Irish Refugee Council

PRE-LEGISLATIVE SCRUTINY SUBMISSION



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

October 2026

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Irish Refugee Council

Irish Refugee Council seeks a world where refugees can access and exercise their rights, live with dignity and agency and look forward to a future defined by their courage and potential, not by their status.

Our knowledge and experience come from over 30 years of working with, supporting and representing refugees, across a broad range of services including a non-legal information and advocacy service; our Independent Law Centre; integration supports; and resettlement and community sponsorship programmes.

Executive summary

The Irish Refugee Council recommends that the bill should not be taken forward. No evidence has been presented for its rationale and the very significant changes it would make to Ireland's citizenship process. These changes are regressive, unnecessary. They would mean that a refugee could feasibly be waiting 10+ years to naturalise, leading to worse integration outcomes for migrants and for the State. The Heads covering income, housing support and social welfare payments risk further marginalising some people in Ireland and making naturalisation a privilege of the wealthy.

The suggestion that these provisions bring us "in line" with Europe is spurious. Furthermore, the General Scheme does not address the real gaps which exist such as the lack of a right to long-term or permanent residency for most migrants outside of naturalising; and the exclusion of children from applying for citizenship independently. Both of which other countries in the EU have provisions in place.

Introduction and comments on the General Scheme.

The Importance of citizenship to people of a refugee background and the benefit to the State.

1. For a refugee – a person who cannot return to their country of origin – citizenship has significant implications for security of status, and sense of belonging. It is also an essential pre-condition to achieving integration.

2. Integration is a complex, long-term process, and may only be in an early stage when refugee status is declared.[1] Naturalisation is a crucial step which migrants, including refugees and other forcibly displaced people, take on their path to integration. It gives the person a secure long-term residency in the State and confers full access to civil and political rights.

3. Research on access to citizenship for migrant children[2] notes that "*Irish citizenship allows migrant children to contribute to, and participate more fully, in Irish society. As well as practical benefits, citizenship can also have psychological benefits for children. It can give them a sense of belonging, stability and certainty, and allows them to feel equal to their peers."*

4. Naturalisation has benefits for the new citizen and the host State. A 2021 study[3] of citizenship reforms across Europe found that *"across countries and reforms, the evidence shows that faster access to citizenship increases take-up and improves the economic, educational, political and social integration of immigrants."* The study concludes that *"citizenship acts as a powerful catalyst benefiting immigrants as well as host countries."* Research from Spain and Portugal[4] shows that *"in both countries citizenship acquisition is related with increasing well-being and sense of trust."*

5. According to the Migrant Integration Policy Index (MIPEX), drawing on 130 independent scientific studies, "*integration policies emerge as one of the strongest factors shaping not only the public's willingness to accept and interact with immigrants, but also immigrants' own attitudes, sense of belonging, participation and even health in their new home country."*[5]

6. Data from Ireland (2016) found that non-EEA migrants who are citizens are *"both more likely to be employed, and when they are employed to have a better job, than those who are not Irish citizens."*[6]

7. The evidence shows that it represents good public policy on the part of the State to have a measured and achievable pathway to citizenship.

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[1] Other statuses can also be conferred via the international protection process, including Subsidiary Protection and Permission to Remain.
[2] Mannion, Katie. *Child Migration Matters: Children and Young People's Experiences of Migration*. Immigrant Council of Ireland, 2016, https://www.immigrantcouncil.ie/sites/default/files/2017-10/CMM%202016%20Child%20Migration%20Matters.pdf
[3] Christina Gathmann, Julio Garbers, *Citizenship and integration*, Labour Economics, Volume 82, 2023.
[4] Finotelli, C., La Barbera, M., & Yapo, S. (2025). *The citizenship-integration nexus from below: migrants' understanding of citizenship acquisition as a pathway to integration in Italy and Spain*. *Journal of Ethnic and Migration Studies*, *51*(11), 2919–2940.
[5] https://www.mipex.eu/ireland
[6] McGinnity et al., 2020, Referenced in *Supporting integration? International practices on civics and language requirements linked to naturalisation: policy implications for Ireland*, ESRI, 2020. https://www.esri.ie/system/files/publications/BKMNEXT398_0.pdf

8. The proposals in the General Scheme turn away from Ireland's measured and achievable approach to naturalisation. They propose to make the process of achieving citizenship longer, more difficult, more bureaucratic and more costly. The research suggests this will have negative impacts on migrants – potentially slower economic, educational, political integration - and therefore also on the State.

