



A guide to the rights of migrants in Ireland

January 2015

The guide is developed as part of training delivered by Crosscare Migrant Project. This project is co-financed by the European Commission under the European Integration Fund and is supported by the Office for the Promotion of Migrant Integration in the Department of Justice and Equality, and Pobal



Status ↓	Right →	To: Stay in the country	To: Work	To: 3 rd Level Education	To: Social Welfare Support	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 9)	See note (page 10) on the Habitual Residence Condition (HRC)	There is no legal entitlement to be reunited with spouse, partner or children, but requests can be granted on a case-by-case basis Link to INIS Family Reunification Policy	Yes
Non-EEA Spouse/Civil Partner/ De Facto Partner* of Irish Citizen * According to INIS De Facto Partnership is -mutual commitment to a shared life -relationship is genuine and continuing -partners not related by family -cohabiting (evidence of 2 years cohabitation)		Yes, pending registration with Garda National Immigration Bureau (GNIB) or approval by the Irish Naturalisation and Immigration Service (INIS)	Yes, pending registration with GNIB or approval from INIS	Yes, but might have to pay fees Go to www.studentfinance.ie for more detailed information	See note on HRC (page 10)	Possible – it can be granted on a case-by-case basis Link to INIS Family Reunification Policy	Yes, but might need re-entry visa

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Non-EEA* parent of Irish Citizen (dependant child) * European Economic Area		Yes, pending registration with GNIB or approval from INIS	Yes, if the non-EEA national is registered with GNIB and been granted Stamp 4	Yes, but might have to pay fees Go to www.studentfinance.ie for more detailed information	See note on HRC (page 10)	Possible – it can be granted on a case-by-case basis Link to INIS Family Reunification Policy	Yes, but might need re-entry visa
EU National (all 28 EU Member States)		Yes, provided they are working or have worked here, are self-employed, studying or have sufficient funds to support themselves	Yes	Yes, and can access free fees if resident in the EU for 3 of the last 5 years Go to www.studentfinance.ie for more detailed information	See note on HRC (page 10)	Yes, but if spouse/dependant is a non-EEA national then EU national must be employed, self-employed, studying or have sufficient funds to support themselves	Yes
Non-EEA Spouse / Civil Partner / De Facto Partner/ Dependant 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 is registered with GNIB and been granted Stamp 4 or Stamp 4 EUFam permission to remain in the State	Yes, but might have to pay fees Go to www.studentfinance.ie for more detailed information	See note on HRC (page 10)	Yes, but only (A) direct descendants (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)	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)		For up to 90 days only	No	No	No, except maybe in emergencies	No	N/A
Non-EEA Student		<p>For duration of course of study.</p> <p>From 1st January 2011 the maximum time that a student can study in Ireland is 7 years. The maximum time for a non-degree or language course is 3 years.</p> <p>Graduates at NFQ Level 7 or higher can apply for a 'Graduate Scheme' to look for a job in their area of study and apply for an Employment Permit.</p>	<p>Yes. Students registered with GNIB can work 40 hours per week only during the months of May, June, July and August and from 15 December to 15 January inclusive.</p> <p>At all other times they will be limited to working 20 hours per week.</p> <p>While on the 'Graduate Scheme' a person can work full time.</p>	<p>Must pay non-EU fees</p> <p>Go to www.studentfinance.ie for more detailed information</p>	<p>Under the immigration regime introduced in January 2011 students should not access social welfare payments. If a student does, this could affect their immigration status or the renewal of their immigration status.</p>	<p>No</p> <p>In general, non-EEA students studying in Ireland have no entitlements to family reunification.</p> <p>Exceptions to this include (A) student is doing a PhD, (B) specific academic programme agreed between Ireland and another State, or (C) student demonstrates private means.</p> <p>An immigration levy may be applied for a child who attends public school in Ireland.</p>	<p>Yes, but might need re-entry visa</p>

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Stamp 1A Trainee Accountancy Students For more information on Student guidelines for non-EEA Stamp 1A holders please go to: www.inis.gov.ie	For the duration of the course of study. Can apply for 'Graduate Scheme' to look for a job in their area of study and apply for an Employment Permit.	Yes Professional work placements are allowed, however they must be appropriate to the course of study. Other employment is not allowed. While on the 'Graduate Scheme' a person can work full time.	Must pay non-EU fees Go to www.studentfinance.ie for more detailed information	See note on HRC (page 10)	As above for Non-EEA Student	Yes, but might need re-entry visa.	
Non-EEA 'Green Card Permit' & 'Critical Skills Permit' holder	Yes, for the duration of the Green Card permit. After 2 years can work without a Green Card permit, required to register with GNIB	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 might have to pay fees Go to www.studentfinance.ie for more detailed information	See note on HRC (page 10)	Possible – it can be applied for immediately and can be granted on a case-by-case basis Link to INIS Family Reunification Policy	Yes, but might need re-entry visa	

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<p>Non-EEA Work Permit Holder – ‘General Employment Permit’</p> <p>** Please note: from October 2014 a new work permit system is in place which includes a range of different permits including ones for exchange agreements, sports and internships.</p> <p>Please see this link for more information: http://www.djei.ie/labour/workpermits/</p>	<p>Yes, for the duration of the Work Permit</p> <p>Work permit holders can apply for long-term residency after 60 months</p> <p>If work permit holder has work permits for 5 consecutive years with no more than 6 months’ gap between GNIB immigration stamps, they can apply for a temporary one year Stamp 4. (Policy for 5 year workers)</p>	<p>Yes, but only for the job the permit is granted for</p> <p>After 1 year work permit holders can move employment in the same or another eligible employment sector but a new Work Permit must be applied for</p>	<p>Yes, but might have to pay fees</p> <p>Go to www.studentfinance.ie for more detailed information</p>	<p>See note on HRC (page 10)</p>	<p>Possibly, but only if the Work Permit Holder has completed 12 months employment and be in full time employment when the visa application (if applicable) is made.</p> <p>The Work Permit Holder must also meet certain financial requirements Link to INIS Family Reunification Policy</p>	<p>Yes, but might need re-entry visa</p>	

