will be given in relation to this process when the preclearance policy is launched on 1 April, 2019.

**Will my children/other family members be able to accompany me to Ireland?**

For family unity purposes, INIS will consider the circumstances of your dependent child(ren), who are living with you as part of the family unit. No other family members are eligible under this permission.

Dependent children must be under the age of 18, or up to the age of 23 if in full time education. Permission may be granted for children outside of this age range who have serious medical conditions, and/or those for whom independent life is impossible,

Full details of all dependent children residing as a family unit with you prior to the commencement of this scheme and seeking permission to accompany you to Ireland must be included with the on-line application.

All people over the age of 16 must register with their local immigration office. For dependent children over the age of 16 living with you as part of the family unit, they will be granted a permission on Stamp 3 conditions, where they meet the criteria.