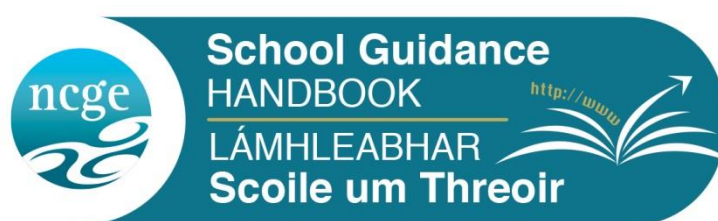


Immigration and Residency in Ireland: An Overview for Education Providers

June 2017

**Catherine Cosgrave
and Colin Lenihan**



Contents¹

Key Words Legal Terms	3
Introduction	4
Section 1 EU Nationals	5
Section 2 International Protection	6
Section 3 Family Reunification with Persons Granted International Protection	10
Section 4 Persons Granted Leave to Remain at the Discretion of the Minister for Justice & Equality	12
Section 5 Persons Granted Leave to Remain on the Basis of Parentage of Irish Citizen Children	13
Section 6 Persons Granted Leave to Remain on the Basis of their Marriage/Civil Partnership to Irish or EU Citizens	15
Section 7 Employment Permit	16
Section 8 International Students	17
Section 9 Citizenship/Naturalisation	18
Section 10 Children	20
Biographies	23
Further Information Contact List	24

¹Disclaimer: The information in this publication is provided in good faith and every effort is made to ensure that it is accurate at the time of publication. No responsibility is accepted for any errors or omissions in the text. Any person relying on the information or using it in connection with any legal matter shall be deemed to have accepted these terms of use.

Key Words

Legal Terms

Asylum Seeker

A person who arrives independently in the State seeking to be recognised as a refugee under the Geneva Convention relating to the Status of Refugees, 1951 and the 1967 Protocol.

European Economic Area (EEA) Nationals

Including all EU Member States, the EEA also comprises Liechtenstein, Norway and Iceland. 'EEA nationals' refers to citizens of these countries.

European Union (EU) Nationals

Consisting of 28 Member States, 'EU citizen' refers to nationals of these countries.

International Protection Holder

A person who has been given status in the State as a refugee or a person granted subsidiary protection under the International Protection Act 2015.

Leave to Remain

Leave to remain is granted at the discretion of the Minister for Justice and Equality. Leave to remain is granted to non-EEA parents of Irish children, to non-EEA nationals married to EU or Irish persons or those in a civil partnership or durable/de facto relationship. Leave to remain is also granted to extended and dependent family members of EU nationals, and to persons who have been refused international protection but given leave to remain in the State on exceptional circumstances.

Non-EEA national

Non-EEA nationals refer to individuals who are not citizens of EU/EEA countries.

Refugee

A person who has been recognised as a refugee under the 1951 Geneva Convention relating to the Status of Refugees and 1967 Protocol. In the Convention, a refugee is defined as someone who has a well-founded fear of persecution for reasons of: race, religion, nationality, membership of a particular social group, or political opinion; is outside the country they belong to or normally reside in and is unable or unwilling to return home for fear of persecution.

Programme Refugee

A programme refugee is a person who has been given leave to enter and remain by the Government usually in response to a humanitarian crisis, at the request of the United Nations High Commissioner for Refugees (UNHCR).

Person Granted Subsidiary Protection

A person who does not qualify for refugee status, but who has shown substantial grounds for believing that, if returned to their country of origin they would face a real risk of suffering serious harm and as such cannot obtain the protection of that country.

Introduction

Ireland has become a very diverse society over the past decade – Census 2016 showed that 180 distinct countries were recorded as a country of origin for non -Irish immigrants in the year to April 2016.

The status, rights and entitlements of the diverse student population are complex and this article will provide an overview for guidance counsellors and school management on the rights and entitlements of this diverse student population.

Section 1

European Union (EU) Nationals

The Treaty of the European Union established European citizenship in 1992. Consisting of 28 states, the EU Member States include: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the Netherlands and the United Kingdom. EU citizens are the primary beneficiaries of European Community law, who because of their actions (for example, travelled to another Member State in search of work) have brought themselves into its scope.

In 2016, the Central Statistics Office estimated that there were 116,000 nationals from the UK residing in Ireland and 270,000 nationals from the rest of the EU. The 2016 Census has also shown that there has been a decrease in net migration of EU citizens into the State.

