

# Special Scheme for non-EEA nationals who held a Student Permission in the State during the period 1 January 2005 to 31 December 2010

## Frequently Asked Questions

### 1. How do I apply for permission under the Special Scheme for students from 01/01/2005 to 31/12/2010?

- All applications must be submitted online via the INIS online portal at [inisonline.jahs.ie](http://inisonline.jahs.ie).
- You must complete the online application form and submit it with all the required documentation.
- You can apply until Sunday 20th January, 2019.
- INIS will not accept applications by post.
- INIS will not process incomplete application forms.

### 2. Is there an application fee for the Special Scheme for students from 01/01/2005 to 31/12/2010?

A total of €700 must be paid at the time of the online application.

The total of €700 is comprised of:

- A non-refundable fee of €250 which applies to the processing of the online application;
- A fee of €450 in respect of the giving of permission if the application is successful. This €450 will be refunded in the event that your application is unsuccessful.

Where a person makes an application for this scheme and includes a request for permission for eligible family members (see question 19 below), **only one payment of €700 is required to be paid by the applicant in respect of their family unit.**

The application fee must be paid using a debit or credit card, or by PayPal.

It should also be noted that all persons who are granted permission under this scheme i.e. the applicant, the applicant's spouse/civil partner/de facto partner/minor children over the age of 16 years will be subject to a **permission registration fee of €300** (as set out at question 13 below).

### 3. What are the qualifying criteria for the Special Scheme for students from 01/01/2005 to 31/12/2010?

You can apply for this permission if you:

- first registered as a student with the immigration authorities on or after 1 January, 2005, but not later than 31 December, 2010 and commenced your

presence in the State lawfully under a student type permission with a limited right to work;

- have remained in a student type permission since then or had a minimum of two years' registered student permission;
- have attempted to avoid being unlawfully in the State through engaging with the immigration authorities;
- have not had your immigration stamp changed other than a student type permission. For example, you have not been granted a work permit, family reunification permission or other legal immigration status;
- are living in the State continuously since your arrival in the State and can provide supporting documentary evidence of continued presence in the State at least throughout 2016, 2017 and 2018 to date;
- are of good character and of good conduct;
- have no adverse criminal record in this State or any other country. Please note that failure to disclose any criminal convictions in any jurisdiction will result in your application being deemed ineligible;
- have been lawfully employed in the State while under student type permission, evidenced by furnishing P60 forms or P45 forms; and
- can provide a history of your enrolment/registration as a student in this State, including details of any qualification(s) gained.

Applicants must meet the above criteria in order to be granted a permission on Stamp 4S conditions.

It would be helpful if you can show a connection to the community in which you live, for example, membership of sporting clubs, community groups, church groups and/or are sponsored by a member of the community in which you live.

#### **4. When can I apply for the Special Scheme for students from 01/01/2005 to 31/12/2010 permission?**

- You can apply for the Scheme until Sunday 20<sup>th</sup> January, 2019.
- This applies to both visa and non-visa required non-EEA nationals.
- Please note that INIS will not accept applications outside of these dates.

#### **5. Which immigration stamps count towards the Special Scheme for students from 01/01/2005 to 31/12/2010?**

Only immigration stamps in a passport can be counted towards this Scheme.

The following stamps **do qualify**:

- Trainee Accountants – Stamp 1A
- Graduate, 1G
- Temporary Stamp 1 (without the need for an employment permit).

Please note this refers to permissions granted by INIS for temporary periods to certain persons who, at that time, held a student type permission.

This does not include persons who held an employment permit and an immigration permission under Stamp 1 conditions.

- Student – Stamp 2, 2A

## **6. What documents are required as part of my on-line application for the Special Scheme for students from 01/01/2005 to 31/12/2010?**

You must provide the following documents in respect of you and your spouse/civil partner/de facto partner/minor children (who form part of the application)

- Full colour copy of all pages of you and your eligible family members' past **and** current passports, **and**
- Marriage/civil partner certificates, **and**
- Birth certificates for relevant family members (for example, your dependent child(ren)), **and**
- Where possible, a copy of your latest Irish Residence Permit (IRP) or GNIB Card, **and**
- Financial documentation proving continuous residence in the State. This may include copies of at least 6 months bank statements, 6 months payslips, tax returns and other State issued documents, **and**
- Documentary evidence that you and your spouse/civil partner/de facto partner/dependent child(ren) have lived in Ireland up to the present day. For example, copies of utility bills, tenancy agreement, school/vocational training/third level records, **and**
- Documentation showing links with your local community would also be helpful.

