

PERMISSION TO REMAIN
FOR NON-E.E.A. NATIONALS¹

**The provisions of this leaflet apply to all non-EEA
nationals.**

**IT SHOULD BE NOTED THAT THIS LEAFLET IS NOT AND DOES NOT PURPORT TO BE
A LEGAL DOCUMENT. IT IS PURELY FOR THE INFORMATION OF THOSE TO WHOM
IT APPLIES.**

**¹E.E.A. (European Economic Area) is comprised of the 27 Member States of the
European Union plus Iceland, Liechtenstein, Norway and Switzerland.**

What is Permission to Remain?

Permission to remain in Ireland is a statement of the conditions on which a non-EEA national is permitted to remain in the State and the duration of that permission. It is given on behalf of the Minister for Justice, Equality and Law Reform in the form of a stamp (endorsement) in your passport. A residency document – Certificate of Registration - may also be issued for the same period of time as the stamp (endorsement) placed in your passport.

How do I obtain Permission to Remain?

Non EEA nationals are required to seek leave to enter the State by reporting to an Immigration Office at an Irish port of entry. The onus is on the individual to have all documentation relating to their reasons for entering Ireland for presentation to the immigration officer to gain entry. The immigration officer may grant leave to enter to a maximum period of three months. They may, depending on the documentation presented grant a lesser period that three month.

Should the non EEA national wish to remain in the State beyond the period granted by an Immigration officer on arrival in the State, they will be required to obtain the permission of the Minister for Justice, Equality and Law Reform. This can be done by reporting to your local Immigration Officer which is located at the Superintendent's Office, An Garda Síochána (Police) in the District in which you reside. In the Dublin area you must report to the Garda National Immigration Bureau, 13/14 Burgh Quay, Dublin 2.

Visa Required nationals who enter the State on foot of a C Visit Visa cannot have their permission to remain in the State extended. They must leave and reapply from outside the State should they wish to return.

Who requires Permission to Remain ?

All non-EEA nationals need permission to remain in the State. Permission to remain will be in the form of an endorsement in your passport confirming the conditions and period of time for which you have permission to remain in the State.

What Documentation is required to obtain Permission to Remain?

You will need to provide the following in connection with your application for permission to remain:

- (a) valid passport;
- (b) evidence that you have sufficient funds with which to support yourself and any dependants;

(c) any information requested in connection with the purpose of your arrival in the State;

In addition if you are one of the following categories you will require certain specific documentation relating to the purpose for which you wish to remain in the State:-

Student:

You will need to provide the following in connection with your application for permission to remain on student conditions:

- (a) valid passport;
- (b) evidence that you have sufficient funds with which to support yourself and any dependants;
- (c) any information requested in connection with the purpose of your arrival in the State;
- (d) Letter of registration from college / school verifying the duration / nature of the course;
- (e) Evidence that the necessary fees have been paid;
- (f) Evidence that you have sufficient funds to maintain yourself for the period of your proposed stay.
- (g) Evidence of private medical insurance.

If it is the case that you have already been granted permission to remain in the State on student conditions and which **to renew this permission to remain** it is open to you to seek to renew this permission to remain with your local Immigration Officer. In addition to the above you should be in a position to provide evidence of at least 80% attendance record from previous academic year.

Employment

In order to take up employment in the State, the person must be in possession of (a) valid work permit (b) valid green card – further information is available from the Work Permit Section, Department of Enterprise, Trade & Employment (www.entemp.ie)

All non EEA nationals wishing to remain in the State on work permit/green card conditions must be in a position to present to their Immigration Officer, the following documents:

- (a) original passport
- (b) valid visa (if appropriate)
- (c) original work permit ./ green card permit

The holder of a valid work permit/green card is entitled to take up employment in the State. **However, they must also seek to obtain permission to remain on this basis from their local Immigration Officer.**

Self Sufficiency: (e.g. retired person, long term visitor, dependant of person already residing here, etc.)

If you are a non visa required national coming to the State and are not economically active (other than a student) but intend to remain for longer than three months in the State, then you must be in a position to show that you have sufficient resources to cover your stay in the State without recourse to public funds, services or State benefits. You should also have private medical insurance to cover your stay in the State.