Lack of evidence, engagement, or human rights and equality impact assessments.

9. These proposals have been presented without research or evidence to support their implementation. It is unclear what issue they are responding to or what problem they intend to solve. Claims that these proposals are necessary to align our policies with Europe overstate the consensus among Member States' (MS) policies. This is further discussed later in this submission.

10. There has been no engagement by government with civil society or people likely to be affected by these proposals. Neither has there been consultation with legal experts, practitioners, academics, or IHREC, from whom the Minister could have sought views about the implications for human rights or equality of the proposals set out in the General Scheme. This is part of a wider trend: there was no meaningful engagement by government during the drafting of the International Protection Act 2026.

11. A 2021 ESRI study[7] of European citizenship reform found that elements of the citizenship application process such as civics tests or the cost of applications "*impact who naturalizes and therefore benefits from citizenship*."

12. It is crucial to consider the potential unintended consequences of these proposals, including the individuals, and groups of people who will be excluded from the possibility of citizenship in the future. This will undoubtedly include people already experiencing marginalisation, people experiencing statelessness and unaccompanied minors, but will extend to many others. Prior to any changes being made to the legislation governing citizenship, detailed analysis ought to be carried out by the Department of Justice to understand the impact of lack of access to citizenship on the people excluded by the proposed requirements.

13. It is apparent that the General Scheme has not undergone any human rights impact assessments, and has not been poverty-proofed, which is required by the Public Sector Equality and Human Rights Duty.

14. Research into naturalisation[8] finds that "*it is increasingly recognised that access to citizenship should be considered within a human rights framework and reflect the principles of respect for the rule of law, dignity, equality and proportionality. This is reflected by the Council of Europe Convention on Nationality*."[9]

[7] Christina Gathmann, Julio Garbers, *Citizenship and integration*, Labour Economics, Volume 82, 2023
[8] Mannion, Katie. *Child Migration Matters: Children and Young People's Experiences of Migration*. Immigrant Council of Ireland, 2016, https://www.immigrantcouncil.ie/sites/default/files/2017-10/CMM%202016%20Child%20Migration%20Matters.pdf
[9] European Convention on Nationality, https://rm.coe.int/168007f2c8

15. In its 2021 study on the impact of naturalisation language and civics test on integration outcomes, the ESRI notes that it would be

"*…important to scrutinise the role language and civic requirements would play in the acquisition of Irish citizenship, including whether such requirements would support the acquisition of citizenship and the integration process, or act as a deterrent to the acquisition of citizenship*."

16. As noted, the Department of Justice has presented no research or evidence to in answer to this concern.

Increasing barriers to integration for migrants in Ireland

17. These proposals follow a trend of increasingly restrictive policies towards migrants in recent years. The Irish Refugee Council and many other human rights and civil society organisations were, and continue to be, extremely critical of the International Protection Act 2026. That act contains significant reforms to family reunification laws for refugees, effectively putting normal family life beyond the scope of most who benefit from International Protection.

18. In December 2025, the Government announced more restrictive access to citizenship for people declared refugees in Ireland. This changed the path to naturalisation for thousands of people who were preparing to apply for citizenship. Further changes to eligibility less than a year later are unnecessary.

19. Proposals to include a minimum income requirement and prescribed social welfare and housing supports risk making citizenship a privilege of the wealthy. People on low incomes, or who may be in insecure employment make vital contributions to Irish society. These contributions deserve to be recognised.

20. Combined with Section 205 of the International Protection Act 2026, which limits access to family reunification where certain State supports are, or have been, accessed, the government is creating a system where full attainment of political and family rights is only within the reach of wealthy migrants. These proposals could have the further effect of deterring people who need State support from accessing it.

Access to justice

21. The General Scheme proposes to significantly complicate access to citizenship by naturalisation, increases the grounds for refusal, and does not have any provision for appeal of a negative decision. The absence of access to legal aid for access to citizenship exacerbates the challenges individuals will face in understanding the system, evidencing how they meet the requirements, and making submissions to the Department of Justice to show that specific conditions ought to be waived in respect of their particular circumstances. The absence of an appeal mechanism means that the only method to challenge an unfair or unreasonable negative decision would be through judicial review, which is extremely costly, and in respect of which there are numerous (and increasing) barriers.

