

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

1. The Office of the United Nations High Commissioner for Refugees (hereinafter referred to as UNHCR) welcomes the opportunity to provide observations to the Joint Committee on Justice, Home Affairs and Migration on the General Scheme of the Irish Nationality and Citizenship (Amendment) Bill 2026 (hereinafter referred to as the “General Scheme”) pursuant to its mandate.
2. UNHCR has been entrusted by the United Nations General Assembly with the mandate to provide international protection to refugees and, together with governments, seek solutions to their situation.¹ UNHCR is responsible for supervising the application of international conventions for the protection of refugees,² as reflected in Article 35 of the 1951 Convention relating to the Status of Refugees and Article II of the 1967 Protocol relating to the Status of Refugees,³ (hereinafter together referred to as the “1951 Refugee Convention”) which require State Parties to cooperate with UNHCR in the exercise of its functions. The United Nations General Assembly has also entrusted UNHCR with a global mandate to provide protection to stateless persons and to prevent and reduce statelessness.⁴ Furthermore, the General Assembly specifically requested UNHCR “to provide technical and advisory services pertaining to the preparation and implementation of nationality legislation to interested States.”⁵
3. The General Scheme proposes significant reforms to Ireland's naturalisation framework. This submission is limited to those aspects that are likely to have the most significant implications for refugees, beneficiaries of subsidiary protection and stateless persons. It addresses issues relating to residence requirements, self-sufficiency requirements, language and civics requirements, revocation of citizenship, and statelessness. This submission is made without prejudice to any further comments or recommendations that UNHCR may provide as the legislative process progresses.
4. While the 1951 Refugee Convention does not confer a right to permanent residence or citizenship, Article 34 calls on States, as far as possible, to facilitate the assimilation (understood in contemporary UNHCR terminology in terms of local integration) and naturalisation of refugees and “in particular [to] make every effort to expedite naturalisation proceedings and to reduce as far as possible the charges and costs of such proceedings.”⁶ Similarly, Article 32 of the Convention relating to the Status of Stateless Persons (hereinafter the 1954 Convention) calls on States to facilitate the naturalisation of stateless persons and, in particular, to make every effort to expedite naturalisation

¹ UN General Assembly, *Statute of the Office of the United Nations High Commissioner for Refugees*, A/RES/428(V), 14 December 1950: refworld.org/legal/constinstr/unhcr/1950/72586.

² *Ibid.*, para. 8(a).

³ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, UN Treaty Series, Vol. 189, p. 137: refworld.org/legal/agreements/unhcr/1951/39821; UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, UN Treaty Series, Vol. 606, p. 267: refworld.org/legal/agreements/unhcr/1967/en/41400, (hereinafter together referred to as the ‘1951 Refugee Convention’).

⁴ UN General Assembly, *Resolution A/RES/50/152 of 9 February 1996*, which also specifically requested UNHCR “to provide technical and advisory services pertaining to the preparation and implementation of nationality legislation to interested States”. See also UN General Assembly, *Resolution A/RES/61/137 of 25 January 2007*; UN General Assembly, *Resolution A/RES/62/124 of 24 January 2008*; and UN General Assembly, *Resolution A/RES/63/148 of 27 January 2009*.

⁵ UN General Assembly *Resolution A/RES/50/152 of 9 February 1996*, para. 15.

⁶ 1951 Refugee Convention (n 3), art. 34.

proceedings. The recommendations set out below are guided by Article 34 of the 1951 Refugee Convention and Article 32 of the 1954 Convention.⁷

5. Overall, UNHCR calls on the Oireachtas to ensure that the proposed citizenship legislation recognises the specific circumstances of refugees and stateless persons and promotes their full integration and inclusion in Irish society. In doing so, regard should be given to the fact that stateless persons are not considered nationals by any State under the operation of its law and cannot therefore rely on the protection attached to nationality. While stateless persons may benefit from protection under the 1954 Convention, this does not provide the rights and protection attached to nationality, and Article 32 of the 1954 Convention calls on States, as far as possible, to facilitate their naturalisation. Similarly, refugees are unable to rely on the protection of their country of nationality for as long as they remain in need of international protection. Article 34 of the 1951 Convention accordingly calls on States, as far as possible, to facilitate their naturalisation.

