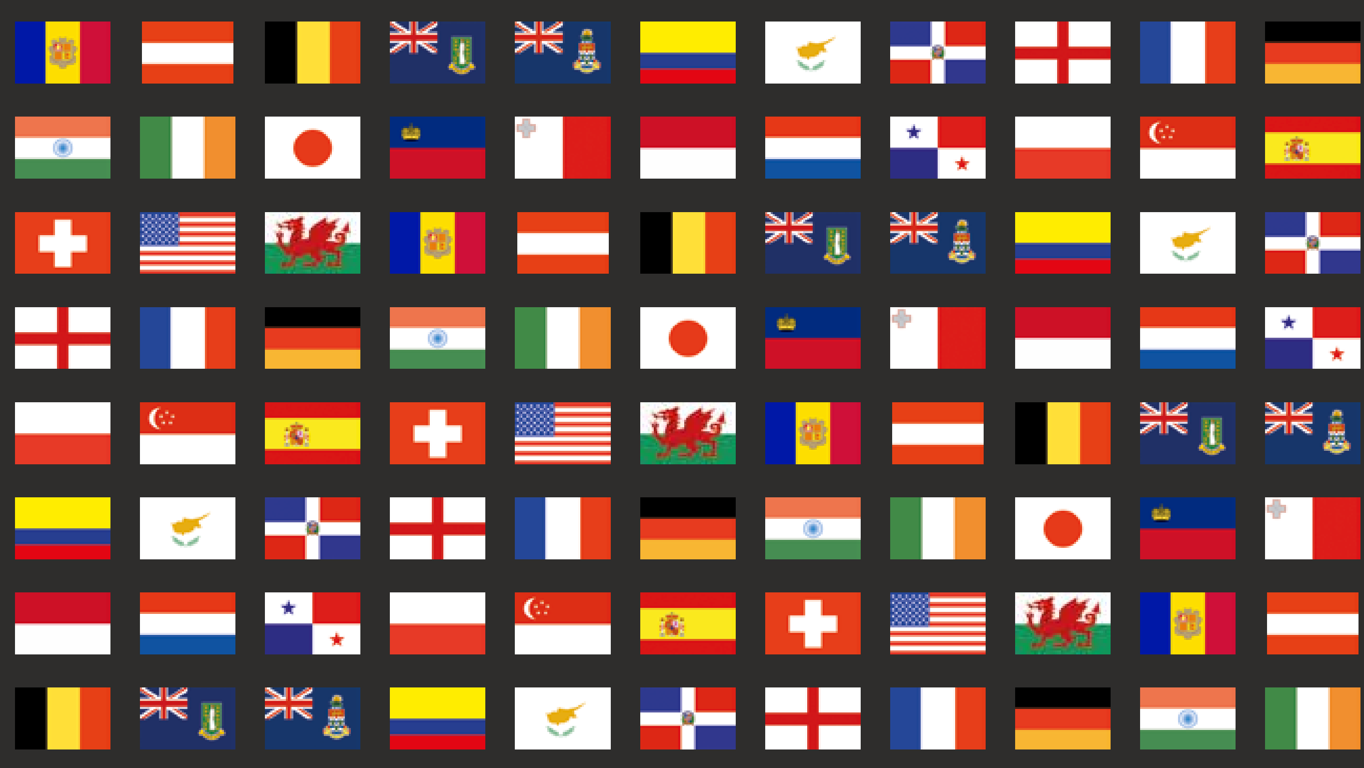
Private Client

Contributing editors
Anthony Thompson and Nicole Aubin-Parvu



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Preface

Private Client 2019

Seventh edition

Getting the Deal Through is delighted to publish the seventh edition of *Private Client*, which is available in print, as an e-book and online at www.gettingthedealthrough.com.

Getting the Deal Through provides international expert analysis in key areas of law, practice and regulation for corporate counsel, cross-border legal practitioners, and company directors and officers.

