



A guide to the rights of migrants in Ireland

August 2017

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DEPARTMENT OF JUSTICE AND EQUALITY



What's in this guide?

This is an information guide to accompany training provided by Crosscare Migrant Project and Crosscare Refugee Service. This guide provides information on:

- Irish Naturalisation and Immigration Service (INIS) and Garda National Immigration Bureau (GNIB)
- Registering for a 'Certificate of Registration' (GNIB Card)
- Categories of residence stamps
- Rights based on immigration status
- Other entitlements
- Useful contacts

Irish Naturalisation and Immigration Service (INIS) and Garda National Immigration Bureau (GNIB)

The Irish Naturalisation and Immigration Service (INIS) are the immigration section of the Department of Justice and Equality. INIS officials are responsible for granting permission to remain in the State to non-EEA (European Economic Area) nationals in the form of a letter. The INIS are also responsible for registration and issuing of 'Certificate of Registration' cards to non-EEA nationals **living in Dublin**.

The Garda National Immigration Bureau (GNIB) is responsible for registration and issuing of 'Certificate of Registration' cards to non-EEA nationals **living outside Dublin**.

Registering for a 'Certificate of Registration' (GNIB Card)

A non-EEA national who has been granted permission to live, work or study in Ireland through the Irish Naturalisation and Immigration Service must make an online appointment to register at the Burgh Quay Registration Office if living in Dublin (<https://burghquayregistrationoffice.inis.gov.ie/>) or make an appointment with their local Garda immigration officer if living outside Dublin.

Important: Appointments for the Burgh Quay Registration Office need to be made at least 10 weeks in advance.

A non-EEA national is issued with a 'Certificate of Registration' in the form of a GNIB card and a residence 'stamp' on their passport. Children under the age of 16 do not need to register with the INIS or the GNIB to get a Certificate of Registration. The only exception is for non-EEA dependants of EU/EEA citizens who are exercising their Treaty Rights in Ireland according to Directive 2004/38/EC.

Non-EEA nationals who are from visa-required countries also need to apply for a re-entry visa if they want to travel outside Ireland. If they do not have a re-entry visa then they will probably not be allowed to travel back to Ireland. Non-EEA nationals who are from non-visa required countries will only need their current 'Certificate of Registration'/GNIB card in order to re-enter the state.

Important: Significant time spent outside Ireland might affect renewing immigration permission.

Categories of residence stamps (Stamp 0 – Stamp 2A)

Stamp 0	Issued to people who are self-sufficient and permitted to remain for a specific, temporary and limited purpose, for example, retired person of independent means.
	Stamp 0 holders cannot work.
Stamp 1	Issued to people with: <ul style="list-style-type: none"> • employment permits • spouse/dependant employment permits • business permission (this scheme is now suspended and under review)
	Stamp 1 holders can work but this is restricted to their job/business only.
Stamp 1A	Issued to accountancy students for the purpose of full-time training
	Stamp 1A holders can only work in employment related to their training.
Stamp 1G	Issued to graduates on the 'Graduate Scheme'
	Stamp 1G holders can work full-time for the length of their permission.
Stamp 2	Issued to students registered on a full-time course of study in an educational institution recognised by the Department of Education.
	Stamp 2 holders can only work 20 hours a week during term time and 40 hours a week during school holidays.
Stamp 2A	Issued to students who are not entitled to work.

Categories of residence stamps (Stamp 3 – Stamp 6)

Stamp 3	<p>Issued to dependants, for example:</p> <ul style="list-style-type: none"> • non-EEA spouse/dependant of employment permit holders • visitors/ tourists • people staying in the State for medical treatment • non-EEA Ministers of Religion and Members of Religious Orders.
	<p>Stamp 3 holders cannot work or set up their own business, but spouses or dependants of Critical Skills Employment Permit holders may apply for a spouse/dependant/partner employment permit.</p>
Stamp 4	<p>Issued to:</p> <ul style="list-style-type: none"> • Spouses/civil partners/de facto partners/parents/dependants of Irish nationals • People with refugee status or subsidiary protection • People granted leave to remain in the State • People granted residency based on being the parent of an Irish child • Long Term Residents (based on 5 years of employment permits) • Green Card Permit and Critical Skills Employment Permit holders who had their permit for 2 years • Other limited cases.
	<p>Stamp 4 holders can work or set up their own business. They do not need an employment permit.</p>
Stamp 4 EUFam	<p>Issued to the non-EEA spouse or dependants of EU workers in Ireland</p>
	<p>Stamp 4 EUFam holders can work or set up their own business. They do not need an employment permit.</p>
Stamp 5	<p>Issued to people 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</p>
	<p>Stamp 5 holders can work or set up their own business. They do not need an employment permit.</p>
Stamp 6	<p>Issued to dual citizens (Irish and another nationality). Also known as ‘Without Condition Endorsement’</p>
	<p>Stamp 6 holders are Irish citizens and can work or set up their own business.</p>

