

# **Role of Grandparents**

presented by:

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Irish society is changing and the number of older people is increasing. In 2000 life expectancy was 74 for men and 79.4 for women. By 2050 it is expected to be 79 for men and 84 for women. The actual number of persons over 65 will increase from its current level of 436,000 to over 1.1 million, so that by 2050 one in four of the population will be over 65.

A lot of negative inferences have been drawn from these trends but few have highlighted the positive aspects. Usually where you find a lot of negativity, you find a lot of ignorance. One of the negative inferences is that older people are a burden on society and as society ages there will be a greater number of older people dependent on fewer workers. Yet, how many older people have taken on the role of childminding so that their sons and daughters can go out to work? One of the recent debates in Irish society was the contribution made by teachers to the Celtic Tiger, something they said was unrecognised and undervalued. How much more could grandparents claim that they were one of the pillars of the Celtic Tiger? Economists have never put a value on their contribution and dependency ratios they quote do not take account of those over 65 who are in employment. One of the reasons in fact why there are fewer older people in the workforce can be attributed directly to ageist attitudes.

It has to be acknowledged that today's generation of older people laid the foundation of our modern society and they have over the years probably contributed more in terms of their working hours and the percentage of their wages paid in tax than today's generation contributes. There are also many young people today who owe it to their parents that they are on the property ladder.

There is a danger of course that the contribution made by older people to society is taken for granted. Young people may assume that they can drop off the children with granny at any time, forgetting that granny may have other arrangements made. A backlash of sorts has come from a new generation of older people who feel that they have done enough for their children and do not intend to leave them any inheritance. These are referred to as the SKI generation - spend the kid's inheritance. They are going to look after themselves and let their kids do likewise. The reality for many is that if they require care in their old age, they will not be able to depend on their children to provide it; therefore, they must look after themselves.

The other side of the coin to being taken for granted is that granny and grandad are now once again needed and their contribution is valued. (There was a time in the past when older people were revered for their wisdom. This is no longer generally the case, especially in our information age where computer wizardry is more prized than the wisdom of the ages. However, society may yet regret that it has not listened more to the older generation.) And there is the joy of interacting with grandchildren and knowing that at the end of the day they can be handed back to mammy and daddy, so

the same responsibilities are not there as there were when they were bringing up their own children.

The role of grandparents is changing and one of the changes taking place is their taking on the role of primary carers of their grandchildren. This may be as a result of marital breakdown when the son or daughter arrives back at the parent's home and the grandparents find themselves minding the grandchildren while their son or daughter goes out to work. In some instances the grandparents take over full responsibility for the grandchildren who may be abandoned or orphaned. Ireland has a lot to do to put in place the services required to deal with this new reality and to give legal recognition to grandparents when the marriages of their sons or daughters fail. Nearly 4 million U.S. children currently live in households headed by grandparents. Sally Houtman, an American psychologist, who has written a practical handbook for grandparents who have to stop spoiling their grandchildren and start to raise them, has this to say:

*If current trends continue, the number of grandparent-headed families is certain to increase. If all those who are affected remain silent about their struggles, it is likely that their need for services and assistance will be overlooked. Little time, energy, or funds will be expended to help those families in need if they fail to call attention to themselves, assert their needs, and exercise their rights.*

*Legislative, social, political, and policy changes are driven by need and demand. By speaking out and making their presence known, grandparents may unify to become a powerful voice whose largely unrecognised needs cannot so easily be ignored.*

*(To Grandma's House, We ... Stay. CA: Studio 4 Productions, 1999, p.135)*

Treoir, the Irish NGO that works with unmarried parents and their children, has brought out a timely publication for grandparents of children whose parents are not married to each other, which deals with some of the issues faced by grandparents in this situation.

But, does anyone really know what the needs of Irish grandparents are? Have policy-makers or planners listened to grandparents and heard their views? If grandparents were free to choose, what level of involvement with grandchildren would they want? What supports do they need and who is looking out for their interests? What are the particular needs of grandfathers and grandmothers? What are their expectations for their grandchildren and have they any rights in regard to the upbringing of their grandchildren? How best might their role in society be advanced?

These are just some of the questions that we would like to know the answers to. Our next two speakers will throw further light on some of these issues and no doubt raise further questions.

