

INFORMATION NOTE ON INIS NON-EEA FAMILY REUNIFICATION POLICY

The INIS policy document on Non-EEA Family Reunification is a lengthy document (71 pages) representing the first comprehensive statement of the rationale for granting or denying visa applications, guidelines on financial thresholds and residence requirements as well as future plans for pre-clearance facilities for certain non-visa required nationals. A full copy of the report is available [here](#). This information note sets out the main principles and financial thresholds set out in the policy document.

The policy document does not apply to people who are eligible for family reunification under section 56 or 57 of the International Protection Act, 2015 or who have a right to family reunification under Directive 2004/38EC and European Communities (Free Movement of Persons) Regulations 2015.

The main principle in the policy document is that preferential treatment will be given to Irish citizens, and family reunification with immediate family members will be prioritised. Family reunification with elderly parents is strongly discouraged.

FINANCIAL THRESHOLDS FOR SPONSORING AN IMMEDIATE FAMILY MEMBER

	Financial threshold	Required length of sponsor residence
Irish Citizen	Earnings of €40,000 gross over 3 years excluding income from social welfare. Must not be predominantly reliant on social welfare for a continuous period of over 2 years.	Eligible for immediate family reunification. The Irish citizen must reside or intend to reside in Ireland.
Category A	None specified (generally persons included in Category A have gross annual income in excess of €30,000)	Eligible for immediate family reunification
Category B	Gross income in each of the preceding 2 years in excess of Working Family Payment (formerly family income supplement) with an expectation that income will be maintained. Where the application does not include children (ie for a spouse), a minimum gross income of €30,000 applies.	Eligible for family reunification after 12 months
Category C	Ineligible	Ineligible

WHO IS AN IMMEDIATE FAMILY MEMBER?

The policy document sets out who can be considered an immediate family as:

- Spouse, civil partner or de-facto partner (a partner in a cohabitating relationship akin to marriage)
- Children under the age of 18 and adopted children (provided the adoption is recognised by the Irish State)
- Step-children who are full-time members of the sponsor's household (will be treated in the same manner as the biological children of the sponsor)
- Non-biological children in the care of the sponsor (note INIS undertake an extensive examination of the circumstances to confirm that the sponsor is caring for the child)
- Children between the age of 18 and 23 provided they are in full time education and dependent on the sponsor;
- Children over the age of 18 where the child is dependent on the sponsor parent either directly or indirectly, due to a serious medical or psychological problem which makes independent life in the home country impossible.

CATEGORIES OF SPONSORS

Sponsors are broken down into different categories – Irish citizens and three categories of non-EEA national sponsors:

- Category A: Critical Skills Employment Permit holders, Investors Entrepreneurs, Business Permission Holders, Researchers, INIS Approved Scholarship programme students (e.g. KASP), Intra Corporate Transferees, PhD Students, full-time non-locum doctors in employment.
- Category B: Non-critical skills employment permit holders, all Stamp 4 holders not covered by more favourable arrangements, minister of religion (may be considered Cat A provided they are maintained by the Church)
- Category C: All other non-EEA migrant Categories of Family Members

ASSESSING DEPENDENCY AND ELDERLY PARENTS

The policy document sets out how INIS will assess claims of dependency when applying for family members other than nuclear family members. Dependency means that the family member is, (i) supported financially by the sponsor on a continuous basis and (ii) that there is evidence of social dependency between the two parties.

The degree of dependency must be such as to render independent living at a subsistence level by the family member in his/her home country impossible if that financial and social support were not maintained.

Dependency must be pre-existing and sustained prior to the making of the application for family reunification and have existed in the home country.

ELDERLY PARENTS

The financial threshold set out in the policy document to sponsor an application for an elderly parent of €60,000 for one parent and €75,000 for two parents after tax and deductions for each of the 3 years preceding the application.

Even in circumstances where you meet the financial thresholds, this will not automatically result in a positive decision. The policy document states “[T]he default position for such migration, given the financial risk to the State is a refusal. There is an onus on the family to show that there is no viable alternative to the parents coming to Ireland (no family members capable of providing support in the country, not possible for the sponsor to move, parents without financial resources or ability to live independently). In addition to the financial thresholds above, the applicant must be covered by private medical cover.”