You must report to your local Immigration Officer with details of your future intentions and sufficient evidence of the above.

The above is not an exhaustive list, and you may be asked for additional documentation in support of your application.

Visa required nationals who are granted entry to the State on foot of a C Visa are **not permitted** to remain longer than the maximum period of 90 days.

Permission to remain will be granted by way of a Stamp (endorsement) in your Passport and a Residence document - Certificate of Registration - may also be issued.

Under no circumstances may you engage in activity in the State for which you do not have the appropriate permission. For example, a person with permission to remain as a visitor shall not work. Visa required nationals should ensure when applying for an Irish entry visa that they state the true and precise reasons for their seeking entry to the State.

For what duration can I get Permission to Remain?:

You will normally be given permission to remain for the duration of your stated purpose in the State. Persons who have been issued with a Work Permit or Green Card Permit will be granted residency up to the expiry date of that permit.

EEA Nationals - If their spouses and dependants are non-EEA nationals, do they need Permission to Remain?:

Yes. They will require permission to reside here also.

How can I obtain Long Term Residence in Ireland?:

The position in relation to granting long term residence (currently processed as an Administrative Scheme) is as follows : Persons who have been legally resident in the State for over five years (ie: 60 months) on the basis of Work Permit/work authorisation/work visa conditions may apply to this office for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

Long term residence is granted on the basis that a non EEA national has completed five years (60 months) legal residence in the State on Work Permit conditions **which is reflected in the corresponding Stamp 1 or Stamp 4 endorsements in a person's passport** and not by the dates of commencement and expiry of each Work Permit. Subsequently, in calculating the reckonable period of 60 months legal residence, this office only takes into consideration time spent in the State **legally on work permit conditions.** However, periods of time, where a person has not had legal residence (ie: having an up to date endorsement on Work Permit conditions in their passport) cannot be counted towards an application for long term residence.

The dependants of the aforementioned, who have been legally resident in the State for over five years (ie: 60 months) may also apply for long term residence. This particular long term permission does not exempt the dependants from employment permit requirements .

The following documents together with a covering letter of application clearly indicating the passport endorsements (totalling 60 months) relating to each work permit should be submitted to the Long Term Residence Section, General Immigration Division, 3rd Floor, INIS, 13-14 Burgh Quay, Dublin 2:

1. Copy work permits.
2. Copy Certificate of Registration (GNIB Card).
3. Clear and legible copy passport including all endorsements (If your passport has expired since arrival in the State, please submit copies of both passports).

Applicants are also advised to keep their permission to remain up to date at all times (including while their application is being processed).

Processing time is currently 11 month.

All non-EEA nationals need permission to remain in the State. Permission to remain will be in the form of an endorsement in your passport confirming the conditions and period of time for which you have permission to remain in the State.

De Facto Relationships

Non EEA nationals who wish to remain the State and are in a de-facto relationship must be in a position to provide evidence of a durable attested relationship of at least 4 years. The following documents must be provided to their local Immigration Officer:

- (a) Current passports of both parties.
- (b) Evidence of finances of both parties
- (c) Evidence of relationship of at least 4 years duration (i.e. tenancy agreement, utility bills, bank statements, etc)

Should permission to remain be granted on this basis, it does not exempt the person from work permit requirements. In order to take up employment in the State, the non EEA national must be in possession of a valid work permit/green card.

The above is not an exhaustive list, and you may be asked for additional documentation in support of your application

All non-EEA nationals need permission to remain in the State. Permission to remain will be in the form of an endorsement in your passport confirming the conditions and period of time for which you have permission to remain in the State.

Change of status:

In the case of a **non visa required national** it is open to you to seek to change your immigration status with your local Immigration Officer, outlining details of your future intentions in the State. You should be in a position to provide documentary evidence of the proposed change to your immigration status.

Should a **visa required national** wish to change their status they must first leave the State and apply for the appropriate visa at their nearest Irish Embassy or Consular Officer should they wish to return outlining the purpose of their journey.

CHANGE OF NAME LICENCE

Under Section 9 of the Aliens Act, 1935 a person who wishes to assume a name other than that by which he/she was ordinarily known prior to reaching the age of majority is required to obtain a change of name licence from this Department to do so. In order for this name change to take legal effect a deed poll would also need to be executed.