Please note that INIS will not accept poor quality documentation.

If you do not have a valid passport and require a travel document to obtain same, please consult the following page for more information:

[http://www.inis.gov.ie/en/INIS/Pages/application\\_for\\_a\\_travel\\_document](http://www.inis.gov.ie/en/INIS/Pages/application_for_a_travel_document)

## **7. I am currently not residing in Ireland. Can I apply for permission under this scheme before I enter Ireland?**

- No. Applications are only accepted from applicants who were residing in the State continuously prior to the commencement of the Scheme on Monday 15<sup>th</sup> October, 2018 and continue to be resident during the scheme application period.
- You must be living in the State continuously since your arrival.
- You must provide supporting documentary evidence of your continued presence in the State at least throughout 2016, 2017 and 2018 to date.
- Please also note questions no. 19 and 20 below in relation to certain family members of the applicant.

**8. If my application under this scheme is granted I will be given permission under Stamp 4 S conditions. What does this mean?**

If you are granted a Stamp 4S permission you will:

- have an immigration permission to live in the State, and;
- have the right to work without the need for an Employment Permit.

A Stamp 4S does not entitle you to any public services or public funding.

**9. How long will a permission on Stamp 4S conditions granted by INIS under this special scheme last?**

- If your application is successful, INIS will grant you permission to remain in the State for two years on stamp 4S conditions.
- It should also be noted, while you hold a permission on Stamp 4S conditions you must obey the laws of this State and any other conditions that are set out in your decision letter.

**10. What happens at the end of the 2 year period on Stamp 4S conditions?**

- You will receive a decision letter from INIS in the post if your application is successful.
- Renewals are assessed on case-by-case basis. The letter from INIS will include information on the requirements when the permission on Stamp 4 S conditions expires.
- You will be granted a permission on Stamp 4 conditions where you can show that you have complied with the terms of your permission on Stamp 4 S conditions after 2 years.
- Your spouse/civil partner/de facto will be granted a further permission on Stamp 4 conditions after 2 years provided they have complied with the conditions of the permission on Stamp 4 S conditions.
- Your minor dependent child(ren) will be granted further permission on Stamp 3 conditions after 2 years provided they have complied with the conditions of their previous permission.

**11. How long will it take to process my application?**

- Processing times may vary depending on the complexity of the application and the overall number of applications received by INIS for the scheme.
- You can email queries to [unit1residencedivision@justice.ie](mailto:unit1residencedivision@justice.ie).
- Please include your name, reference number and contact details.
- It would greatly assist us if you only contact INIS if it is absolutely necessary. This will allow INIS to devote the maximum time to the processing of applications.

- You must keep INIS informed of any change in circumstances, for example a change of email, of home address etc.

## 12. How can I contact INIS regarding the status of my application?

- You can email queries to [unit1residencedivision@justice.ie](mailto:unit1residencedivision@justice.ie).
- Please include your name, reference number and contact details.
- You must keep INIS informed of any change in circumstances, for example a change of email, of home address etc.

## 13. What happens if my application is successful?

- You will receive decision letter from INIS in the post if your application is successful.
- If you live in Dublin City or County Dublin you will need to attend Burgh Quay Registration Office to register your permission and receive your Irish Residence Permit.
- You **must** make an appointment to register in Burgh Quay using the online appointment system.
- If you live anywhere in Ireland except for Dublin City or County Dublin you **must** register at the Garda Registration Office in your local area.
- You can find a list of Garda Registration Offices here <http://www.inis.gov.ie/en/INIS/Pages/registration>
- The fee for registration is €300 and your registration will be valid for a 2 year period.
- When registering, you must have your approval letter and relevant original supporting documentation with you.