On a final note, and in keeping with the spirit of Positive Ageing Week, it would be wrong to view grandparenting as a stand-alone issue, just as it is wrong to separate older people from the rest of society as if they were a separate entity to the rest of society. Naturally, when we speak of grandparents we are also referring to their relationship with their grandchildren – the two go together, and when we speak of older people we can only understand 'older' in its relationship context to those who

are younger. Therefore, policies aimed at addressing the needs of older people should also take into account the needs of younger people and resources should be used to connect generations rather than separate them. A good example is universal design which makes accommodation more accessible to older people, people with disabilities but also those with small children in buggies, etc. What is good for one is good for the other. So too with transport – policies that support cars instead of public transport affect the mobility of both young and old. Thus, when we come to address the needs of older people, let us be inclusive in our thinking and not exclusive.

# Grandparenthood in Modern Ireland

presented by:  
Francesca Lundström, Ph.D

The picture of the rosy-cheeked, grey-haired granny, or grandfather sitting quietly by the fire, kindly but somewhat remote is a myth.

What is grandparenthood like in modern Ireland? We do not know. We have no idea how many grandparents there are in this country, their demographic profiles, lifestyles, concerns, amount of involvement in their grandchildren's lives, degree of support given to grandchildren, or grandparents' needs and concerns (if any) in carrying out their grandparenting roles.

However, in 1999, I was lucky to be funded by the Family Affairs Unit of the then Department of Social, Community and Family Affairs with the help of Age Action Ireland to conduct research about grandparenthood in modern Ireland. This was a pilot study to get some idea about grandparenthood in Ireland in order at some future date to conduct a national survey of Irish grandparents.

Irish grandparents come in all shapes, sizes and ages. Let me introduce you to the grandparents who took part in this research.

Overall I interviewed 58 grandparents—44 grandmothers and 14 grandfathers—who ranged in age from 40 to 92.

Half of the sample was widowed and the majority had not gone further educationally than their Primary Certificate. Additionally, almost one-third of grandparents had a disability.

The grandparents had, on average, 10 grandchildren which is a somewhat larger average than those in a previous Irish study and considerably more than grandparents in the UK and the US. Additionally, over one-quarter of these grandparents have great-grandchildren which is slightly less than grandparents in the US.

I also wanted to know how much contact grandparents and grandchildren have. I found out that:

Most grandparents lived within 10 miles of their grandchildren;

On average, grandparents saw most of their grandchildren at least once a week.

Most grandparents received visits *from* their grandchildren but bi-directional and visiting grandchildren was less prevalent. This pattern of visiting was also found in a previous Irish study conducted by the Economic and Social Research Institute. A small percentage of grandparents had their grandchild living with them or lived in a granny flat owned by one of their children. One-third of the grandparents had grandchildren who live abroad.

In addition to discovering demographic details about the grandparents, the other objective of this research was to “climb into grandparents' heads and see the world through their eyes”. In order to do this, I asked them to talk about their experiences of grandparenthood. On recounting their feelings on becoming a grandparent, the most

prevalent response was delight. However, other responses were pleased, neutral, feeling old and shock/horror. The children of all the grandparents who claimed they experienced shock and horror reproduced out of wedlock and some were teenage pregnancies.

For the majority of grandparents, even those who reported initial shock and horror, being a grandparent is a source of great joy to them. Many reported that their first grandchild was special and that they have a particular bond with that one.

Some grandmothers reported that their relationships with their daughters' families was stronger than with their sons'. (There is an old saying: A daughter's a daughter and you have her for life. A son is son 'till he gets himself a wife.) However, this was not universal, compared to findings in the US.

Six different kinds of caregiving of grandchildren were identified, from in-house parent absent to occasional care. The most prevalent type of caregiving identified was done in blocks of time when parents are on holiday or during the grandchildren's school holidays. Grandmothers were more likely to care for their grandchildren and grandfathers usually did so in the company of their spouses. Some of the grandparents who engaged in considerable caregiving, reported that this activity can be tiring.

Grandparents engaged in many different kinds of active pursuits and passive activities with their grandchildren.

Some of the active pursuits were:

- Drive to football/activities;
- Play football/rugby;
- Trips to the country/hill walking;
- Go to the park;
- Play with;
- Shopping;
- Outings/trips;
- Gardening;
- Barbecue/picnics/parties;
- Swimming;
- Other sports;
- Play cards and games.

Grandparents also engaged in these kinds of passive activities with their grandchildren.

