

Opening Hours of the Immigrant Council of Ireland's Information Service:

The ICI's Information Service is free of charge
and is open to individuals and organisations
with immigration queries on:

Monday
Tuesday
Thursday
Friday
NOT WEDNESDAY

Open for drop-in queries
MORNINGS ONLY: 10am-12.30pm

Open for phone queries
AFTERNOONS ONLY: 2pm-4.30pm

Contact Details
Immigrant Council of Ireland
2 St. Andrew Street, Dublin 2, Ireland.

Information Service:
Tel: +353 1 674 0200 or
Email: info@immigrantcouncil.ie
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Immigrant Council
of Ireland



Rights and Entitlements of Immigrants in Ireland



Factsheet 3: Rights of International Students in Ireland



Introduction

This factsheet is one of a series of leaflets produced by the Immigrant Council of Ireland on the rights of immigrants in Ireland. Other topics in the present series include:

- 'Rights to Family Reunification in Ireland'
- 'Rights to Long Term Residency and Citizenship in Ireland'
- 'Rights to Leave to Remain in Ireland'

This series of factsheets was kindly funded by the Department of Social and Family Affairs in Ireland.

What Is The Immigrant Council Of Ireland?

The Immigrant Council of Ireland (ICI) is an independent non-governmental organisation that promotes and campaigns for the rights of immigrants through its:

- Information Service (free & confidential)
- Legal Service (free but limited service)
- Publications and Training work
- Policy and Campaigning work
- Work with migrant and ethnic minority led groups.

Disclaimer

This factsheet has been produced for information purposes only and is not a substitute for legal advice. Every effort has been made to ensure it is accurate and up to date at time of publication – October 2005. However, the Immigrant Council of Ireland disclaims any responsibility for errors or omissions in the text.

1 What Information is in this Factsheet?

This factsheet provides information on:

- The rights of migrants from inside and outside the European Union to come to Ireland in order to study
- How to go about this process and make any applications necessary
- The rights of international students once they are in Ireland.

(Note: In this factsheet, any references to people from within the European Union actually refer to people from all countries in the European Economic Area (EEA) and Switzerland. The European Economic Area includes the countries of the European Union as well as Norway, Iceland and Liechtenstein.)

2 I Am From The European Union - Can I Study In Ireland?

If you are from the European Union (EU) (as well as Switzerland and countries of the EEA) you have the right to live in Ireland for the purpose of study provided that you can prove you have private health insurance and enough money to support yourself while you are studying in Ireland.

► Residence Permits

Although you do not have to apply for a residence permit by law when you are living in Ireland, we recommend that you apply for one. Under Irish citizenship law, if a European Union national wants to apply for a 'certificate of naturalisation' (citizenship), the period during which he/she lived in Ireland without a residence permit will not be counted when

eligibility for naturalisation is being considered.

3 I am from Outside the EU – Can I Study in Ireland?

Yes. It is possible to come to Ireland as an international student, provided you follow the correct procedures.

The things you need to do in order to come to Ireland to study depend on whether or not you are from a country that needs a visa to travel to Ireland. For a list of countries whose citizens do not need a visa to travel to Ireland, see the Irish Department of Foreign Affairs' website: www.foreignaffairs.gov.ie.

For more information on this process, see Section 5 below.

4 What are the New Rules Affecting International Students?

In April 2005, new rules were introduced which affect people from outside the EU who want to study in Ireland. These new rules restrict the number of schools and colleges a person can enrol in, and also restrict the amount of time an international student can spend working during their studies in Ireland.

For example, if you are studying full-time for at least 12 months in a recognised third level institution (e.g. University College Dublin) you have the right to work part time (20 hours a week) during your studies and full time during normal holiday periods.

However, if you are studying here for less than 12 months or are enrolled in a

school/college which is not officially recognised you are not allowed to work.