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<p>Non-EEA Spouse/Dependant of Non-EEA Work Permit Holder</p> <p>(where Work Permit holder's first Work Permit was issued and the couple were married <u>before</u> 1st June 2009)</p>	<p>Yes, following registration with GNIB (permission to remain is dependant on spouse/partner/parent)</p>	<p>Yes - some work permit restrictions are lifted (e.g. permit fee, advertising clause, ineligible job categories, full-time work)</p> <p>NOTE: These restrictions are lifted only if the Work Permit holder's first work permit was issued before 1st June 2009</p>	<p>Yes, but might have to pay fees</p> <p>Go to www.studentfinance.ie for more detailed information</p>	<p>See note on HRC (page 10)</p>	<p>No, but the main Work Permit holder may apply</p>	<p>Yes, but might need re-entry visa</p>	
<p>Non-EEA Spouse/Dependant of Non-EEA Green Card Permit Holder / Critical Skills Permit Holder</p>	<p>Yes, following registration with GNIB (permission is dependant on spouse/partner/parent)</p>	<p>Yes - some work permit restrictions are lifted (e.g., permit fee, advertising clause, ineligible job categories, full-time work)</p>	<p>Yes, but might have to pay fees</p> <p>Go to www.studentfinance.ie for more detailed information</p>	<p>See note on HRC (page 10)</p>	<p>No, but Green Card Permit / Critical Skill Employment Permit holder may apply</p>	<p>Yes, but might need re-entry visa</p>	

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Refugee		Yes	Yes	Yes, but have to be in Ireland for 3 years before free fees apply Go to www.studentfinance.ie	HRC applies	Yes	Yes, can obtain a Convention Travel Document issued by Ireland
Leave to Remain		Yes, subject to renewal	Yes	Yes, but might have to pay fees Go to www.studentfinance.ie	HRC applies	Possible – can be granted on a case-by-case basis Link to INIS Family Reunification Policy	Yes, but might need re-entry visa
Leave to Remain based on Parentage of an Irish Child – IBC 2005 status, or on the basis of the Zambrano ECJ judgment of 8th March 2011		Yes, subject to renewal	Yes	Yes, but might have to pay fees Go to www.studentfinance.ie for more detailed information	HRC applies	Possible – can be granted on a case-by-case basis Link to INIS Family Reunification Policy	Yes, but might need re-entry visa
Asylum Seeker		Yes, while their application is being processed	No	Yes, but might have to pay fees Go to www.studentfinance.ie for more detailed information	No, apart from direct provision allowance and one-off exceptional needs payments	No	No, except in exceptional circumstances

Additional Immigration Information

Registration with the Garda National Immigration Bureau

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 issues a Certificate of Registration in the form of a GNIB card and a residence 'stamp' on the passport.

The categories of residence 'stamps' are:

Stamp 0	Issued to self-sufficient persons permitted to remain for a specific, temporary and limited purpose – e.g an extended visit in exceptional humanitarian circumstances, visiting academics, a service provider sent to Ireland by an overseas company to carry out a particular task for a limited time
Stamp 1	Issued to those with employment permits, spouse/dependant employment 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 an educational institution recognised by the Department of Education. Students with this permission are entitled to work 20 hours per week during term time and full-time during school holidays
Stamp 2A	Issued to students who are <u>not</u> entitled to work
Stamp 3	Issued to non-EEA spouse/dependent of employment permit holders, visitors/ tourists, people staying in the State for medical treatment, non-EEA Ministers of Religion and Members of Religious Orders, and retired persons of independent means. People with this residency permission are not entitled to work, <u>but</u> spouse or dependants of employment permit holders with this stamp <i>can apply for a spouse/dependant employment permit</i> : they are then issued with a Stamp 1
Stamp 4	Issued to spouses/parents/dependants of Irish nationals, those with refugee status, those granted leave to remain in the State, those granted residency based on parentage of an Irish child, those who have completed 5 years on work permits, those who have completed 2 years on a Green card permit, and those granted long-term residency. Holders of this stamp have access to employment without the need for an employment permit
Stamp 4 EUFam	Issued to the non-EEA spouse or dependants of EU workers in Ireland. The holder can access employment without the need for an employment permit
Stamp 5	Issued to persons with unlimited residency permission. This permission is also called 'Without Condition as to Time Endorsement' and is granted after 8 years legal residency in Ireland
Stamp 6	Issued to persons with dual citizenship (of Ireland and another country). Also known as 'Without Condition 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 medical card. The grant of a medical card is based on your circumstances.

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 3rd Level 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

Voters must be registered to vote in Ireland. 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

Citizenship

Irish citizenship can be applied for after having resided legally in the country for over 5 years. Periods of residence on Stamp 2, Stamp 1A and time spent in the asylum process are not considered as legal residence.. *Recognised* refugees can apply for citizenship 3 years after their initial asylum application was lodged. 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 a GNIB immigration stamp valid for a period of one year prior to 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, which are 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). For more information go to: www.welfare.ie

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 dependents 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 (Department of Justice & Equality)
- www.djei.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

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.