

Passports

All children travelling abroad need their own passport



Tel: 01 670 0120

Who is required to sign Passport Application Forms for children whose parents are not married to each other?

Only the mother is required to sign the Passport Application Form if she is the sole guardian. **This applies even if the father's name is on the child's birth certificate.** The mother will have to sign the Sole Guardian Affidavit Form. To download **Sole Guardian Affidavit Form (AFF1)** see link on the 'passport' section of Treoir's website; www.treoir.ie.

Where a child has two guardians the signature of each guardian is required on the Passport Application Form before a passport is issued. If a child has more than two guardians, only two guardians' signatures are required on the Application Form to issue a passport. Where a guardian refuses to sign the Application Form the parent/ guardian seeking the passport may apply to the local District Court to request to dispense with the other guardian's consent. Passport forms (APS 1) are available online, from the passport office, Garda stations, most post offices, Citizen's Information Centres, and libraries.

Who is a guardian?

If the parents are not married to each other:

- the mother is automatically a guardian of her child
- a father who is, or has been, living with the mother continuously for twelve months, and at least three of these months are after the birth of the child, will automatically be the guardian of his child. The three months period does not have to take place directly after the child is born. It can be fulfilled any time before the child turns eighteen provided that it is part of the twelve consecutive months during which the parents have lived together. The cohabitation period can only be calculated from the commencement date

of the Children and Family Relationships Act 2015. This means that guardianship will only be acquired automatically where the parents live together for at least twelve months after the 18th of January 2016, with at least three months with the child. **While not mandatory, fathers in this situation can and should seek a formal declaration from the court that the ‘living together’ test has been satisfied and that the father is a guardian of the child.**

- an unmarried father who has signed the Statutory Declaration for joint guardianship (S.I. No 210 of 2020) with the mother in the presence of a Peace Commissioner, Commissioner for Oaths, Registrar of Births, or Notary Public.
- an unmarried father who received guardianship rights and responsibilities through a court order.
- any other person who received guardianship rights and responsibilities through a court order, e.g. a step-parent, or grandparent. Guardianship rights for non-parents may be limited by the courts so they may not have the right to sign for a passport. The court order will set out the rights given to the guardian.
- a person who is appointed as a testamentary guardian. A testamentary guardian is someone named in a will by a parent or guardian. It is best practice before naming someone in your will to discuss it with them and get their consent to be named as a testamentary guardian. The appointed guardian will act on their behalf in the event of their death before the child reaches 18 years old. Any surviving guardian will then act jointly with the new guardian.

See ‘Guardianship’ section at www.treoir.ie

Travelling abroad with a child

If you and your child have a different surname, it can be useful for a parent to carry a letter from the child’s other parent/guardian giving their consent to the child travelling abroad so that there is no misunderstanding. The

letter could be signed and witnessed by a peace commissioner or a commissioner for oaths. It may also be a good idea to bring a copy of your child's birth certificate to show that you are the parent of the child. You could also check with the embassy of the country to which you intend to travel to find out if that country has any special requirements when travelling with a child.

Issuing a passport to a child living outside the Republic of Ireland

A guardian of a child may make an application for a passport to be issued for a child living outside of the Republic of Ireland (where that child is entitled to an Irish Passport). If a child has two guardians the consent of each guardian is required before a passport will be issued. If a child has more than two guardians, the signatures of no more than two guardians are required before a passport will be issued. A passport may be issued without the consent of any other parent/guardian/s if:

- directed by the court of the State* where the child lives, or
- the matter of consent has been dealt with in accordance with the laws of the State where the child lives

* State refers to any State that has signed up to the Protection of Children (Hague Convention) 2000. See the link to the Convention in the 'Passport' section at www.treoir.ie

Who holds the passport?

A court may put in place conditions in relation to where the child's passport is held. The passport may be held by the court or by a named person and released under certain conditions if the court considers it to be in the best interest of the child(ren).

How long does a passport last and Passport Fees

- Children under 18 years are issued with a standard 5-year passport
- Passports can be applied for online, in-person or through An Post. For up-to-date fees, please visit <https://www.dfa.ie/passports/fees/>

What documents might you need for your child's passport application

- The Application Form (APS 1), correctly witnessed by a practicing school principal/vice principal, Teacher, School Secretary, Pre-school manager, Montessori teacher, Garda, Member of clergy, Medical doctor, Lawyer, Bank manager or assistant bank manager, Credit Union Manager or Assistant Manager, Elected public representative Notary public/ commissioner for oaths, Peace commissioner, Accountant, Dentist, Vet, Nurse, Physiotherapist, Speech Therapist, Lecturer, Pharmacist, Chartered Engineer.
- Four passport photos (two signed by a Garda)
- The child's long-form birth certificate and previous passport if they have one
- Sole Guardian Affidavit Form (AFFI) if appropriate
- A Statutory Declaration of father and mother in relation to Joint Guardianship of Child, or a Declaration of Guardianship by an unmarried father or a Court Order appointing a non-parent to be a guardian of a child (for example a step-parent or kinship carer).
- Application Fee.

Child's Surname Differs from the Birth Certificate

Please be advised that the Passport Office does not accept Deed Poll to register a new name for a child. They accept Common Usage but will ask for evidence that the child's name has been used for at least two years. Typically, to prove a child's name has been changed, you would need to provide two documents that show that your child has been registered under their new name for at least two years. For example, documents from the child's school and their GP. For more information, call us or read our booklet on 'Birth Registration'.

Citizenship

If your child was born after 1 January 2005, their entitlement to Irish citizenship depends on the nationality or residence history of you and the other parent.

- A child born, in Ireland or abroad, to at least one parent who is an Irish citizen, is automatically an Irish citizen. Where either parent is an Irish citizen or entitled to be an Irish citizen the long-form birth certificate or passport of that parent will be required.
- For children born after January 1, 2005, to parents who are not Irish citizens, the child's citizenship will depend on the parents' resident status and history.*
- For more information on citizenship, see www.dfa.ie.
- For same-sex couples (male or female) where one parent is an Irish citizen, but they had their child(ren) abroad through surrogacy or donor-assisted human reproduction and therefore the child has a foreign birth certificate, please contact Treoir on 01 6700 120 for more information about the child's right to Irish citizenship.

*Please note that if an unmarried mother does not have Irish/EU citizenship, but the biological father does have Irish/EU citizenship, the child may be entitled to citizenship, but the father's name would need to be registered on the birth certificate. A parent of an Irish or EU citizen may have the right to live in Ireland. For more information on this scenario, please call us at (01) 6700 120.

Passport Application forms

(APS 1 is available online, at any Garda station, Post Office, and from the Passport Office in Dublin or Cork.

- Passport Office Customer Service+353 1 671 1633
- Contact Passport Office via webchat here: <https://www.dfa.ie/passports/contact/>

If you would like to talk through your individual situation, call Treoir on our confidential helpline at: 01 670 0120



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