

Pathways to citizenship through naturalisation in Ireland

EMN Ireland Conference:

Supporting Integration: Access to citizenship in Ireland and the EU

8 December 2020



Presentation overview

- Modes of acquisition of citizenship in Ireland
- Data on citizenship in Ireland
- Naturalisation conditions in Ireland and the EU
 - Residence requirement
 - Good character requirement
 - Other requirements
- Processing of applications in Ireland and the EU
- Conclusions

Acquiring Citizenship in Ireland

- At birth
 - Pre 2005 *jus soli* citizenship
 - Post 2005 conditional on parental citizenship/ residency
- By descent
- At birth to prevent statelessness
- Granted as a token of honour
- Naturalisation



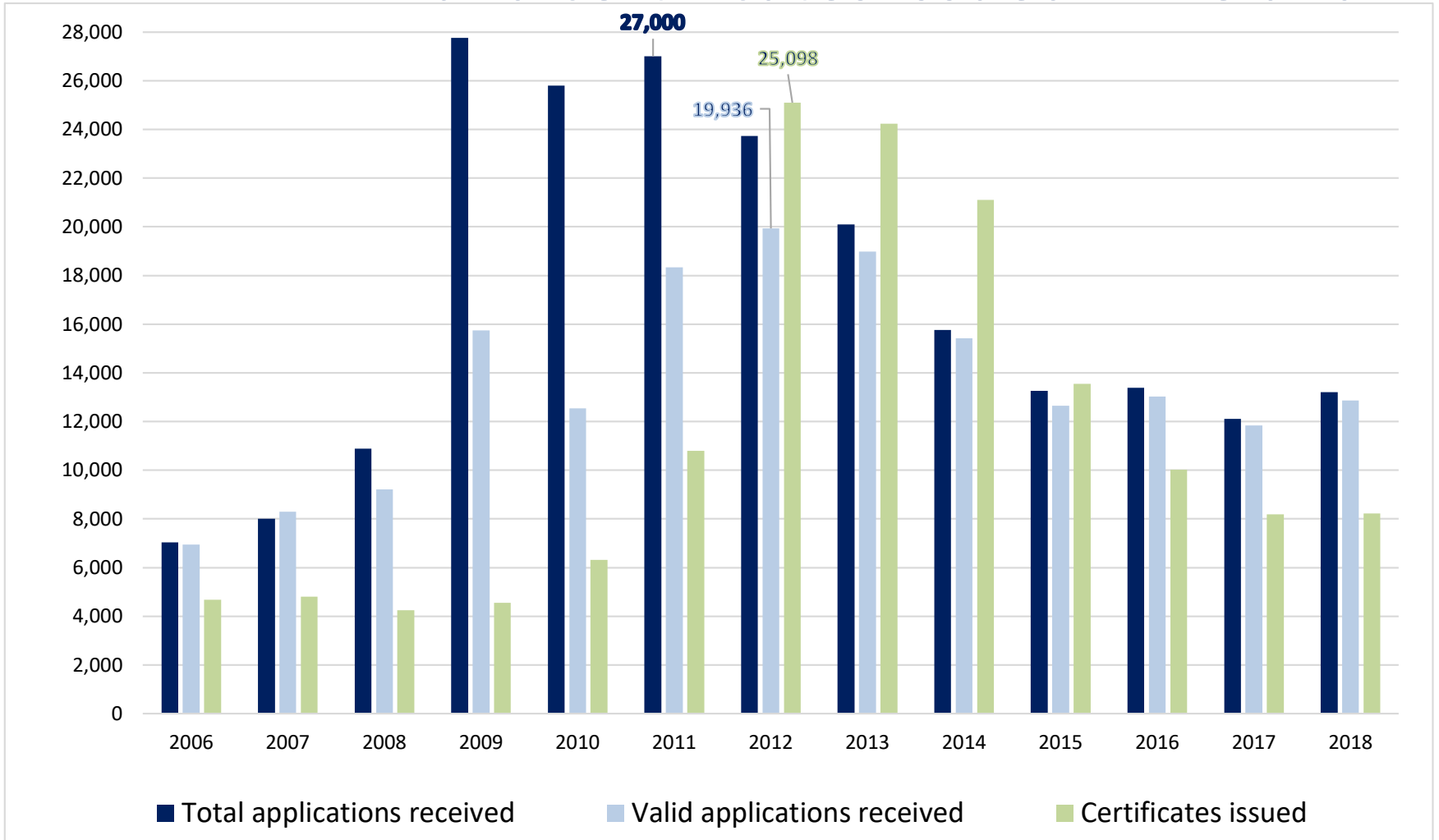
Data on citizenship in Ireland

- Published data have become more detailed in recent years following Migrant Integration Strategy 2017-2020:
 - First disaggregated by nationality in 2015
 - First disaggregated by age in 2017
 - First disaggregated by sex in 2018
- Citizenship acquisition data reported annually to Eurostat in line with EU migration statistics regulations
- Data cleansing in later years and efforts to improve data may lead to changes to data published in previous years

