

## Summary of Scheme for Non-EEA Family Members of UK Citizens intending to reside in Ireland

The Department of Justice have published their Scheme in Relation to Non-EEA Family Members of UK Citizens intending to Reside in the State. This scheme is for UK citizens who arrive in the State after 31 December 2020 and wish to bring family members to Ireland.

Although there is no automatic entitlement to family reunification, UK citizens may ‘sponsor’ an application for their non-EEA family members to reside with them in Ireland.

### General information

There is no minimum Irish residency requirement for UK citizens seeking to sponsor non-EEA family. Non-EEA family members wishing to reside in Ireland with their UK family member(s) must make a residency application before coming to Ireland (for both visa and non-visa required nationals). Applications will not be accepted from a person who has come to the State as a visitor or via a visitor visa.

The UK citizen sponsor must meet a **minimal annual income** and show a **level of dependency** in regard to the applicant for all categories of family members. The dependency must be emotional or financial, and in most cases both. The UK sponsor and the applicants must also provide **evidence of their expected earnings** while in Ireland. The financial criteria must be met and maintained while the family resides in Ireland. Declared and verified savings may be considered in cases that do not meet the income thresholds.

Non-EEA family members must have **private health insurance** from a company authorised by the Health Insurance Authority for the duration of their time in Ireland at a level which provides private healthcare for any period of hospitalisation in a private hospital. Non-EEA family members must also provide a **police clearance certificate or equivalent**, not more than 6 months old for each country he/she has resided in within the past five years.

When making an application, the onus of proof is on the applicant and the sponsor. This means that the responsibility for proving documentary evidence of the finance and relationship is on the applicant and sponsor.

Examples of documentary evidence can include but are not limited to:

#### Financial

- Bank statements
- Payslips
- Letter from employer
- Contract of employment
- End of year statement/P60 or equivalent

(For self employed/business owners)

- Tax self-assessment
- Proofs of business registration
- Documents from accountants confirming business profits
- Any other documentation showing income

#### Emotional

- Marriage Certificate
- Birth certificate
- Print-out of conversations (WhatsApp, Messenger, IMO etc)
- Print-out of social media interactions
- Print-out of call records
- Travel tickets or itineraries that show visits or times spent together
- Photos
- Cards (birthday, anniversary, Christmas, Valentines etc) exchanged
- Money transfer receipts
- Any evidence of co-habitation

## Who may apply?

Only the following categories of family members may apply under the scheme;

- **Category 1:** Spouse, civil partner or de facto partner
- **Category 2:** Dependent child of sponsor: of spouse; of civil partner; or of de facto partner.
- **Category 3:** Elderly dependent parents of sponsor; of spouse; of civil partner; or of de facto partner

### Category 1- Spouse/civil partner or de facto partner

The spouse, civil partner or de facto partner must be at least 18 years of age at the time of his / her application for family reunification. The relationship must be monogamous and entered into freely by both parties. A marriage or civil partnership must be lawfully conducted and recognised under Irish law.

To qualify as de-facto partners, the couple must be in an exclusive relationship and must have cohabitated in a relationship akin to marriage for a minimum period of two years, prior to making an application for family reunification. The cohabitation period can include time cohabiting outside of Ireland, cohabiting in Ireland, or a combination of both, as long as the supporting documents show 2 years cohabitation prior to application.

For couples who are married/ in a civil partnership, there is no minimum relationship duration requirement.

### Financial Criteria

To apply for a spouse/ civil partner or de facto partner where the couple does not have children, the sponsor must show a gross (before tax) income of €20,000 in each of the 3 years preceding the application.

If a couple has children, the UK Citizen sponsor must show an income which is above the Working Family Payment assessment (below).

The UK citizen must not have been totally or predominantly reliant on social protection benefits in the State or equivalent benefits in another State for a continuous period of at least 2 years prior to the application.

Family Size	Weekly Income Limit	Annual Income Limit
1 child	€521.00	€27,092.00
2 children	€622.00	€32,344.00
3 children	€723.00	€37,596.00
4 children	€834.00	€43,368.00
5 children	€960.00	€49,920.00
6 children	€1076.00	€55,952.00
7 children	€1212.00	€63,024.00
8 children	€1308.00	€68,016.00

Figures valid as of January 2021

The application must include a declaration by both parties confirming their commitment to reside together permanently in Ireland as spouses, civil partner or de facto partners.

If the application is approved, initial permission will be granted for a 12-month period on Stamp 4D conditions. Permissions to reside are regarded as temporary but may be renewed after the first year, on a Stamp 4D basis, for a further 2- year period and thereafter on a 3-year basis provided that, on each renewal, the conditions under which the initial permission was granted continue to be met (i.e. the couple are residing together and maintaining minimum income threshold).

## Category 2- Children/Dependent minor children

A UK national sponsor may apply for family reunification with their non-EEA dependent minor children (under 18) or adult children that are dependent on the sponsor.

