



DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM
AN ROINN DLÍ AGUS CIRT, COMHIONANNAIS AGUS ATHCHÓIRITHE DLÍ

Information on making an application for renewal of permission to remain in the State on the basis of parentage of an Irish born child born before 1 January 2005, which was granted under the IBC/05 Scheme

Applicants are strongly advised to read this leaflet carefully before completing the IBC Renewal application form

Arrangements have been put in place regarding the processing of applications for renewal of permission to remain in the State from non-nationals who are the parents of an Irish born child, born in the State before 1 January 2005, and who were granted permission to remain in the State under the Irish Born Child Scheme 2005 (IBC/05). These arrangements require each applicant, who wishes to apply for renewal of their permission to remain, to submit a completed application form and supporting documentation. Under the renewal scheme, permission to remain will be extended for a period of three years, save in exceptional circumstances, and subject to conditions.

Who can apply for renewal of permission to remain in the State under this renewal scheme?

The non-national parent of an Irish born child, born in the State before 1 January 2005, and who was granted permission to remain in the State under the IBC/05 Scheme and who now wishes to have that permission renewed can apply under this scheme

How do I apply for renewal of my permission to remain?

In order to apply you must complete the IBC Renewal application form in full. Each parent who wishes to apply for renewal of their permission to remain must complete a separate application form. Your application will only be processed if you have completed the application form in full and provided all necessary supporting documentation. Incomplete applications may be returned. It is recommended that you use registered post when sending in your application and original documents and that you keep a copy of whatever correspondence and documents you send to us. Completed application forms should be sent to the following address:

**Irish Born Child Unit,
Department of Justice, Equality & Law Reform,
PO Box, 10003,
Dublin 2.**

Note: Any information or documents provided by you which are found to be false or misleading may lead to a refusal of your application for renewal of permission to remain in the State or subsequent revocation of any leave to remain permission that may be granted.

Where can I get an IBC Renewal application form?

The IBC Renewal application form is available on the Department's website at www.justice.ie. The form is also available at the Irish Naturalisation and Immigration Service (INIS), 13-14 Burgh Quay, Dublin 2 and Garda District Headquarters stations outside Dublin. Forms have also been supplied to various non-governmental organisations working with immigrants and asylum seekers. Blank forms can be photocopied and applications submitted on photocopied forms.

When should I submit my application for renewal of permission to remain?

Applications for renewal of permissions to remain granted in January/February/March 2005 must be submitted by post to the IBC Unit by 2 April 2007 at the latest. All other applications for renewal of permission to remain must be submitted one month in advance of the date on which your current permission to remain expires. Applications will be processed in order of the date permissions to remain expire. If exceptional circumstances apply in relation to the submitting of a late application, the Minister for Justice, Equality and Law Reform may, at his absolute discretion, decide to consider such a late application.

What will happen if I do not apply in time?

If you don't submit your application for renewal of permission to remain in the State within the required time limit, and if exceptional circumstances as determined by the Minister for Justice, Equality and Law Reform do not apply, any late application submitted will not be considered. When your current permission to remain expires you will become illegal in the State. If this happens your file will be referred to the Immigration area of the Irish Naturalisation and Immigration Service (INIS) for whatever action is deemed appropriate.

What must I show I have done in order to allow my application for renewal of permission to remain to be considered?

- You must have **resided continuously in the State** since you were granted permission to remain in the State under the IBC/05 Scheme. 'Continuous Residency' means living in the State for the period covered by the permission to remain granted under the IBC/05 scheme, allowing for reasonable periods of absence from the State for holidays, exceptional family circumstances or commitments outside the State arising from business or employment carried on within the State
– see sections 1 (a) and 6 of the application form.
- You must have been **living with your Irish Born Child as part of a family unit** or, alternatively, must have taken an active role in the upbringing of the child. If you are not part of the family unit you must provide evidence of the active role taken by you in the upbringing of your child, including, for example, frequency of access to the child, maintenance payments made towards the upkeep of the child, etc. In such circumstances the other parent of the child may be asked for confirmation of the information supplied and/or the Minister may request you to provide further details or evidence
– see section 1 (b) of the application form.
- Since you completed your initial application form under the IBC/05 Scheme you must have **obeyed the laws of the State** and not been convicted of any offence and not been involved in **criminal activity** – see sections 2 and 6 of the application form.
- You must have **made every effort to become economically viable in the State** by engaging in employment, business or a profession since you were granted permission to remain
– see section 3(a) of the application form.
- If you are not employed or financially independent, you must have **taken all steps necessary**, such as appropriate participation in training or language courses, **to enable you to engage in employment, business or profession in the State** since you were granted permission to remain
– see section 3(d) of the application form.
- If you have not been engaged in employment, business or profession, you must provide **evidence of how you have been financially maintaining yourself and your family since you were granted permission to remain** – see section 3(b) of the application form

How do I show that I have made every effort to become economically viable in the State?