5 I Am From Outside the EU, How Do I Come to Ireland to Study?

5.1 I Do Not Need a Visa to Come to Ireland

If you are not required to have a visa to enter Ireland you can either:

- Find and enrol in an approved school/college from your country of origin, travel to Ireland and then seek permission to enter the State for study purposes. When admitted you should then register your presence in the country with the authorities;

or

- Enter Ireland as a tourist, find and enrol with an approved school of your choice and then seek permission to remain in Ireland for study purposes by registering your presence in the country with the authorities.

A. How Do I Find & Enrol in an Approved School?

► Find An Approved School

Under the new rules, if you want to study in Ireland you *can only study in schools or colleges that are approved by the Irish Government to take international students.*

The list of educational institutions which are approved by Government are available on the 'Internationalisation Register' which is on the

Irish Department of Education's website:
www.education.ie.

► Pay Fees & Get Confirmation Letter

If your application to the school/college of your choice is accepted, you will then need to pay the relevant fees. Once this is done, you should request a letter confirming that you have been offered a place and that you have paid the required fees.

B. How Do I Register in Ireland?

If you are from outside the EU and you come to Ireland for the purposes of study, you *must* report to the Garda National Immigration Bureau (if living in Dublin) or to your local police station (if living in other parts of the country). You should bring the letter of confirmation from your school/college with you when registering.

In order to be allowed to register, you will be required to prove that you have private health insurance and enough money to support yourself while you are studying in Ireland.

For more information on registering with the authorities see section 5.2 (D) below.

5.2 I Need a Visa to Come to Ireland

There are three main steps involved in the process of coming to Ireland to study from outside the EU if you need a visa to enter the country and these are outlined in some detail below:

- a. Find and enrol in an 'approved school'
- b. Apply for a Student Visa
- c. Register your presence in Ireland

Please note, when you are applying for a visa, or at point of entry to the country, you will have to show the authorities that you have private health insurance and enough money to support yourself for the length of your time in Ireland.

A. How Do I Find and Enrol in an Approved School?

► Find An Approved School

Under the new rules for international students, if you want to study in Ireland you *can only study in schools or colleges that are approved by the Irish Government to take international students*. The list of educational institutions which are approved are available on the Department of Education's 'Internationalisation Register'. This is at: www.education.ie. You should check this Register and only apply for a course offered by one of the schools/colleges on this list.

► Apply For A Course

You, as the prospective student, should apply for the course of your choice *from abroad* before the application deadline. The course should be run by one of the approved schools or colleges on the 'Internationalisation Register'.

► Pay Fees & Get Confirmation Letter

If your application is accepted you must pay the relevant fees and then request a letter confirming that you have been offered a place and that you have paid the required fees.

B. How Do I Apply for a Student Visa?

Once you have been offered a place in a school/college in Ireland, you can then apply for a visa, from abroad, to enter the country

and begin your studies. Applications can be made:

- Through the Irish Embassy or Consulate in your country of residence.
- Through the nearest Irish Embassy or Consulate if there is none in your country of residence.

If at any time you would like assistance making your application, you can contact the ICI's Information Service (opening hours on back cover).

► **What Documents Do I Need To Apply?**

You need to enclose the following information and documents with your application for a student visa:

- A completed visa application form (This can be downloaded from the website of the Irish Department of Foreign Affairs at: (<http://www.foreignaffairs.gov.ie/services/visa/visaapp.pdf>)
- A valid passport (which is valid for at least six months from the date you are due to finish your course in Ireland)
- Your planned travel details
- A letter from the school/college where you have been accepted, confirming that you have a place and have paid the fees
- A letter stating where you are getting the funds to cover the fees and evidence that you have enough money to support yourself and any family while in Ireland (eg. a bank statement)
- The visa application fee
- Two passport photographs of the applicant.

C. What Happens If My Visa Application Is Refused?

Applications for visas to study in Ireland can be refused for different reasons. If the

government refuses to issue you with a visa you can appeal this decision if you wish.

However before lodging an appeal, you should first write to the authorities to request the reasons why your application was refused. This request should be sent in writing to the Visa Appeals Officer in the Visa Section of the Immigration & Citizenship Division of the Department of Justice, Equality & Law Reform (see useful contacts).