Rights based on immigration status

Status ↓	Right →	To: Stay in the country	To: Work	To: Third-level education	To: Social welfare support	To: Bring family members into Ireland	To: Travel abroad and re-enter
Irish Citizen		Yes	Yes	Yes. Free fees apply for first-time third-level entrants if the person has been resident in Ireland or EU for 3 of the last 5 years (See page 12)	Yes, but see note on page 13 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 a 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 (Stamp 4) * According to INIS De Facto Partners are: -in a genuine relationship - not related -cohabiting (1 year)		Yes (de facto partners and some spouses/civil partners must first apply to INIS).	Yes, pending approval from INIS where required and appropriate registration with INIS or GNIB	Yes, but might have to pay fees (See page 12)	See note on HRC (page 13)	No legal right but 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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Status ↓	Right →	To: Stay in the country	To: Work	To: Third-level education	To: Social welfare support	To: Bring family members into Ireland	To: Travel abroad and re-enter
Non-EEA parent of Irish Citizen ('IBC 2005' or 'Zambrano') (Stamp 4)		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 (See page 12)	See note on HRC (page 13)	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 (See page 12)	See note on HRC (page 13)	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 (Stamp 4 EUFam)		Yes, if the EU/EEA national is resident in Ireland and is working, self-employed, studying or has sufficient funds	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 (See page 12)	See note on HRC (page 13)	Yes, but only (A) direct descendants (such as children) who are under 21 or are dependants or (B) direct dependent relatives in the ascending line (such as parents)	Yes, but a re-entry visa is not needed as Certificate of Registration (Stamp 4 EUFam) is accepted for re-entry

Status ↓	Right →	To: Stay in the country	To: Work	To: Third-level education	To: Social welfare support	To: Bring family members into Ireland	To: Travel abroad and re-enter
Non-EEA (Visitor)		For up to 90 days only	No	No	No, except maybe in emergencies	No	N/A
Non-EEA Student (Stamp 2)		<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 8 or higher can apply for 'Graduate Scheme' (Stamp 1G)</p>	<p>Yes, up to 20 hours a week during the school term and 40 hours a week between 15 December and 15 January inclusive, and in June, July, August and September, as long as the course is for 1 academic year or more and is on the Interim List of Eligible Programs (ILEP).</p> <p>Language course students register for 8 months to a maximum of 3 courses (24 months).</p>	<p>Must pay non-EU fees</p> <p>(See page 12)</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) when a student is doing a PhD, (B) specific academic programme agreed between Ireland and another State, or (C) student demonstrates private means.</p>	<p>Yes, but might need re-entry visa</p>

Status ↓	Right →	To: Stay in the country	To: Work	To: Third-level education	To: Social welfare support	To: Bring family members into Ireland	To: Travel abroad and re-enter
Student Graduate Scheme (Stamp 1G)		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 13)	As above for Non-EEA Student	Yes, but might need re-entry visa.
Trainee Accountancy Students (Stamp 1A) 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.	Must pay non-EU fees (See page 12)	See note on HRC (page 13)	As above for Non-EEA Student	Yes, but might need re-entry visa.	
Non-EEA Green Card Permit Holder / Critical Skills Employment Permit Holder (Stamp 1)	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 (See page 12)	See note on HRC (page 13)	Can be granted on a case-by-case basis Link to INIS Family Reunification Policy	Yes, but might need re-entry visa	

Status ↓	Right →	To: Stay in the country	To: Work	To: Third-level education	To: Social welfare support	To: Bring family members into Ireland	To: Travel abroad and re-enter
Non-EEA Work Permit Holder / General Employment Permit Holder (Stamp 1)	<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 residence 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>(See page 12)</p>	<p>See note on HRC (page 13)</p>	<p>Possible, but only if the permit holder has completed 12 months' employment and is in full time employment when the visa application (if applicable) is made.</p> <p>The permit holder must also meet certain financial requirements</p> <p>Link to INIS Family Reunification Policy</p>	<p>Yes, but might need re-entry visa</p>	