Economic and Social Rights/Entitlements

EU citizens have the right to:

- Seek and enter employment
- Carry out a business, trade or profession
- Access social and tax advantages, including social welfare payments after two years of continuous residency
- Access primary and post-primary education, EU citizens can attend any educational institution on the same basis as an Irish citizen
- Access adult and further education, including the DDLETB Adult Literacy Service, the Vocational Training Opportunities Scheme and SOLAS training
- Access third level education. Access to SUSI² student maintenance grants is subject to fulfilment of relevant conditions.
- Access healthcare on the same basis as an Irish citizen
- Family reunification, including: the worker's spouse or civil partner, unmarried partners in certain circumstances, children, grandchildren and other descendants (only under 21) and parents, grandparents, and other ascendants (only if dependent on the worker)

Documentation

EU national are not required to register with the Garda National Immigration Bureau (GNIB) and to be issued with an Irish Residence Permit. EU nationals will have personal documentation such as: a Birth Certificate, EU passports or Identity Cards. After five years of continuous residency, EU nationals and their families can apply for Permanent Residency in the State.

² For more information on SUSI grants, see: <https://susi.ie/>

Section 2 International Protection

Asylum Seekers

An asylum seeker is a person who arrives independently in the State and asks to be recognised as a refugee under the 1951 Geneva Convention relating to the Status of Refugees and 1967 Protocol. The numbers of people seeking asylum have fluctuated in recent years. In 2016 2,244 applications for refugee status were received. In 2015, 3,276 applications for refugee status were received which was the highest number of applications received since 2008 while in 2014 1,448 applications for refugee status were received.

Since January 2017, applications for refugee status are made to the International Protection Office based in Dublin and, on appeal, to the International Protection Appeals Tribunal.

Table 1: Nationality of Asylum Applications in 2016

Nationality	Number
Syria	244
Pakistan	233
Albania	222
Zimbabwe	192
Nigeria	176
Others	1,177

Source: Office of the Refugee Applications Commissioner (ORAC) (now the International Protection Office)

Social and Economic Rights/Entitlements

While an application for asylum is being determined, applicants currently have no right to:

- Leave the State without the consent of the Minister for Justice and Equality
- Access social housing, asylum seekers cannot go on housing waiting lists
- Full-time education (unless under the age of 18)
- Seek and enter employment
- Carry out a trade or profession

Asylum seekers are eligible for:

- Medical screening and free healthcare
- Emergency accommodation
- Direct provision³

³ Asylum seekers are regionally resettled to a location generally outside Dublin in full-board accommodation following a short stay in a reception centre in Dublin. Under direct provision they receive €19.10 a week per adult and €15.60 per child.

- Language and literacy provision, as well as other culture supports through the ETB Adult Literacy Scheme and ESOL programmes
- Under a Pilot Student Support Scheme students who have obtained their Leaving Certificate and whom are in the protection system (other than those in the Deportation Order stage (asylum, subsidiary protection or leave to remain) for over 5 years may apply for student support to further their access to third level education
- Receive Exceptional Needs Payments for essential items

Documentation

Asylum seekers have a Temporary Residence Certificate issued by the Chief International Protection Officer which includes the applicant's name, photograph and the date the asylum application was lodged. The Chief Protection Officer retains all other personal documentation.

Refugees/Programme Refugees

A refugee is a person recognised as needing protection under Section 47(1) of the International Protection Act 2015. A refugee is defined as someone who has a well-founded fear of persecution for reasons of: race, religion, nationality, membership of a particular social group or political opinion; is outside the country they belong to or normally reside in and is unable or unwilling to return home for fear of persecution.

A programme refugee is a person who has been given leave to enter and remain by the Government, usually in response to a humanitarian crisis, at the request of the United Nations High Commissioner for Refugees (UNHCR).

Programme Refugees have the same rights and entitlements as persons who arrived in the State seeking international protection and were granted refugee status.

Table 2 - ORAC & RAT Annual Reports

Year	2011	2012	2013	2014	2015	2016
Number of persons recognised as refugees	131	112	182	221	332	632

Economic and Social Rights/Entitlements

Refugees have the right to:

- Seek and enter employment
- Carry out a business, trade or profession

- Access the same rights and entitlements to social welfare payments as an Irish citizen
- Access adult and further education, including the ETB Adult Literacy Service, the Vocational Training Opportunities Scheme and SOLAS training
- Access third level education. Access to SUSI student maintenance grants is subject to fulfilment of relevant conditions.
- Access healthcare on the same basis as an Irish citizen
- Family reunification with their spouse or civil partner (provided they were their spouse/civil partner at time of applying for protection) and/or unmarried minor dependent children. Child refugees are entitled to family reunification with their parents and their parents' unmarried minor dependent children. Applications for family reunification must be made within 12 months of the grant of refugee status.
- Apply for a Convention Travel Document for international travel.

