



# A guide to the rights of migrants in Ireland

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Status ↓	Right →	To: Stay in the country	To: Work	To: 3 <sup>rd</sup> Level Education	To: Social Welfare Support	To: Bring family members into Ireland	To: Travel abroad and re-enter
<b>Irish Citizen</b>		Yes	Yes	Yes. Free fees apply for first-time 3 <sup>rd</sup> level entrants if the person has been resident in Ireland or EU for 3 of the last 5 years (See page 9)	Yes, but see note on page 10 on the Habitual Residence Condition (HRC) which is relevant for anyone applying for an 'allowance' payment	There is no legal entitlement to be reunited with spouse, partner or children, but requests can be granted on a case-by-case basis <a href="#">Link to INIS Family Reunification Policy</a>	Yes
<b>Non-EEA Spouse/Civil Partner/ De Facto Partner* of Irish Citizen</b> * 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)		Yes, following approval after application to the Irish Naturalisation & Immigration Service (INIS) for de facto partners and in some cases spouses Followed by registration with Garda National Immigration Bureau (GNIB) [outside Dublin] or the INIS [in Dublin]	Yes, pending approval from INIS where required and appropriate registration with INIS or GNIB	Yes, but might have to pay fees  Go to <a href="http://www.studentfinance.ie">www.studentfinance.ie</a> for more detailed information	See note on HRC (page 10)	No legal right but can be granted on a case-by-case basis <a href="#">Link to INIS Family Reunification Policy</a>	Yes, but might need re-entry visa

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<b>Non-EEA* parent of Irish Citizen ('IBC 2005' or 'Zambrano')</b>  * European Economic Area		Yes, pending approval from INIS followed by registration with INIS/GNIB	Yes, if the non-EEA national is registered with INIS/GNIB and been granted Stamp 4	Yes, but might have to pay fees  Go to <a href="http://www.studentfinance.ie">www.studentfinance.ie</a> for more detailed information	See note on HRC (page 10)	Can be granted on a case-by-case basis <a href="#">Link to INIS Family Reunification Policy</a>	Yes, but might need re-entry visa
<b>EU National (all 28 EU Member States)</b>		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 <a href="http://www.studentfinance.ie">www.studentfinance.ie</a> 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
<b>Non-EEA Spouse / Civil Partner / De Facto Partner/ Dependant of EU/EEA National</b>		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 INIS/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 <a href="http://www.studentfinance.ie">www.studentfinance.ie</a> 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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<b>Non-EEA (Visitor)</b>		For up to 90 days only	No	No	No, except maybe in emergencies	No	N/A
<b>Non-EEA Student</b>		<p>For duration of course of study.</p> <p>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 (Stamp 1G)</p>	<p>Yes, up to 20 hours a week during the school term and 40 hours a week between December 15 &amp; January 15, and all June, July and August, <u>long as the course is for 1 academic year or more and is with a recognised college/university on the Internationalisation Register.</u></p> <p>Language course students register for 8 months to max of 3 courses.</p>	<p>Must pay non-EU fees</p> <p>Go to <a href="http://www.studentfinance.ie">www.studentfinance.ie</a> for more detailed information</p>	<p>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.</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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<b>Stamp 1G - Student Graduate Scheme</b>		Yes, for the duration of the permission	Yes, full-time – and can apply for a work permit during this period (see below)	N/A	See note on HRC (page 10)	As above for Non-EEA Student	Yes, but might need re-entry visa.
<b>Stamp 1A Trainee Accountancy Students</b>  For more information on Student guidelines for non-EEA Stamp 1A holders please go to: <a href="http://www.inis.gov.ie">www.inis.gov.ie</a>	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.	Must pay non-EU fees  Go to <a href="http://www.studentfinance.ie">www.studentfinance.ie</a> for more detailed information	See note on HRC (page 10)	As above for Non-EEA Student	Yes, but might need re-entry visa.	
<b>Non-EEA Green Card Permit Holder / Critical Skills Permit Holder</b>	Yes, for the duration of the permit. After 2 years can work without a permit, required to register with INIS/GNIB	Yes. Initially only in the job for which the permit was granted. After 1 year can move employment but a new permit must be applied for.	Yes, but might have to pay fees  Go to <a href="http://www.studentfinance.ie">www.studentfinance.ie</a> for more detailed information	See note on HRC (page 10)	Can be granted on a case-by-case basis <a href="#">Link to INIS Family Reunification Policy</a>	Yes, but might need re-entry visa	

