

Information leaflet No. 1

General Information on Irish Citizenship

(effective as of 30th November 2002)

Changes in the law

The Irish Nationality and Citizenship Act 2001 contains significant provisions which affect the circumstances of persons who wish to obtain Irish citizenship on foot of marriage to an Irish citizen or through naturalisation. These provisions came into operation on **30 November 2002**.

The changes which came into effect on that date mainly affect you if you—

- marry an Irish citizen on or after that date, and intend to apply for Irish citizenship on foot of this marriage, or
- think you are eligible to apply for a certificate of naturalisation after that date.

Disclaimer

The laws governing citizenship in Ireland are set out in the Irish Nationality and Citizenship Acts 1956 to 2001 (Irish Nationality and Citizenship Act 1956 (No. 26 of 1956) as amended by the Irish Nationality and Citizenship Act 1986 (No. 23 of 1986), the Irish Nationality and Citizenship Act 1994 (No. 9 of 1994) and (in part) the Irish Nationality and Citizenship Act 2001 (No.15 of 2001)). 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 by birth 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 marriage to an Irish citizen (post-nuptial citizenship);
- by naturalisation.

These are explained in further detail below.

Citizenship through birth in Ireland

Article 2 of the Irish Constitution says: "Every person born in the island of Ireland, its islands and its seas, has an entitlement and birthright to be part of the Irish nation". That entitlement and birthright translates, in terms of citizenship laws, into an entitlement to be an Irish citizen. (This provision in the Irish Constitution, which was approved by the people in a referendum on 22 May 1998, gives effect in Irish law to the British-Irish Agreement, part of the Good Friday Agreement. At Article 1 (vi) of the British-Irish Agreement, the two Governments recognise "the birthright of all the people

of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland".)

Every person born in the island of Ireland (here and throughout this leaflet, the expression "the island of Ireland" means anywhere in Ireland, its islands and its seas) is entitled to be an Irish citizen. If you were born anywhere in Ireland, it is open to you to choose to exercise that entitlement.

If you, as a person born in the island of Ireland do an act which only an Irish citizen is entitled to do (for instance, applying for an Irish passport), the law regards that as an exercise of your entitlement to be an Irish citizen, and you are accordingly an Irish citizen from birth. This also applies to persons not yet of full age (i.e. those still under 18 and not married) on whose behalf such an act is done.

If you were born in Ireland, the mere fact that you have not done (or if under age have not had done on your behalf) such an act does not on its own mean that you are not an Irish citizen. Nor does it mean that you are presumed to be a citizen of another country.

A person born in the island of Ireland is an Irish citizen from birth if he or she is not entitled to citizenship of any other country.

Many people born in Ireland are also Irish citizens because of the Irish citizenship of one or both of their parents (see *Citizenship through descent* below).

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.

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 in Ireland to an Irish citizen parent, then you are an Irish citizen by descent and also entitled to be an Irish citizen because you were born in Ireland (see *Citizenship through birth in Ireland* above).

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** may be entitled to make a declaration of post-nuptial citizenship in certain circumstances after three years of marriage. Declarations from persons resident in Ireland are processed by the Citizenship Section (PNC) of the Department of Justice, Equality and Law Reform, while the Department of Foreign Affairs deals, through Irish embassies and consular offices, with declarations from persons resident outside Ireland. Full details are set out in *Citizenship information leaflet No. 2*.

NOTE: This system does not 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**, 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 inserted by the Irish Nationality and Citizenship Act 2001) 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 Fees Regulations 1993 and 1996.
- The Irish Nationality and Citizenship Regulations 2002.

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 and 2001 Acts, can be viewed on the website of the Department of Justice, Equality and Law Reform at www.justice.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?

You are if you want to be. As a person born in the island of Ireland, you have an entitlement to be an Irish citizen. 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?

You are if you want to be. As a person born in the island of Ireland, you have an entitlement to be an Irish citizen. That entitlement holds even if you have obtained a UK passport. 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 Section,

Department of Justice, Equality and Law Reform,
13/14 Burgh Quay,
Dublin 2,
Ireland.

Telephone (within Ireland): Lo-Call 1890 551 500

(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)

Fax: +353-1-616 7701 email: info@justice.ie

Irish Passports: *If resident in Ireland:*

Passport Office,
Setanta House,
Molesworth St.,
Dublin 2.
Ireland.
Tel: +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).