

Summary: There is provision for a non-EEA national to apply for permission to remain on the basis of their partnership or de facto relationship with an Irish or a non-EEA national. Slightly different criteria apply: for a de facto relationship with an Irish national you must be able to show a durable attested relationship of at least two years; for a de facto relationship with a non-EEA national you must be able to show a durable attested relationship of at least four years.

While cohabitation is not a requirement, the threshold with regards to the relationship applied by the Department is reasonably high. A relationship of girlfriend and boyfriend where the relationship is not evidenced as sufficiently serious and committed is unlikely to satisfy the criteria.

Relationship with an Irish national

Non EEA nationals who wish to remain the State and are in a de facto relationship with an Irish National must be in a position to provide evidence of a durable attested relationship of at least 2 years. It is essential to submit as much supporting evidence as possible attesting the relationship with the Irish national, because the Department will carefully scrutinise the evidence to assess whether the relationship is genuine and whether it has been enduring for the required period of two years. There is no requirement that the couple co-habit but from our experience, it is difficult to succeed without such an element unless there is a future intention to marry or there are very strong reasons for no cohabitation.

The Department suggest that the following evidence be provided with any application:

Copies of current passports of both parties.

Evidence of finances of both parties

Evidence of relationship of at least 2 years duration (i.e. tenancy agreement, utility bills, bank statements, etc)

Applications should be made to the De Facto Applications Section. From our experience, successful applicants are issued with one year Stamp 4 Permission to Remain that is renewable annually.

Relationship with non EEA National

Non EEA nationals who wish to remain the State and are in a de-facto relationship with a non EEA national must be in a position to provide evidence of a durable attested relationship of at least 4 years. Again, evidence is crucial when submitting this application.

The Department set out the following non-exhaustive list of the supporting evidence that should be provided with the application:

Copies of current passports of both parties.

Evidence of finances of both parties

Evidence of relationship of at least 4 years duration (i.e. tenancy agreement, utility bills, bank statements, etc)

History of activities of both parties in the State

Again, as above, applications should be made to the De Facto Applications Section. From our experience, successful applicants are issued with one year Stamp 4 Permission to Remain that is renewable annually.

Further details can be found on the INIS website here: www.inis.gov.ie