Absence of Legal Certainty

22. The General Scheme proposes to provide the Minister the authority to prescribe requirements by regulations in respect of language requirements, understanding of civics, level of minimum income, and relevant social welfare payments. This power to issue and amend regulations brings with it uncertainty for people seeking to apply for naturalisation and is particularly concerning in light of the long residence eligibility requirements, and need for migrants to have clarity and legal certainty in planning their lives.

These proposals do not "bring us in line" with Europe

23. Among OECD countries, 18 countries (including Australia, Belgium, Canada, France, Germany, Netherlands, and United Kingdom) have a pathway to citizenship of 5 years or less. 21 OECD countries have a pathway of 7-10 years.

24. Likewise, while many States have a requirement to prove basic language proficiency, fewer require a formal language test (56% in Europe). With fewer still requiring both a language test and a civics test.

25. In contrast, Ireland is alone in the EU in not offering a right to permanent or long-term residency. No alignment with EU Members States has been proposed by government on this issue. MIPEX notes that in Ireland "*non-EU residents regularly face problems of administrative discretion, bureaucracy and uncertainty about their permits and legal status. This undermines immigrants' willingness and ability to invest and settle in the country: they feel insecure in their family life and future*."[10]

26. Further, the General Scheme does not address the shortcomings or gaps in the current naturalisation provisions, such as excluding children from applying independently, which particularly impacts children in the care of the State, and children whose parents have not already naturalised, for which other countries in the EU have provisions in place. Neither does the General Scheme take the opportunity to address access to naturalisation for stateless persons.

Recommendation

27. Considering the arguments presented in this submission, the Irish Refugee Council recommends the proposals contained in the General Scheme are dropped. The government has not brought forward any evidence to support these proposals. They are likely to result in worse integration outcomes from migrants and worse outcomes for the State.

[10] https://www.mipex.eu/ireland

Comments related to specific Heads

Head 5 - Amendment to Section 15 of Act of 1956

28. Section 15 of the Act of 1956 is amended 1,

a. by replacing paragraph (c) with the following text:

"(c) has had a period of two year's continuous residence in the State immediately before the date of the application and, during the ten years immediately preceding that period, has had a total residence in the State amounting to six years;"

29. This provision would increase the number of necessary reckonable residency years to 8. Combined with typical citizenship processing times of 1 to 2 years, this proposal would leave people without a secure, long-term status for up to a decade. Lack of long-term or permanent residency requires frequent, costly and bureaucratic renewals of permission and with uncertainty and processing delays inherent in this process.

30. The vast majority of migrants in Ireland do not have access to another form of long-term residency other than citizenship, with the Migrant Integration Policy Index (MIPEX) stating that "Ireland has *some of the most restrictive and discretionary [permanent residency] policies in the EU."*

31. Ireland's Integration Strategy 2017 (which lapsed in 2021 with no successor despite commitments to publish such in the Programme for Government and Department of Justice, Home Affair and Migration's Statement of Strategy) promised "*a statutory scheme for Long Term Residency will be introduced*." This did not occur and Ireland alone remains an outlier in Europe in this regard. Given the purported intention of these Heads to align policy with Europe, it is unclear why the government has not yet addressed this gap.

32. Time spent in the international protection process does not count towards reckonable residency. Therefore, for a person of a refugee background, the waiting period will be even longer. Under the 2015 International Protection Act, for which applications are still being processed and likely to do so for several years to come, the median time to a first instance decision for standard cases is 76 weeks. In 2025, the median processing time for appeal to the International Protection Appeals Tribunal was 12.5 months. As these are median timeframes, many people are in the process far longer and a person meeting the definition of Refugee Status or Subsidiary Protection, could feasibly be waiting 3 years for a final decision on their application.

33. These 3 years, added to a minimum 8 years of reckonable residency, and 1 year of naturalisation processing time, could leave a person waiting 12 years to become a citizen of the State. This is presuming that the person does not avail of welfare or housing supports as set in Head 7.

34. Just one year ago in Ireland, a person declared a refugee could apply for naturalisation 3 years after making their application for asylum. This was in recognition of the declaratory nature of refugee status: it is not conferred onto a person by the State, rather their existing status as a refugee is officially recognised by the State. This was a positive integration measure: it provided a path to certainty in immigration status to people for whom uncertainty is so familiar.