I. Residence requirements (Head 5)

6. Head 5 of the General Scheme increases the residence requirement for naturalisation from five to eight years, including an increase in the period of continuous residence immediately prior to the application from one year to two years. For refugees, the impact of this proposal must be considered in the context of recent legislative amendments which exclude time spent in the international protection procedure from counting as reckonable residence for naturalisation purposes.⁸ This change is also in addition to the discontinuance of the 3-year residency rule for refugees in December 2025.⁹
7. Prior to these amendments, refugees also benefited from the Minister's discretion provided for in section 16(1)(g) of the *Irish Nationality and Citizenship Act 1956*, whereby two years of the residence requirement could be waived.¹⁰ The same waiver provision applied to stateless persons. However, in practice, stateless persons faced significant difficulties in benefiting from this provision because of the lack of a statelessness determination procedure and the resulting challenges in establishing their stateless status.¹¹
8. Although the entry into force of the *International Protection Act 2026* is expected to reduce the time refugees will spend in the international protection process, UNHCR remains concerned that the time spent awaiting a final decision on an application for international protection, when combined with the exclusion of that period from reckonable residence, the removal of the previous facilitated route for refugees and the proposed increase to eight years, will significantly prolong the period before refugees become eligible to apply

⁷ UN General Assembly, [1954 Convention relating to the Status of Stateless Persons](#), United Nations, Treaty Series, vol. 360, p. 117, 28 September 1954 (hereinafter referred to as the '1954 Convention on Statelessness').

⁸ Section 295 of the *International Protection Act 2026*, commenced by [S.I. No. 244/2026, International Protection Act 2026 \(Commencement\) Order 2026](#), amended section 6B(4)(d) and 16(A)(1)(d) of the *Irish Nationality and Citizenship Act 1956* to exclude periods spent in the international protection procedure from constituting reckonable residence for naturalisation purposes.

⁹ Department of Justice, Home Affairs and Migration, [Changes to citizenship for people granted international protection](#), 8 December 2025.

¹⁰ Section 16(1)(g) of the *Irish Nationality and Citizenship Act 1956* permitted the Minister to waive certain naturalisation conditions for refugees and stateless persons. While no published Departmental policy appears to have existed regarding the exercise of that discretion, the Economic and Social Research Institute (ESRI) reported in Research Series No 116 [Pathways to Citizenship through Naturalisation in Ireland](#), December 2020, that, in practice, the five-year residence requirement was waived for persons with refugee status, who were considered eligible to apply for citizenship after three years of residence calculated from arrival in the State. The report further noted that this information was provided by the Citizenship Division during the research process (p. 45).

¹¹ UNHCR, [Mapping Statelessness in Ireland](#), 22 May 2023.

for citizenship. The duration of the asylum procedure is ordinarily outside the control of the applicant and should not operate to the applicant's disadvantage.