Documentation

Refugees will have documentation from the Minister for Justice and Equality recognising them as a refugee, a GNIB Irish Residence Permit with Stamp 4 and a Convention Travel Document.

Person granted Subsidiary Protection

The Minister for Justice and Equality, having made a finding that someone does not qualify for refugee status, can nevertheless declare that person to be in need of protection when they have shown substantial grounds for believing that, if returned to their country of origin they would face a real risk of suffering serious harm.⁴

Serious harm is defined in the International Protection Act as 'death penalty or execution, torture or inhuman and degrading treatment or punishment or a serious and individual threat to a civilian's life by reason of indiscriminate violence in a situation of international or internal armed conflict'.

Economic & Social Rights/Entitlements

Persons granted subsidiary protections have the right to:

- Seek and enter employment
- Carry out a business, trade or profession
- Access to the same rights & entitlements to social welfare payments as an Irish citizen
- Access education, EU citizens can attend any educational institution on the same basis as an Irish citizen
- Access adult and further education , including the ETB Adult Literacy Service, the Vocational Training Opportunities Scheme and SOLAS training

⁴Section 47 (4) of the International Protection Act 2015.

- Access third level education. Access to SUSI student maintenance grants is subject to fulfilment of relevant conditions.
- Access healthcare on the same basis as an Irish citizen
- Family reunification with their spouse or civil partner (provided they were their spouse/civil partner at time of applying for protection) and/or unmarried minor dependent children. If the sponsor is a minor, they may apply for their parents and their parents' unmarried minor dependent children. Applications for family reunification must be made within 12 months of the grant of refugee status.
- Apply for a Convention Travel Document for international travel only in circumstances where the applicant has shown sufficient evidence that they have been unable to obtain a National Passport from their own country.

Documentation

Persons granted subsidiary protection will have documentation from the Minister for Justice and Equality recognising them as being granted subsidiary protection, a GNIB Irish Residence Permit with a Stamp 4 renewable every three years, and in exceptional circumstances a Convention Travel Document.

Section 3

Family Re-Unification with persons granted International Protection (refugee status and subsidiary protection)

Sections 56 and 57 of the International Protection Act 2015 provides that persons granted international protection are permitted to be reunited with members of their immediate family such as a spouse, a civil partner, children under the age of 18 or parents of a minor granted international protection.

An application for family reunification must be made within 12 months of a person being granted international protection. A spouse or civil partner of a person granted international protection may only qualify for family reunification if they the marriage/civil partnership existed at the time of the application for international protection.

If a family member is granted family reunification to reside in the State, that person shall be entitled to the rights and privileges specified in Section 53, for such period as the person granted international protection is entitled to remain in the State. A family member who is granted family reunification is entitled to reside in the State for one year and can be renewed for a period of not less than two years on each occasion.

The Irish Naturalisation and Immigration Service (INIS) has responsibility for processing applications for family reunification.

Social and Economic Rights/Entitlements

Family members reunified with persons granted international protection are entitled to:

- Seek and enter employment
- Carry out a business, trade or profession
- Access social and tax advantages, including social welfare payments as those to which Irish citizens are entitled
- Access to primary and secondary education
- Access adult and further education, including the ETB Adult Literacy Service, ESOL programmes, the Vocational Training Opportunities Scheme and SOLAS training
- Access third level education. Access to SUSI student maintenance grants is subject to fulfilment of relevant conditions.
- Access healthcare on the same basis as an Irish citizen
- Apply for a Convention Travel Document for international travel in exceptional circumstances

Documentation

Family members reunified with persons granted international protection will have a letter from the Minister for Justice and Equality granting them the right of residence in the State, which enables them to apply for entry visas to the State for

the purpose of registering their permission to remain in the State. Following their arrival in Ireland, they must attend at the GNIB for registration and to be issued with the Irish Residence Permit.