Throughout this edition, and following the unique **Getting the Deal Through** format, the same key questions are answered by leading practitioners in each of the jurisdictions featured. Our coverage this year includes new chapters on Andorra, Colombia, Ireland, Netherlands, Panama, Singapore and Spain.

Getting the Deal Through titles are published annually in print. Please ensure you are referring to the latest edition or to the online version at www.gettingthedealthrough.com.

Every effort has been made to cover all matters of concern to readers. However, specific legal advice should always be sought from experienced local advisers.

Getting the Deal Through gratefully acknowledges the efforts of all the contributors to this volume, who were chosen for their recognised expertise. We also extend special thanks to the contributing editors, Anthony Thompson and Nicole Aubin-Parvu of Forsters LLP, for their continued assistance with this volume.

GETTING THE
DEAL THROUGH

London
October 2018

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Ireland

John Gill and Lydia McCormack
Matheson

Tax

1 How does an individual become taxable in your jurisdiction?

An individual's tax treatment will depend on their domicile and residence.

'Domicile' is not defined under Irish law. Usually, a person's domicile is the jurisdiction in which they live with the intention of residing there permanently.

'Resident' is defined under section 819 of the Taxes Consolidation Act (TCA) as being present in Ireland for a period of 183 days or more in the tax year, or being present in Ireland for 280 days or more in the current and the previous tax year. The Irish tax year is a calendar year.

'Ordinarily resident' under section 820 of the TCA 1997 occurs when an individual has been resident in Ireland for three consecutive years. An individual will be considered ordinarily resident until he or she has not been resident for three consecutive years.

If an individual is resident and domiciled in Ireland, they will be liable for tax on worldwide income and capital gains.

If an individual is not domiciled in Ireland but is resident or ordinarily resident, her or she will be liable for tax on Irish source income and gains, and any income or gains that are remitted to Ireland, save for some exceptions.

If an individual is ordinarily resident but not resident, they will be liable for tax on worldwide investment income over €3,810, other than income from a profession that is not carried out in any part of Ireland, or an office or employment where all duties are performed outside Ireland.

An individual who is not resident or ordinarily resident in Ireland will only be liable to income tax on income arising in Ireland and capital gains tax (CGT) on gains made on the disposal of Irish immovable property, Irish minerals or mineral rights, shares in a company that derives more than 50 per cent of its value from Irish property or mineral rights.

2 What, if any, taxes apply to an individual's income?

An employed individual is subject to income tax under the Pay As You Earn (PAYE) system. The rate of PAYE depends on the amount of the individual's income and their personal circumstances. The standard rate is 20 per cent and the higher rate is 40 per cent. There are various income tax reliefs and credits available.

Self-employed individuals are subject to income tax at the above rates under the self-assessment system.

There is a further tax known as universal social charge, charged on gross income. Again, the rate payable increases as an individual's income increases and the rate goes up to 11 per cent.

There is also a charge of pay related social insurance, which is a form of social security. The amount chargeable depends on an individual's income and there are limited exemptions.

3 What, if any, taxes apply to an individual's capital gains?

CGT is currently at a rate of 33 per cent on personal gains in excess of €1,270.

An individual who is not domiciled or resident or ordinary resident will be liable to CGT on on gains made on the disposal of Irish immovable property, Irish minerals or mineral rights, shares in a company that derives more than 50 per cent of its value from Irish property or mineral rights.

An individual who is Irish domiciled and either resident or ordinarily resident will also be liable to pay Irish CGT on the gain arising on a disposal of foreign property, though foreign CGT paid should generally be capable of being offset against this amount.

There are also several reliefs and exemptions for CGT.

4 What, if any, taxes apply if an individual makes lifetime gifts?

A gift will come within the charge to capital acquisitions tax (CAT) if:

- the disponer is resident or ordinarily resident in Ireland;
- the recipient is resident or ordinarily resident in Ireland; or
- the gift comprises Irish situs assets.