Source: Eurostat

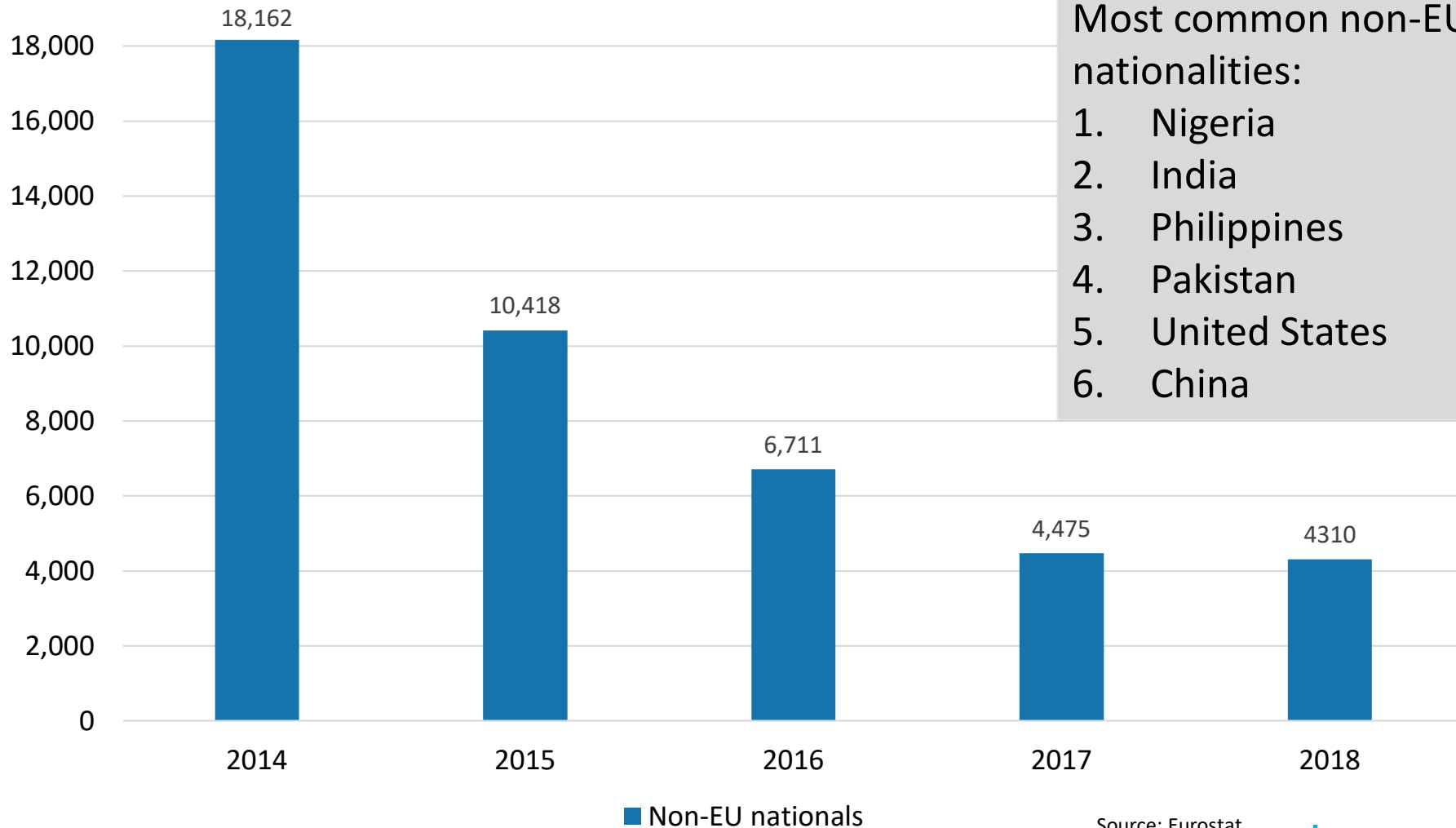


Naturalisation applications received and certificates issued in Ireland



Source: Reporting and Data Analytics, Department of Justice

Decrease in acquisition of Irish citizenship by non-EU nationals...