9. UNHCR recalls that refugee status is declaratory in nature.¹² A person does not become a refugee because they are recognised. They are recognised because they are a refugee. The international protection procedure serves to determine and declare the existence of that status. The declaratory nature of refugee status is therefore relevant to assessing the treatment of the period preceding formal recognition. More broadly, counting that period would avoid disadvantaging recognized refugees because of delays outside their control and would mitigate the cumulative effect of the proposed increase in the residence requirement, the exclusion of counting the period spent in the asylum procedure and the removal of the previous facilitated route. It would also restore the previous administrative practice of the Department of Justice, Home Affairs and Migration whereby time spent in the international protection procedure by persons subsequently recognised as refugees was treated as reckonable residence for naturalisation purposes.¹³
10. UNHCR further recalls that refugees and stateless persons are in a fundamentally different position that warrant particular consideration in naturalisation policies.¹⁴ Refugees lack the protection of their country of origin while stateless persons are not considered nationals by any State under the operation of its law. As protection under the 1954 Convention is not a substitute for nationality, facilitated access to naturalisation is central to resolving their statelessness. A more favourable route to naturalisation for refugees and stateless persons is therefore objectively justified and consistent with Article 34 of the 1951 Refugee Convention and Article 32 of the 1954 Convention.
11. Facilitating naturalisation involves adjusting legal requirements and procedures to make it easier for refugees and stateless persons to acquire nationality. While beneficiaries of subsidiary protection are not covered by the same international treaty provisions, they often face similar challenges in practice. UNHCR therefore recommends that more favourable residence requirements apply to refugees, stateless persons and beneficiaries of subsidiary protection, and that time spent in the international protection procedure count towards eligibility for naturalisation.
12. The ability to acquire citizenship is a key feature of any durable solution through integration for refugees and stateless persons. In UNHCR's experience, timely access to naturalisation can have a significant positive impact on integration prospects. The facilitation of naturalisation strengthens refugees' sense of belonging, provides long-term security and promotes full participation in the economic, social and cultural life of the host

¹² UNHCR, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status*, Reissued 2019, para. 28: "A person is a refugee within the meaning of the 1951 Convention as soon as he fulfils the criteria contained in the definition. This would necessarily occur prior to the time at which his refugee status is formally determined. Recognition of his refugee status does not therefore make him a refugee but declares him to be one. He does not become a refugee because of recognition but is recognized because he is a refugee." See also recital 22 of Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council. Similarly, a person is stateless from the moment he or she satisfies the criteria in the 1954 Convention definition, any determination of this fact being merely declaratory. For further information see UNHCR, *Guidelines on Statelessness No. 3: The Status of Stateless Persons at the National Level*, 17 July 2012.

¹³ ESRI Research Series No 116, *Pathways to Citizenship through Naturalisation in Ireland*, December 2020, p. 33. This could also be reflected by the power the Minister for Justice, Equality and Law Reform has to dispense with conditions of naturalisation in certain cases, including with respect to refugees and stateless persons under Section 16(1)(g) of the *Irish Nationality and Citizenship Act 1956* (as amended).

¹⁴ For a comparative overview of State practice regarding facilitated naturalisation for stateless persons see, *inter alia*: UNHCR, *Good Practice Papers – Action 6: Establishing Statelessness Determination Procedures for the Protection of Stateless Persons*, July 2020, pp. 20-21.

country. As a result, it also has positive impacts for the host country by promoting inclusion and social cohesion.

13. With respect to residence requirements, UNHCR further notes that Head 9 would amend section 16A of the *Irish Nationality and Citizenship Act 1956* to exclude periods of residence under temporary protection from constituting reckonable residence for naturalisation purposes. The proposed amendment to section 16A(3) would apply this exclusion to applications made following the commencement of the legislation. While temporary protection is intended to provide an immediate and temporary response to situations of mass displacement, some beneficiaries may reside in Ireland for prolonged periods and develop significant links with the State. This issue has particular relevance in light of Ireland's Temporary Protection Transition Scheme: time spent under the new permission will count towards naturalisation, but preceding lawful residence under temporary protection will not. UNHCR therefore encourages careful consideration of the cumulative impact of excluding that earlier period on beneficiaries of temporary protection who have resided lawfully in the State for prolonged periods and established significant links with Irish society, particularly where obstacles to return persist.

Recommendation (Head 5):

- Amend Head 5 to ensure that a facilitated route to naturalisation is retained for refugees, subsidiary protection beneficiaries and stateless persons with a five-year residence requirement.
- Amend Head 5 to ensure that time spent in the international protection procedure counts towards eligibility for naturalisation for refugees. This requires amendments to sections 6B(4)(d) and 16A(1)(d) of the *Irish Nationality and Citizenship Act 1956* (as amended).