If you **have been** engaged in employment, business or profession in the State since you were granted permission to remain, you are required to provide details of any such employment, i.e. name and address

of your employer(s), the date(s) of commencement and, where applicable, cessation of each employment. You may also be required to submit a letter from your employer confirming these details. If you have been self employed, you must outline details of the business in which you have been engaged. Further details may be requested, for example, a set of accounts for the business or business accountant/auditor's letter. If you have been employed you must also submit either a P45, P60, or Tax Clearance Certificate from the Revenue Commissioners.

If you **have not been** engaged in employment, business or profession in the State since you were granted leave to remain, you are required to provide details and evidence of the efforts made by you to get employment or state the reasons why you have been unable to obtain employment. Evidence of efforts made to seek employment may include, for example, registering with FAS, copies of letters/replies to and from prospective employers, and evidence of educational or training courses (including language training) undertaken. This list is not exhaustive and you may be asked for further evidence or details.

You are also required to provide a detailed explanation stating how you have been financially maintaining yourself and your family in the State since you were granted permission to remain. Evidence of this is also required – e.g. letter from the Department of Social and Family Affairs, bank statements, etc. This list is not exhaustive and you may be asked for further evidence or details.

How do I show that I have been residing continuously in the State since being granted permission to remain?

Supporting documentation provided by you must show that you have been residing continuously in the State since you were granted permission to remain. Documentation that may be used to show proof of continuous residency may include, for example, employment, business, social welfare, Health Service Executive, educational or training records. This list is not exhaustive and you may be asked for further evidence or details.

Address information. It is important that the address at which you are currently residing is clearly stated on your application form. This address will be used for all correspondence in relation to your application. If you change your address at any time, you must notify this Department of your new address immediately.

Supporting documentation. The following supporting documentation must be submitted with your application form: original Passport/National Identity card and full colour photocopy of all pages; full colour photocopy of your GNIB card; 2 colour Passport size photographs of you (signed on the back); a self addressed A4 size envelope, no postage stamp required (for the return of original identity documents submitted) and the following additional documentation, as appropriate: evidence of employment; social welfare payments; educational/training courses undertaken; how you have been financially maintaining yourself and your family.

If you are unable to provide any of the above documents, please include a note with your application explaining why this is the case.

Receipt of applications. All applications will be acknowledged on receipt. All original identity documents will be returned to you by registered post once these have been checked. Please note that it will not be possible for any original documents submitted with your application to be collected from the Department.

Any additional information you wish to submit. If you wish to bring any additional information regarding your application to our attention, please do so in writing to the Irish Born Child Unit at the above address quoting your Department of Justice, Equality and Law Reform “ 69/...” reference number. Such correspondence will be considered when your application comes up for consideration in the normal course.

What will happen if my application for renewal of permission to remain is approved?

If your application for renewal of permission to remain is approved you will be granted permission to remain in the State for a period of three years, save in exceptional circumstances, subject to conditions. The period of renewal of permission to remain and conditions attached will be set out in a letter notifying you of this decision.

The granting of any renewal of permission to remain in the State under this Scheme does not in any way confer any entitlement or legitimate expectation on any other person, whether related to the applicant or not, to enter or remain in the State.

Garda checks prior to registration.

Please note that your permission to remain in the State will only become operative when you have registered at your local Registration Office. If you live in the Dublin Region this is the Immigration Registration Office, Garda National Immigration Bureau, 13/14, Burgh Quay, Dublin 2. If you live elsewhere, you should register at your local Garda District Headquarters Station.

When you apply to register at the appropriate Registration Office, the Garda National Immigration Bureau will make enquiries as to whether or not you have obeyed the laws of the State, that you have not been convicted of any offence and have not been involved in criminal activity.

In the event that information comes to light indicating that you have not met any of these requirements, the Garda National Immigration Bureau will not register your renewal of permission to remain in the State and your file will be referred back to the IBC Unit for whatever action is deemed appropriate. This may include the refusal of your application for renewal of your permission to remain in the State. In the event that this occurs, you will become illegal in the State and your file will be referred to the Immigration area of the Irish Naturalisation and Immigration Service (INIS) for whatever action is deemed appropriate.

Provided that the Garda National Immigration Bureau is satisfied that you have met the above requirements, upon payment of the appropriate fee of €100, you will be issued with a Certificate of Registration. This Certificate will show that you have been given permission to remain in the State and will set out the conditions attached to this registration. The Certificate is an important document and you should guard it safely.

The Certificate of Registration will entitle you to work in the State without the need for a Work Permit and will entitle you to set up a business without seeking the permission of the Minister.

What will happen if my application for permission to remain is refused?

If your application for renewal of permission to remain in the State is refused you will be notified of this decision and the reason(s) for refusal and your file will be referred to the Immigration area of the Irish Naturalisation and Immigration Service (INIS) for whatever action is deemed appropriate.

IBC Unit
January 2007