Individuals have three 'tax-free' thresholds, depending on the relationship of the individual making the gift to the beneficiary. These thresholds apply to both lifetime gifts and inheritances. There is a full spousal exemption in respect of benefits to spouses.

Under the current rates, an individual may receive €310,000 tax free from a parent, €32,500 tax free from family members (must be a blood relationship) and €16,250 tax free from a stranger in blood. Gifts or inheritances received from members within the same group are aggregated together.

There is also a 'small gift exemption' of €3,000 per annum. A person may receive €3,000 from any person or persons in a calendar year tax free and it is not taken into account when calculating their available tax-free threshold.

CAT at a rate of 33 per cent is payable by the person receiving a gift on the value received in excess of that person's available tax-free threshold and small gift exemption.

CGT may be payable by the person making the gift depending on the nature of the asset. Under section 104 of the Capital Acquisitions Tax Act 2003, the CGT paid by the disponer may be set off against the CAT payable by the beneficiary as a credit, provided the beneficiary retains the gift for two years

5 What, if any, taxes apply to an individual's transfers on death and to his or her estate following death?

There are no taxes payable by an individual's estate unless the individual has so directed.

Similar to lifetime gifts, an inheritance will come within the charge to CAT if:

- the disponer is resident or ordinarily resident in Ireland;
- the successor is resident or ordinarily resident in Ireland; or
- the inheritance comprises Irish situs assets.

Individuals have three lifetime 'tax-free' thresholds, depending on the relationship of the deceased to the beneficiary. These thresholds apply to both lifetime gifts and inheritances.

Under the current rates, an individual may receive €310,000 tax free from a parent, €32,500 tax free from family members (must be a blood relationship) and €16,250 tax free from a stranger in blood. These thresholds are used on an aggregate basis.

CAT at a rate of 33 per cent is payable by the person receiving an inheritance on the value received in excess of that person's available tax-free threshold.

Where a deceased person held foreign assets at the date of death, a charge to tax may arise in that foreign jurisdiction and in Ireland. To

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mitigate double taxation arising on death, Ireland has entered into double taxation agreements with the United Kingdom and United States.

6 What, if any, taxes apply to an individual's real property?

Local property tax is charged on the market value of residential properties on an annual basis. It is a self-assessed tax and is a set amount depending on which one of 19 valuation bands applies to the property.

Stamp duty is payable on by the purchaser on the acquisition of real property but this does not arise where real property is inherited. It is charged on residential property at a rate of 1 per cent up to a value of €1 million, and at a rate of 2 per cent on amounts over €1 million. A single rate of 6 per cent applies to non-residential property.

7 What, if any, taxes apply on the import or export, for personal use and enjoyment, of assets other than cash by an individual to your jurisdiction?

An individual who is not resident or ordinarily resident in Ireland will only be liable to income tax on income arising in Ireland and CGT on gains made on the disposal of Irish immovable property, Irish minerals or mineral rights, shares in a company that derives more than 50 per cent of its value from Irish property or mineral rights. For individuals who are tax resident but not domiciled, the import of goods or property purchased with previously unremitted income or gains may constitute a taxable remittance bringing them within the charge to income tax or CGT.

No additional taxes apply to imports from within the EU.

Imports from outside the EU may be subject to customs duty, excise duty and VAT.

Customs duty is normally calculated as a percentage of the value of the goods, and varies depending on the type of goods and the country or origin.

Excise duty is charged on alcohol and tobacco, in addition to customs duty and will vary depending on the type of product and the amount of product.

VAT is charged at the same rate as would be charged on similar goods sold within Ireland.

8 What, if any, other taxes may be particularly relevant to an individual?

There is no wealth tax in Ireland.

Irish domiciled individuals may be liable to a domicile levy, irrespective of their tax residence, if their:

- worldwide income exceeds €1 million;
- Irish property is valued in excess of €5 million; and
- Irish income tax paid in a year was less than €200,000.