Section 4

Persons Granted Leave to Remain at the Discretion of the Minister for Justice and Equality

Leave to remain is granted at the discretion of the Minister as an exceptional measure to allow, on grounds outlined in Section 3 of the Immigration act 1999, a person to remain in Ireland.⁵

Social and Economic Rights/Entitlements

Persons granted leave to remain at the discretion of the Minister are eligible to:

- Seek and enter employment
- Carry out a business, trade or profession
- Access social and tax advantages, including social welfare payments, certain welfare payments.
- Access adult and further education, including the ETB Adult Literacy Service, ESOL programmes, the Vocational Training Opportunities Scheme and SOLAS training
- Access healthcare on the same basis as an Irish citizen
- Access to third level education. Eligibility to access funding is dependent on the particular circumstances and relevant conditions to be fulfilled under regulations.
- In very limited circumstances, apply for a Convention Travel Document for international travel
- The possibility of applying for family reunification with family members once the financial and relationship criteria have been fulfilled, as set out in the INIS Policy Document for Non-EEA Family Reunification.⁶ It may be possible to request waiver of the financial criteria in exceptional hardship/humanitarian cases.

Documentation

Persons granted leave to remain will be issued with a 'grant letter' from the Minister for Justice and Equality. They can then register their permission to remain in the State on a Stamp 4 basis, which is inscribed on their national passports, along with being issued a GNIB Irish Residence Permit.

⁵ a) The age of the person; (b) duration of residence in the State; (c) family and domestic circumstances; (d) the nature of the person's connection with the State; (e) employment record;

(f) employment prospects; (g) character and conduct of a person both within and outside the State; (h) humanitarian considerations; (i) representations duly made or on behalf of the person;) the common good; (k) considerations of national security and public policy.

Refer to annual country reports produced by the European Council on Refugees and Exiles (ECRE).

www.ecre.org

⁶<http://www.inis.gov.ie/en/INIS/Family%20Reunification%20Policy%20Document.pdf/Files/Family%20Reunification%20Policy%20Document.pdf> published December 2016.

Section 5

Persons Granted Leave to Remain on the Basis of Parentage of Irish citizen children

Non-EEA parents of Irish citizen children are entitled to apply for permission to remain in the State on Stamp 4 conditions once it is established that the non-EEA parent plays an active role in the development and upbringing of the child and that the refusal of such permission would not lead to the child losing the enjoyment of their rights as an EU citizen.

Social and economic rights/entitlements

Non-EEA parents of Irish children are eligible to:

- Seek and enter employment
- Carry out a business, trade or profession
- Access social and tax advantages, including social welfare payments such as Child Benefit
- Access adult and further education, including the ETB Adult Literacy Service, ESOL programmes, the Vocational Training Opportunities Scheme and SOLAS training
- Access to third level education. Eligibility to access funding is dependent on the particular circumstances and relevant conditions to be fulfilled under regulations.
- Access healthcare on the same basis as an Irish citizen

Documentation

- Persons granted leave to remain will be issued with a 'grant letter' from the Minister for Justice and Equality. They can then register their permission to remain in the State on a Stamp 4 basis, which is inscribed on their national passports, along with being given a GNIB Irish Residence Permit. Persons granted leave to remain will usually be holders of a national passport from their country of origin. In very exceptional circumstances, they may not hold a passport and may be eligible to apply for a Travel Document.

Section 6

Persons Granted Leave to Remain on the Basis of their Marriage/Civil Partnership to Irish or EU citizens

Irish and other EU citizens working in Ireland can have a married/civil partner spouse live and reside with them in Ireland, even if he/she is not an EU national. In certain circumstances, unmarried partners can also live and reside with their Irish or EU partner as well.⁷ However, the rights pertaining to each slightly differ depending on the circumstances and relevant case law. For example, EU citizens (including Irish citizens) who have moved to another Member State to work, come directly within the scope of European law. Non-EEA persons granted residency on the basis of their marriage/relationship with their EU family member have all the same rights/entitlements as their EU family member so long as the relationship continues. Dependent family members of EU nationals can also acquire the right of residence in the State when the dependency has been established.⁸

Irish citizens who have not exercised freedom of movement in another EU Member State (for example, for employment purposes) do not come within the scope of European law. Irish citizens who have not travelled to another Member State to work can have a non-EEA family member reside with them in Ireland once they comply with the requirements as set out in the INIS Policy Document on Non-EEA Family Reunification (referred to above).

