

A Guide to the Rights of Migrants and Residents in Ireland

October 2011

Please note: this is a reference guide only.
All information within should be clarified with the
relevant government department or authority.
Please contact Crosscare Migrant Project
if you have any questions.

STATUS ↓	RIGHT →	To: Stay in the Country	To: Work	To: 3rd Level Education	To: Social Welfare Entitlements	To: Family Reunification	To: Travel Abroad and Re-enter
Irish Citizen		Yes	Yes	Yes. Free fees apply for first-time 3 rd level entrants if the person has been resident in Ireland or EU for 3 of the last 5 years (See page 10)	See note (page 11) on the Habitual Residence Condition (HRC)	There is no legal entitlement to be reunited with spouse and children, but requests can be granted on a case-by-case basis	Yes
Non-EEA* spouse/partner of Irish Citizen * European Economic Area		Yes, pending registration with GNIB or approval by the Irish Naturalisation and Immigration Service (INIS)	Yes, pending registration with GNIB or approval from INIS	Yes, but EU or non-EU fees might apply	See note on HRC (page 11)	Possible – can be granted on a case-by-case basis	Yes, but might need re-entry visa
Non-EEA parent of Irish Citizen (dependent child)		Yes, pending registration with GNIB or approval by the INIS	Yes, pending registration with GNIB or approval from INIS	Yes, but EU or non-EU fees might apply	See note on HRC (page 11)	Possible – can be granted on a case-by-case basis	Yes, but might need re-entry visa

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EU 25 National* (EU 25 – all EU states excluding Romania & Bulgaria) *For information about Romanian & Bulgarian Nationals please see end of table.		Yes (provided the EU citizen satisfies the requirements of Statutory Instrument 656 of 2006)	Yes	Yes, and can access free fees if resident in the EU for 3 of the last 5 years	See note on HRC (page 11)	Yes, but if dependant is non-EEA then EU national must be employed, self-employed, studying or have sufficient funds to support themselves	Yes
Non-EEA Spouse / Registered Partner / Dependent of EU/EEA National		Yes, if the EU/EEA national is resident in Ireland and is working, self-employed, studying or has sufficient funds to support themselves	Yes, if the non-EEA national registered with the Garda National Immigration Bureau (GNIB) and been granted Stamp 4 or Stamp 4 EU FAM permission to remain in the State	Yes, but non-EU or EU fees might apply	See note on HRC (page 11)	Yes, but only (A) direct descendents (such as children or grandchildren) who are either under 21 or are dependents or (B) direct dependent relatives in the ascending line (such as parents or grandparents) & the EU/EEA spouse/registered partner must be in employment, self-employed, studying or have sufficient funds to support themselves and their dependents.	Yes, but a re-entry visa is not needed as Certificate of Registration (Stamp 4 EUFAM is accepted for re-entry).

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Non-EEA (Visitor)		Yes, for up to 90 days.	No	No	No, except maybe in emergencies	No	N/A
<p>Non-EEA Student From 1st January 2011 a new immigration regime was introduced which means that the maximum time that a student can study in Ireland is 7 years.</p> <p>'Timed out' students (who because of the new regime have been in Ireland for longer than the allowed stay as a student) could apply for a 6-month extension if their current permission to remain expired between 1st January 2011 and 30th September 2011. They could also get a further 3-month extension as long as their permission expires before 1st January 2012. After this they cannot re-register as students and must leave the state unless they have secured another immigration status. For further information go to: www.inis.gov.ie</p>		For duration of course of study. Graduates at NFQ Level 8 – 10 can apply for 12-month visa Graduate Scheme to apply for a Work Permit or Green Card Permit. NFQ Level 7 graduates can apply for 6 month extension.	Yes, up to 20 hours a week and full-time during holidays as long as the course is for 1 academic year or more and is with a recognised college/university on the Internationalisation Register. For more information go to: www.ngai.ie	Yes, but must pay non-EU fees. If applicant has lived in an EU state for 3 out of 5 years previously EU fees may apply.	Under the immigration regime introduced in January 2011 students must not access social welfare payments. If a student does, this could affect their immigration status.	From Autumn 2008 first time students must confirm that they are neither accompanied by children nor do they intend to have their children join them. They will not be registered with the GNIB unless either the Department of Education and Skills or the Department of Justice and Equality has given written approval that the child can attend school. There are plans to introduce an immigration levy from July 2012 for children who attend public schools.	Yes, but might need re-entry visa