### Minor Children

For the purposes of this Scheme, any child under 18 years of age who is living with their parents will be automatically assumed as their dependent. The child must be the direct descendant or a legally adopted child of the sponsor or of his/her spouse, civil partner or de facto partner.

If a parent has sole custody of the child, they must provide a court order showing their sole custody.

### Dependent Adult Children

'Dependency' is demonstrated where the adult child is supported financially by the sponsor and/or the sponsor's spouse, civil partner or de facto partner on a continuous basis. The dependency must be pre-existing, and sustained prior to the making of the application for family reunification

### Examples

Applicant (adult child) is in full-time education in their country of origin or current country of residence and intends to continue in full time education in the State, he/she is under 23 years of age, and needs the financial support of the sponsor and/or the spouse, civil partner or de facto partner of the sponsor.

Applicant (adult child) is over the age of 18 and is dependent on the care of the parent sponsor, directly or indirectly, due to a serious medical condition that makes independent life impossible;

Having regard to health, financial or social conditions, the applicant (adult child) could not meet his/her essential living needs (in whole or in part) without the financial or other material support of the sponsor and/or the spouse, civil partner or de facto partner of the sponsor,

Such support is being provided to the applicant by the sponsor and/or the spouse, civil partner or de facto partner of the sponsor, and the need for such support existed in the applicant's country of origin or his / her country of residence immediately prior to coming to the State.

### Financial Criteria

The UK citizen must not have been totally or predominantly reliant on social protection benefits in the State or equivalent benefits in another State for a continuous period of at least 2 years prior to the application.

The UK Citizen sponsor must show an income which is above the Working Family Payment assessment in each of the 3 years preceding the application.

Children do not need to register their permission until they turn 16. At 16 they will receive a Stamp 3 permission on a 12-month basis, which can be renewed for a further 2-year period and on 3-year basis thereafter. If circumstances remain the same, a child who reaches the age of 18 may apply to switch to Stamp4D.

Adult dependent children will be issued with a Stamp 4D for an initial period of 12 month but can be renewed for a further 2-year period and on a 3-year basis thereafter.

### Category 3- Elderly dependent parents

A UK citizen sponsor can make an application to have their elderly dependent parents join them in Ireland. Their parents must be of pension age or older, pension age is currently set at 66 years of age in Ireland but may change in the future.

#### Financial Criteria

The financial criteria require a sponsor to earn in each of the 3 years before the application an income of €60,000 after tax for one parent and €75,000 after tax for two parents.

The UK citizen sponsor must not have been totally or predominantly reliant on social protection benefits in the State or to equivalent benefits in another State for a continuous period of at least 2 years prior to the application.

The sponsor will be required to sign a legal undertaking to saying they will bear complete financial responsibility for the elderly parent and that any State funds availed of by the relative will be reimbursed by the sponsor.

Elderly dependent parents must be covered by private medical insurance at or above the level which provides for private healthcare in a private hospital.

#### Evidencing Dependency

The sponsor must prove that their elderly parent is dependent on them. They must show

- there is no viable alternative to the parent coming to the State,
- the parent does not have financial resources to meet their essential needs in their country of origin, or country of residence even with remittances from the sponsor,
- the parent is not physically capable of independent living,
- there are no other family members in the parent's country of residence/origin capable of providing support,
- the sponsor can meet the financial thresholds for earnings to support the elderly parent(s) if they come to live in the State.

Permissions will be granted under Stamp 0 conditions for an initial period of 12- months but can be renewed for a further 2 year period and 3 year basis thereafter. For the renewal to be successful, the family must meet the conditions under which the initial permission was granted.

## **Making an application**

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 (unless the applicant already has a separate immigration permission in the State).

Proof of residence outside the State may be requested. An online application form will need to be submitted and all supporting documentation sent to the relevant embassy.

Visa required nationals will need to make an application for Long Stay 'D' visa. If the application is successful, visa required nationals will receive a visa stamp on their passport.

Non-visa required nationals need to make an application for 'pre-clearance', if the application is successful the non-visa require national receive a pre-clearance letter that they must present to the Immigration Officer at the port of entry.

A non-refundable fee of €60 applies to all applications unless the applicant is from a fee-exempt country.

If an applicant is unhappy with the outcome of his or her application, an appeal may be submitted at no additional cost within 8 weeks from the date of the refusal notification

If a non-EEA national who already lives in Ireland under a separate immigration permission (study, work, etc) subsequently becomes the spouse, civil partner or de facto partner of a UK citizen, they may submit a request to change their immigration permission.

Requests can be made to:

Department of Justice (Immigration Service Delivery) Domestic Residence and Permissions Division,  
Unit 2,  
13-14 Burgh Quay,  
Dublin 2

**This document provides general information based on the Scheme and it does not constitute legal advice nor is it intended to provide a comprehensive or detailed statement of the law.**