Social and Economic Rights/Entitlements

- Seek and enter employment
- Carry out a business, trade or profession
- Access social and tax advantages, including social welfare which the EU citizen family member is entitled to
- Access housing and can go on local authority housing waiting lists
- Access to adult and further education, including the ETB Adult Literacy Service, ESOL programmes, VTOS and SOLAS Training courses
- Access to third level education. Eligibility to access funding is dependent on the particular circumstances and relevant conditions to be fulfilled under regulations.
- Access healthcare on the same basis as an Irish citizen

Documentation

- Non-EEA persons with leave to remain on the basis of their family relationship with an EU national will have a passport and GNIB Irish Residence Permit (Stamp

⁷ A 'de facto' partner of an Irish national can apply for residency in the State once it has been established that they have resided together in a durable relationship for a period of 1 year. A 'de facto' partner of an EU Citizen can reside in the State once the requirements of the European Communities (Free Movement of Persons) Regulations 2015 have been established, i.e. evidence of an existing durable relationship (proof of 2 years residence in same home).

⁸ Dependent family members can include children/grandchildren, dependent parents/grandparents, dependent members of household of EU citizen and those who require personal care of the EU citizen on serious health grounds.

4EUFAM). Persons with leave to remain on the basis of their marriage to or de facto relationship with an Irish citizen will have a passport from their country of origin and a GNIB Irish Residence Permit (Stamp 4). Other non-EEA family members of Irish citizens may be granted a GNIB Irish Residence Permit with a different Stamp (for example, Stamp 0 or Stamp 3) depending on the circumstances.

Section 7

Employment Permits

All non-EEA nationals, unless exempt⁹, must hold an employment permit issued by the Department of Jobs, Enterprise and Innovation (DJEI) in order to work in Ireland. There are 9 different forms of employment permits available. The General Employment Permit and Critical Skills Permit are the two most common forms of employment permits in the State. A person granted an Employment Permit is given a Stamp 1 permission to remain in the State. The Employment Permit Section of the Department of Jobs Enterprise and Innovation examines applications from employers/employees and issues permits where appropriate. Permits can be valid up to 12 months or 2 years in the case of Critical Skills Permits and different fees are payable depending on the length of permit.¹⁰

Social and Economic Rights/Entitlements

- An Employment Permit holder can only work in the job the permit has been applied for (except in circumstances of redundancy). Subject to their having complied with their previous immigration and employment permit conditions and being of good character, persons in receipt of a Critical Skills Permit are not required to apply to the DJEI to renew their employment permit but can apply to INIS for a Stamp 4 residence permit, which will provide automatic access to the labour market if granted.
- Depending on the nature of the permit and the length of time in receipt of an employment permit, applications for family reunification may be made in accordance with the criteria set out in the INIS Policy Document for Non-EEA Family Reunification (referred to above).
- As workers making contributory (social insurance) payments, they have access to certain social welfare entitlements on fulfilment of conditions.
- While migrant workers with basic education needs can access the ETB Adult Literacy Service for free, generally other programmes in adult and further education require a fee. Moreover, the international student fee is required for migrant workers entering third level education and they are generally ineligible for higher education and student maintenance grants.

Documentation

- Non-EEA citizen workers are issued with a GNIB Irish Residence Permit Stamp 1 and have other personal documentation such as a national passport.

⁹ Non-EEA nationals are exempt from the requirement to hold an employment permit if the conditions of their residence permit allow them to work in Ireland, .e.g. refugees, family members of EU and Irish citizens, etc.

¹⁰ For information on fees payable see: <https://www.djei.ie/en/What-We-Do/Jobs-Workplace-and-Skills/Employment-Permits/Fees/>

Section 8

International Students

Persons from outside the EEA may enter and study in Ireland on a study visa providing they can fulfil certain conditions: (1) have a valid passport, (2) have evidence of their course and of fees paid and (3) evidence of private medical insurance/self-sufficiency. Reliable and accurate statistics on the number of non-EEA students in Ireland are not available.

Social and Economic Rights/Entitlements

- In general non-EEA international students cannot access free medical care and social welfare payments, as they are expected to provide evidence that they are self-sufficient.
- If registered in a full-time course approved by the Department of Education and Skills¹¹, non-EEA international students can seek and take up employment (20 hours per week during term time and 40 hours per week during the months of May, June, July, August and from 15th December to 15th January inclusive).
- Non-EEA Students who have completed their education in the State may qualify for a Stamp 1G under the Third Level Graduate Scheme which allows the holder to take up employment for up to 40 hours per week with a view to obtaining an employment permit upon completion of the Third Level Graduate Scheme

Documentation

- Non-EEA international students are registered and issued with a GNIB Irish Residence Permit Stamp 2 and hold a national passport.