II. Self-sufficiency requirements (Heads 5 and 7)

14. Heads 5 and 7 introduce a new self-sufficiency requirement for naturalisation applicants. Head 5 inserts a requirement that applicants have "sufficient resources" such that they are not likely to "become an unreasonable burden on the State." To satisfy this requirement, applicants must meet a prescribed minimum level of income and may be rendered ineligible for naturalisation if they are in receipt of a prescribed social welfare payment or prescribed housing support at the time of application or during the application process. Applicants must also demonstrate that they have not received such payments or supports during the two years immediately preceding the application, subject to limited exceptions. The proposal further requires applicants not to have outstanding debts owed to specified State bodies. Head 7 provides the framework for prescribing the relevant income thresholds, social welfare payments and housing supports.
15. UNHCR recognises the legitimate interest of States in promoting economic participation and self-reliance. However, UNHCR recalls that integration of refugees is a dynamic and multifaceted two-way process comprising legal, economic, social and cultural dimensions, all of which are important to refugees' ability to integrate successfully as fully included members of society.¹⁵ Economic participation is therefore an important dimension of inclusion but should not be treated as its sole or determinative measure.

¹⁵ UNHCR Executive Committee, [Conclusion on Local Integration](#), No. 104 (LVI) – 2005, preamble and (k).

16. Beneficiaries of international protection and stateless persons may face additional challenges in meeting financial requirements, including language barriers, difficulties accessing employment or securing recognition of qualifications and work experience, and the effects of forced displacement.¹⁶ Other circumstances, including disability or ill health and caregiving responsibilities may also affect an applicant's ability to meet these requirements.
17. Similar concerns arise in relation to the exclusion of persons who receive prescribed social welfare payments or prescribed housing supports. While the Minister for Justice, Home Affairs and Migration will make regulations prescribing the relevant payments and supports, the General Scheme's explanatory note indicates that the self-sufficiency requirement is intended to be in line with the family reunification process in the *International Protection Act 2026*. Similar to UNHCR's concerns regarding the family reunification framework, these provisions may result in some beneficiaries of international protection and stateless persons being unable to apply for citizenship due to circumstances beyond their control.¹⁷ The impact may be particularly significant where reliance on such support arises from disability or ill health, caregiving responsibilities or housing needs. Moreover, receipt of certain social welfare payments or housing supports does not necessarily show that a person is "an unreasonable burden on the State." An assessment based solely on the type of support received risks overlooking its purpose, amount and duration, the applicant's other resources, and their individual and family circumstances. Similarly, the requirement that applicants have no outstanding debts to specified State bodies warrants careful consideration, so that minor or disputed debts, or circumstances beyond an applicant's control, do not create disproportionate barriers to naturalisation.
18. Head 5(1)(j) requires persons to continue to meet certain conditions for naturalisation pending the Minister's decision on the application including self-sufficiency. Where processing extends over a significant period an applicant's circumstance may change and temporary changes in income, employment or housing should not automatically prevent naturalisation where the applicant otherwise meets the requirements.
19. The cumulative effect of these measures may create significant barriers to naturalisation for beneficiaries of international protection and stateless persons. In combination with the proposed changes to residence requirements and other eligibility criteria, they risk making facilitated access to naturalisation unrealistic in practice.

Recommendation (Head 5):

- Amend Head 5 to ensure that the assessment of sufficient resources is reasonable and proportionate, and that receipt of a prescribed social welfare payment or housing support does not, in itself, create a disproportionate barrier to naturalisation for refugees, beneficiaries of subsidiary protection and stateless persons.

Recommendation (Head 7):

- Amend Head 7 to provide for appropriate exemptions or flexibility where an applicant's circumstances, including disability, ill health or caregiving responsibilities, affect their ability to meet the requirements, and ensure that outstanding debts do not operate as disproportionate barriers to naturalisation.