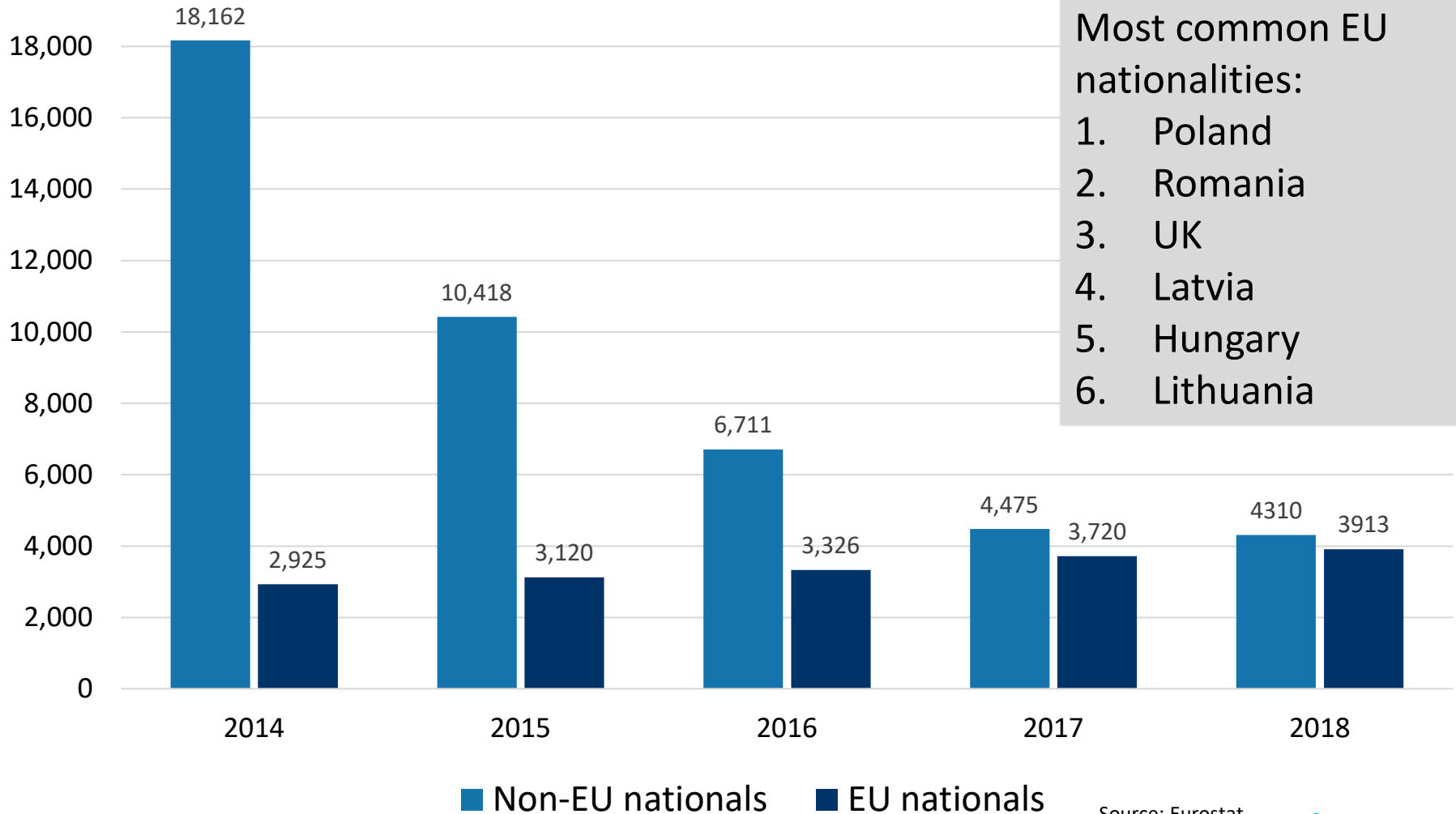
Most common non-EU nationalities:

1. Nigeria
2. India
3. Philippines
4. Pakistan
5. United States
6. China

Source: Eurostat



... but an increase in EU nationalities



Most common EU nationalities:

1. Poland
2. Romania
3. UK
4. Latvia
5. Hungary
6. Lithuania

Source: Eurostat



Conditions for Naturalisation

- *Irish Nationality and Citizenship Act 1956 (as amended)*
- Applicant must :
 - Be aged 18+ or a child born in Ireland
 - Be of good character
 - Have 5 years residence
 - Intend to continue to reside in Ireland
 - Declare fidelity and loyalty to the State & undertake to observe laws and respect democratic values
- Minister for Justice has discretion to grant naturalisation
- Citizenship is an honour and privilege, not a right

