

Immigration

Residence Permission and Types of Stamps

As soon as a non-national enters or reside in the Republic of Ireland, a stamp or permission is issued by the Immigration Services Delivery on behalf of the Minister for Justice. There are different types of permissions issued to non-nationals living in Ireland:-

Stamp 0:

- It indicates the permission to a person to live in Ireland on temporary basis.
- To have a stamp 0 one must be fully financially self-sufficient or a sponsor in Ireland must be independent.
- To work or to engage in any business activity one have to acquire letter of permission from ISD
- It is given to grant permission to live
 - As a person of independent means
 - As a visiting academic in an Irish college or university
 - As an elderly dependent relative of an Irish National or a non-EU/EEA or Swiss citizen.

Stamp 1:

- It indicates the permission to work/operate a business/work based on working holiday authorization in Ireland. (Work based on working holiday authorization is not renewable).
- To have stamp 1, one must have a valid employment permit or a letter from the ISD.
- Anyone who wants to stay after immigration permission expiry date has to apply for the renewal of the registration.
- Stamp 1 is reckonable as residence when someone applies for the citizenship by naturalization.

Stamp 1A:

- It indicates the permission to participate in full time accountancy training. This is time bound permission, one has to complete his course in 4 years
- If anyone wishes to stay in Ireland after the expiry date of immigration permission, has to apply for the renewal of permission and registration.

Stamp 1G:

- It is given to a graduate student who has been given Stamp 2, it indicates that the one has completed his studies and has the permission to look for an employment under third level graduate programme.
- It is granted for 12 months, while the one who has completed master degree further 12 months can be added.
- One having this stamp can work full time without any employment permit but cannot operate any business.
- If anyone who wants to continue working after the expiry date, will have to find a job that requires an employment permit.
- It may also be given to spouse or de facto partner of a Critical Skill Employment permit or researchers in the State on a Hosting Agreement.
- Renewal of stamp 1G is applied annually and after spending 5 years on stamp 1G one can apply for a stamp 4.
- Time period spend on stamp 1G is reckonable residence while applying for citizenship.

Stamp 2:

- It indicates permission to study full time course that are on the official Interim List of Eligible Programme.
- A student can work in casual employment for a maximum 20 hours per week during school term and 40 hours per week during holidays but cannot engage in a business or trade.
- If anyone wishes to stay in Ireland after the expiry date, has to apply for the renewal of his permission and registration. It can be done for maximum of 7 years.
- An English language student can be registered on three courses of 25 weeks' duration.
- A student will have to show progression each year in his course and attendance must be 85%.
- It is not reckonable as residence when applying for citizenship by naturalization.

Stamp 2A:

- It indicates permission to study full time course that is not on the Official Interim List of Eligible Programme like semester abroad or to study at a private secondary school.
- It may also be granted to spouse of a financially independent student in limited circumstances.
- It is not reckonable as residence when applying for citizenship/naturalization.
- One having this stamp cannot work or engage in a business or trade.
- Anyone who wish to stay in Ireland after the expiry date has to apply for the renewal of permission and registration.

Stamp 3:

- It indicates the permission to stay in Ireland for a specified period as volunteer of non-profit organization or minister of religion or to join your non EEA/EU/Swiss spouse/civil partner or family member who is here based on a work permit.
- One having this stamp cannot work or engage in business unless he has a permit by the Department of Enterprise Trade and Employment.
- Anyone who wish to stay in Ireland after the expiry date has to apply for the renewal of permission and registration.
- It is reckonable as residence when applying for citizenship by naturalization.

Stamp 4:

- It indicates the permission to stay in Ireland for a specified period.
- It is given to one who has
 - Valid Critical Skills Employment Permit for 2 years
 - Valid Employment Permit for 5 years
 - A researcher with a valid hosting agreement for 2 years
- It is also given to grant permission to
 - Join and reside your Irish spouse, civil partner or de facto partner or to remain with your child who is an Irish citizen
 - Join your family member who is a recognized refugee or has been granted subsidiary protection
 - As a convention or programme refugee or based on subsidiary protection
 - Under the investor and entrepreneur programme

- Long term residence
- One can take employment without having any employment permit and can also establish his own business.
- It is reckonable as residence when applying for citizenship by naturalization.

Stamp 4S:

- This scheme is applied to the non-EEA person who has completed his 2-years tenure in the state as a student with a limited right to work.
- After 2-year period if a qualifying person adheres to the terms of condition was granted permission to reside in the state under stamp 4.
- Family reunification was not allowed.
- This scheme was closed on 20 January 2019.

Stamp 4D:

- It is for the eligible non-EEA family of UK citizen who are seeking to reside in Ireland after 01/01/2021.

Stamp 5:

- It indicates the permission to stay in Ireland without change in conditions on the time you can remain here.
- The stamp is valid up to the expiry date on your passport.
- It is reckonable as residence when applying for citizenship by naturalization.

Stamp 6:

- It indicates that a person is an Irish citizen having dual citizenship.
- It is given on non-Irish passport.