## 14. What happens if my application is refused by INIS?

- INIS will send you a letter to explain to you why your application is refused.
- You can request a review of the refusal decision on your application within 20 working days of the date of your refusal letter.
- You should refer directly to the reasons set out by INIS as to why your application is refused.
- You should state why you do not agree with the decision by INIS to refuse.
- Any statements in support of this review should be supported by documentary evidence.
- The refund of the €450 permission part of the €700 fee paid by you will be suspended until the review has concluded (please also refer to question 2 above).

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### **15. What are the conditions attached to my permission?**

The following conditions will apply to you and your spouse/civil partner/de facto partner's temporary permission on Stamp 4S conditions to remain in the State:

- That you will obey the laws of the State;
- That you will not become involved in criminal activity;
- That you will reside continuously in the State;\*
- That you will make every effort to gain employment and not be an undue burden on the State;
- **That you accept that the granting of your temporary permission does not confer any entitlement or legitimate expectation on any other person, whether related to you or not, to enter or remain in the State.**

\* 'Continuous residency' means living in the State for the period covered by this permission to remain, 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 out within the State (which for Special Scheme for students from 01/01/2005 to 31/12/2010 permission, does not exceed more than 3 months in a year).

It should also be noted that:

- Any misinformation given during the application process may result in the application being refused.
- Any such misinformation which comes to light after a grant of permission may result in that permission being withdrawn.

### **16. What permission will I be given if my application to the Special Scheme for students from 01/01/2005 to 31/12/2010 is refused?**

If you have no current permission to be in the State then a refusal under the scheme will leave your status unchanged.

### **17. Can I apply if I have an extension of permission on Student conditions or student vacation conditions?**

- Yes. Persons who currently have a temporary extension of their permission on student conditions, such as a permission on Stamp 2 Vacation Conditions and meet the scheme criteria (see question 3 above), can apply under the scheme.

### **18. I have been granted permission to remain in the State, can this permission be revoked?**

It is important to note that this permission to remain in the State is granted to you subject to the result of enquiries as to whether or not you have obeyed the laws of the State or another jurisdiction, have been convicted of any offence and that you have not been involved in criminal activity.

In the event that information comes to the attention of the Minister which is relevant to the granting of permission to remain in the State to you, the Minister may re-consider your status in the State and may revoke your permission. In the event that this occurs, the Minister may propose to deport you from the State.

The following, which is not an exhaustive list, are some of the types of information, which may lead to the Minister revoking your permission:

- Information that shows that you have not complied with the conditions of your permission;
- Information which relates to your character or conduct (whether prior to or subsequent to the granting of your permission), including criminal convictions;
- Information that indicates that you have provided misleading or inaccurate information to the Minister or to other authorities of the State.

### **19. If I am granted permission on Stamp 4S conditions, can my family members obtain this permission also?**

- Under this programme, family reunification is not permitted.
- If your spouse/civil partner/de facto partner and dependent child(ren) are living outside the State you cannot seek to have them join you in Ireland under this special scheme.
- However, for family unity purposes, INIS will consider the circumstances of your spouse/civil partner/de facto partner and dependent child(ren), who are present in the state and living with you as a family unit, prior to commencement this special scheme, on a case by case basis.
- This means that where at least one applicant qualifies under this Scheme the eligible members of the family unit, may be given permission to remain under the scheme provided there are no adverse circumstances, for example, criminal convictions or poor conduct associated with the person concerned.
- The eligible family members, for the purpose of this scheme, includes the spouse/civil partner/de facto partner and dependent children of the applicant who have been cohabiting in the State with the applicant as a family unit prior to the commencement of the scheme.
- No other family members are eligible under this Scheme.
- Full details of all eligible family members residing as a family unit with the applicant prior to the commencement of this scheme and seeking permission to reside under this special scheme must be included by the applicant with the on-line application.
- Eligible family members not included by the applicant at the time of the on-line application will not be considered for this scheme.

## **Q. 20 What are the application requirements for my de facto partner?**

For immigration purposes, a person may be considered the de facto partner, opposite or same sex, of another person if:

- they have a mutual commitment to a shared life to the exclusion of all others akin to a marriage or civil partnership in practice though not in law, and
- the relationship between them is genuine and continuing, and
- they live together or do not live separately and apart on a permanent basis, and,
- they are not related by family.

The applicant must be in a position to provide evidence of

- a genuine, long-term, durable relationship,
- living with their de facto partner as a family unit for at least two years prior to the commencement of this scheme.

