

Summary: There is provision for a non-EEA national who is residing in the State, with or without permission to reside, to apply for permission to remain on the basis of their marriage or civil partnership to an Irish national. If the application is successful, they are likely to be granted a one year renewable permission to remain on a Stamp 4 or stamp 3 status.

A non EEA national who is lawfully resident in the State and becomes married/enters a civil partnership with an Irish national may seek a change of status directly at their local Immigration Office. On satisfying the Immigration Officer of their identity and genuine relationship, the Immigration Officer may grant the non national spouse/partner a stamp 4 or stamp 3 permission to remain.

Non-nationals who are undocumented in the State, and become married/enter a civil partnership with an Irish national, may apply for lawful permission to remain in the State by way of a written application to the Department of Justice and Equality. However, it is important to note that such a marriage or civil partnership does not confer an automatic right of residence in the State. It is necessary to provide evidence that the marriage or civil partnership is genuine and subsisting. The application is essentially a discretionary one and does not rely on any specific law or statute. Guidelines regarding the application are included on the INIS website here: [www.inis.gov.ie](http://www.inis.gov.ie)

Any application can be made in writing to the Spouse of Irish National Unit and it is very important to evidence the application well. INIS propose that the following documentation be provided with the application:

- Details of the applicant's immigration history in this State;
- The applicant's current legal status;
- An original marriage/civil partnership certificate;
- Detailed information regarding your relationship history and the context in which your marriage/civil partnership took place;
- Evidence of the couple's current address of joint habitual residence;
- The applicant's original passport and birth certificate;
- The Irish spouse's/civil partner's original passport and birth certificate;
- Divorce papers from applicant (if applicable);
- Other supporting documentation – photographs;
- Accommodation details: Rent Book, Joint Tenancy Agreement/Proof of Home Ownership, Utility Bills, Financial Statements, letter from Community Welfare Officer (if applicable) or Tax Credit form from the Revenue Commissioners.

If a Deportation Order has been issued to the applicant, he/she is precluded from making this application until the Deportation Order has been revoked. An application to revoke the Deportation Order on the basis of marriage/civil partnership to an Irish national can be made pursuant to Section 3(11) of the Immigration Act, 1999 and any such application should be addressed to the Repatriation Section.