Status ↓	Right →	To: Stay in the country	To: Work	To: Third-level education	To: Social welfare support	To: Bring family members into Ireland	To: Travel abroad and re-enter
<p>Non-EEA Spouse/Dependant of Non-EEA Work Permit/General Employment Permit Holder (Stamp 3)</p>	<p>Yes, following registration with INIS/GNIB (permission to remain is dependent on spouse/partner/parent)</p>	<p>Yes, but only if the permit holder's first work permit was issued before 1st June 2009 and spouse/dependant applies for a Dependant/Partner/Spouse Employment Permit Some restrictions are lifted (for example, fee, advertising clause, ineligible job categories, full-time work) in these cases</p>	<p>Yes, but might have to pay fees (See page 12)</p>	<p>See note on HRC (page 13)</p>	<p>No, but the main 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/Critical Skills Permit Holder (Stamp 3)</p>	<p>Yes, following registration with INIS/GNIB (permission is dependent on spouse/partner/parent)</p>	<p>Yes – but must have a Dependant/Partner/Spouse Employment Permit</p>	<p>Yes, but might have to pay fees (See page 12)</p>	<p>See note on HRC (page 13)</p>	<p>No, but permit holder may apply</p>	<p>Yes, but might need re-entry visa</p>	

Status ↓	Right →	To: Stay in the country	To: Work	To: Third-level education	To: Social welfare support	To: Bring family members into Ireland	To: Travel abroad and re-enter
Refugee (Geneva Convention and Programme Refugees) (Stamp 4)	Yes	Yes	Yes, but have to be in Ireland for 3 years before free fees apply (See page 12)	HRC applies but refugees may be considered exempt	Yes – spouses/civil partners and children under 18. Unaccompanied minor refugees may apply for their parents. Link to INIS family reunification policy	Yes, can obtain a Convention Travel Document issued by Ireland but might need to apply for visas to other countries	
Subsidiary Protection (Stamp 4)	Yes	Yes	Yes, but have to be in Ireland for 3 years before free fees apply (See page 12)	HRC applies	Yes – as above. Link to INIS family reunification policy	Yes, can obtain an Irish Travel Document but might need to apply for visas to other countries	
Family members of refugees or people with subsidiary protection (Stamp 4)	Yes	Yes	Yes, but have to be in Ireland for 3 years before free fees apply (See page 12)	HRC applies	No, except where the person can fulfil the financial requirements to be a sponsor Link to INIS Family Reunification Policy	Yes, but might need re-entry visa. Possible to get an Irish Travel Document if can prove they cannot get a passport	

Status ↓	Right →	To: Stay in the country	To: Work	To: Third-level education	To: Social welfare support	To: Bring family members into Ireland	To: Travel abroad and re-enter
Leave to Remain / Temporary Permission to Remain (Stamp 4)		Yes, subject to renewal	Yes	Yes, but might have to pay fees (See page 12)	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 Link to INIS Family Reunification Policy	Yes, but might need re-entry visa
Asylum Seeker		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 (See page 12)	No, apart from direct provision allowance and one-off exceptional needs payments	No	No, except in exceptional circumstances

Other Entitlements

Citizenship

A non-EEA national or other EEA national can apply for Irish citizenship after residing legally in the country for over 5 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 (up to six weeks). 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
- Periods of residence on Stamp 2 (except when the applicant is a dependant), 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**. People with subsidiary protection or family members of refugees can apply for citizenship when they have registered with the GNIB/INIS and lived in the country for 5 years. **Spouses of Irish citizens** can apply after **3 years' residence on the island of Ireland** (Republic of Ireland and Northern Ireland), and they must have been married to the Irish citizen for those 3 years.

Access to Health Care

- Anybody can attend a GP (General Practitioner).
- 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. They would generally need to have permission to remain in the State.
- 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 a person's nationality, immigration status in the country, how long they have been in the country and if they have studied at third-level education before. For further information go to: www.studentfinance.ie or www.susi.ie.

Voting Rights

Voters must be registered to vote in Ireland. Voting Rights in Ireland are determined by nationality. They are as follows:

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

Habitual Residence Condition (HRC) and 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

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 dependants 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.

Useful contacts

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 and Equality)
- www.djei.ie – Department of Jobs, Enterprise and Innovation
- www.dfa.ie – Department of Foreign Affairs and Trade
- www.welfare.ie – Department of Social Protection
- www.citizensinformation.ie – Public service information
- www.livinginireland.ie/en/immigration/#nine – integration website: link to migrant and refugee support groups around Ireland
- www.integration.ie – Office for the Promotion of Migrant Integration – with detailed list of support and cultural groups around Ireland

Other useful contacts are:

- www.mrci.ie – Migrant Rights Centre Ireland: – Justice for the Undocumented campaign
- www.immigrantcouncil.ie – Immigrant Council of Ireland – independent law centre
- www.dorasluimni.org – Doras Luimni – migrant support organisation based in Limerick
- www.nascireland.org – NASC Ireland – migrant support organisation based in Cork
- www.therosettafoundation.org – Rosetta Foundation – provides free translation services
- www.iomireland.ie – IOM Ireland (International Organisation for Migration) – assistance with voluntary returns
- www.irishrefugeecouncil.ie – Irish Refugee Council – assistance with asylum applications

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. This guide is for reference purposes only. Always check official government sources for the most up-to-date information.