- Go to the pub;
- Help with homework;
- Take to religious services;
- Read to;
- Teach them reading;
- Tell stories to;
- Watch TV with;
- Draw/paint;

- Crafts;
- Tell about nature;
- Discuss issues.

It appears that as grandchildren mature, grandfathers become more involved with them and begin to engage in pursuits and activities with them.

Some of the grandparents in this study are or have been denied access to their grandchildren, usually after relationship or marital breakdown. This still was a very painful experience, especially when milestone events such as First Communion and Confirmation took place and they were not welcome to attend them. Additionally, these grandparents experienced the courts and the adversarial nature of custody and access battles painful and inappropriate. They would like to see some less formal system such as mediation introduced in this country. Furthermore, they considered that counselling is necessary to assuage the pain and hurt created by loss of contact with their grandchildren.

Over a quarter of grandparents reported that they were loath to interfere in their children's lives, particularly in relation to childrearing, even if they considered this was contrary to their own views. Additionally, some grandparents who have grandchildren in families in which both parents work reported, that these grandchildren wielded the power in the family. These findings may be indicative of a shift in the balance of power in the family. Incidentally, this is the one finding picked up by the media when an early version of the report was passed to them.

When grandparents were asked to formulate wishes and concerns for their grandchildren's future, they wished for stable family backgrounds for them. This wish is not surprising given the growing rate of marital breakdown and the prevalence of single parenthood in Irish society. The majority worried about the growing problem of drug and alcohol abuse. Grandparents from a diverse set of circumstances had their own wishes and concerns. They mostly revolved around a more equitable system of resolving custody and access problems in relationship breakdown. Grandparents who had non-legal custody of their grandchildren worried that the children will be removed and placed in less favourable circumstances (e.g., back with an abusive or neglectful parent or in foster care).

When asked to formulate social policies which would be beneficial for grandparents, grandchildren or both, these grandparents stated they need recognition as a resource within family life in Ireland. They considered that this fact is currently ignored in Irish society. They had much to offer, especially relative to child minding and believed their talents are under-valued and sometimes under-utilised.

Some grandparents, especially those in difficult circumstances, were unable to find out exactly what their rights are relative to access, custody and social welfare entitlements. Some were frightened to ask for information in case their social welfare entitlements are removed or diminished. Others reported lack of respect from State employees, especially social workers and social welfare employees.

Grandparents who live in rural areas reported difficulty with transportation and would like to see these matters redressed by creative transport initiatives.

Grandparents who are members of the Travelling community would like their views to be sought when sites were being designed and built. They believed that accommodating Travellers from many diverse and sometimes hostile groups in the same site is inappropriate. They also wanted discrimination to cease and for them to be recognised as citizens with the same rights to live and work as every other Irish citizen.

There are many different kinds of grandparents in Ireland today. This study identified five different kinds, many of which could be helped by interventions from the State or voluntary organisations to enjoy the experience of grandparenthood more fully. These five kinds of grandparents are:

***Non-Involved Grandparents:*** This category of grandparent contains those who by their own volition are not involved in their grandchildren's lives and others who are more senior, whose families are so large that contact with their extended family has dissolved. This is especially the case when their grandchildren have grown up, got married and established their own households.

***Proscribed Grandparents:*** This category of grandparent has faced or is facing very painful issues around separation from their grandchildren, legal and family disputes. Many are financially strapped by having to pay legal fees they cannot afford. This group of grandparents need every bit of help they can get from the State to alleviate their burden of grief and distress.

***Custodial Grandparents:*** This category of grandparent includes those who have taken over the role of surrogate parent and those who have teenage children who have become pregnant and the grandparent/s are therefore parenting two generations. Custodial grandparents face very painful issues surrounding their rights concerning non-legal custody and the fears, sometimes founded, that a psychologically distressed mother or father may remove the child from the grandparents' custody. This removal may be to the detriment of the grandchild, who may be abused and/or neglected by their parent/s.

The mothers of teenage parents have to face anomalies in the law (e.g., the removal of the single parent allowance in favour of their child), which upsets the financial and other balances of power within the family. This is particularly pertinent when the teenage parent is under the age permitted for sexual activity and still under the guardianship of his or her parent/s. Careful attention needs to be given to these complex familial matters in order to ease the burden for this category of grandparent.

