

Immigration, same-sex couples and the proposed civil partnership scheme*

The rights granted to couples under civil partnership will only apply to a partner who is already lawfully resident in the State**. **In other words, an Irish person will only be allowed enter into a civil partnership with a person who has a residency permit (This does not for example include a student visa).**

Unfortunately, civil partnership will not benefit all Irish citizens and their foreign national partner. Section 123 of the Immigration, Residence and Protection Bill will be extended to those seeking civil partnerships. This will mean that a foreign national with a

- Non-renewable residence permission
- An entry permission which is not issued for the purpose of marriage/entering into a civil partnership or,
- Protection application entry permission

cannot marry/enter into a civil partnership in Ireland with an Irish citizen, an EU citizen or another foreign national unless the Minister for Justice grants exceptional permission. This is so even though it is clear from the Bill that getting married/entering into a civil partnership does not confer a right to be present or enter the State.

Although not a statutory footing, heterosexual married partners of Irish citizens are generally granted permission to join their spouses in the State on Stamp 4 Residence Permits, which gives them full access to the labour market, the right to set up a business and access to medical services and social welfare where necessary.

MarriageEquality believes that setting up a separate system for same-sex couples such as civil partnership will lead to the development of separate issues from an immigration context. Opening up same-sex civil marriage is the only way that same-sex couples will be treated equally in the immigration process.

MarriageEquality concur with the Immigrant Council of Ireland who further recommend that access to citizenship en par with spouses of Irish Nationals be provided for registered partners on the conditions set out in Section 15A of the Irish Nationality and Citizenship Act 1956, as amended, including provisions allowing for the waiving of the residency condition in cases where the applicant would suffer serious consequences in respect of his or her bodily integrity or liberty if not granted Irish citizenship.

A more detailed paper on the shortcomings of the civil partnership legislation in respect to immigration is available from the Immigrant Council of Ireland's website, http://www.immigrantcouncil.ie/images/9461_comments_civil_partnership_bill.pdf.

* Extracts taken from Immigrant Council of Ireland (ICI) paper Comments on General Scheme of Civil Partnership Bill, July 2008. However, not all the views here in contained are the opinion or the ICI.

**Persons who are in a registered civil partnership with another person who has been granted a long term residence permit will be entitled to enter employment, to engage

in an economic activity and to have access to training in the State in the same way as an Irish citizen.

Furthermore, the long-term resident and his or her civilly registered partner will be entitled to receive the same medical care and services and the same social welfare benefits as those to which an Irish citizen is entitled.