The amount of Irish income tax paid in a year may be offset against the domicile levy due for that year.

VAT is charged at different rates for different goods and services;

- 23 per cent is the standard rate for goods and services that do not fall into a reduced rate category;
- 13.5 per cent is a reduced rate for fuel, building services, maintenance services and additional services;
- 9 per cent is a reduced rate for tourism-related activities;
- 4.8 per cent is a reduced rate for agriculture; and
- zero per cent VAT applies to certain goods such as disability aids, children's clothing and shoes and exports.

Certain transactions are exempt from VAT, such as financial services (including share dealing and operating bank accounts), insurance services and the letting of property.

Deposit interest retention tax (DIRT) at 37 per cent is deducted at source by deposit takers from interest paid or credited on deposits. A non-resident can receive Irish deposit interest free from DIRT.

Dividend withholding tax (at 20 per cent. An exemption may be available where the recipient individual is resident in a jurisdiction with which Ireland has a double taxation agreement or in another EU member state.

9 What, if any, taxes apply to trusts or other asset-holding vehicles in your jurisdiction, and how are such taxes imposed?

A trust is liable to Irish income tax on the worldwide trust income if:

- all the trustees are resident in Ireland; or
- a majority of the trustees are resident in Ireland and the general administration of the trust is carried on in Ireland.

Trustees must also pay CGT on any gains made from a disposal of the trust's assets. A trust's residence will be determined by the trustees' residence, so if the trust is Irish resident, it must pay CGT on its worldwide gains.

However, for CGT purposes, where the services of an Irish professional trustee have been engaged for the purposes of managing the trust, that trustee will not be treated as resident in respect of the trust if the settlor was not, as the time of the settlement, resident or ordinarily resident in Ireland.

The income of a trust is subject to income tax at a standard rate of 20 per cent only. The beneficiary is given a credit for the income tax paid by the trustees against his income tax liability but the beneficiary can be taxed directly if he or she has the right to be paid the income as it arises.

A discretionary trust will be subject to discretionary trust tax (DTT). DTT is charged at a one-off rate of 6 per cent of the trust value on either the death of the settlor or the date on which all principal objects of the trust have reached the age of 21, whichever is the later. If the total trust fund is transferred to the beneficiaries within five years of the one-off charge, half of that initial charge will be refunded. One year after the once-off charge, the trust will become liable for an annual tax of 1 per cent of the trust value.

A surcharge at a rate of 20 per cent may apply to trust income that has not been distributed within 18 months.

10 How are charities taxed in your jurisdiction?

A charity must register with the Charities Regulatory Authority to obtain charitable status and, separately, with the Revenue Commissioners to obtain a charitable tax-exempt status.

On an ongoing basis, the charity will be exempt from income tax or CGT on its earnings, provided certain conditions are met. There are exemptions from Capital Acquisitions Tax under section 76 of the Capital Acquisitions Tax Consolidation Act 2003, CGT under section 609 of the 1997 Act, Deposit Interest Retention Tax under section 266 of the 1997 Act, Income Tax or Corporation Tax under sections 207 and 208 of the 1997 Act and stamp duty under section 82 of the Stamp Duties Consolidation Act 1999.

Following receipt of a charitable tax exemption, the charity may apply for authorisation as an Eligible Charity pursuant to section 848A of the 1997 Act after two years, which gives donors (in the case of corporations) and the charity itself favourable tax treatment in relation to donated sums.

Charities must pay PAYE on behalf of its employees. While a charity cannot apply for a VAT exemption, there are several specific reliefs available.

Trusts and foundations

11 Does your jurisdiction recognise trusts?

Trusts are recognised in Ireland. The most common types of trusts are:

- discretionary trust – the trustees hold the trust fund for the benefit of a class of beneficiaries, and have discretion as to any distributions made out of the trust fund;
- bare trusts – trustees hold the legal title to property on the beneficiary's behalf, and the beneficiary holds the beneficial interest; and
- fixed trust – the settlor directs the beneficiaries' entitlement to the trust fund.