35. The change in policy last year, combined with further restricting of naturalisation proposed in these heads is a hugely significant policy shift. The Irish Refugee Council is not aware of any research, evidence, or stakeholder engagement with refugee rights organisations or people of a refugee background, in the lead

up to these changes. The changes are unwarranted, unprecedented, and will hamper the integration of refugees in Ireland.

36. Given that refugees cannot return to their country of origin, acquisition of citizenship is crucial to security, belonging and identity.

37.

"1(f) subject to subsections (3), has sufficient resources for himself or herself not to become an unreasonable burden on the State;

"(3) The conditions specified in subsection (1)(f) shall be considered to have been satisfied where the applicant — (a) is at the time of his or her application and during the application process, in receipt of at least the minimum level of income prescribed under section 15 F (1) [Head 7], and (b) is not, at the time of his or her application or at any time during the application process, in receipt of a prescribed social welfare payment or a prescribed housing support, and subject to subsection (4), has not, in the period of 2 years immediately preceding the application, been in receipt of such payment or such support,"

38. The explanatory note to contained in the Heads of Bill states that S.1(f) is similar to a "*provision introduced to the family reunification process by the International Protection Act 2026. The wording proposed here mirrors section 205(3)(d) of the International Protection Act 2026…*" and that subhead 3 "*mirrors the section 205 subsections (6) to (9) … of the International Protection Act 2026*."

39. It is worth noting that that prescribed social welfare payments and housing supports under S.205(6)(b) International Protection Act 2026- which limit a person's right to apply for family reunification along similar lines to those proposed in these Heads- are extremely broad, encompassing common social welfare supports and material housing support provided by the State, including Housing Assistance Payment, Rent Supplement, and Emergency Accommodation.

40. Prescribed social welfare payments[11] under the International Protection Act 2026 are:
    a. *jobseeker's allowance;*
    b. *State pension (non-contributory);*
    c. *blind pension;*
    d. *bereaved partner's (non-contributory) pension;*
    e. *guardian's payment (non-contributory);*
    f. *one-parent family payment;*
    g. *carer's allowance;*
    h. *supplementary welfare allowance;*
    i. *disability allowance;*
    j. *farm assist.*

41. Should the department undertake a similar policy with regard to naturalisation, this would constitute an extremely narrow policy. Under this scenario, a person could be "self-sufficient" for a period of 7 years, lose employment and require job seeker's allowance for one year, and would therefore be required to

[11] S.I. No. 252/2026 - International Protection Act 2026 (Section 212(3)) (Prescribed Social Welfare Payments) Regulations 2026

wait a further 2 years before they can apply for naturalisation, bringing their total 'reckonable residency' to 10 years before an application for naturalisation can be made.

42. Similarly, linking citizenship to State supports may force people to choose between availing of a State support which they need and are entitled to, or their citizenship application. This could have the unintended consequence of forcing people into precarious housing or economic circumstances.

43. The minimum level of income prescribed under Section 212(1) International Protection Act 2026, require a person wishing to apply for family reunification to be earning €50,000 if they have one child and a further €10,000 - €13,000 for each child thereafter. This level of income requirement would put citizenship beyond many residents, and risk making citizenship a privilege of the wealthy.

44. Moreover, the impact of the General Scheme would be to exclude refugees and migrants from essential social welfare and social housing support services that they need, and could result in them experiencing homelessness, poverty or destitution. The absence of such supports could create vulnerabilities, exacerbate health conditions, and reduce their opportunities to become "self-sufficient".

Head 6 – Amendment of Section 15A of Act of 1956

45. Section 5(j) has demonstrated a proficiency of the Irish language or the English language, or Irish sign language to such a standard and verified in such a manner as may be prescribed by the Minister;

46. Minister Brophy has stated that "*the objective [of this provision] is not to create barriers; rather, it is to support integration and ensure that citizens can participate."* In our experience, motivation is rarely the barrier to new arrivals learning English. The barriers are structural: poor availably of classes, high cost, reliance on ad-hoc and volunteer-led classes, cost or difficulty of travel to classes. To achieve this objective, far more practical policy proposals are necessary.

47. Proficiency in an official language can facilitate integration and the ESRI notes that "*high-quality language assessments can support migrants if they are used to encourage and guide, according to real life needs and different abilities."*[12]

48. However, English language provision in Ireland for people in the international protection process or on low incomes is extremely limited.