Visa Applications

There are two types of visa applications for non-nationals intend to enter the Ireland. Not every non-national is required to obtain visa to enter Ireland. Certain non-nationals (Non-EEA nationals) require a visa prior to travelling to the Republic of Ireland. However, there are few countries whose nationals are not required to obtain visa to enter the State pursuant to visa waiver program or other arrangements by the State.

1. Short stay visa

This is also known as “C” visa. This is issued only for a limited period of time – maximum 90 days. This type of visa is mostly suitable for tourists, family visitors, to attend business meeting/conference. The short stay visa is not extended in normal circumstances. However, during Covid-19 certain short stay visas were extended.

2. Long stay visa

This is also known as “D” visa. This is issued to those who intend to live in Ireland on a long term basis. Normally it is issued to those who are coming to Ireland to work, join family members, study.

EU Treaty Rights (Free Movement Rights)

The Republic of Ireland is a member of the European Union and freedom of movement of the EU citizens and their family members is a vital part of it.

The EU Directive (2004/38/EC) published in 2004 is key legislation in this area and the Irish legislation which gives effect to this directive is the European Communities (Free Movement of Persons) Regulations 2015 and European Communities (Free Movement of Persons) (Amendment) Regulations 2021.

Since Brexit, the Irish legislation which gives effect to citizens’ rights entitlements under the Withdrawal Agreement is the European Union (Withdrawal Agreement) (Citizens’ Rights) Regulations 2020.

If you are an EEA national living and exercising your freedom of movement rights you may have the right to bring your non-EEA family members to live with you in Ireland. There are two types of family members – qualifying family members and permitted family members.

Qualifying Family members include:

- Spouse of civil partner of the EEA national
- Direct descendants of the EEA national or of the spouse or civil partner of the EEA national, such as children or grandchildren under the age of 21 years
- Dependent direct descendants of the EEA national or of the spouse or civil partner of the EEA national, such as children or grandchildren
- Dependent direct relatives in the ascending line of the EEA national, such as parents or grandparents

Permitted family members include:

- The de-facto partner of the EEA national

- Members of the family of an EEA national who are not qualifying members and who, in the country from which they have come, were dependent on the EEA national or members of the household of the EEA national or persons who need the personal care of the EEA national on the basis of serious health grounds.

There are different type of forms when applying for EU Treaty Rights application.

We have successfully obtained residence cards for our client in the past and have extensive experience in this area to advise.

Family Reunification for Parents of an Irish citizen child

A non-EEA parent of an Irish citizen child is entitled to apply for permission to remain in Ireland pursuant to a judgement delivered by the Court of Justice in the Zambrano case. A successful applicant will receive stamp 4 rights to work and live in Ireland.

For those parents living in Ireland on a valid permission can attend their local immigration office to change their stamp. However, if your status is not legal in the State then an application will have to be submitted for permission to be issued by the department. There is no financial criteria to meet for such an application. We advise numerous clients with these applications to acquire residence permission on the basis of their Irish citizen children.

Spouse/Civil Partner of an Irish national

Spouse or civil partner of an Irish citizen can make an application to join and live in Ireland. This is a “D” type visa.

The Policy Document on Non-EEA Family Reunification outlines the criteria for such applications.

There is a financial criteria to meet for an Irish citizen sponsor to bring their spouses/civil partners. The Irish sponsor must not have accessed a social welfare payment in the preceding two-year period to the application and must have earned a cumulative gross income of not less than €40,000 in the preceding three-year period at the time of application.

Should the visa application approved, the non-EEA spouse/civil partner is entitled for a stamp 4 to live and work in Ireland.

If the applicant is already in Ireland on a different visa condition, then they can simply contact their local immigration office to book an appointment and change the status to stamp 4. However, if application entered and/or living in Ireland without legal

permission then an in writing application is submitted to the Minister for Justice for permission to remain in Ireland.

De Facto partner of an Irish National

Permission to remain as the de facto partner of an Irish national allows you to live and work in Ireland without any need to obtain a separate work permit or permission. The permission is normally granted for 1 year initially.

The Policy Document on Non-EEA Family Reunification outlines the criteria for such applications.

There is a financial criteria to meet for an Irish citizen sponsor to sponsor their de facto partners to live and work in Ireland. The Irish sponsor must not have accessed a social welfare payment in the preceding two-year period to the application and must have earned a cumulative gross income of not less than €40,000 in the preceding three-year period at the time of application.

The policy document further requires that the Irish citizen has not sponsored another spouse/partner within the last 7-year period prior to the application, or that the Irish citizen himself/herself did not acquire lawful residence in the State on foot of a different spouse/partner within the last 7-year period.

Only partners who have been in a cohabiting relationship “akin to marriage” of two-year period are included. It is necessary for the couple to provide dated documentary evidence of cohabitation for at least the preceding 2 years immediately prior to the date of application.

Family Members of Non EEA National Sponsors

A Non EEA national lawfully resident in the State may apply to the Minister for a visa or residence permission for his/her immediate family members depending on the stamp conditions the sponsor is holding. There is no automatic entitlement to such applications and Minister for Justice enjoys broad discretion in these cases.

The Policy Document on non-EEA Family Reunification governs this area. The policy document describes “immediate” family members as including spouse and children under the age of 18.

