



Irish Citizenship Law: An Overview of Recent Developments

Catherine Cosgrave
Managing Solicitor

EMN Conference December
2020

Working for equality

- » Established 2001
- » NGO and Independent Law Centre
- » Service provision – Helpline and Legal Service
- » Research and law reform/advocacy

- » 2018: 797 out of approx. 3,500 queries (22%)
- » 2019: 987 out of 5035 queries (20%)
- » 2020 (as of 4/12): 956 out of 5266 queries (18%)

- » 535,475 'non-Irish' representing over 200 different nationalities
- » Further 104,784 dual nationals with Irish as part of dual identity
- » 12.3% of non-Irish nationals were aged 0 to 14 years
- » 157,318 foreign national/dual nationality children in Ireland,
approx. 12.1% of the total population of Ireland aged 0-19 years.

- » Motivations for applying – many and varied:
 - Insecure temporary residence
 - Access to rights
 - Sense of belonging & identity

- » Naturalisation – adults
- » Naturalisation – children born in Ireland
- » Naturalisation – children born abroad
- » Citizenship at birth
- » Citizenship by descent

- » Administrative – which form, required supporting documents, supporting documents, application procedure, processing times, etc.
- » Substantive – interpretation of statutory criteria, reasons for refusals and administrative/judicial review, revocation, stateless determination and access to nationality.

- » Low rates of naturalisation
- » High application fees
- » Excessive processing times
- » Disproportionate reasons for refusals – 'good behaviour' high threshold & no appeal procedures
- Lack of celebration

- » Still high fees and no appeals procedures but
- » Higher rates of naturalisation - +145,800 2006 - 2018
- » Improved customer service & processing times (with some challenges!)
- » Citizenship ceremonies

- » **I (a minor) v. MJE** [2019] IEHC 535 - 'applicant'
- » **M.N.N. v MJE** [2020] IEHC - 'good character'
- » **Borta v. MJE** [2019] IECA 255 - 'Irish Associations'
- » **Damache v. MJE** [2020] IESC - revocation of Irish citizenship
- » **Jones v. MJE** [2019] IECA 285 - 'continuous residence'

- » Impact of Covid-19 on INIS operations
- » Backlog and increased processing times, impact of COVID-19
- » E-vetting and tax clearance
- » Virtual citizenship ceremonies
- » Statutory Declaration for Oath of Allegiance
- » Single Person Committee of Inquiry

- » **Irish Nationality & Citizenship (Naturalisation of Minors Born in Ireland) Bill 2018**
- » Seeks to reduce residence requirements from 5 to years for child applicants born in Ireland
- » Amend current section 15(3) - the parent is not the 'applicant'
- » Dispense with current section 16(A) reckonable residence requirements

- » **Irish Nationality & Citizenship (Citizenship for Children) Bill 2020**
- » Provides for automatic citizenship at birth for children born in Ireland
- » Provides an entitlement to citizenship for children living in Ireland for 3 years
- » Amend current section 10 by providing that 'foundlings' will be deemed to have been born in Ireland
- » Amend current section 16 definition of 'Irish Associations' to include siblings of Irish citizens

THANK YOU



2 St. Andrew Street, Dublin 2, Ireland.
T: +353 1 674 0202 **F:** +353 1 645 8059
E: catherine@immigrantcouncil.ie
W: www.immigrantcouncil.ie