¹⁶ UNHCR, *Note on the Integration of Refugees in the European Union*, 2007.

¹⁷ For example, section 212 of the *International Protection Act 2026* and [S.I. No. 252 International Protection Act 2026 \(Section 212\(3\)\)\(Prescribed Social Welfare Payments\) Regulations 2026](#) excludes persons in receipt of certain social welfare payments, including disability allowance from family reunification.

III. Language and Civics requirements (Heads 5 and 8)

20. Head 5 of the General Scheme introduces new requirements for applicants to demonstrate proficiency in Irish, English or Irish sign language, as well as knowledge and understanding of Irish civics, society and politics. The General Scheme itself does not specify the required level, assessment format, cost, opportunities for preparation or retesting, or the adjustment to the assessment process or exemptions that will apply. The required standard and method of assessment will be prescribed by the Minister for Justice, Home Affairs and Migration.
21. UNHCR recognises that language acquisition and civic participation can play an important role in supporting integration. In this regard the recent announcement of government funding to support the English language needs of third-country nationals is welcomed.¹⁸ However, language and civics tests must be adapted for a wide range of candidates and be accessible, fair and allow for reasonable accommodation to be made for people with specific needs. This requires taking into consideration barriers faced by applicants including limited literacy, physical or mental impairments or disabilities, learning disorders, the effects of torture, sexual violence or trauma and limited access to formal schooling. Applicants should also have access to appropriate preparation and support to enable them to meet the requirements.
22. The application of language and civics requirements to refugees and stateless persons should be considered in the context of their particular circumstances. Refugees, who have been forced to flee their country, may face particular barriers in meeting such requirements.¹⁹ The effects of forced displacement, including torture, trauma and interrupted education, can also hinder refugees' ability to prepare for or demonstrate compliance with language and civics requirements. Stateless persons may likewise face particular obstacles arising from prolonged exclusion from education, employment, documentation or regular status. Any such requirements should therefore take into account the actual opportunities available to refugees and stateless persons to acquire the relevant knowledge, including access to affordable and accessible language tuition, civics courses, testing and reasonable opportunities to retake an assessment.
23. Head 8 allows the Minister, in "his absolute discretion" to waive the language and civics requirements in prescribed circumstances. While this provides a basis for exemptions, the legislation should provide greater legal certainty, predictability, consistency and transparency. The circumstances in which exemptions may be granted should be clearly defined in primary legislation, including specific grounds for exemption and provision for individual cases of particular hardship.

Recommendations (Head 8):

- Amend Head 8 to provide for clearly defined exemption categories for applicants who cannot reasonably be expected to meet the language and civics requirements. These should take into account factors such as age, disability, or a health condition, learning disorders, limited literacy levels, interrupted education, and the effects of torture, trauma or other specific needs, while also allowing for individual cases of particular hardship.

¹⁸ Government of Ireland, [Minister of State for Migration Colm Brophy announces funding to support the English language needs of Third Country Nationals](#), 1 October 2026.

¹⁹ UNHCR, [Proposed Decree of containing integration requirements for the granting of Dutch citizenship \(Naturalization Test Decree 2021\)](#), 30 November 2020.

- Amend Head 8 to ensure that language and civics test outcomes are reasoned and subject to independent review.

IV. Revocation of naturalisation (Head 10)

24. Head 10 introduces a new ground for revoking a certificate of naturalisation where this is considered necessary in the “interests of public policy, public order or national security.” This is in addition to the grounds set out in section 19 of the *Irish Nationality and Citizenship Act 1956* (as amended).