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Stamp 1A Trainee Accountancy Students NOTE: New Student guidelines for non-EEA Stamp 1A holders began on 1 st September 2011. From this date non-EEA accountancy students will be limited to 54 months (4.5 years) to complete <u>all</u> professional accountancy requirements (accounting technicians will be limited to 3 years). For more information please go to: www.inis.gov.ie		<p>For the duration of the course of study.</p> <p>However, if the student has completed their accountancy studies another form of immigration permission is needed to remain in the State and they cannot re-register with GNIB as students.</p>	<p>Yes</p> <p>Professional work placements are allowed, however they must be appropriate to the course of study.</p> <p>Other employment is not allowed.</p> <p>Accountancy graduates can apply for the Graduate Scheme which allows them to enter full time employment (40 hours a week).</p>	<p>Yes, but must pay non-EU fees. If applicant has lived in an EU state for 3 out of 5 years previously EU fees may apply</p>	<p>See note on HRC (page 11)</p>	<p>No</p> <p>In general, non-EEA students studying in Ireland have no entitlements to family reunification. If a family member wants to visit a student studying in Ireland, their visa application will be considered in their own right and not based on their relationship to the student.</p>	<p>Yes, but might need re-entry visa.</p>

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Non-EEA Green Card Permit Holder		Yes, for duration of the Green Card permit. Long-term residency can be applied for after 2 years	Yes. Initially only in the job for which the permit was granted. After 1 year can move employment but a new Green Card Permit must be applied for	Yes, but non-EU fees may apply	See note on HRC (page 11)	Yes	Yes, but might need re-entry visa
Non-EEA Work Permit Holder (where Work Permit was issued <u>before</u> 1st June 2009) If you have work permits for 5 consecutive years with no more than 6 months gap between immigration stamps, you can apply for a temporary Stamp 4. For further information go to: www.inis.gov.ie (Policy for 5 year workers and redundant workers)		Yes, for the duration of the Work Permit. Can apply for long-term residency after 60 months	Yes, but only for the job the permit is granted for. After 1 year can move employment in the same or another eligible employment sector but new Work Permit must be applied for.	Yes, but non-EU fees may apply	See note on HRC (page 11)	Possibly, but only if the Work Permit Holder has completed 12 months employment and they must also be in full employment when the visa application (if applicable) is made. Their income must be above the income level that would qualify the family for Family Income Supplement. For further information go to: www.welfare.ie .	Yes, but might need re-entry visa

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Non-EEA Spouse/Dependent of Non-EEA Work Permit Holder (where Work Permit Holder's first Work Permit was issued <u>before</u> 1 st June 2009)		Yes (permission to remain is dependent on spouse/partner /parent). You must register with the GNIB.	Yes - some work permit restrictions are lifted (e.g. permit fee, advertising clause, ineligible job categories, full-time work). NOTE: These restrictions are not lifted if Work Permit Holder's first Work Permit was issued after 1st June 2009.	Yes, but non-EU or EU fees may apply	See note on HRC (page 11)	No, but the main Work Permit holder may apply	Yes, but might need re-entry visa
Non-EEA Spouse/Dependent of Non-EEA Green Card Permit Holder		Yes (permission to remain is dependent on spouse/partner /parent). You must register with the GNIB.	Yes - some work permit restrictions are lifted (e.g., permit fee, advertising clause, ineligible job categories, full-time work)	Yes, but non-EU or EU fees may apply	See note on HRC (page 11)	No, but Green Card Permit Holder may apply	Yes, but might need re-entry visa
Non-EEA Spouse/Dependent of Non-EEA Working Visa/Work Authorisation Holder		Yes, (permission to remain is dependent on spouse/partner /parent). You must register with the GNIB.	Yes - some work permit restrictions are lifted (e.g., permit fee, advertising clause, ineligible job categories, full-time work)	Yes, but non-EU or EU fees may apply	See note on HRC (page 11)	No but Working Visa / Work Authorisation Holder may apply	Yes, but might need re-entry visa