Trusts governed by the law of another jurisdiction are generally accepted in Ireland, provided they comply with the essential elements of a trust recognised in Ireland. These essential elements of a settlement are:

- certainty of intention;
- certainty of subject matter of the trust; and
- certainty of objects of the trust.

Real property held in trust must be evidenced in writing, signed by a person able to declare the trust.

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12 Does your jurisdiction recognise private foundations?

Ireland has not legislated to recognise foundations unlike civil and many offshore jurisdictions. Foreign foundations are taxed by the Revenue Commissioners as discretionary trusts, which are discussed above.

Same-sex marriages and civil unions

13 Does your jurisdiction have any form of legally recognised same-sex relationship?

Since 16 November 2015, same-sex couples may legally marry one another. Same-sex marriage is recognised in the same way as heterosexual marriage.

Following marriage, a couple may choose to be assessed for tax as a single person, to be assessed separately or to be assessed jointly. The difference between being assessed as a single person and being assessed separately relates to certain tax credits available to married couples. Joint assessment is usually the more favourable treatment.

The standard rate cut-off point for married couples is €43,550 in 2018. This amount is taxed at 20 per cent and the balance is taxed at 40 per cent. Where both spouses have income, this standard rate cut-off point can be increased by either €25,550 in 2018 or the amount of the income of the spouse with the smaller income, whichever amount is lower.

14 Does your jurisdiction recognise any form of legal relationship for heterosexual couples other than marriage?

Prior to the legalisation for same-sex marriage, same-sex couples could enter a civil partnership from January 2011. Following the introduction of same-sex marriage, no new civil partnerships may be entered into. Existing civil partnerships may apply to get married or may remain as a civil partnership.

The treatment of existing civil partners, in respect of tax and succession, is the same as for a married couple.

Succession

15 What property constitutes an individual's estate for succession purposes?

All property beneficially owned by an individual in his or her sole name will form part of an individual's estate, save where the property is subject of a nomination, statutory or otherwise. All property held by a nominee of which the deceased is beneficial owner will form part of his or her estate.

All interests held by a deceased by way of tenancy-in-common will also form part of an individual's estate. Where property is held by joint tenancy, the deceased's interest in that property will pass to the surviving joint tenants according to the rules of survivorship.

16 To what extent do individuals have freedom of disposition over their estate during their lifetime?

Individuals have complete freedom of disposition over lifetime dispositions as there is no community property regime in Ireland. However, where a person makes a disposition of property within three years of his or her death and the court is satisfied that the disposition was made for the purpose of defeating or substantially diminishing the share of the disponer's spouse, whether as a legal right or on intestacy, or the intestate share of any of his or her children, or of leaving any of his or her children insufficiently provided for, then, whether the disponer died testate or intestate, the court may order that the disposition shall, in whole or in part, be deemed to be a devise or bequest made by him or her by will and to form part of his or her estate, and to have had no other effect.

In the event of a divorce or separation, the court may make an order distributing the couple's assets that may restrict future dispositions.

17 To what extent do individuals have freedom of disposition over their estate on death?

Ireland operates a schismatic system of succession law. Where a person dies Irish domiciled, Irish succession law shall apply to their worldwide movable estate and their Irish immovable estate.

Where a person dies not Irish domiciled but with Irish immovable property, Irish succession law shall apply to that property.

The principal legislation governing the area of succession law in Ireland is the Succession Act 1965.

There is a form of forced heirship in that a surviving spouse has a legal right to a share in the deceased's estate (section 111, Succession Act 1965). If the testator has left surviving children, the surviving spouse is entitled to a one-third share of the estate. If there are no children, then the surviving spouse is entitled to one-half. The spouse can renounce the legal right to a share either before or after marriage.