When you have received the reasons why your first application was refused, you can then appeal this decision by writing to an appeals officer within the Department of Justice. For more information on this process contact the ICI's Information Service.

D. How Do I Register in Ireland?

If you are from outside the EU and you come to Ireland for the purposes of study you *must* register your presence in the State at the Garda National Immigration Bureau (GNIB) if living in Dublin, or at your local police station if living in other parts of the country.

▶ What Documents Do I Need?

When you go to register with the police, you will be required to show your:

- passport and documents relating to the purpose of your arrival in Ireland, in this case your studies
- proof of financial means
- proof of address.

▶ What Will I Get When I Register?

When you register you will be issued with a Certificate of Registration (known as a 'Green Card'). The Certificate of Registration contains your photograph and states the duration of your permission to stay in Ireland. It also contains a stamp, and this stamp

indicates the type of permission you have to live and work in Ireland.

There are two different types of Stamps you may get as an international student in Ireland:

- If you are studying in an approved college, full-time for over 12 months, you will be allowed to work part time and will be issued with a *Stamp No. 2*.
- If you are in a course of study for less than 12 months, or with an unrecognised school, you will not be allowed to work and you will be issued with a *Stamp 2.A*.

6 What Are The Rights Of International Students?

Your rights and entitlements as an international student in Ireland depend mainly on where you come from, the duration of your course of study in Ireland and the type of college where you study.

6.1 What Are My Rights To Work?

A. Students from the European Union

Students from within the EU have unlimited rights to work in Ireland if they so wish, and do not need formal permission to work in Ireland. They should however, apply for a PPS number from their local social welfare office.

B. Students From Outside The EU

In April 2005, the government introduced new restrictions on the rights of international students from outside the EU to work in Ireland. A student's right to work now depends on a number of factors, including when they were first issued with a student visa (see below).

▶ Students Who Were Issued With A Student Visa Since April 18 2005

If you are from outside the EU and you were issued with a student visa on or after April 18th 2005, you are *only* allowed to work while you study in Ireland if you fulfil a number of conditions. These are:

- you must be *attending a full-time course*
- it must be of *at least one year's duration*
- it must *lead to a qualification* recognised by the Minister of Education and Science. For a list of approved courses, which are recognised by the Government, see the Internationalisation Register on the website of the Department of Education: www.education.ie.

▶ How Many Hours Can I Work?

If you have enrolled in a course of study on or after 18 April 2005, and you fulfil the above conditions, you *may only work*:

- part time, for up to 20 hours per week during school/college term
- full-time during normal holiday periods.

▶ Those Not Allowed To Work

If you do not fulfil the above conditions you are not allowed to work legally in Ireland during your studies.

If you are attending a foundation or preparatory course before enrolling in a full-time course you are not allowed to work until you have started the full-time course.

▶ Students Who Were Issued With A Student Visa Before 18 April 2005

If you had permission to live and study in Ireland before 18 April 2005, these new work restrictions do not apply to you.

You therefore have the right to work in Ireland until your student visa expires. You are allowed to work part time during the school term (20 hours a week) and full time during the holidays, even if your course is for less than one year.

C. When Do I Have To Stop Working?

Your right to work in Ireland will end when your student visa expires. At this time your permission to remain in Ireland will also end and you are expected to leave the country. The fact that you may have been in casual employment will not, in itself, entitle you to stay in Ireland to work on a full-time basis.

D. Can I Change to a Work Permit?

If you are finished your course of studies and want to continue to work in Ireland, you are not legally allowed to continue working in Ireland without changing your immigration status.

As a former student, in order to be allowed to work in Ireland you will need to be issued with a form of permission to work (such as work permit or working visa) by the Department of Enterprise, Trade and Employment.

► Please Note the Restrictions:

A person is not usually allowed to change from a student visa to a work permit while staying in Ireland.