25. The revocation of a certificate of naturalisation can have severe consequences for the individual concerned. The grounds for revocation should therefore be narrowly and clearly defined, subject to an individual assessment of necessity and proportionality, and accompanied by relevant procedural safeguards.²⁰ Furthermore, revocation can render an individual stateless. The *Irish Nationality and Citizenship Act 1956* (as amended) contains no explicit safeguard preventing statelessness in the event that an individual’s certificate of naturalisation is revoked. Article 8(1) of the 1961 Convention on the Reduction of Statelessness provides that ‘a Contracting State shall not deprive a person of its nationality if such deprivation would render him stateless.’²¹ UNHCR recommends an express statutory prohibition on revocation where this would result in statelessness²² subject only to the narrowly defined exceptions permitted under Article 8 of the 1961 Convention. In accordance with Article 8(3), any exception permitting deprivation resulting in statelessness must be limited to grounds that existed in Irish law at the time of Ireland’s accession to the Convention and that were covered by the declaration made upon accession.²³ The scope of these exceptions cannot be expanded through subsequent legislative amendments, and additional grounds for deprivation leading to statelessness may not be introduced after accession.²⁴ Additionally, any deprivation of nationality must comply with the procedural requirements in Article 8(4) of the 1961 Convention and other applicable human rights obligations.²⁵

26. UNHCR notes that the proposed grounds of “public policy” and “public order” are broad in scope and may give rise to uncertainty as to the circumstances in which revocation may occur. UNHCR further recalls that, where revocation would result in statelessness, the exceptions under Article 8(3) of the 1961 Convention are to be interpreted narrowly. In particular, the concepts of conduct “seriously prejudicial” to the State’s “vital interests” require a high threshold and do not encompass ordinary criminal offences or conduct that merely affects national interest.

²⁰ *Rottmann v. Freistaat Bayern, Case C-135/08*, Court of Justice of the European Union (Grand Chamber), 2 March 2010.

²¹ UNHCR, *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, May 2020. There are only limited exceptions to this. See also UN General Assembly, *1961 Convention on the Reduction of Statelessness*, United Nations, Treaty Series, vol. 989, p. 175, 30 August 1961 (hereinafter referred to as the ‘1961 Convention’).

²² Ireland has made one reservation to the 1961 Convention “In accordance with paragraph 3 of Article 8 of the Convention, Ireland retains the right to deprive a naturalised Irish citizen of his citizenship pursuant to section 19(1)(b) of the Irish Nationality and Citizenship Act, 1956, on grounds specified in the aforesaid paragraph.” *Declarations and Reservations to the 1961 Convention on the Reduction of Statelessness*.

²³ Section 19(1)(b) of the *Irish Nationality and Citizenship Act 1956* (as amended) “The Minister may revoke a certificate of naturalisation if he is satisfied – (b) that the person to whom it was granted has, by any overt act, shown himself to have failed in his duty of fidelity to the nation and loyalty to the State.”

²⁴ UNHCR, *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, May 2020, para. 54-55.

27. Head 10 removes the current requirement under section 19(1P) of the *Irish Nationality and Citizenship Act 1956* (as amended) for the Minister for Justice, Home Affairs and Migration to consult the Chairperson of the Committee of Inquiry when prescribing procedures relating to revocation inquiries. Article 8(4) of the 1961 Convention requires that deprivation of nationality takes place in accordance with law and that the person concerned enjoy the right to a fair hearing by a court or other independent body.²⁶ In this context, UNHCR considers it important to maintain robust procedural safeguards within the revocation framework. While the *Irish Nationality and Citizenship Act 1956* (as amended) provides for a Committee of Inquiry to consider the Minister's decision to revoke a certificate of naturalisation, the existing requirement to consult the Chairperson of that Committee contributes to the transparency, fairness and independence of the process and should therefore be retained. This would require the retention of section 19(1P) of the *Irish Nationality and Citizenship Act 1956* (as amended).