The courts have a discretionary power to make provision for a child (including a child born outside marriage) where satisfied that the testator has failed in his or her moral duty to make proper provision for the child and has died testate. An order will not affect the legal right to a share of a surviving spouse or any bequest to that spouse if that spouse is also the child's parent. There are strict time limits on bringing an application.

18 If an individual dies in your jurisdiction without leaving valid instructions for the disposition of the estate, to whom does the estate pass and in what shares?

The Succession Act 1965 governs the distribution of intestate estates. If a person dies Irish domiciled, these rules shall apply to their worldwide movable estate and their Irish immovable estate. If the person dies not Irish domiciled, these rules shall only apply to their Irish immovable assets.

The rules of order of entitlement on intestacy are set out in the Succession Act 1965. On the death of a spouse without issue the surviving spouse will inherit all of the estate. However, on the death of a spouse leaving children, the surviving spouse will inherit two-thirds of the estate and the children one-third of the estate divided equally between them, with a predeceased child's issue taking that child's share.

The nearest next-of-kin alive at the date of death of the deceased are entitled to apply to administer the estate. The Rules of Superior Courts 1986 set out the order of priority. In summary, the next of kin begins with the deceased's surviving spouse, or surviving spouse and children. If the spouse is predeceased, the surviving children share equally and the issue of predeceased children take per stirpes, or per capita if all children have predeceased the intestate. If no spouse or issue survive, the parents of the deceased inherit in equal shares. If a person dies without spouse or issue or parent, all brothers and sisters take equally and the children of a predeceased brother or sister take per stirpes. If no brothers or sisters survive, all nieces and nephews share equally and so on with a general preference for lineal descendants. An administration bond is required from the applicant, which binds him or her to compensate the High Court if he or she fails to administer the estate.

19 In relation to the disposition of an individual's estate, are adopted or illegitimate children treated the same as natural legitimate children and, if not, how may they inherit?

In a testate situation, save any claim made by a child under section 117 Succession Act 1965, a child is only entitled to whatever the Will of the deceased says. The testator may have a number of different types of children including non-marital, unborn, adopted, step-children and foster children.

In an intestate situation, a spouse is entitled to two thirds of the estate with the one-third going to the 'issue'. 'Issue' for the purposes of the Succession Act 1965 includes marital and non-marital children, adopted children and their lineal descendants. Step-children and foster children are not included.

20 What law governs the distribution of an individual's estate and does this depend on the type of property within it?

Movable property passes in accordance with the succession laws of the country in which the deceased was domiciled at the time of his death. Immovable property passes in accordance with the laws of the country in which it is actually situated. Ireland is not a party to Regulation (EU) 650/2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession (Succession Regulation). In respect of foreign immovable property, the doctrine of *renvoi* is accepted in Ireland (that is, where Irish courts adopt the rules of a foreign jurisdiction and the rules of the foreign state refer the court back to the law of the forum where the case is heard, then the Irish courts will generally accept the reference back).

It is expected that where an Irish domiciled individual holds property in a participating member state under the Succession Regulation,

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that the matter will be referred back to Ireland as the place where the deceased died habitually resident or where the deceased had made an election of Irish law on the applicable succession regime to the devolution of their estate.

21 What formalities are required for an individual to make a valid will in your jurisdiction?

Part VII of the Succession Act 1965 sets out the formalities for making a will. There is no difference in respect of the nationality, residence or domicile of the testator.

A will can be made by any person who has attained the age of 18 years (or is or has been married) and is of sound mind. A person who has attained the age of 18 years and is of sound mind can get married. A person who has not attained the age of 18 years, is of sound mind and has obtained a court exemption order under the Family Law Act 1995 can also get married. There are three essential elements that make a will valid, that is:

- the will must be in writing;
- the testator must sign in the presence of two or more witnesses; and
- the witnesses must sign the will in the presence of the testator.