***Conscientious Grandparents:*** This category of grandparent gives generously of their time and, sometimes, finances, in the pursuit of helping their families. Some of these grandparents, usually grandmothers, become over-involved with caregiving to the detriment of their quality of life and health.

***“Supergrans”:*** These grandmothers have all the attributes of conscientious grandparents. In addition, their relationships with their grandchildren are based on equality. They engage or have engaged in what they call ‘crazy’ or fun activities. They in turn receive both assistance in their daily lives and emotional support from their grandchildren. (In this study grandfathers did not emerge but might do so if other more wide-ranging and systematic methods of sampling were used.)

It is conceivable that other categories of grandparents will be identified when this very preliminary study of grandparents is expanded to a national survey of grandparents in modern Ireland.

It has been a privilege to let me share some of the findings of my study of grandparents with you. I am going to leave you with a final word from one of the 'supergrans' in my study:

If you could be a granny first before you're a mother, you'd raise a great family.

# Access for Grandparents

presented by:  
Ita Mangan

The issue of access for grandparents to their grandchildren usually arises in cases where the parents are not married and in cases of marriage breakdown. One parent objects to or actively prevents the access of one set of grandparents. The disputes are acrimonious and difficult and all parties tend to forget that the rights of the child should be the primary consideration. Parents see the grandparents' intervention as interference and the grandparents are upset that their contribution to the child's life is ignored. Grandparents may be critical of the parents' way of living or standards.

Usually the mother has custody and it is the paternal grandparents who are excluded but this is not always the case.

Here, I describe the law in Ireland and look at the literature on the law in a few other places.

## The Constitution and Laws in Ireland

In Ireland, there are constitutional issues relating to the family and the rights of parents.

Articles 41 and 42 primarily acknowledge and guarantee to respect and protect the family as a unit in society. They also guarantee to respect certain consequential rights for members of the family. In Article 42.1 the State:-

"...guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children".

Article 42.5 obliges the State:-

"...where the parents for physical or moral reasons fail in their duty towards their children...[to] endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child."

Put simply, the constitutional provisions give parents rights to make all the major decisions about their children and the state only has the right to intervene if the parents fail in their duties towards the children. So, if parents or a parent decides that grandparents should not have access, there is a significant problem. It can be argued that access is a right of the child rather than the parent. This can then lead to a conflict of rights.

The courts, in interpreting the family have said that it means the family based on marriage. The question of the extended family has not, as far as I am aware, been raised.

In the case of **Guardianship**, married parents are joint guardians; grandparents (and others) may apply to be a joint guardian if one parent is dead and has not appointed a testamentary guardian. Children's wishes may be taken into account if they are old enough and considered mature enough

Parents have a statutory right to **custody** of children. The question of custody by other people only arises if parents are unable to act.

**Access** may mean physical access and/or the right to communicate with the child, to visit the child or it may mean the right to have the child stay overnight (in the USA, the distinction is made between visitation rights and possession rights)

#### Children Act 1997

The Children Act 1997 provides that relatives may apply for access to a child. This right is not confined to grandparents. The Act provides for a person related to the child, for example, a grandparent, to apply for an order granting appropriate access to the child. The court will consider the applicant's connection to the child, the risk, if any of the application disrupting the child's life and the wishes of the child's guardians. The court may grant access and may attach terms and conditions to it.

Treoir<sup>1</sup> recommend mediation before going the court route. Mediation can only take place if all relevant parties are in agreement.

The court procedure is two stage:

1. You apply for leave to apply – the Court takes into account your connection with the child, etc as set out above. If you succeed at this stage, you go to stage 2.
2. You apply to the District Court for the access itself.

You can make the application yourself or you can employ a solicitor – the Family Law Office of the District Court may be able to help you.

The Minister when introducing the legislation in the Dáil said<sup>2</sup>:

“The new section 11B gives blood relatives of a child or blood relatives of the parents of a child an independent right to apply for access to that child. The intention is to reflect the fact that continued contact with relatives such as grandparents can often be in the child's best interests. This circumstance may particularly arise in cases where the ties between the parents of children are broken. In such cases the court would in making orders continue, by virtue of section 3 of the 1964 Act, to have regard to the welfare of the child as the first and paramount consideration. Subsection (2) provides that a party must first apply for the leave of the court to bring an application under section 11B and subsection (3) specifies various matters to be taken into account by the court in deciding whether to grant leave. These include the wishes of the child's guardian or parents, the applicant's connection with the child and the risk, if any, of the application disrupting the child's life to the extent that the child would be harmed by it. The purpose of this filter process is to ensure that clearly unmeritorious or vexatious claims are prevented from proceeding to a full hearing.”