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<b>Non-EEA Work Permit Holder / General Employment Permit Holder</b>	<p>Yes, for the duration of the permit</p> <p>Permit holders can apply for long-term residency after 60 months</p> <p>If permit holder has work permits for 5 consecutive years with no more than 6 months' gap between GNIB/INIS 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 permit must be applied for</p>	<p>Yes, but might have to pay fees</p> <p>Go to <a href="http://www.studentfinance.ie">www.studentfinance.ie</a> for more detailed information</p>	<p>See note on HRC (page 10)</p>	<p>Possible, but only if the permit holder has completed 12 months employment and be in full time employment when the visa application (if applicable) is made.</p> <p>The permit holder must also meet certain financial requirements <a href="#">Link to INIS Family Reunification Policy</a></p>	<p>Yes, but might need re-entry visa</p>	

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<b>Non-EEA Spouse/Dependant of Non-EEA Work Permit / General Employment Permit Holder</b>	Yes, following registration with INIS/GNIB (permission to remain is dependant on spouse/partner/parent)	<b>Yes, but only</b> if the permit holder's first work permit was issued <b>before 1<sup>st</sup> June 2009</b> Some restrictions are lifted (e.g. permit fee, advertising clause, ineligible job categories, full-time work) in these cases	Yes, but might have to pay fees  Go to <a href="http://www.studentfinance.ie">www.studentfinance.ie</a> for more detailed information	See note on HRC (page 10)	No, but the main permit holder may apply	Yes, but might need re-entry visa	
<b>Non-EEA Spouse/Dependant of Non-EEA Green Card Permit / Critical Skills Permit Holder</b>	Yes, following registration with INIS/GNIB (permission is dependant on spouse/partner/parent)	Yes - some work permit restrictions are lifted (e.g., permit fee, advertising clause, ineligible job categories, full-time work)	Yes, but might have to pay fees  Go to <a href="http://www.studentfinance.ie">www.studentfinance.ie</a> for more detailed information	See note on HRC (page 10)	No, but permit holder may apply	Yes, but might need re-entry visa	
<b>Refugee (Geneva Convention &amp; Programme Refugees)</b>	Yes	Yes	Yes, but have to be in Ireland for 3 years before free fees apply Go to <a href="http://www.studentfinance.ie">www.studentfinance.ie</a>	HRC applies but refugees may be considered exempt	Yes – the right to family reunification is a legal right enshrined in the Refugee Act <a href="#">Link to INIS family reunification policy</a>	Yes, can obtain a Convention <a href="#">Travel Document</a> issued by Ireland but might need to apply for visas to other countries	

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<b>Subsidiary Protection</b>		Yes	Yes	Yes, but have to be in Ireland for 3 years before free fees apply Go to <a href="http://www.studentfinance.ie">www.studentfinance.ie</a>	HRC applies	Yes – for immediate family members  <a href="#">Link to INIS family reunification policy</a>	Yes, can obtain an Irish <a href="#">Travel Document</a> but might need to apply for visas to other countries
<b>Family members of refugees or people with subsidiary protection</b>		Yes	Yes	Yes, but have to be in Ireland for 3 years before free fees apply  Go to <a href="http://www.studentfinance.ie">www.studentfinance.ie</a>	HRC applies	No, except where the person can fulfil the financial requirements to be a sponsor  <a href="#">Link to INIS Family Reunification Policy</a>	Yes, but might need re-entry visa. Possible to get an Irish <a href="#">Travel Document</a> if can prove they cannot get a passport
<b>Leave to Remain / Temporary Permission to Remain</b>		Yes, subject to renewal	Yes	Yes, but might have to pay fees  Go to <a href="http://www.studentfinance.ie">www.studentfinance.ie</a>	HRC applies: people with this permission must prove they are making efforts to find work	Difficult – must be applied for on a case-by-case basis  <a href="#">Link to INIS Family Reunification Policy</a>	Yes, but might need re-entry visa
<b>Asylum Seeker</b>		Yes, while their application is being processed	Not while their application is being processed. Can work if granted refugee status or other permission	Yes, but might have to pay fees Go to <a href="http://www.studentfinance.ie">www.studentfinance.ie</a> 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 Irish Naturalisation & Immigration Service (INIS) or the Garda National Immigration Bureau (GNIB)

