Re: Submission on the General Scheme of the Irish Nationality and Citizenship (Amendment) Bill 2026, Our Reference: JC/7/1/0/1, 12/10/2026

Dear Members of the Committee,

On behalf of Nasc, the Migrant and Refugee Rights Centre, I thank the Joint Committee on Justice, Home Affairs and Migration for inviting us to submit written evidence on the General Scheme of the Irish Nationality and Citizenship (Amendment) Bill 2026.

As detailed in the accompanying submission document, our primary recommendation to the Committee and to Government is that the proposed measures should not proceed. Ireland's existing citizenship framework has underpinned some of Europe's most successful integration outcomes. Restricting naturalisation by extending the residence period to eight years, introducing punitive income and social welfare exclusions, and mandating language testing will reverse these achievements without policy justification or supporting evidence. Alternatively, if the Bill proceeds to legislative drafting, we provide detailed, Head-by-Head observations and key amendments to safeguard human rights, equality, and administrative justice.

If the Committee requires further briefings or decides to convene public hearings on this General Scheme, Nasc representatives would welcome the opportunity to appear before the Committee to give oral evidence.

We thank the Committee for its work and would be pleased to assist further if needed.

Yours sincerely,

Kostas Kapantais

Interim Co-Director

Email: kostas@nascireland.org

Telephone: 083 0974803

Nasc the Migrant and Refugee Rights Centre www.nascireland.org

34 Paul Street, Cork City, T12 W14H, Ireland **Tel**: +353 (0) 21 427 3594 **Email:** reception@nascireland.org

Registered Company No. 335227, Registered Charity No. CHY13752 and Charities Regulator No. 20043612

WRITTEN SUBMISSION TO THE JOINT COMMITTEE ON JUSTICE, HOME AFFAIRS AND MIGRATION

Submission on the General Scheme of the Irish Nationality and Citizenship (Amendment) Bill 2026

1. Introduction and Overarching Position

1. We welcome the opportunity to provide pre-legislative observations to the Joint Committee on Justice, Home Affairs and Migration on the General Scheme of the Irish Nationality and Citizenship (Amendment) Bill 2026.

2. **Core Position: The Proposed Scheme Should Not Proceed.** We respectfully submit that the General Scheme represents a regressive, disproportionate, and counterproductive overhaul of Irish nationality law. Ireland currently benefits from some of the strongest immigrant integration outcomes globally, as highlighted by the OECD and European Commission Indicators of Immigrant Integration 2023 Indicators of Immigrant Integration 2023 | OECD. As highlighted by the Economic and Social Research Institute (ESRI) in its study, Pathways to Citizenship through Naturalisation in Ireland, acquiring citizenship is not only an outcome of integration but a catalyst that actively improves social, economic, and political integration. The extensive restrictions proposed in this Scheme—including an 8-year waiting period, welfare exclusions, and dual testing regimes—will serve primarily as structural barriers that disproportionately exclude vulnerable cohorts without enhancing social cohesion.

3. No empirical evidence or policy rationale has been produced by the Department of Justice, Home Affairs and Migration demonstrating that the existing naturalisation provisions in the Irish Nationality and Citizenship Act 1956 (as amended) are defective or failing. Rather than advancing integration, the General Scheme introduces a regressive package of measures that will severely compromise Ireland's integration model.

Nasc the Migrant and Refugee Rights Centre www.nascireland.org
34 Paul Street, Cork City, T12 W14H, Ireland **Tel**: +353 (0) 21 427 3594 **Email:** reception@nascireland.org
Registered Company No. 335227, Registered Charity No. CHY13752 and Charities Regulator No. 20043612

4. While we urge the Committee to recommend that the Bill be withdrawn in its entirety, we provide below a detailed, "Head-by-Head" analysis to assist the Committee in scrutinising specific provisions and formulating constructive legislative safeguards in the alternative.

2. Head-by-Head Analysis and Recommendations

Head 3 – Definitions

5. Head 3 introduces broad statutory definitions, including "sufficient resources" and "minimum level of income", deferring the substance of these definitions entirely to Ministerial regulations under proposed Section 15 (4) and Section 15F of the [Act of 1956].

6. **Issue:** Defining foundational citizenship eligibility criteria through secondary legislation circumvents full parliamentary debate, offends legal certainty, and leaves essential socio-economic criteria to unfettered executive discretion.

7. **Recommendation:**

    - Delete references to prescribed income levels and economic resources from citizenship definitions.