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1 “Being there for them”, a booklet for grandparents of children whose parents are not married to each other. (applies equally to separated cases) <http://www.treoir.ie/publications/Grandparents.pdf>

2 Minister's 2nd stage speech on Children Bill, 1997; <http://www.gov.ie/debates-97/1oct97/child1.htm>

We know that this provision is used by grandparents but there are no official statistics on how many applications have been made under this section.

### **N and Others v O and others<sup>3</sup>**

This is a recent Irish case which dealt with (among other things) grandparent access. In this case, the mother was dead, the maternal grandparents had custody of the children and the father wanted custody and access and the paternal grandfather wanted access. There was what was described as “deep antagonism” between the maternal grandparents and the father. (It is also a case in which there are cross country elements and an alleged attempted abduction.)

The maternal grandparents looked for and got guardianship of the children jointly with their father. The father sought custody and access and the paternal grandfather wanted access. The judge outlines in some detail the law in relation to the rights of parents to guardianship, custody and access. Guardianship involves the right to make major decisions about children and one such decision is to whom they have access or who has access to them. In this case, the mother had not appointed a testamentary guardian (which she had the right to do).

#### Northern Ireland

In Northern Ireland, there are similar provisions. Grandparents may apply for a contact order under the Children (NI) Order 1995. Similar procedures and considerations apply as apply in this jurisdiction.

C, Re Application for Leave [2003] NIFam 13 (30 October 2003) is a case in point.

“Whilst therefore there is a growing awareness of the important role of grandparents in the life of children, particularly young children (see Re W (Contact: Application by Grandparent) (1997) 1 FLR 793), nonetheless the courts cannot determine such applications purely on the basis of the "status" of being a grandparent”.

C, Re Contact: Grandfather [2004] NIFam 5 (06 February 2004)

Among other things, this judgement addressed the question of the **European Convention on Human rights and the UN Convention on the Rights of the Child**.

In relation to the European Convention, the following points were made

The rights of the child are paramount; other rights are not absolute – the courts have to carry out a balancing exercise.

In Hendricks v Netherlands (1983) 5 EHRR 223, a case under the European Convention, the court held that where there was a serious conflict between the interests of a child and one of its parents which could only be resolved to the disadvantage of one of them, the interests of the child had to prevail. The principle of the crucial importance of the best interests of the child has been upheld in all subsequent decisions in the European Court of Human Rights.

Family life within the meaning of Article 8 of the European Convention can include the relationship between grandparent and grandchild.

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<sup>3</sup> Judgment delivered 26 March 2004; <http://www.bailii.org/ie/cases/IEHC/2004/60.html>

The United Nations Convention on the Right of the Child 1989 provides that every child has "as far as possible, the right to know and be cared for by his or her parents" and the right to "preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference".

US Supreme Court – Troxel v Granville<sup>4</sup>

This case was decided in 2000. Visitation rights are broadly similar to what we call access.

The case concerned a Washington state law which allowed any person to look for visitation right to a child and the court could grant such rights if it would serve the child's best interests. The Supreme Court held that this unconstitutionally infringed on parents' fundamental right to rear their children. It argued that the US Federal Constitution allows a State to interfere with this right only to prevent harm or potential harm to the child. The law in question did not require a threshold showing of harm and is too broad in that it allowed any person to petition at any time with the only requirement being that the visitation serve the best interest of the child. Effectively this law allowed the court to substitute its assessment of the child's best interests for that of the parent (who was a fit parent) and there was no justification for this.

This case is seen as a victory of parents' rights over grandparents' rights

### **Grandparent Visitation Statutes In The Aftermath Of Troxel V Granville<sup>5</sup>**

In *Journal of the American Academy of Matrimonial Lawyers*

This article looks at the law in the different states of the USA. Among other things, it shows that:

American states tend to favour rights for the grandparent whose child has died or is the non custodial parent. For example, Arkansas may award visitation rights to grandparents and

great-grandparents if it would be in the best interest and welfare of the child and the parents' relationship has been severed by death, divorce, or legal separation. States do not seem to favour granting such rights in intact family cases. Connecticut has one of the most liberal visitation statutes; it allows visitation to any person. The legislature leaves it to the "court's best judgment on the facts of the case and subject to such conditions and limitations as it deems equitable, provided the grant of such visitation rights shall not be contingent upon any order of financial support by the court." The court will consider the best interests of the child and the "wishes of such child if he is of sufficient age and capable of forming an intelligent opinion, yet the statute does not set out a specific age.