Recommendations (Head 10):

- Delete the proposed grounds of 'public policy' and 'public order' for revocation of certificates of naturalisation. Should these grounds nevertheless be retained, for purpose of legal clarity, UNHCR recommends that these grounds are clearly and narrowly defined in the legislation.
- Retain the requirement under section 19(1P) of the *Irish Nationality and Citizenship Act 1956* (as amended) for the Minister to consult the Chairperson of the Committee of Inquiry when prescribing procedures relating to revocation inquiries.
- Introduce a new legislative provision expressly prohibiting the revocation of a certificate of naturalisation where this would result in statelessness and subject to the procedural requirements of Article 8(4) and other applicable human rights obligations.

V. Schedule 1 Offences

28. Schedule 1 of the General Scheme sets out a number of offences which would preclude the issue of a certificate of naturalisation. Head 5 provides that it is a requirement for naturalisation that a person has not committed any of the offences listed in Schedule 1 at any point before or after an application for naturalisation. The explanatory memorandum explains that this is to discourage abuse of immigration and naturalisation processes and the Minister for Justice, Home Affairs and Migration is explicitly prohibited from providing a waiver in relation to Schedule 1. The provision does not expressly require a final conviction for an offence to trigger this exclusion. Given that the exclusion may apply irrespective of when the offence occurred and that no waiver is permitted, the legislation should clarify how the commission of an offence is to be established and provide safeguards against disproportionate outcomes.

29. While recognising that States may take good-character consideration into account when determining eligibility for naturalisation, UNHCR is concerned that some of the categories proposed in Schedule 1 are overly broad and may have disproportionate impact on refugees, beneficiaries of subsidiary protection and stateless persons.²⁷ For stateless persons an automatic or permanent exclusion from naturalization may prolong their statelessness. For example, a breach of an administrative reporting requirement to update

²⁶ [Damache v Minister for Justice and Equality \[2021\] IESC 6](#), 10 February 2021.

²⁷ See, for example, the Committee of Ministers of the Council of Europe Recommendations that 'offences, when they are relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a State'; Council of Europe (CoE), Recommendation R (1999) 18 of the [Committee of Ministers to Member States on the Avoidance and Reduction of Statelessness](#) (1999) 18, Council of Europe: Committee of Ministers, 15 September 1999.

one's address as an international protection applicant under Section 16 of the *International Protection Act 2015* should not automatically and permanently exclude a person from naturalisation without consideration of the circumstances and seriousness of the breach. UNHCR is also concerned that some of the categories may effectively penalise refugees for irregular entry or presence contrary to Article 31 of the Refugee Convention and undermine the duty to facilitate naturalisation under Article 34 of the Refugee Convention and Article 32 of the 1954 Convention.²⁸

Recommendation (Schedule 1):

- Review the categories of offences listed in Schedule 1 to ensure that the denial of access to naturalisation is proportionate to the seriousness and circumstances of the offence and consistent with Ireland's obligations under Articles 31 and 34 of the Refugee Convention and Article 32 of the 1954 Convention. Clarify the evidentiary threshold for establishing that an offence has been committed and provide appropriate safeguards, including an individual assessment to avoid disproportionate outcomes, particularly where the offence is minor or administrative, occurred some time ago, or is connected with circumstances of irregular entry or presence arising from forced displacement.

VI. Statelessness

30. While the General Scheme does not directly address statelessness, UNHCR considers that the proposed reform provides a timely opportunity to strengthen the protection of stateless people and to support the prevention and reduction of statelessness. This would be consistent with Ireland's obligations as a State Party to the 1954 Convention and the 1961 Convention on the Reduction of Statelessness, and with the Government of Ireland's pledge at the 2023 Global Refugee Forum to actively explore the introduction of a statelessness determination procedure (SDP). The UN Committee on the Elimination of Discrimination against Women, the UN Committee on the Elimination of all forms of Racial Discrimination and the UN Committee on the Rights of the Child have all recommended that Ireland introduce an accessible statelessness determination procedure in line with international standards.²⁹