## **21. I have been granted Stamp 4S, what permission is granted to my family members living in this State?**

- You will receive a decision letter from INIS in the post if your application is successful.
- Where at least one applicant qualifies under this Scheme the eligible members of the family unit, may be given permission to remain under the scheme provided there are no adverse circumstances, for example, criminal convictions or poor conduct associated with the person concerned. (See also question 19).
- Your spouse/civil partner/de facto partner, living with you as a family unit in this State prior to commencement of this scheme, will also be granted a permission on Stamp 4S conditions where they meet the requirements of the scheme.
- Your dependent children, living with you as a family unit in this State prior to commencement of this scheme, will be granted permission on Stamp 3 conditions, where they meet the scheme criteria.
- All people over the age of 16 granted a permission under this scheme are required to register that permission with the immigration authorities.

## **22. Do I need to make my application for the Special Scheme for students from 01/01/2005 to 31/12/2010 through a solicitor or another 3<sup>rd</sup> party?**

- There is no requirement for the application to be submitted through a 3<sup>rd</sup> party.
- Once the online application form is completed and the required documentation is submitted, the case is considered on its merits regardless of whether it was submitted by an individual or by a 3<sup>rd</sup> party acting on his/her behalf.



- However, if you decide to make your case through a 3<sup>rd</sup> party, you will need to give your written consent to that solicitor to act on your behalf for the purposes of your dealings with the Irish Naturalisation and Immigration Service (INIS)/Department of Justice and Equality.
- Where such written consent is not included in correspondence received from a solicitor, the Department will not be in a position to respond substantively to that solicitor but will instead request the solicitor to submit evidence of their written authority to act on your behalf, and may result in a delay in processing your application.

**23. I have been convicted of a criminal offence in the State, am I eligible to apply to the Special Scheme for students from 01/01/2005 to 31/12/2010?**

- Stamp 4S permission is generally granted when the Minister is satisfied that you are of good character.
- If you have been convicted of a criminal offence in the State or in any other country, this will be taken into consideration when processing your application.
- ***It is important that you provide full details of any prosecutions or convictions in your application. Failure to do so may result in your application being refused, or any permission granted being withdrawn.***

**24. I have been charged with a criminal offence and am awaiting trial. Will this affect my application?**

- Permission is only granted when the Minister is satisfied that you are of good character.
- If you have been charged and are awaiting trial in this State or in any other jurisdiction, your application will be placed on hold until the outcome of the trial.
- It is important to provide full details of any such matters in your application.

**25. If I am granted a permission under the Special Scheme for students from 01/01/2005 to 31/12/2010 and I fail to register with my local immigration office, will I be granted a renewal of this permission when it expires?**

- No, having been granted the permission there is a legal requirement that you register the permission with your local immigration office in line with the instructions in your grant letter.
- It is an offence not to register your permission.
- The cost of registration is €300 and your registration will be valid for 2 years.

**26. I may be refused a Special Scheme for students from 01/01/2005 to 31/12/2010 permission if I am an undue burden on the State. How is 'an undue burden on the State' defined?**

- A person in receipt of social welfare payment, which is not related to their Pay Related Social Insurance (PRSI) contributions or is means tested is a person who is 'a burden on the State'.
- Persons applying for a renewal of a Special Scheme for students from 01/01/2005 to 31/12/2010 permission and are in receipt of a means tested payment will have their application considered in the context of their personal circumstances and the amount of means tested social welfare they have been granted.

**27. Can I apply under the scheme if I have been issued with a Deportation Order which is still in force?**

- You may apply under the scheme, notwithstanding the fact that a Deportation Order has been made against you.
- Your application will be processed and a decision made under the terms of the scheme.
- For the purposes of this scheme only, a deportation order will not adversely affect your application.
- The basis of the Deportation Order may be taken into consideration for example, if it was issued as a result of a serious criminal offence.
- If you are granted a permission under the scheme any Deportation Order previously made against you will be revoked.

**28. Is residence on stamp 4 S conditions considered reckonable for the purposes of Irish citizenship by naturalisation?**

Yes. The period of residence on Stamp 4S conditions is considered as a period of reckonable residence in the State for the purpose of making an application for naturalisation.

**ENDS**\_\_\_\_\_