¹¹ www.education.ie

Section 9

Citizenship/Naturalisation¹²

Citizenship by Birth

Since 1st January 20015, there is no automatic right to citizenship if born in the State to two non-Irish/UK parents. Children born in the State are entitled to Irish citizenship if one or both of their parents have been legally resident in the State for three out of the previous four years immediately prior to the birth of the child.¹³ Time spent in Ireland as an asylum seeker or with international student permission will not be counted as legal residence for the purpose of determining the right of citizenship by birth. The citizenship of the child is established by making an application for an Irish passport for the child to the Passport Office.

Foreign Birth Registration

Children born abroad who had a grandparent born in Ireland or a parent who claimed their Irish citizenship before the child's birth are automatically entitled to claim Irish citizenship through applying for a Foreign Birth Registration through the Department of Foreign Affairs.¹⁴

Naturalisation (Adults)

Generally, in order to apply for naturalisation applicants are required to have at least five years reckonable residence in the State, including one year immediately prior to the application and a further four out of the previous eight years. A Form 8¹⁵ application is required to be completed by adults. If the applicant was granted refugee status or recognised as a stateless person, they can apply for naturalisation after three years of residence. If the applicant is married to an Irish citizen, they can apply after three years of residence. In all cases, the Minister for Justice and Equality has absolute discretion whether or not to grant naturalisation. A prescribed fee of €175 is required to apply for naturalisation and, if granted, a naturalisation fee of €950 is required to obtain the Certificate of Naturalisation. Once the applicant is granted the Certificate of Naturalisation, an application can then be made for an Irish passport to the Passport Office.

¹² See: <http://www.inis.gov.ie/en/INIS/Pages/citizenship>

¹³ Section 6A of the Irish Naturalisation & Citizenship Act 1956 (as amended)

¹⁴ Foreign Birth Registration: <https://www.dfa.ie/passports-citizenship/citizenship/born-abroad/registering-a-foreign-birth/>

¹⁵ All naturalisation forms are available at www.inis.gov.ie/en/INIS/Pages/citizenship-naturalisation-forms

Naturalisation (Children)

A naturalised Irish citizen may apply for naturalisation on behalf of their minor child. A naturalised Irish citizen is required to complete a Form 9. A prescribed fee of €175 is required to apply for naturalisation and if granted naturalisation a fee of €200 is required to obtain the Certificate of Naturalisation on behalf of the minor child.

A parent/guardian who has not obtained naturalisation can nevertheless apply for naturalisation on behalf of their minor child who was born in Ireland but did not qualify for citizenship automatically at birth and in circumstances where the parent can establish that they have five years reckonable residence in the State. In such cases, the parent/guardian can make the application using a Form 11.

A parent or guardian of a minor child may apply for naturalisation on their behalf based on the minor's Irish descent or associations. Irish associations are defined as 'related by blood affinity or adoption to a person who is an Irish citizen'.¹⁶ Applications are made using a Form 10.

¹⁶Section 16 (2) of the Irish Naturalisation & Citizenship Act 1956 (as amended)

Section 10

Children

Currently, children under the age of 16 are not issued with permission to reside on an individual basis. Instead, their immigration status is assumed to be that of their parents.

All non-EEA national children are obliged to register with the GNIB at the age of 16, and to keep their immigration permission up to date at all times. Minors are exempt from the €300 registration fee. There are plans to extend this duty to children under 16 in 2018.¹⁷ If proceeded with, details about any such change will likely be provided on the INIS website.

In order to register, children whose parent/legal guardian have permission to reside in Ireland should attend at the GNIB office accompanied by their parent/legal guardian, evidence of residence and original identity documents. In some cases, for example, children who are in the care of the State or whose parents are undocumented, it may be necessary for an application to be submitted to the INIS to regularise their immigration status. Legal advice should be sought in advance.

The type of residence permission granted to children depends on their parent or legal guardian's own residence status in Ireland and they may be granted a Stamp 2, Stamp 3 or Stamp 4/Stamp 4EUFAM depending on the situation. Stamp 3 is usually issued to dependent members of an employment permit holder. This stamp does not allow access to employment but is counted in calculating eligibility for future citizenship applications. Stamp 4 permission is granted to the family members of refugees and persons with subsidiary protection, as well as family members of Irish citizens. Stamp 4 EU FAM is issued to family members of EU citizens. Stamp 4 and Stamp 4EU FAM permit access to employment.