31. With the implementation of the EU Pact on Migration and Asylum, the *International Protection Act 2026* includes a definition of a stateless person and provides for the identification of applicants who may be stateless during the preliminary vulnerability assessment.³⁰ These provisions support the identification and recording of possible statelessness but do not establish a procedure for determining whether a person is stateless. Notwithstanding these important steps towards addressing the protection gaps affecting stateless persons, Ireland continues to lack a formal SDP. A dedicated SDP is necessary to ensure that stateless persons can be formally identified and have their status determined, and effectively access their rights under the 1954 Convention.³¹

²⁸ UNHCR, *Guidelines on International Protection No. 14: Non-penalization of refugees on account of their irregular entry or presence and restrictions on their movements in accordance with Article 31 of the 1951 Convention relating to the Status of Refugees*, 23 September 2024.

²⁹ UN Committee on the Elimination of Discrimination against Women, *Concluding observations on the eighth periodic report of Ireland*, 10 July 2025. See also UN Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined fifth to ninth reports of Ireland*, 23 January 2020. See also UN Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Ireland*, 28 February 2023.

³⁰ UNHCR, *Statelessness and the EU Pact on Asylum and Migration*, February 2025; European Network on Statelessness (ENS), *Statelessness and the EU Pact on Migration and Asylum: Analysis and Recommendations for Implementation*, May 2024.

³¹ European Network on Statelessness (ENS), *Statelessness Index: Statelessness Determination and Protection in Europe*, thematic briefing, October 2025. According to ENS, the following countries in the European region have statelessness determination

32. In 2023, UNHCR published a report mapping statelessness in Ireland.³² The report found that stateless persons experience numerous obstacles in accessing their rights under the 1954 Convention and may encounter difficulties in various procedures, including when seeking naturalisation. The absence of an SDP may leave stateless persons in situations of legal uncertainty for prolonged periods and delay the resolution of their status and thereby hindering access to their rights under the 1954 Convention.

Recommendation:

- Use the reform of the *Irish Nationality and Citizenship Act 1956 (as amended)* as an opportunity to introduce enabling provisions giving further effect to the 1954 Convention on Statelessness and the 1961 Convention on the Reduction of Statelessness, including the establishment of a statelessness determination procedure.

VII. Conclusion

33. While the above observations relate to the proposed provisions in the Irish Nationality and Citizenship (Amendment) Bill, UNHCR would also like to offer some recommendations with respect to the future implementation of the legislation. Any administrative fees associated with future language and civics tests should be reasonable, proportionate, and accessible. UNHCR welcomes the existing practice whereby certification fees are waived for refugees and stateless persons and recommends that this approach be retained.³³ UNHCR further recalls that Article 34 of the 1951 Refugee Convention and Article 32 of the 1954 Convention call on States to facilitate the naturalisation of refugees and stateless persons and, in particular, to make every effort to expedite naturalisation proceedings and to reduce as far as possible the charges and costs associated with naturalisation proceedings. This includes adapting administrative requirements and procedures to reduce barriers and delays for refugees and stateless persons. In this regard, UNHCR encourages the efficient and timely processing of naturalisation applications to minimise unnecessary delays.

34. UNHCR hopes that these observations will assist the Joint Committee on Justice, Home Affairs and Migration in its consideration of the General Scheme and remains available to provide technical advice and support with a view to ensuring that the proposed legislation is consistent with international standards concerning the protection of refugees and stateless persons.

UNHCR Ireland
14 October 2026

procedures: France, the United Kingdom, Italy, Spain, Hungary, Georgia, Moldova, Bulgaria, Kosovo, Latvia, Montenegro, Switzerland, Türkiye and Ukraine.

³² UNHCR, *Mapping Statelessness in Ireland* (n 11).

³³ Certification fees are governed by [S.I. No. 569/2011 - Irish Nationality and Citizenship Regulations 2011](#) and refugees and stateless persons are not subject to certification fees. For further information see response to [Parliamentary question 329, 7 February 2024](#).