

14th July 2009

**FAMILY REUNIFICATION FOR WORKERS
- VISA REQUIREMENTS**

NOTE: These requirements are intended to act as a guideline only and do not limit the discretion of the visa officer in determining individual applications.

They are subject to change as we continue in our efforts to provide a more efficient service to our customers. You should therefore regularly check for the most recent version on <http://www.justice.ie> which will have the date of implementation in the top right-hand corner.

Please also see note under “*Employment Visa*”.

The following information outlines the minimum documentation you must submit with your application for a visa for the purposes of family reunification with a sponsor. Please read it carefully.

Original documents are required and must be in **ENGLISH or accompanied by a notarised translation of same.**

If you wish to have original documents returned to you please supply a photocopy. If photocopies are not supplied the originals will not be returned.

All documents must be clearly legible. The Visa Officer will need to easily identify what they are and to whom they refer.

Any unsigned declarations, false information, forged or fraudulent documentation will result in the refusal of your application and no appeal will be permitted.

The onus is on you, the applicant, to satisfy the Visa Officer that a visa should be granted.

1. In applying for a Visa for the purposes of family reunification you must be able to show that:

- **You are the spouse of a qualifying sponsor whose marriage is subsisting on the date of your application**

OR

- **You are the dependent unmarried child of the sponsor under the age of 18 years**

AND

- **That the qualifying sponsor fulfils the minimum income requirement where relevant**

Definition of a qualifying sponsor

A qualifying sponsor is a non-EEA national who has a valid work permit and has been in employment for at least twelve months prior to the date of application. He/she must be in full time employment on the date of application and have an income above the threshold which would qualify the family for payment under the Family Income Supplement (FIS) Scheme administered by the Department of Social and Family Affairs – <http://www.welfare.ie>

OR

- **a Green Card Permit Holder see link- <http://www.entemp.ie/labour/workpermits/guidelines.htm>**

OR

- **a Researcher (Scientific) who holds a Hosting Agreement with an accredited research organisation for the purpose of carrying out scientific research www.entemp.ie/science/technology/accreditation.htm and www.inis.gov.ie/Scientific Researchers**

Please note family members (i.e. spouse and dependants) may accompany a Green Card holder or a Scientific Researcher on admission into the State or join later subject to normal immigration rules. For visa required nationals please click on www.inis.gov.ie/en/INIS/Pages/Irish Visa Information for Visa application details. Family members and dependants who are granted permission to be in the State under these arrangements may only remain for a maximum period equal to the Registration of the Green Card holder/Scientific Researcher.

- 2. There now follows an explanation of what will be accepted as evidence for the above requirements. Please ensure you read this carefully and submit ALL documents with your application. Again, it is important that these are originals (where indicated) in English, or accompanied by a notarised translation. They should clearly indicate what they are and to whom they refer.**

Evidence of Relationship to the Qualifying Sponsor

Where you are the spouse of a qualifying sponsor you must provide the following documents:

- **Marriage certificate**

If the marriage took place after the qualifying sponsor took up residence in Ireland please provide the following details/documents

- **Evidence of your spouse having travelled to your country of residence on a number of occasions, and any other information you can provide to support your application**
- **If, while your spouse was residing in Ireland, you married by proxy, it will be necessary for you to obtain a declaration from the Irish Courts under Section 29 of the Family Law Act 1995, to confirm that the marriage is recognised in this State.**
- **Where the applicant is the dependent child (under 18 years) of a qualifying sponsor you must provide evidence of the relationship such as a birth certificate, adoption papers or the like**

Parental Consent

- **Where both you and your spouse are the parents of this child, but only one of you will be residing in Ireland, the written consent of your spouse, permitting your child to join you, will be required**
- **If you wish a child (under 18 years) from a previous marriage or relationship to travel with you, or join you in Ireland, evidence that you have been given full custody and access rights to this child must be shown.**

(Court Order)

- **Where the other parent of this child has custody or access rights, a sworn affidavit by this parent consenting to the child being removed from their home country is required**

- 3. Sponsors and Family Members may be required to present DNA evidence, obtained at their own expense and certified to the satisfaction of the Minister, in support of their claims to be related. Such evidence will not be sought unreasonably.**

Evidence of Finances

If the qualifying sponsor is the holder of a work permit and has been resident in Ireland for 12 months, they must show they have sufficient funds to support you and any dependent family members, without recourse to the Family Income Supplement. However, in all cases your application must be accompanied by:

- **A copy of spouse's current Work Permit and all previous work permits.**
- **A copy of the contract of employment of the qualifying sponsor of at least one year from the date of entry of the family member(s). The contract must also give the annual salary of the sponsor**
- **Copy of P60 and 3 recent consecutive payslips**