49. Access to structured English language classes is frequently restricted by cost and availability. Tuition in private language schools costs €200 per week on average, while courses delivered by ETBs are limited due to consistent lack of investment. People in the international protection process typically depend on non-formal classes offered by volunteers in the community.

[12] McGinnity et al., 2020, Referenced in *Supporting integration? International practices on civics and language requirements linked to naturalisation: policy implications for Ireland*, ESRI, 2020. https://www.esri.ie/system/files/publications/BKMNEXT398_0.pdf

50. Additionally, a formal language test could unfairly exclude people because of disability, age, trauma, limited access to education or difficulties accessing appropriate language classes. Exceptions to the language test need to be fairly assessed on a case-by-case basis.

51. (5) (k) *has demonstrated an understanding of Irish civics to such a standard and verified in such a manner as may be prescribed by the Minister;" (k) has demonstrated an understanding of Irish civics to such a standard and verified in such a manner as may be prescribed by the Minister*;"

52. The explanatory note states the purpose of this provision is for the applicant to "*explicitly prove they have a foundational knowledge of how Irish society, government, and the Constitution operate. This will bring Ireland into closer alignment with other EU Member States.*"

53. While this proposal may align Ireland's policy with the EU majority, there is certainly no consensus on whether civics tests are necessary, whether they improve integration outcomes, or the means of testing.

54. Research from the ESRI[13] shows that two thirds of EU Members States + UK require some form of civic knowledge test to acquire citizenship. Of those, there has been little research into whether these tests have a positive impact on integration outcomes. Most countries examined by the ESRI reported that there have been no evaluations of civic tests in the context of acquiring citizenship.

55. The ESRI study notes:

"Little is therefore known about the impacts of including civic knowledge/integration requirements in the citizenship process and whether these requirements meet their stated aim of facilitating integration into the host society. Scholars examining citizenship requirements highlight how tests may act as either an incentive for acquiring skills and integration or as a deterrent to applying for naturalisation, however little is known of the effect of these measures on encouraging, or indeed deterring, migrants to apply for citizenship."

56. We are also concerned that there is no information available on the courses or materials to made available to applicants to learn for such a test, or how much these will cost. In EU MS with civics tests, integration courses and learning materials are mostly provided free of charge. Ireland's naturalisation process is already among the most bureaucratic and costly in across EU MS. Poor implementation of this proposal risks creating further barriers to integration rather than facilitating it.

57. The ESRI study notes that some research suggests that a civics requirement focused on learning opportunities (such as a course) might more effectively support integration than a test of knowledge. It would be crucial, should this proposal proceed, that any civics test or course focus on the applicants' rights and entitlements as citizens, and not solely their obligations to the State. The study highlights Luxembourg and Belgium as having civics tests which focus on rights, access to services as well as the political system.

[13] McGinnity et al., 2020, Referenced in *Supporting integration? International practices on civics and language requirements linked to naturalisation: policy implications for Ireland*, ESRI, 2020. https://www.esri.ie/system/files/publications/BKMNEXT398_0.pdf

58. Given the lack of evidence to support the proposal, we recommend this provision is removed from the Heads. Alignment with a select number of MS is not sufficient evidence for such a significant policy change.

Head 9 - Section 16A of the Act of 1956

59. *"1. Section 16A of the Act of 1956 is amended:*
    […]

    (e) it is in accordance with a permission given to a person under subsection (8) of section 237 of the International Protection Act 2026,

    (f) a period during which a person has been given a permission to reside in the State in accordance with subsection (6) of section 60 of the Act of 2015,"
60. The above sections of the General Scheme propose to make residency in the State under Temporary Protection status non-reckonable towards naturalisation.
61. These proposals mean it is feasible that a Ukrainian who arrived in Ireland shortly after Russia's invasion of Ukraine in February 2022 could be in Ireland over 14 years before availing of citizenship and the security and rights that status bestows on them.
62. Facilitating the continued integration of the Temporary Protection population should be a priority of the current government.
63. Instead, these proposals undermine integration, wellbeing and long-term security of status for thousands of migrants who have spent considerable time in Ireland, contributing to communities around the country.
64. We recommend that these proposals are removed.
65. Irish Refugee Council endorses the submission made to this committee by the Ukraine Civil Society Forum, of which we are a member.