    - If economic definitions are retained, the parameters must be exhaustively set out on the face of the primary legislation by the Oireachtas, ensuring total clarity and transparency.

Head 5 – Amendment of Section 15 of Act of 1956 (Conditions for Issue of Certificate)

A. Eight-Year Residency Requirement (Subhead 1(a) / Section 15(1)(c))

8. Head 5 extends the ordinary qualifying residence period from 5 years out of the preceding 9 years to 8 years (requiring 2 years of continuous residence immediately prior to the application and 6 years in the preceding 10 years).

Nasc the Migrant and Refugee Rights Centre www.nascireland.org
34 Paul Street, Cork City, T12 W14H, Ireland **Tel**: +353 (0) 21 427 3594 **Email:** reception@nascireland.org
Registered Company No. 335227, Registered Charity No. CHY13752 and Charities Regulator No. 20043612

9. **European Context and Divergence**: Across the European Union, 5 years of legal residence is the established statutory benchmark for standard naturalisation. While Ireland proposes increasing its requirement to 8 years, European peers are legislating in the opposite direction. Notably, in 2024, Germany enacted a comprehensive reform of its nationality law (StAG Reform New rules for naturalisation | Federal Government), specifically reducing its general residence requirement from 8 years to 5 years to recognise that prolonged waiting periods actively undermine economic integration and civic belonging.

10. **Absence of Permanent Residence Rights:** Unlike every other EU Member State, Ireland has opted out of Council Directive 2003/109/EC and maintains no statutory right to permanent residence or long-term resident status. Non-EEA nationals are therefore kept on temporary, renewable permissions (such as Stamp 1 or Stamp 4). Pushing citizenship eligibility to 8 years prolongs legal precarity, impedes long-term investment in employment and community life, and denies applicants the ability to participate fully in democratic processes.

11. **Recommendation:**

    - Reject the proposed 8-year requirement outright. Maintain the current statutory requirement of 5 years of reckonable residence under Section 15(1)(c).

B. Self-Sufficiency and Exclusion of Social Welfare and Council Housing (Subheads 1(c), 3, and 4 / Section 15(1)(f) & 15(3)–(4))

12. Head 5 inserts Section 15(1)(f), requiring applicants to have "sufficient resources for himself or herself not to become an unreasonable burden on the State", supplemented by Section 15(3), which automatically disqualifies anyone who:

    - is not earning a prescribed "minimum level of income";

Nasc the Migrant and Refugee Rights Centre www.nascireland.org
34 Paul Street, Cork City, T12 W14H, Ireland **Tel**: +353 (0) 21 427 3594 **Email:** reception@nascireland.org
Registered Company No. 335227, Registered Charity No. CHY13752 and Charities Regulator No. 20043612

- has received a prescribed social welfare payment or a "prescribed housing support" at the date of application or for more than an aggregate of 6 months in the preceding 2 years; or
- owes an unsettled debt or fine to the State.

13. **Impact Analysis:** Conditioning citizenship on household income and receipt of any State supports converts citizenship into a commodity accessible only to the affluent. Disqualifying applicants residing in council housing or accessing social housing supports (including local authority tenancies, the Housing Assistance Payment [HAP], and the Rental Accommodation Scheme [RAS]) is deeply flawed. Migrants working as low-paid healthcare assistants, retail workers, cleaners, childcare workers, and bus drivers frequently qualify for and reside in local authority housing precisely because of Ireland's prevailing housing shortage. Living in local authority housing or receiving housing support is evidence of lawful, stable settlement, not an "unreasonable burden on the State".

14. **Equality and Public Sector Duty:** The absolute exclusion of individuals receiving social welfare will disproportionately penalise women (especially lone parents), older persons, carers, individuals who have experienced sudden redundancy, victims of domestic violence, and persons with disabilities who rely on statutory supports like Disability Allowance or Carer's Allowance. This raises severe compliance issues under the Public Sector Equality and Human Rights Duty and the UN Convention on the Rights of Persons with Disabilities.

15. **Recommendation:**

    - **Delete proposed Section 15(1)(f), Section 15(3), and Section 15(4) in their entirety.** Citizenship eligibility should never be tied to wealth, income thresholds, or social welfare status.