It is possible to write to the INIS to request a change of status on behalf of a child. Applications are dealt with on a case by case basis and there are currently no official guidelines published by the INIS regarding such applications.

Social and Economic Rights/Entitlements

All children have the right to:

- Access pre-school education from the age of 3 to 5 and a-half years under the Early Childhood Care and Education (ECCE) Scheme.
- Access primary and post-primary education. It has been proposed that non-EEA international students may be required to pay an immigration levy to recover the costs of publicly-funded education for any children that accompany them to Ireland during their course of studies.

¹⁷ [Immigration Act 2004 Section 9; Employment Permits \(Amendment\) Act 2014 Section 35\(b\) provides for the extension of the duty of registration to those under 16 years. That provision has not yet been commenced. The 2017 Migrant Integration Strategy commits to enabling registration of “non-EEA migrants aged under 16 years” by 2018. See \[http://www.integration.ie/website/omi/omiwebv6.nsf/page/JWKY-AJEE6A1021139-en/\\\$File/Migrant_Integration_Strategy_English.pdf\]\(http://www.integration.ie/website/omi/omiwebv6.nsf/page/JWKY-AJEE6A1021139-en/\$File/Migrant_Integration_Strategy_English.pdf\) at p.23. \(Accessed on 22nd June 2017\)](http://www.integration.ie/website/omi/omiwebv6.nsf/page/JWKY-AJEE6A1021139-en/$File/Migrant_Integration_Strategy_English.pdf)

- Access medical care

Documentation

Children and young people aged 16 and over who have registered with GNIB will have a Irish Residence Permit with Stamp 2, Stamp 3 or Stamp 4 permission, depending on the situation.

- Generally all children and young people have identity documents, such as national passport or Travel Document. Unless they are recognised refugees, they should be assisted to obtain their national passports at the earliest opportunity and keep them up to date.

Biography

Catherine Cosgrave is a law graduate of UCD and the University of Edinburgh. She is the Managing Solicitor at the Immigrant Council of Ireland Independent Law Centre. Catherine is the author of several leading publications relating to family and child migration, trafficking and citizenship.

Colin Lenihan is a law graduate of NUIG and UCC. He is the Information and Legal Support Officer at the Immigrant Council of Ireland and is responsible for delivery of the Information and Referral Service. He previously worked at the Free Legal Advice Centre (FLAC) and in the Asylum/Immigration Division of KOD Lyons Solicitors, a specialist human rights practice for a number of years.

Further Information

Contact list

Government Departments

Education and Skills (Department of)

Marlborough Street Dublin 1

Tel: (01) 889 6400

Web: www.education.ie

Jobs Enterprise & Innovation (Department of)

Kildare Street Dublin 2

Tel: (01) 6312121

Web: www.djei.ie

Children & Youth Affairs (Department of)

43-49 Mespil Road Dublin 4

Tel: (01) 647 3000

Web: www.dcyia.ie

Justice & Equality (Department of)

51 St. Stephen's Green Dublin 2

Tel: (01) 602 8202

Web: www.justice.ie

Statutory Agencies and State Funded Bodies

Advisory Council on English Language Schools (ACELS) 26-27 Denzille Lane

Tel: (01) 9058185

Web: www.acels.ie

CDETБ

CDETБ Administrative Offices

Town Hall

Ballsbridge, Dublin 4

Tel: (01) 6680614

<http://cityofdublin.etb.ie/>

Quality & Qualifications Ireland (FETAC)

26-27 Denzille Lane Dublin 2

Tel: (01) 9058100

Web: <http://www.qqi.ie/Pages/Home.aspx>

Higher Education Authority

3 Shelbourne Buildings

Crampton Avenue

Shelbourne Road

Ballsbridge, Dublin 4

Tel: (01) 2317100

Website: www.heai.ie

Irish Human Rights and Equality Commission

16-22 Green Street
Tel: (01) 858 9601
Web: www.ihrec.ie

National Council for Curriculum and Assessment

35 Fitzwilliam Square
Dublin 2 Ireland
Tel: (01) 661 7177
Web: www.ncca.ie

National Centre for Guidance in Education (NCGE)