Residence requirement

- 5 years legal residence out of previous 9 years
 - Student permissions not counted/reckonable
 - Time spent as asylum applicant counted if have refugee status
- Reduced to 3 years in certain cases, e.g. refugee, spouse/civil partner of Irish citizen, child whose parent naturalises
- Final year must be ‘continuous’
 - *Jones v Minister for Justice and Equality* upheld six-week absence policy applied by Minister
 - NGOs and legal practitioners have called for published guidance to provide clarity on the application of the six-week rule

Residence requirement in other EU Member States

- Residence periods range from 3 to 10 years in EU MS:
 - 10 other EU MS & UK require 5 years
- Permitted absences vary:
 - UK: 90 days in year prior to application, total of 450 days in five year required period; guidance available on how discretion is applied to cases of longer absences
 - Belgium: No continuous requirement, absences up to 6 months, with combined period of one year, permitted in five year required period
 - Cyprus: No absences permitted in year prior to application

Good character requirement

- Not defined and no guidance available
 - Factors to consider within discretion of the Minister for Justice
 - GNIB primary source of information
- Failure to show good character among top reasons for refusal
- Requirement has been focus of recent judgments
 - *Iurescu (a minor) v Minister for Justice and Equality [2019]*
 - *I v Minister for Justice and Equality [2019]*
 - *Talla v Minister for Justice and Equality [2020]*
- NGOs point to need for guidance on application of good character requirement

Good character/ conduct requirements in other EU Member States

- Some MS have a broad requirement set out in law, like IE
 - e.g. UK applicants must meet a good character requirement; must detail convictions/penalties in form similar to Irish applicants; public guidance for Home Office staff on assessing character
- Others detail in law the conduct that will preclude a grant of naturalisation:
 - e.g. applicants in Portugal must not have been convicted with sentence of imprisonment of more than 3 years
- 16 MS require submission of copy of criminal record/statement from country of origin
- Applicants assessed for tax compliance in 6 MS & UK

Economic considerations in Ireland and other EU MS

- Economic considerations
 - No requirement in law
 - However, applicants are required to submit information on employment / receipt of social welfare
 - Forms part of consideration of overall application
- 13 EUMS have some form of economic requirement:
 - Independent means of support - DE, DK, AT
 - Proof of an income (incl. social welfare) – EE, FI
 - Taken into account in assessment – CY, FR, EL, IT, SK

Language and integration requirements in Ireland and other EU Member States

- Ireland one of 3 MS not requiring language proficiency
- Ireland one of 9 MS not requiring knowledge of society
- Migrant Integration Strategy 2017-2020 commits to examining their introduction
- A number of important considerations to be taken into account in decision to introduce requirements (see: Groarke, Połakowski, Quinn and McGinnity, 2020)

Application format and fees in Ireland and other EU Member States

- Paper-based application to Department of Justice
- Online application or via email currently possible in 5 MS
- €175 application fee + €950 fee for certificate of naturalisation
 - Certification fee reduced to €200 for child and widow/widower; waived for refugees and stateless persons
- Of 24 EU MS examined (EMN, 2020), Ireland among four countries charging highest fees for application and certificate
 - Application costs range from free (HU, PL, LU) to ~€1500 (UK)

Processing times in Ireland and EU Member States

- Processing time for standard application in Ireland:
 - Department reported six months up to 2019
 - Increased to 12 months in 2020, due in part to Covid-19
- NGOs report applicants routinely wait more than 12 months
 - Media reports 5,379 applicants waiting 2+ years ([Irish Times](#))
- Maximum processing times are set out in law in 15 EU MS
 - Max limits range from 6 months (AT, BE) to 48 months (IT)
 - Despite such limits, times are not always met & delays have been reported

Citizenship ceremonies

- Ceremonies introduced in 2011 as mandatory part of process
- Applicants make declaration of fidelity to the nation
- Presided over by a judge and usually attended by a minister
 - virtual ceremonies piloted in 2020 replaced in October with signed affidavit
- 21 EU MS & the UK require declaration of loyalty to the State or commitment to uphold the law or values
- Ceremonies mandatory in 12 MS & the UK
- In remaining MS, ceremonies do not take place or are voluntary and at local level, applicants make declaration before national ministry/local authority

Conclusions

- Overall decrease in people acquiring Irish citizenship, though increase in EU nationals, in recent years
- Comparatively favourable conditions for naturalisation in Ireland than in other EU Member States
- Efforts to promote citizenship through ceremonies have been welcomed
- Nevertheless, applicants face some challenges in applying for naturalisation, including:
 - NGOs and research highlight a lack of clarity and guidance on permitted absences and the good character requirement
 - Processing times and fees are frequently raised as a concern

Thanks for listening!

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