Nasc the Migrant and Refugee Rights Centre www.nascireland.org
34 Paul Street, Cork City, T12 W14H, Ireland **Tel**: +353 (0) 21 427 3594 **Email:** reception@nascireland.org
Registered Company No. 335227, Registered Charity No. CHY13752 and Charities Regulator No. 20043612

- In the alternative, if resource requirements are retained, statutory provisions must expressly exclude:
    - All public, municipal, and social housing tenancies (including local authority / Council housing, HAP, RAS, and emergency accommodation under Section 10 of the Housing Act 1988);
    - Non-means-tested, universal, or vulnerability-related payments, including Child Benefit, Disability Allowance, Invalidity Pension, Carer's Allowance, Blind Pension, Maternity/Paternity Benefit, and Illness Benefit;
    - Victims of domestic, sexual, or gender-based violence;
    - Periods of certified illness, full-time study, or temporary economic disruption.

C. Language and Civics Testing (Subhead 1(c) / Section 15(1)(h) & (i))

17. Head 5 introduces mandatory demonstrations of proficiency in Irish, English, or Irish Sign Language, as well as mandatory testing on "Irish civics, society and politics", to standards prescribed by Ministerial regulation.

18. **Analysis:** The ESRI's evaluation of integration policies, Monitoring report on integration 2024 | ESRI, underscores that formal civic and language tests operate primarily as structural barriers, disproportionately screening out vulnerable cohorts, working-class migrants, older people, and refugees without improving social integration. Imposing a mandatory test in Ireland without a statutory guarantee of free, universally accessible tuition creates an exclusionary barrier based on the ability to pay.

19. **Recommendation:**
    - Oppose the introduction of formal language and civics testing regimes.

Nasc the Migrant and Refugee Rights Centre www.nascireland.org
34 Paul Street, Cork City, T12 W14H, Ireland **Tel**: +353 (0) 21 427 3594 **Email:** reception@nascireland.org
Registered Company No. 335227, Registered Charity No. CHY13752 and Charities Regulator No. 20043612

- In the alternative, should language or civic integration conditions be enacted:
    - The State must place a statutory obligation upon the Department of Further and Higher Education, Research, Innovation and Science and the Education and Training Boards (ETBs) to provide free, universally accessible, adequately funded English and Irish language courses across all counties;
    - Completion or attendance of an adult education course, ETB integration programme, or secondary schooling in Ireland must be accepted as sufficient proof in lieu of formal examinations;
    - Clear statutory exemptions must be written directly into primary legislation (see Head 8 below).

Head 6 – Amendment of Section 15A of Act of 1956 (Spouses of Irish Citizens)

22. Head 6 increases the residence requirement for non-national spouses or civil partners of Irish citizens from 3 years to 5 years, while imposing the same language, civics, and Schedule 1 offence bars.

23. **Analysis:** The Department asserts this measure deters marriages of convenience. However, robust mechanisms to assess the genuine nature of marital relationships already exist under the Civil Registration (Amendment) Act 2014 and standard immigration operations. Increasing the waiting period for spouses directly undermines family unity, creates prolonged immigration dependence between partners, and places Ireland well outside European norms, where marital naturalisation pathways are typically accelerated.

24. **Recommendation:**
    - Oppose Head 6 and maintain the existing 3-year residency requirement for spouses and civil partners of Irish citizens.

Nasc the Migrant and Refugee Rights Centre www.nascireland.org
34 Paul Street, Cork City, T12 W14H, Ireland **Tel**: +353 (0) 21 427 3594 **Email:** reception@nascireland.org
Registered Company No. 335227, Registered Charity No. CHY13752 and Charities Regulator No. 20043612

Head 7 – Insertion of Section 15F (Self-Sufficiency Regulations)

25. Head 7 confers expansive powers on the Minister to prescribe minimum income levels, excluded social welfare payments, and excluded housing supports (including local authority supports, emergency homeless accommodations under Section 10 of the Housing Act 1988, and charitable housing supports).

26. **Analysis:** It is unconscionable that residing in local authority housing, accessing temporary homeless shelter, or receiving emergency charitable housing support could legally bar a resident from citizenship. Penalising individuals for seeking basic emergency shelter or residing in public housing during an unprecedented national housing emergency violates fundamental tenets of social justice and non-discrimination.

27. Furthermore, delegating the power to define "minimum level of income" to secondary regulations leaves low-paid workers, seasonal employees, and part-time workers in absolute uncertainty, preventing individuals from knowing whether they satisfy basic citizenship criteria.

28. **Recommendation:**

    - Reject Head 7. Citizenship criteria should not contain income thresholds or welfare disqualifications.

    - If Head 7 is progressed, Section 15F (4) must be fundamentally amended to explicitly strike out all references to social housing, local authority housing, Section 10 homeless accommodation, and charitable supports.