22 Are foreign wills recognised in your jurisdiction and how is this achieved?

Wills made in other jurisdictions are recognised as valid if they fall under one of the eight alternative systems of law set out in section 102 of the Succession Act 1965. Section 102 gives effect to the Hague Convention on the Conflict of Laws relating to the form of testamentary disposition. In addition, a testamentary disposition shall be valid if its form complies with the internal law of:

- the place of the testator's nationality at the time the will was made;
- the place where the testator made the will;
- the place in which the testator had his or her domicile, either at the time when he or she made the disposition or at the time of his or her death;
- the place of the testator's habitual residence, either at the time he or she made the disposition or at the time of his or her death; and
- the place where the assets are situated (in the case of real property).

23 Who has the right to administer an estate?

An executor named in a will obtains the grant of probate and his or her powers arise at the death of the deceased as the estate is vested in the personal representative from the date of death.

If there is no executor under the will or there is an intestate situation, an administrator obtains the grant of administration. An administrator's powers arise when the grant is issued from the probate office. During the period from the date of death to the date the grant is issued, the estate is vested in the President of the High Court.

24 How does title to a deceased's assets pass to the heirs and successors? What are the rules for administration of the estate?

If an individual dies testate, his or her estate will vest in the legal personal representatives named in his or her will on death. If there is no valid will or there is no valid executor, his or her estate will vest in the President of the High Court until a grant of administration is made by the court, at which stage the estate will vest in the appointed administrators.

The legal personal representatives or administrators must apply for the appropriate grant of representation. Upon receipt, they may obtain title to the deceased's assets and distribute them accordingly to the beneficiaries.

25 Is there a procedure for disappointed heirs and beneficiaries to make a claim against an estate?

A surviving spouse has a legal right to a fixed share in the deceased's estate under the succession regime set out in the Succession Act 1965 (see question 17).

A child can challenge a will so that a previous advancement made to the deceased's other children is brought into account (section 63, Succession Act 1965).

A child, while having no fixed entitlement, has the right to take an action against an estate and the court may order in that child's favour if the testator has failed in his moral duty to make proper provision for the child (section 117, Succession Act 1965). The court has discretion whether to make such provision. However, an order will not affect the legal right share of a surviving spouse.

Capacity and power of attorney

26 What are the rules for holding and managing the property of a minor in your jurisdiction?

At common law, any disposition by minors is voidable by them when they attain majority or within a reasonable time afterwards. Many testators use a bare trust or a discretionary trust until the minor reaches the age of majority. Under the recent Land and Conveyancing Law Reform Act 2009, a minor's land is held in trust with the minor holding an equitable interest. The legal title is held by the trustees and the trustees have the power to deal with the property.

27 At what age does an individual attain legal capacity for the purposes of holding and managing property in your jurisdiction?

The age of majority under Irish law is 18 years.

28 If someone loses capacity to manage their affairs in your jurisdiction, what is the procedure for managing them on their behalf?

Irish law presumes that a person has capacity. This presumption can be displaced by evidence.

In the event that the donor loses mental capacity, an enduring power of attorney is a legal mechanism for granting certain decision-making powers to a nominated attorney, made when the individual has mental capacity (Powers of Attorney Act 1996). This must be created when the donor has capacity and will only become effective in the event that the donor loses capacity and the enduring power of attorney is registered with the High Court of Ireland.

Under the existing system, where a person does not have mental capacity but does not have an enduring power of attorney, they can be made a ward of court. In these circumstances, the High Court is given jurisdiction over all matters relating to a ward's personal estate.

The Assisted Decision-Making (Capacity) Act 2015 was signed into law on 30 December 2015 but the principal provisions have not yet been commenced. Under the new legislation, capacity will be determined by assessing an individual's ability to understand the nature and consequences of a decision to be made by him or her in the context of the available choices at the time the decision is made. Capacity will be assessed based on their decision-making capacity and will be a time and issue-specific test. There will be a tiered system of assistance available to those with varying levels of decision-making capacity. There is a presumption of decision-making capacity unless the contrary is shown.