Canadian law

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4 <http://supct.law.cornell.edu/supct/html/99-138.ZS.html>

5 <http://www.aaml.org/Journal/17-1/mat117.pdf>

**Grandparent-Grandchild Access: A Legal Analysis**<sup>6</sup> is an analysis of Canadian law prepared for the government of Canada by Dan L. Goldberg. In summary, it shows that:

Four provinces, Quebec, British Columbia, Alberta and New Brunswick, as well as Yukon, have legislation specifically providing for grandparent access. Other provincial legislation as well as the federal *Divorce Act* allow for access applications by people other than parents without explicitly mentioning grandparents.

Article 611 of the *Civil Code of Quebec* states:

“In no case may the father or mother, without grave reason, interfere with personal relations between the child and his grandparents.

Failing agreement between the parties, the terms and conditions of these relations are decided by the court.”

By using the words “interfere with personal relations,” article 611 seems to imply that there is some form of ongoing grandparent-grandchild relationship that the legislation seeks to maintain.

Section 129 (3) of the New Brunswick *Family Services Act* states that determinations of access applications must be made on the basis of the best interests of the child. Section 1 of the Act defines the *best interests of the child* as, *inter alia*, taking into consideration the “love, affection and ties that exist between the child and... where appropriate... each grandparent of the child.” As article 611 of the *Civil Code of Quebec* does, so too does the New Brunswick statute contemplate an *existing* grandparent-grandchild relationship. Section 1 of the Act also includes a grandparent along with a parent in the definition of *immediate family*.

The *Divorce Act* allows standing for individuals, other than spouses, to apply for custody of, or access to, a child. The procedure is broadly similar to the Irish procedure.

The case law regarding grandparent access also establishes the principle that access is the right of the grandchild and not the grandparent. In *Meloche v. Frank*, it was held “the focus of the inquiry is the child, for the right to access is that of the child and not the right of the claimant, be he or she a parent, grandparent or other person.”

The fact that it is, in general, in the best interests of children to maintain contact with members of their extended family is not the issue. The test is not what, in theory, is best for children in general, but what is in the best interests of the particular children before the court.

The article points out that it is not at all clear that grandparent access which arises from and is implemented by a court order would contribute to a harmonious and

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<sup>6</sup> <http://canada.justice.gc.ca/en/ps/pad/reports/2003-fcy-15.html>

beneficial relationship. Children who are upset by divorce or separation proceedings are unlikely to be helped by further acrimony arising from grandparent action

Canadian courts have often treated claims for access by grandparents differently when the family is intact from when it is not. In one case involving an intact family the Ontario Court of Appeal left the decision about the frequency and nature of access to the parents who, the court presumed, would make that determination based on the best interests of the children:

Frequently it must be proven that the grandparent relationship is beneficial to the child -; in some places there is a presumption that this is so. In effect, some places make the assumption that children have a right to the company of their grandparents

#### Rights derived from grandparents

Grandparents do confer certain rights on their grandchildren. In Ireland, you can claim citizenship through your grandparents and sometimes, indeed, through your great grand parents. The grandparent/child relationship is in a special category for various tax provisions.

#### Foreign grandparents

One aspect of grandparent access which is not often addressed is where the grandparents live in a country from which it is difficult to get a visa to visit Ireland. In these cases, the parents want the grandparents to come and see their grandchildren so there is no conflict. However, the problem is caused by our difficult and non-transparent visa arrangements. There is no legislation governing how visas are to be granted.

If an Irish woman is married to, say, a Congolese man and living in Ireland and they want his parents to come to visit, there is no guarantee they will be issued with visas. However, if a French woman is married to a Congolese man and they are living and working in Ireland, they are entitled to have their parents come to live in Ireland under the EU freedom of movement rules.

Immigration rules ought to take into account the need to facilitate grandparents to come to see their Irish resident grandchildren – this does not need a change in legislation since there is no legislation covering the matter, it just needs a change of policy. Indeed, such grandparents should be given multiple entry visas so they can visit as often as they like.