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 Irish Naturalisation & Immigration Service if resident in Dublin (<https://burghquayregistrationoffice.inis.gov.ie/>) or their local Garda immigration officer if living outside Dublin. They are issued with a 'Certificate of Registration' in the form of a GNIB card and a residence 'stamp' on their passport. Significant time spent outside Ireland might impact on the ability to renew immigration permission.

#### The categories of residence 'stamps' are:

<b>Stamp 0</b>	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
<b>Stamp 1</b>	Issued to those with employment permits, spouse/dependant employment permits & business permission
<b>Stamp 1A</b>	Issued to accountancy students for the purpose of full-time training
<b>Stamp 1G</b>	Issued to those on the 'Graduate Scheme' – who are allowed to work full-time for the length of their permission
<b>Stamp 2</b>	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. Was also previously issued to those on the Graduate Scheme (before 1 <sup>st</sup> February 2016)
<b>Stamp 2A</b>	Issued to students who are <u>not</u> entitled to work
<b>Stamp 3</b>	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>may apply for a spouse/dependant employment permit</i> (see page 6 above for limitations)
<b>Stamp 4</b>	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, those granted long-term residency and in limited cases to others granted residency. Holders of this stamp have access to employment without the need for an employment permit
<b>Stamp 4 EUFam</b>	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
<b>Stamp 5</b>	Issued to persons with unlimited residency permission. This permission is also called 'Without Condition as to Time Endorsement' and can be granted after 8 years legal residency in Ireland
<b>Stamp 6</b>	Issued to persons with dual citizenship (Irish and another nationality). Also known as 'Without Condition Endorsement'

## Other Entitlements

### 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 before their application: brief periods abroad for travel or work are allowed. Non-EEA nationals 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](http://www.inis.gov.ie)

### 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. This is 'means-tested' so it is based on income levels.

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 3<sup>rd</sup> Level education before. For more detailed information go to: [www.studentfinance.ie](http://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

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

Social welfare payments termed “assistance” payments are 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 “benefit” 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](http://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 are exempt from satisfying habitual residence for certain assistance payments and Family Benefits and are usually seen as satisfying the HRC
- **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.

Persons holding EEA worker status in Ireland can be granted Supplementary Welfare Allowance without satisfying the HRC (even if the work is only part-time). HRC is a provision of Social Welfare Law. It is not a criterion for access to social housing, homeless or health services.

### **Further Information**

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

- [www.inis.gov.ie](http://www.inis.gov.ie) – Irish Naturalisation and Immigration Service (Department of Justice & Equality)
- [www.djei.ie](http://www.djei.ie) – Department of Jobs, Enterprise and Innovation
- [www.dfa.ie](http://www.dfa.ie) – Department of Foreign Affairs & Trade
- [www.welfare.ie](http://www.welfare.ie) – Department of Social Protection
- [www.citizensinformation.ie](http://www.citizensinformation.ie) – Public service information
- [www.livinginireland.ie/en/immigration/#nine](http://www.livinginireland.ie/en/immigration/#nine) - integration website: link to migrant and refugee support groups around Ireland
- [www.integration.ie](http://www.integration.ie) – Office for the Promotion of Migrant Integration – with detailed list of support and cultural groups around 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. Always check official government sources for the most up to date information.*