Avoca House
189-193 Parnell Street
Dublin 7
Tel: (01) 869 0715
www.ncge.ie

ENAR Ireland

37 Dame Street Dublin 2
Tel: (01) 8897110
Web: www.enarireland.org

International Protection Office

78-83 Lower Mount Street Dublin 2
Tel: (01) 602 8000
Web: www.ipa.gov.ie

Reception and Integration Agency (RIA)

Department of Justice and Equality
PO Box 11487 Dublin 2
Tel: (01) 418 3200
Web: www.ria.gov.ie

International Protection Appeals Tribunal

6/7 Hanover Street East Dublin 2
LoCall: 1890 201 458
www.protectionappeals.ie

Refugee Legal Service (RLS) 48/49 North Brunswick Street Smithfield

Dublin 7
Tel: (01) 646 9600
Web: www.legalaid.ie

Education Management Groups

Association of Community & Comprehensive Schools (ACCS)

10H Centrepoint Business Park
Oak Drive Dublin 12
Tel: (01) 4601150
www.accs.ie

Education & Training Boards Ireland (ETBI)

Pipers Hall, Kilcullen Road
Naas
Co. Kildare
Tel: (045) 901070
Web: www.etbi.ie

**Non-Governmental Organisations
(NGOs)**

Africa Centre

9C Abbey Street Lower Dublin 1

Tel: (1) 8656951

Amnesty International (Irish Section)

48 Fleet Street

Dublin 2

Tel: (01) 8638300

Web: www.amnesty.ie

**AONTAS (National Association of Adult
Education)**

2nd Floor

83-87 Main Street Ranelagh

Dublin 6

Tel: (01) 406 8220

Web: www.aontas.com

**Centre for the Care of Survivors of
Torture (CCST) Spirasi**

2nd Floor Phibsborough Tower

Phibsborough Shopping Centre

Dublin 7

Tel: (01) 838 9664

Web: www.spirasi.ie

Children's Rights Alliance

7 Red Cow Lane

Smithfield

Dublin 7

Tel: (01) 6629400

Web: www.childrensrights.ie

**Comhlamh (Association of Returned
Development Workers) 12 Parliament
Street**

Dublin 2

Tel: (01) 478 3490

Web: www.comhlamh.org

Dublin Adult Learning Centre (DALC)

3 Mountjoy Square

Dublin 1

Tel: (01) 8787266

Web: www.dalc.ie

Free Legal Advice Centre (FLAC)

13 Dorset Street

Dublin 1

Tel: (01) 874 5690

Web: www.flac.ie

Immigrant Council of Ireland (ICI) 1 St

Andrew Street, Dublin 2, Ireland Information
service: (01) 674 0200

Administration: (01) 674 0202 Web:

www.immiqrantcouncil.ie

**Integrate Ireland Language and Training
(IILT)**

35 Fitzwilliam Square

Dublin 2

Tel: (01) 661 7177

Web: www.ncca.ie

Irish Refugee Council

37 Dame Street

Dublin 2

Tel: (01) 7645854

Web: www.irishrefugeecouncil.ie

Migrant Rights Centre Ireland

37 Dame Street

Tel: (01) 889 7570

Web: www.mrci.ie

National Adult Literacy Agency (NALA)

Sandford Lodge

Sandford Close

Ranelagh

Dublin 6

Tel: (01) 4127900

Web: www.nala.ie

NASC - The Immigrant Support Centre

Ferry Lane Dominic Street Cork

Tel: (021) 4503462

Web: www.nascireland.org

Doras Luimni

Central Buildings

51a O'Connell Street

Limerick

Tel: 061 310 328

Web: www.dorasluimni.org

Centre for the Care of Survivors of Torture (CCST) Spirasi

2nd Floor Phibsborough Tower
Phibsborough Shopping Centre
Dublin 7
Tel: (01) 838 9664
Web: www.spirasi.ie

Academic Institutions

Equality Studies Centre

Room L510 James Joyce Library Building
University College Dublin Belfield Campus
Dublin 4
Tel: (01) 716 7104
Web: www.ucd.ie/socialjustice

Irish Centre for Human Rights National University of Ireland, Galway Galway

Tel: (091) 750 464
Web: nuigalway.ie/human_rights/

International Organisations

International Organisation for Migration (IOM)

116 Lower Baggot Street
Tel: (01) 676 0655
Web: www.iomireland.ie

United Nations High Commissioner for Refugees (UNHCR)

102 Pembroke Road, Ballsbridge, Dublin 4
Tel: (01) 631 4510
Web: www.unhcr.ie