Head 8 – Amendment of Section 16 of Act of 1956 (Power to Dispense with Conditions)

29. Head 8 introduces Section 16(1A), providing that the Minister may, in their "absolute discretion", waive language and civics conditions in certain prescribed circumstances.

Nasc the Migrant and Refugee Rights Centre www.nascireland.org
34 Paul Street, Cork City, T12 W14H, Ireland **Tel**: +353 (0) 21 427 3594 **Email:** reception@nascireland.org
Registered Company No. 335227, Registered Charity No. CHY13752 and Charities Regulator No. 20043612

Concurrently, Section 16(1B) states that the condition of good character can never be waived under any circumstances.

30. **Analysis:** Absolute administrative discretion creates systemic unpredictability and inconsistency. Vulnerable applicants should not be forced to rely on arbitrary ministerial benevolence to obtain an exemption from testing regimes they cannot realistically sit due to age, impairment, or illness. Across peer European jurisdictions, objective statutory exemptions are explicitly codified in primary law to protect vulnerable persons.

31. **Recommendation:**

    - Replace discretionary waivers with **mandatory statutory exemptions** clearly set out on the face of the Act for:

        - Persons aged 60 and over;
        - Persons with physical, cognitive, intellectual, neurodevelopmental or sensory disabilities;
        - Persons with documented mental health difficulties, severe medical conditions, or trauma-related impairments;
        - Persons experiencing severe literacy barriers or limited formal schooling in their country of origin;
        - Long-term residents (e.g., individuals who have resided in the State for 10 years or more);

Nasc the Migrant and Refugee Rights Centre www.nascireland.org
34 Paul Street, Cork City, T12 W14H, Ireland **Tel**: +353 (0) 21 427 3594 **Email:** reception@nascireland.org
Registered Company No. 335227, Registered Charity No. CHY13752 and Charities Regulator No. 20043612

Head 10 – Amendment of Section 19 of Act of 1956 (Revocation of Naturalisation)

35. Head 10 expands the grounds for revoking citizenship to include vague concepts of "public policy, public order or national security" and removes the requirement for the Minister to consult with the Chairperson of the Committee of Inquiry prior to taking action.

36. **Analysis:** Citizenship is a fundamental constitutional status conferring inviolable rights. Striking out established procedural protections (such as prior judicial consultation with the Chairperson of the Committee of Inquiry) creates an executive fast-track that undermines natural justice, the rule of law, and fair procedures.

37. **Recommendation:**

    - Delete the broad and undefined "public policy" and "public order" grounds from Head 10.

    - Retain all statutory procedural safeguards, including full prior consultation with and scrutiny by an independent Committee of Inquiry, ensuring full rights of defence and independent judicial oversight before any revocation process is initiated.

3. Summary of Recommendations

38. In summary, we recommend that the Joint Committee on Justice, Home Affairs and Migration:

    - **Recommendation 1:** Advise the Government that the General Scheme of the Irish Nationality and Citizenship (Amendment) Bill 2026 should not proceed, preserving Ireland's proven, inclusive naturalisation framework.

    - **Recommendation 2:** Reject the proposed extension of qualifying residence to 8 years; maintain the 5-year standard.

Nasc the Migrant and Refugee Rights Centre www.nascireland.org
34 Paul Street, Cork City, T12 W14H, Ireland **Tel**: +353 (0) 21 427 3594 **Email:** reception@nascireland.org
Registered Company No. 335227, Registered Charity No. CHY13752 and Charities Regulator No. 20043612

- **Recommendation 3:** Reject proposed income thresholds and the disqualification of individuals accessing social welfare payments or social housing supports, ensuring social housing tenants, low-wage workers, and carers are not excluded.
- **Recommendation 4:** Reject mandatory language and civics tests. In the alternative, mandate fully resourced, accessible state-funded tuition and embed automatic statutory exemptions for older people, persons with disabilities, and trauma survivors.
- **Recommendation 5:** Safeguard family unity by rejecting the increase in spousal naturalisation residence from 3 to 5 years.
- **Recommendation 6:** Ensure that all substantive eligibility criteria and disqualifications are explicitly codified by the Oireachtas in primary legislation rather than delegated to secondary ministerial regulations.

Nasc the Migrant and Refugee Rights Centre www.nascireland.org
34 Paul Street, Cork City, T12 W14H, Ireland **Tel**: +353 (0) 21 427 3594 **Email:** reception@nascireland.org
Registered Company No. 335227, Registered Charity No. CHY13752 and Charities Regulator No. 20043612