If the above documents are not provided the application cannot be considered

Further Information You Must Consider

- **Printed and signed summary from online application. All applications must be lodged online – see <http://www.irelandinindia.com> for details.**
- **One recent passport sized photograph not more than 6 months old. Please see <http://www.irelandinindia.com> for details of photograph requirements. If the submitted photograph does not meet these requirements it will delay processing on your application.**
- **Original Passport valid for at least 6 months after the intended date of departure from Ireland following visits. Passport must have sufficient space for a visa to be inserted, at least one empty page is required.
If your passport does not comply with the above your application will be returned to you. A copy of all pages of your passport is required.**
- **All previous passports plus one copy of each. If you have been refused a visa for any other country, details of this, preferably the original letter issued to you by the authorities of that country, should be submitted. Concealment of other visa refusals will result in your Irish visa application being refused.**
- **The required visa fee in the form of DD in favour of “Embassy of Ireland, New Delhi”. DD’s can be obtained from all VFS Application centres. Details of current fees are available at <http://www.embassyofireland.in>**
- **An up to date, recently issued Police Clearance Certificate or Observation in your passport is required from all applicants.**
- **If your marriage has taken place after your spouse took up employment in Ireland you will need your spouses name entered into your passport.**

- **Your application should also be accompanied by a clear copy of the passport of the qualifying sponsor showing his or her permission to be in the State.**
- **If your spouse in Ireland has permission to reside in Ireland under the IBC 05 scheme please submit a copy of their permission to reside letter from the Department of Justice, Equality and Law Reform.**
- **Where the qualifying sponsor is required to have been resident in the State before being eligible to be joined by his/her family members, a copy of their current GNIB registration card should be included with the application.**

4. Decisions

- **The processing times for Visa Applications vary depending on the volume of applications lodged in New Delhi. You should allow as much time as possible when applying for a visa but a minimum time of 4 weeks is recommended**

Visa decisions are published weekly on our website –

<http://www.embassyofireland.in>

- **. You can check a decision by entering the Visa Reference Number that was issued to you when you made the original application.**

Right of Appeal

- **If you are refused a visa you may appeal this decision within 2 months**
- **Appeals must be submitted in writing and sent to :**

**The Visa Appeals Officer,
Embassy of Ireland,
230 Jor Bagh,
New Delhi,
110003.**

Appeals may also be submitted through VFS.

VFS Courier charges will apply.

- **Your appeal should fully address all the reasons for which your application was refused. Any additional supporting documentation should be submitted with your appeal for consideration.**
 - **You must quote your Visa Reference Number on your appeal, along with your name and nationality**
 - **There is no fee payable for appealing a visa refusal decision**
 - **There will be no appeal allowed if you are found to have given false or misleading information in any part of your application, or submitted false, forged or fraudulent documentation**
- 5. If you are granted a Visa for the purposes of Family Reunification please note:**
- **A visa is a form of pre-entry clearance to the State only, and does not guarantee that you will be permitted to enter or remain in the State**
 - **Immigration Officers at the point of entry are entitled to question any person on arrival. If they are not satisfied with the bona-fides of any person, or their reasons for wishing to enter the State, they have the right to deny entry to any such person, despite the fact they hold a valid visa**
 - **It is recommended that you have supporting documentation related to your reason for wishing to enter the State available to present to the Immigration Officer on disembarkation from your flight.**

Registration and Permission to Remain

- **All non-EEA nationals who wish to remain in Ireland for longer than 3 months, or beyond the period granted by an Immigration Officer at an Irish Port of Entry are required to register and obtain a residence permit. The Registration Authority is the Garda National Immigration Bureau (GNIB).
<http://www.garda.ie/gnib.html>**
- **Residency is granted by means of an endorsement stamp on the person's passport, and a residency document- a Certificate of Registration - is also issued. Under current**

Irish Immigration Laws children under the age of 16 are not required to register and obtain permission to remain

- **There is a charge of €150 payable each time you register, therefore it is advisable that your passport is valid for at least 12 months on arrival in the State**

6. Re-entry Visas

- **Before a re-entry visa can be issued, you must be registered with the Garda National Immigration Bureau**
- **It is your responsibility to ensure you have the correct visa (where relevant) for the country you intend travelling to**
- **NOTE: A visa must be obtained from the UK authorities prior to travelling to Northern Ireland (Northern Ireland consists of Counties Antrim, Armagh, Derry, Down, Fermanagh and Tyrone)**

7. Eligibility for Employment

- **A family member of a worker or a Scientific Researcher who is the holder of a Hosting Agreement, issued a visa for the purposes of family reunification will be entitled to work subject to the issuance of a work permit by the Department of Enterprise, Trade and Employment, once they are legally resident in the State. See link –[The Department of Enterprise Trade and Employment - http://www.entemp.ie](http://www.entemp.ie)**