



Rights and Entitlements of Migrants 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 (ICI) on the rights of migrants 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 ICI is an independent, non-governmental organisation that promotes and campaigns for the rights of migrants through its:

- Information and Support Service (free and 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 – November 2007. 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 EU - 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 you can prove you have private health insurance and enough money to support yourself and any accompanying family members.

► Residence Permits

Although you do not, by law, have to apply for a residence permit when you are living in Ireland, we recommend that you do so. Under Irish law, if an EU national wants to apply for a 'certificate of naturalisation' (citizenship), the period during which he or 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 whose citizens need a visa to enter Ireland. For information on whether you require a visa, and the visa application process, see the Visa Section on the Irish Naturalisation and Immigration Service (INIS) website: www.inis.gov.ie. However, even if you are not required to apply for a visa, this does not mean that you will always be allowed to enter or remain in Ireland. For more information, see Section 5 below.

4 What Are The Rules Affecting International Students?

In April 2005, rules were introduced which affect international students from outside the EU who want to study in Ireland. These 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 or college that 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?

This depends on whether or not you need a visa to enter Ireland. For information on whether you require a visa, and the visa application process, see the Visa Section on the Irish Naturalisation and Immigration Service (INIS) website: www.inis.gov.ie

5.1 I Do Not Need A Visa To Enter Ireland

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

- 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 must then register your presence in Ireland with the authorities
- Enter Ireland as a tourist, find and enrol in 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. Please note, however, that the Department of Justice, Equality and Law Reform may require that you leave and re-enter the State.

A. How Do I Find And 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 approved by the Government is available on the 'Internationalisation Register' which is on the Irish Department of Education's website, www.education.ie.

► **Pay Fees And 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 to travel to Ireland
- c. Register your presence in Ireland

Please note, when you are applying for a visa, or at a 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 that are approved are available on the Department of Education's 'Internationalisation Register' 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 And 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.

► 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 student visa application form. See the Student Visa Guidelines, Visa Section on the website of the Irish Naturalisation and Immigration Service (INIS): www.inis.gov.ie
- 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 arrangements
- 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 members while in Ireland (e.g. a bank statement)
- The visa application fee
- Two passport photographs.

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

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 obtain the reasons why your visa application was refused. Visa decisions are now available online and may be viewed on the website of the Irish Naturalisation and Immigration Service. See the Visa Decisions Weekly List available on www.inis.gov.ie.

When you have obtained the reasons why your first application was refused, you can then appeal this decision by writing to the Visa Appeals Officer, Visa Section, Department of Justice, Equality and Law Reform, within two months of the visa refusal being issued.

If you require more information on the appeal process, please contact the ICI's Information and Support 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.

Currently there is a €100 administrative charge for registering, which is payable by credit card or bank giro only.

► What Documents Do I Need?

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

- Passport
- Documents relating to the purpose of your arrival in Ireland, in this case your studies
- Proof of finances to support yourself
- Proof of address in Ireland.

► **What Will I Get When I Register?**

When you register, you will be issued with a Certificate of Registration. This contains your photograph and states how long you are permitted to stay in Ireland. It also contains a stamp which 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 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 2A**.

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 EU

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 Personal Public Service Number (PPSN) 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 (see below).

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

If you are from outside the EU and you were issued with a student visa on or after 18 April 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 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 legally allowed to work 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 that course.

C. When Do I Have To Stop Working?

Your right to work in Ireland will end when your permission to remain in Ireland for study purposes expires. At this time, you are expected to leave the country unless you have obtained permission to remain for further studies or on some other basis. 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?

In January 2007, the Department of Enterprise, Trade and Employment introduced a 'Graduate Scheme' for international students graduating from third level institutions. Under this scheme, a non-EEA student who has, on or after 1 January 2007, acquired a primary, masters or doctorate degree from an Irish third-level institution will be permitted to apply for one non-renewable extension to their current student permission (Stamp 2). This extension is for a six-month period, starting on the date that the person receives their exam results. This scheme allows graduates to seek employment and apply for a Green Card or work permit. During these six months, you are entitled to work full-time.

Further information on the 'Graduate Scheme' is available directly from the Department of Enterprise, Trade and Employment 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 or immigration status. 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 and Support Service.

6.2 What Are My Rights To Family Reunification?

► Students From The EU

If you are a full-time student from the EU, you are permitted to have your wife or husband and any children under 21 living with you in Ireland, provided that you have sufficient finances to support yourself and your family members in Ireland and you have private health insurance for yourself and your family members.

► Students From Outside The EU

If you are from outside Europe and are a full-time student in Ireland, you do not have a statutory entitlement 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 sufficient finances 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 and Support Service.

6.3 What Are My Rights To Social Welfare?

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. To apply for social welfare, please contact your local social welfare office.

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 entered on the Register of Electors.

Useful Contacts

Department of Education and Science

Marlborough Street, Dublin 1

+ 353 1 873 4700

www.education.ie

Visa Office

Department of Justice, Equality and Law Reform,

13/14 Burgh Quay, Dublin 2

+353 1 616 7700/ Lo-Call (from within Ireland)

1890 551 500

www.inis.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

Irish Naturalisation and Immigration Service (INIS)

Department of Justice, Equality and Law Reform

13/14 Burgh Quay, Dublin 2

1890 221 227

www.inis.gov.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

Sandford Lodge
Sandford Close
Ranelagh, Dublin 6
+353 1 657 4242

www.educationireland.ie

Citizens Information Service

In person: Citizens Information Centres
throughout Ireland

Phone Service: Lo Call 1890 777 121

Website: www.citizensinformation.ie

Do You Want More Information On The Rights Of Migrants?

If you would like more information on the rights of migrants 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 And Support Service:

The ICI provides a free and confidential Information and Support Service on the rights of migrants 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 and Support Service see the back of this factsheet.

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

The ICI's Information and Support 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
Website: www.immigrantcouncil.ie**

**Administration:
Tel: +353 1 674 0202 or
Email: admin@immigrantcouncil.ie
Fax: + 353 1 645 8059**