Children over the age of 18 may also be included in the category of “immediate family member” up to the age of 23, if they remain in full time education and are fully dependent on the sponsor parent.

The Policy Document divides sponsor into three categories;

Category A sponsors – immediate family reunification

- Critical Skills Employment Permit holder
- Investors
- Entrepreneurs
- Business permission holder
- Researchers approved scholarship program students
- Intra corporate transferees
- PhD students
- Full-time non-locum doctors in employment
- Minister for Religion

Category B sponsors – family reunification after one year

- Non Critical Skills employment permit holders
- All stamp 4 holders not covered by other more favourable arrangements.

Category B sponsors must have a gross income in the two-year period preceding the application in excess of that applied by the Department of Social Protection in assessing eligibility for Family Income Supplement payments. Where a couple do not have children, the threshold is set at €30,000 gross income for the two year preceding the application.

Category C – all other non-EEA nationals – not eligible to sponsor for family reunification

Change of Status Applications

The Minister for Justice has a statutory power to “amend or vary” any permission to reside granted to a non-national resident in the State pursuant to Section 4 (7) of the Immigration Act 2004.

The relevant statutory provision is Section 4 (7) of the Immigration Act 2004, which states:

“A permission under this section may be renewed or varied by the Minister, or by an immigration officer on his or her behalf, on application therefore by the non-national concerned.”

The Minister for Justice enjoys broad discretion in change of status applications. Therefore, it is important to furnish full details of your immigration history, circumstances, and the purpose of such application.

Dependent Parent of an Irish citizen

The Policy Document on family Reunification refers to this as the “Elderly Dependent Parent” scheme. This scheme allows for Irish citizens or non-EEA nationals to apply for their elderly parents to join them in Ireland.

The sponsor must provide evidence of meeting strict financial thresholds as outlined in the policy document as follows: “a sponsor of an elderly dependent relative will be required to have earned in Ireland each of the 3 years preceding the application an income after tax and deductions of not less than €60K in the case of one parent and €75k where 2 parents are involved. Where the elderly dependent relative has a guaranteed income into the future this can be used to partially offset the financial limits (bearing in mind however that a person with a sufficient personal income for their needs cannot reasonably be regarded as financially dependent)”

The following conditions applies to migration of this nature if approved:

- Elderly dependent relatives must be covered by private medical cover at or above the level of VHI plan D or equivalent
- The sponsor will be required to sign a legal undertaking to the effect that they will bear personal complete financial responsibility for the elderly dependent relative and that any State funds availed of by the relative will be reimbursed by them
- The sponsor will be required to make detailed provision for the accommodation of the elderly dependent relative
- Stamp 0 is issued to successful applicants

Deportation from the State

The Minister for Justice has the power to issue a Deportation Order against any non-EEA national who is in the State without lawful permission, pursuant to Section 3 of the Immigration Act 1999.

The Minister may issue a section 3 letter to persons living in Ireland without valid permission giving them option to consent to the deportation order or leave the State voluntarily or make an application as to why they should not be deported.

In cases where deportation order is issued, the holder of deportation order may make an application to the Minister pursuant to Section 3(11) of the Immigration Act, 1999, as amended.

We have assisted numerous clients in these cases and successfully revoked deportation orders.

Work Permits in Ireland

The Department of Jobs Enterprise and Innovation is responsible to issue work permits to non-EEA citizens.

The following are the types of Work Permits exist in Ireland:-

- General Employment Permit
- Critical Skills Employment Permit
- Dependent Partner/Spouse Employment Permit
- Intra-Company Transfers Employment Permit
- Contract for Services Employment Permit
- Sports and Cultural Employment Permit
- Internship Employment Permit
- Exchange Agreement Employment Permit
- Reactivation Employment Permit

There is a specific eligibility criteria and conditions for each of the Employment Permits. We prepare work permit and visa applications for successful applicants.

Long Term Residency

If you have been legally resident in Ireland for at least five years as the holder of an employment permit then you may apply for a long term residency.

You will be granted 5 years permission to work in Ireland if your application is successful without the need for a further work permit.

You may be eligible for this permission if:-

- You have completed a minimum of 60 months legal residence in Ireland (qualifying stamps in your passport)

- You have held employment permits issued by the Department of Enterprise, Trade and Employment
- You have not been an undue burden on the State
- You are of good character
- You have not broken the conditions of your previous permissions to reside in Ireland
- You are legally resident in the State at the time you make the application
- You are in employment at the time you make the application, during and after the application process.

The spouse and/or dependent(s) of a holder of Long Term Residency on Stamp 4 conditions may also apply for Long Term Residency.

Without Condition as to Time

A person can apply for stamp 5 once they have completed 8 years legal residency in the State.

You are eligible to apply when you meet all of the qualifying criteria listed below:-

- You have completed 8 years legal residency in Ireland under the appropriate permission which will be reflected by the immigration stamps in your passport
- You are of good character
- You have not become an undue burden on the State
- You are currently legally residing within Ireland when you apply for a stamp 5 endorsement
- You have abided by the conditions of your previous permissions to remain in Ireland.