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Refugee		Yes	Yes	Yes, but non-EU fees apply for 3 years	HRC applies	Yes	Yes, if travelling with Convention travel papers issued by Ireland
Leave to Remain		Yes, but must be renewed	Yes	Yes, but non-EU or EU fees may apply	HRC applies	Possible – can be granted on a case-by-case basis	Yes, might need re-entry visa
Leave to Remain based on Parentage of an Irish Child – IBC 2005 status		Yes, but must be renewed	Yes	Yes, but non-EU or EU fees may apply	HRC applies	Possible – can be granted on a case-by-case basis	Yes, but re-entry visa might be required
Asylum Seeker		Yes, while their application is being processed	No	Yes, but non-EU fees apply	No, apart from direct provision and one-off exceptional needs payments	No	No, except in exceptional circumstances

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Romanians & Bulgarians (who arrived in Ireland on or after 1 st January 2007)		Yes, as long as they are employed, self-employed, full-time students or self-sufficient	Yes, but they need a work permit/green card permit for 12 months or they can be self-employed.	Yes, and free fees apply if resident in the EU for 3 of the last 5 years (see below)	No, apart from exceptional needs payments (See note on HRC).	Yes, if they are employed, full-time students or self-sufficient	Yes
Romanian & Bulgarian students on a registered academic course of more than 1 year duration		Yes, but usual restrictions apply after graduation	Yes, 20 hours during term-time and full-time during holidays.	Yes, and free fees apply if resident in the EU for 3 of the last 5 years	See note on HRC	Yes, if they are employed, full-time students or self-sufficient	Yes
Romanian or Bulgarian Spouses/Dependents/ Partners of Romanians or Bulgarians resident in Ireland		Spouses/partners/dependents generally have the right to stay in Ireland if their spouse, partner or parent is employed, self-employed, a full-time student or self sufficient. For the latest information go to the Department of Jobs, Enterprise and Innovation's website: http://www.entemp.ie/labour/workpermits/bulgariaromania.htm . See note on HRC for social welfare entitlements.					
Romanians & Bulgarians resident on a work permit for 12 months		Bulgarian & Romanian citizens who have been resident in Ireland for over 12 months on a work permit should have the same rights and entitlements as EU25 citizens. The work permit should have been active on January 1 st 2007, or issued after that date – see www.entemp.ie for details.					
Romanian & Bulgarians with an Irish or EU spouse/partner		Bulgarian & Romanian citizens who are married to or are partners of an Irish or other EU citizen (excluding Bulgaria and Romania) should have the same rights and entitlements as other EU citizens.					
Romanians & Bulgarians resident with permission from Department of Justice		Bulgarian & Romanian citizens who have been resident in Ireland with prior explicit permission from the Department of Justice should have the same rights and entitlements as other EU citizens.					

Additional Immigration Information

Registration

A non-EEA national who has been granted permission to live, work or study in Ireland through the Irish Naturalisation and Immigration Service must register with the Garda National Immigration Bureau (GNIB) or their local Garda immigration officer. The Garda immigration officer is the person who issues actual residence permission in the form of a 'stamp' on the non-EEA national's passport and a Certificate of Registration (GNIB card). The various categories of residence 'stamps' are:

Stamp 1	Issued to those with work permits, green card permits, spouse/dependent work permits & business permission
Stamp 1A	Issued to accountancy students for the purpose of full-time training
Stamp 2	Issued to students registered on a full-time course of study in a Department of Education-recognised educational institution. Students with this permission are entitled to work 20 hours per week during term time and full-time during holidays
Stamp 2A	Issued to students who are <u>not</u> entitled to work
Stamp 3	Issued to visitors, tourists, people staying in the State for medical treatment, retired persons and spouses/dependents of work/green card permit holders. People with this residency permission are not entitled to work, <u>but</u> spouse or dependents of work/green-card permit holders with this stamp <i>can apply for a spouse/dependent work permit</i> : they are then issued with a Stamp 1
Stamp 4	Issued to spouses/parents/dependents of Irish nationals, those with refugee status, those granted leave to remain in the State, those who have work visas or authorisation, those granted residency based on parentage of an Irish child and those granted long-term residency. Holders of this stamp have free access to employment
Stamp 4 EUFam	Issued to the spouses or dependents of EU workers in Ireland. The holder can access employment freely
Stamp 5	Issued to persons with unlimited residency permission. This permission is also called 'Without Condition as to Time Endorsement).