If you want to get a work permit, you will usually have to leave the country and apply for work from there. Once offered a job, your employer will need to apply for a work permit on your behalf. For more information on this contact the Immigrant Council of Ireland's Information Service or see the Department of Enterprise's website: www.entemp.ie

E. What Are My Rights In The Workplace?

Everyone who has permission to work in Ireland has the same rights in the workplace, regardless of their nationality. This means that they have a right to a legal contract, to lawful hours of work, a salary that is not below the minimum wage, as well as full holiday, illness and parental leave as set down in Irish employment law. For more information on your rights in the workplace contact the ICI's Information Service.

6.2 What Are My Rights to Family Reunification?

▶ Students from the EU

If you are full-time student from the EU, you are permitted to have your wife or husband and any children under 18 living with you in Ireland, provided that you have enough money to support them.

▶ Students from outside the EU

If you are from outside Europe and are a full-time student in Ireland, you do not have an official right in law to family reunification.

However, you may apply to have your family members (such as your wife/husband, and any dependent children under 18) to be allowed to live with you in Ireland while you study.

This is provided that you can prove you have enough money to support the family, without needing State support. You are also required to provide full medical and health insurance for yourself and any family members living with you.

For more information on how to apply for Family Reunification, please see the

Immigrant Council of Ireland's Factsheet on this topic or contact our Information Service.

6.3 What Are My Rights To Social Welfare?

Since May 2004, anyone who wishes to apply for social welfare support in Ireland must pass a residency test known as the 'habitual residence condition', irrespective of his or her nationality. There are various conditions involved, but generally it means that anyone who has not been resident in Ireland for two years before making the application may not be entitled to social welfare benefits.

6.4 What Are My Rights To Vote?

▶ People granted Irish citizenship

Those who have been granted Irish citizenship have the right to vote in all local, national, European elections and referenda in Ireland if their name is on the Register of Electors.

▶ People from the EU

Students from other countries in the European Union have the right to vote in local and European elections in Ireland if their name is on the Register of Electors.

▶ Students from outside the EU

People who are from outside the EU and are habitually resident in Ireland are allowed to vote in local elections if their name is on the Register of Electors.

Do You Want More Information On The Rights Of Immigrants?

If you would like more information on the rights of immigrants in Ireland you can get this from the Immigrant Council of Ireland by:

Reading other Factsheets in this Series:

- 'Rights to Family Reunification in Ireland'
- 'Rights to Long Term Residency and Citizenship in Ireland'
- 'Rights to Leave to Remain in Ireland'

Reading the 'Information for Migrants Section' of our website:

www.immigrantcouncil.ie

Contacting our free and confidential Information Service:

The ICI provides a free and confidential Information Service on the rights of immigrants and their families such as migrant workers, international students, business people and visitors. Information is available on topics such as:

- work permits
- working visas and authorisations
- business permits
- student visas
- family reunification
- citizenship and residency
- permission to remain
- regularisation
- tourist visas/visitor visas
- referrals to other services.

**For the opening hours and contact
details of the ICI's Information Service
see back of factsheet.**

Other Useful Contacts

Department of Education and Science

Marlborough Street, Dublin 1
+ 353 1 873 4700
www.education.ie

Visa Office

Department of Foreign Affairs
13/14 Burgh Quay, Dublin 2
+ 353 1 663 1000
www.foreignaffairs.gov.ie

Garda National Immigration Bureau

13/14 Burgh Quay, Dublin 2
+ 353 1 666 9100
email: gnib@iol.ie

Passport Office

Setana Centre, Molesworth Street, Dublin 2
+ 353 1 671 1633 / Lo-Call (from outside
Dublin, in Ireland): 1890 426888

Immigration and Citizenship Division

Department of Justice, Equality & Law Reform
13/14 Burgh Quay, Dublin 2
+ 353 1 616 7700
www.justice.ie

Information Service of the Department of Social and Family Affairs

Áras Mhic Dhiarmada
Store Street, Dublin 1
+ 353 1 704 3000
www.welfare.ie

Irish Council for Overseas Students

41 Morehampton Road, Dublin 4
+ 353 1 660 5233
www.icosirl.ie

Education Ireland

IPC House
35-39 Shelbourne Road, Dublin 4
+ 353 1 6144836
www.educationireland.ie