Immigration

29 Do foreign nationals require a visa to visit your jurisdiction?

Whether you need a visa to enter Ireland depends on your citizenship. If you are a citizen of a European Economic Area (EEA) member state (27 countries of the European Union, together with Iceland, Norway and Liechtenstein) you do not require a visa to visit the Republic of Ireland. Non-EEA nationals, whether they require a visa or not, must be in a position to satisfy to immigration officers that they can be granted leave to land and in particular must have sufficient funds to support themselves during their visit and that they have a work permit if required. You will need a visa if you are a citizen of one of the countries whose nationals require a visa to enter Ireland. You can find a detailed list of these countries on the website of the Irish Naturalisation and Immigration Service.

30 How long can a foreign national spend in your jurisdiction on a visitors' visa?

Anyone wishing to visit Ireland for a period of less than three months can apply for a short stay 'C' visa for either a single entry or multiple entries. The maximum stay allowed under a short stay 'C' visa is 90 days. If you enter the state on a 'C' visa you cannot have your permission to remain in the state extended. You must leave and reapply from outside the state if you want to return.

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31 Is there a visa programme targeted specifically at high net worth individuals?

The Immigrant Investor Programme permits non-EEA nationals who commit to an approved investment in Ireland to secure residency status for them and their immediate family members. Initial residence permission will be granted for a defined period with the possibility of renewal. There are a number of different investment options available including mixed investments, immigrant investor bonds, approved fund investment, enterprise investment and endowment, all of which have minimum investment requirements (ranging from €500,000 to €2 million).

The Start-up Entrepreneur Programme permits non-EEA nationals with an innovative business idea for a high potential start-up and who have funding of €75,000 to acquire residency for the purposes of developing their business.

32 If so, does this programme entitle individuals to bring their family members with them? Give details.

Yes, successful applicants for the Immigrant Investor Programme and the Start-up Entrepreneur Programme can apply for residency status on similar terms for their immediate families. Their immediate family means their spouse, civil partner or partner and dependent children aged under 18. In certain cases, children between the ages of 18 and 24 will be considered for residence under the programme where they are unmarried and are financially dependent on their parents.

Under the Immigrant Investor Programme, eligible family members will be allowed to enter Ireland on multi-entry visas and remain for a defined period. Ordinarily this will be for a period of five years – reviewable after two years. Similarly, under the Start-up Entrepreneur Programme, eligible family members will be granted a residence permission for two years, which will be renewable thereafter provided that family needs are met from the resources of the entrepreneur or other private means. No access to state benefits will be permitted during this period.

33 Does such a programme give an individual a right to reside permanently or indefinitely in your jurisdiction and, if so, how?

Under the Immigrant Investor Programme, the individual will be granted residence permission for two years initially. A further three years will be granted following a review to ensure the individual is continuing to meet the conditions of the scheme. After this initial five-year period, the individual's immigration permission will be extended for further five-year periods without limit subject to the following conditions: they have not become a financial burden on Ireland; or they have not been investigated, indicted or convicted in relation to any criminal offence in any jurisdiction.

Under the Start-up Entrepreneur Programme, the individual will be granted residence in Ireland for two years, which will be renewable for a further three years. After five years' residence, participants under the programme will be eligible for long-term residence in the state. Where required, the individual will be granted a multiple-entry visa for Ireland for the same duration. This will allow successful candidates to reside in Ireland and to travel freely to Ireland for the duration of the permission.

34 Does such a programme enable an individual to obtain citizenship or nationality in your jurisdiction and, if so, how?

The two schemes offer interested parties the potential for long-term residence in Ireland and not Irish Citizenship. Successful applicants will, however, be able to apply for naturalisation under the terms of the Irish Nationality and Citizenship Acts 1956–2004, in the same way and under the same conditions as all other non-Irish nationals.

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