

# Becoming a Citizen of Ireland: Some Frequently Asked Questions following recent changes to the process.



In June 2011 the Minister for Justice and Equality, Alan Shatter, T.D. announced that there would be a reform of the citizenship application process in Ireland. The Minister committed to reducing the processing times and changing the application forms to make the process easier. Since the Minister made this announcement, significant changes have indeed been made. The application forms and the documents required for the application have changed twice and an application fee of €175 was recently introduced. This has caused some confusion amongst those who have already submitted their citizenship applications as well as those who are considering applying for Irish citizenship.

A number of these issues have repeatedly come to the attention of Nasc's Legal Clinic through phone calls and visits from worried applicants. We would like to take the opportunity to address some of the more **Frequently Asked Questions**:

- 1. I have been considering applying for Irish citizenship for some time. I filled out the forms eight months ago but never sent them in. What changes should I be aware of?**

The Minister introduced new Citizenship regulations on the 9<sup>th</sup> November 2011. Since this date only applications made on the **new forms** will be accepted.

An application **fee of €175** must be included with the application or the application will be returned.

In June 2011 the **Residency Checker** was introduced. This will allow you to calculate your reckonable residency in advance of submitting the application. It is very important to check and print the residency check, and to include it with the application for all applicants excluding refugees. ("Reckonable residency" is the amount of time that you have spent residing in Ireland that can be counted in calculating whether you are eligible to apply for naturalisation.)

The new forms, the residency checker, and the Department of Justice's own Frequently Asked Questions are available on the Department's website, at:  
<http://www.inis.gov.ie/en/INIS/Pages/Citizenship>.

## **2. What if I make a mistake when I am filling in the form?**

The new forms indicate that, if you make a mistake in filling out the form, your application will be refused and your application fee will not be refunded.

A common mistake that is made is that the Statutory Declaration on the form, which is filled in by a Notary Public, Solicitor, Peace Commissioner or Commissioner for Oaths, is completed incorrectly, so we would advise that you ask the person who is completing that part of the form for you to be very careful indeed.

Another common mistake is that people do not answer all the questions on the form. If a question does not apply to you, you must write "not applicable" in the space, or the form will be considered to be incomplete.

We are not sure at this stage whether the letters of refusal will indicate whether the refusal was made on the basis of a mistake in filling out the form or because of something more substantial.

## **3. What if I don't have a Birth Certificate?**

If you do not have all of the original documentation that you are required to submit with the form, you are advised to set about getting it **before** you make the application. If you do not submit all of the documentation that is required, you will only have four weeks to send in the missing documents. If you can't manage to do so before the four weeks has passed, your application fee will not be refunded to you.

Again, you will need to be very careful to make sure that you have all the documents translated into English. You will submit the original document, a certified copy and a certified translation. These will have to be properly certified by a professional translator.

## **4. What if it is impossible for me to get a Birth Certificate?**

The new forms indicate that Birth Certificates are required, however the form also states that, "[i]n certain limited circumstances a birth affidavit may be accepted in lieu of a Birth Certificate,

where the certificate is not available and cannot be obtained. Please note that this is only accepted in exceptional circumstances.” It has been our experience that, if your status as a refugee has been recognised by the state, and you absolutely cannot get a Birth Certificate from your country of origin, the Department may make an exception to the requirement. We advise that you write to the Citizenship Section before making your application, explaining why you cannot get a Birth Certificate and providing documentary evidence of your refugee status.

If you are not a refugee, and for some reason you do not have a Birth Certificate, it has been our experience that the Department is much less likely to agree to forfeit the requirement. You will need to make genuine efforts to obtain a Birth Certificate from your country of origin. We advise that you document your efforts – keep copies of all correspondence and make notes of the people you speak to on the phone etc. If, having made extensive efforts to obtain a Birth Certificate, you absolutely cannot get one, we advise that you write to the Department to ask that an exception be made in your case, before submitting your application.

**5. Can I apply for citizenship before I have the required residency? I want my application to be in the queue.**

No, your application will be refused outright. The new forms indicate that your application fee of €175 will be retained under those circumstances.

**6. I heard that all applications will be dealt with within 6 months. Is this true? Why is my application taking longer than 6 months?**

What the Minister actually said was that by April of 2012 he hoped to eliminate the backlog of cases waiting longer than 6 months for decision. There was a huge backlog of applications (over 14,000 as of June 2011) and this will take a number of months to clear. The hope is that the older applications will be processed to completion by April 2012 and that new applications submitted after that will take, on average, 6 months to process. On the 10<sup>th</sup> November 2011 the Minister stated that “broadly speaking” the Citizenship Division is on track to meet its targets.

**7. I submitted my application over 18 months ago and apart from an acknowledgement letter, I have not received any other correspondence.**

Don't worry! The Citizenship Section of the INIS will contact you once they have made their decision. They will contact you or your legal representative to inform you of their decision.

It is very important that you tell the Citizenship Section and your legal representative if you change address so that they can contact you.

**8. I submitted my application three months ago, before the introduction of the application fee. Is my application still valid or do I need to apply again?**

Your application is still valid. You do not need to resubmit a fresh application for citizenship or send the fee to the Citizenship Section of the INIS. If the Citizenship Section requires further documentation or more information they will contact you.

**9. My friend and I applied for citizenship at the same time last year. He received a decision three months ago and I'm still waiting. Why?**

This is extremely common, unfortunately. We do not know for certain why some applications are processed faster or slower than others. The Citizenship Section has in the past attributed delays to difficulties in obtaining reports from other State bodies, for example the Department of Social Protection.

Nasc Legal Information Clinic,  
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