Other Entitlements

Access to Health Care

Anybody can attend a GP (General Practitioner). A GP is a doctor who provides health care services to patients in his/her surgery or in the person's home. Generally patients pay for this service themselves unless they have a Medical Card or GP Visit Card.

If someone is living in Ireland and intends to be living here for approximately one year then they are considered to be “ordinarily resident” and can access state-subsidised health services and apply for a means-tested medical card.

EEA nationals visiting Ireland *temporarily* (provided they have a European Health Insurance Card) or living here are entitled to access free emergency health services.

Non-EEA nationals visiting Ireland are not entitled to avail of free or subsidised public health services except in emergencies. In general, if they use health services, they must pay the full economic cost of those services. Non-EEA students are required to have private medical insurance.

Access to Education

Access to education depends on your nationality, your immigration status in the country, how long you have been in the country and if you have studied at 3rd Level before. For more detailed information go to: www.studentfinance.ie.

Voting Rights

Voting Rights in Ireland are determined by nationality. They are as follows:

- Irish citizens may vote at every election and referendum
- British citizens may vote at Dáil elections, European elections and local elections
- Other European Union (EU) citizens may vote at European and local elections
- Non-EU citizens may vote at local elections only

Voters must be registered to vote in Ireland.

Citizenship

Irish citizenship can be applied for after having resided legally in the country for over 5 years *except* by those whose registration permission was Stamp 2, or who were seeking asylum, during that period. *Recognised* refugees can apply for citizenship 3 years after their initial asylum application. Spouses of Irish citizens can apply after 3 years residence in Ireland (and they must have been married to the Irish citizen for those 3 years). Any applicant for citizenship must have lived *continuously* in the country for 12 months preceding their application (brief periods abroad for travel or work are allowed). In the case of non-EEA nationals, they must have an immigration stamp valid for a period of one year on the date they apply for citizenship. For further information go to: www.inis.gov.ie

Habitual Residence Condition (HRC) (Access to social welfare means-tested payments)

Social assistance payments are payments primarily designed for people who do not have enough social insurance (PRSI) contributions (gained through regular employment) to qualify for the equivalent social insurance-based payments. Regardless of nationality, in order to be eligible for social assistance payments, you need to satisfy the Habitual Residence Condition (HRC).

Some of the key payments that the HRC affects are Jobseekers Allowance, Supplementary Welfare Allowance and Child Benefit. Under EU law there are some exceptions for EEA workers (someone who has made social insurance contributions in Ireland):

- EEA workers in Ireland automatically satisfy the HRC for family payments
- **Non EEA** nationals, **who have previously worked in another EEA State**, and are currently employed or self-employed in Ireland, do not have to satisfy the HRC for Family Benefit payments as long as:
 - They are legally resident (hold a current Certificate of Registration – GNIB card)
 - They are lawfully employed based on their immigration status
 - They are subject to Irish PRSI
 - Their dependants currently reside within Ireland OR within another EEA State.

EEA workers in Ireland can be granted Supplementary Welfare Allowance without satisfying the HRC as long as the work they are or were doing is considered genuine and effective

Further Information

More information on the rights and entitlements of migrants and residents in Ireland is available at:

- www.inis.gov.ie – Irish Naturalisation and Immigration Service
- www.entemp.ie – Department of Jobs, Enterprise and Innovation
- www.dfa.ie – Department of Foreign Affairs
- www.welfare.ie – Department of Social Protection
- www.citizensinformation.ie – Public service information
- www.immigrantcouncil.ie - Immigrant Council of Ireland
- www.mrci.ie - Migrant Rights Centre of Ireland
- www.integrationcentre.ie – Integration Centre

Disclaimer: Crosscare Migrant Project has made every effort to ensure that the information in this guide is accurate. However, policies and legislation can change at any time: if you are unsure about a specific case or issue, please contact us. Decisions should not be made based on this guide; it is for reference purposes only.

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Crosscare believes that every person is created in the image and likeness of God. This places responsibility on us to work to the highest possible standards while treating every person who uses our services and who works for or with us with care, courtesy and love. Our work is guided by four core values:
Respect, Human Rights, Integrity and Excellence.

Our programmes include: Homeless Services, Food Initiatives, Young People's Care Services, Teen Counselling, Carer Support Programme, Education, Training & Development, Drug & Alcohol Programme, Housing & Welfare Information, Travellers' Inclusion Programme, Migrant Project and Disability Awareness.