Section 8 of the Aliens Act, 1935 provides that it shall not be lawful for any alien on or over the age of 21 years to assume or use or purport to assume or use or to continue the assumption or use after the appointed day of any name other than the name by which he was ordinarily and usually known on.....the day before the date on which he attained the age of 21 years (21 years was the age of majority in 1935 but this was reduced to 18 years by the Age of Majority Act, 1985).

Section 8(4) of the Aliens Act, 1935 states as follows "in the case of a woman, neither the assumption of her marriage of the surname of her husband nor the use of that surname after her marriage shall be a contravention of this section.

Irish Citizens

Irish citizens do not require a change of name licence. However, a letter stating same maybe required from this office.

Before issuing a letter to the effect that a licence is not required the following documents are required:-

1. Original long form birth certificate
2. Original passport
3. Any documents pertaining to any previous name change i.e. marriage certificate in the case of a woman who may have changed her name on marriage or deed poll documents where a deed poll has previously been executed.

British Citizens

British citizens do not come within the definition of "Alien" and are therefore not required to obtain change of name licences in order to affect a deed poll. However, the High Court normally requires a letter from this Department stating that this is the case.

Before issuing a letter to the effect that a licence is not required the following documents are required: (document no. 3 is not applicable to all applicants)

1. Original long form birth certificate,

2. Original passport,
3. any documents pertaining to any previous name change i.e. marriage certificate in the case of a woman who may have changed her name on marriage or deed poll documents where a deed poll has previously been executed.

Minors

Section 8 of the Aliens Act, 1935 provides that it shall not be lawful for any alien on or over the age of 21 years to assume.....any name other than the name by which he was ordinarily and usually known on.....the day before the date on which he attained the age of 21 years without first having obtained a change of name licence from the Minister.

Where the parent/legal guardian of a minor wishes to effect a name change by deed poll on behalf of the minor the High Court normally requires a letter from this Department stating that a change of name licence is not required.

Before issuing a letter to the effect that a licence is not required the following documents are required:

1. Original long form birth certificate of the minor,
2. Proof of identity of the parent/legal guardian making the application i.e. passport.

Change of Name upon Marriage & Reverting back to Maiden Name

A change of name licence is not required in the above cases.

Before issuing a letter to the effect that a licence is not the following documents are required:

1. Original long form birth certificate
2. Marriage certificate.

Persons who require a Change of Name Licence should write in to the Change of Name Section for an application form.

Applications for a Change of Name licence must be submitted to the Change of Name Licence Section, 3rd Floor, INIS, 13-14 Burgh Quay, Dublin 2.

Family Re-Unification

[Link to FRU Info Leaflet](#)

How can I Renew my Permission to Remain?

Your permission to remain in the State should never be allowed to lapse and the onus is on you to ensure that this does not happen. You should apply to the Immigration Officer responsible for the area in which you reside in good time to have your permission to remain in the State extended. You will be required to submit documentation relating to your reasons for seeking further permission to remain i.e. work permit holder must submit a new work permit, and evidence of employment.

What if I am refused Permission to Remain?

If you are refused permission to remain in the State you will be informed of the reasons for this and given the opportunity to leave the State voluntarily within a specified period. Failure to depart voluntarily may result in you being subject to deportation.

<u>Address and Telephone Numbers</u>	
Department of Justice, Equality & Law Reform Irish Naturalisation and Immigration Service, 13/14 Burgh Quay Dublin 2	01-6167700 Lo Call: 1890 551 500 Website: www.inis.gov.ie

*The helpline for the following categories is open from 10am to 12pm each Monday, Wednesday and Friday, **excluding Bank and Public Holidays**. Telephone queries can only be answered during these times. You may also contact us by e-mail, at immigrationmail@justice.ie Further information on Immigration matters is available on our website, www.inis.gov.ie"*

Change of Status

Student Conditions

De Facto Relationships

Self sufficiency conditions

Employment conditions

Refugees applying for Family Members to join them

Long Term Residence

Dual Nationality

Change of Name

Select Option 3 and then Option 3.